

# SHORELINE PERMIT APPLICATION

*Attach an additional sheet if needed*

## The proposed action requires approval of:

- Shoreline Substantial Development Permit (SSDP)
- Shoreline Conditional Use Permit (SCUP)
- Shoreline Variance (SV)

## All Shoreline Permits must provide the following information:

1. Identify the name of the shoreline (water body) with which the site of the proposal is associated.

Spokane River

2. Provide a general description of the proposed project, including the proposed use or uses and the activities necessary to accomplish the project.

The project is the completion of the Spokane Convention Center Exhibit Hall as approved by Spokane County voters in April 2012. The project would expand the existing Spokane Convention Center to the north (adding 90,000 square feet of meeting, exhibit and ancillary space), reconfigure the landscape between the addition and the south edge of the Centennial Trail (includes former Shenanigans' property), improve the Centennial Trail, improve the south bank of the Spokane River north of the Centennial Trail, and relocate a sewer line within the site. Associated projects may include the development of a canoe/kayak take-out beneath the Division Street Bridge, and a cantilevered view platform at the location of the existing stormwater outfall. The project will follow the guidelines and concepts developed during the 2010 Spokane Convention Center Completion Study (2/22/2011).

3. Provide a general description of the property and adjacent uses, including physical characteristics, intensity of development, improvements, and structures.

The site is bounded on the south and west by the Spokane Convention Center Campus buildings, and Double Tree Hotel; on the north by the Centennial Trail; and the east by the concrete abutment of the Division Street Bridge.

The flat site consists of asphalt parking lots and driveways, concrete walkways, the existing Shenanigan's restaurant (rooftop and concrete patio), the East West Arbor, and associated landscaping. Approximately 91,872 square feet of the 150,050 square foot area consists of impervious surfaces. Asphalt parking lots and driveways comprise the majority of this area with 72,855 square feet.

Hard edges of the site are formed by the walls of the Convention Center West Buildings, Double Tree Hotel, the Convention Center Exhibit Hall (to which the project would be added) and elevated pedestrian walkway that connects the three structures on the south side. The twenty-foot concrete abutment wall of the Division Street Bridge approach forms the eastern edge. The tree-lined Centennial Trail forms a soft north edge, with the bank of the Spokane River between the Trail and the water's edge.

The riverbank north of the Centennial Trail is vegetated with various trees including willows and pines with areas of blackberry thickets, with bare and eroded areas infested by weeds. A concrete abutment is near the west end of the site, and a concrete stormwater outfall, that drains the Convention Center roof, is near the center of the site. Areas along the bank are eroded from people approaching the water's edge.

The north edge (south bank of Spokane River) that is proposed for restoration, is a man-made feature that consists of the filled bed of a former railroad grade that was placed in the early 1900s. Since the entire site housed railroad main lines, spurs, and warehouses, native vegetation has been removed, and potential for and actual soil contamination have been documented.

The site and surrounding land uses to the south and west are in the East End of Downtown Spokane with a zoning designation of Downtown General (DTG). According to the zone description: "This is a high density, mixed-use area in which community-serving retail uses are encouraged, especially at street level; and residential and office uses are encouraged, especially as part of a mixed use building. A very wide range of uses are allowed."

The area east of the Division Street Bridge is designated Downtown University District (DTU) on the Current Zoning Map (1/2012). The west edge of this district includes hotels, restaurants and commercial uses, but the predominant uses are large-scale academic buildings of Washington State University and Eastern Washington University.

The surrounding land uses consist of the following:

**South:** The uses adjacent to the south include the existing Exhibit Hall and Double Tree Hotel with the campus extending to its southern boundary, Spokane Falls Boulevard. South of Spokane Falls Boulevard from Division Street to Bernard street are the Bel-Franklin apartments, vacant land, Travel Lodge Hotel, Browne Street (one-way southbound), Chili's Restaurant, Park Tower Apartments (high rise concrete tower), a parking lot, Azteca Restaurant, parking lot and Kinko's Printing and office building, and Bernard Street.

**West:** West Convention Center Buildings (formerly Ag Trade Center) and INB Performing Arts Center to Washington Street, Riverfront Park north of the River (connected by footbridge) and west of Washington Street.

**North:** Centennial Trail and Spokane River. On the north side of the River is a branch of the Centennial Trail, and west of Division Street, Pier 1 Imports and offices, the Oxford Suites Hotel, IBM/Red Lion Hotels office building, and Inn at the Park Hotel.

**East of Division Street:** On the east side of the Division Street Bridge are two hotels, Fairfield Inn and Courtyard by Marriott, and a Perkins Restaurant, beyond which is the WSU and EWU Riverpoint Campus. Across the bridge on the north riverbank is the River Inn Hotel with Gonzaga University to its east. Southeast of the intersection of Division Street and Spokane Falls Boulevard are commercial uses, including a vacant site formerly occupied by Midas Muffler.

4. What is the estimated total Fair Market project cost within the Shoreline Jurisdiction?

\$41, 000,000

5. Will the proposed development intrude waterward of the ordinary high water?  YES  NO If yes, describe the intrusion:

No.

The proposed Convention Center structure will not be closer to the ordinary high water mark than 75 feet.

Trees, shrubs, and other vegetation, plazas, pathways, and stairways as part of the project landscape plan will not intrude into the ordinary high water mark.

Rerouting of the sewer line will not intrude into the ordinary high water mark.

The riverbank restoration project proposed in conjunction with the Convention Center project will involve the area north of the Centennial Trail, and particularly the riverbank strip north of the Trail's edge, and may intrude waterward of the ordinary high water mark. The intent of this project is to control erosion and access to the water by developing a bioengineered bank planted with native vegetation. The PFD is considering a low barrier along the north side of the Trail that would be developed as a sculptural element, or an "integrated art project." It is possible that basalt boulders would be placed at key points along the bank for stabilization and aesthetics. These boulders may enter the water. This area north of the Centennial Trail is not owned by the Spokane Public Facilities District but would be improved by mutual agreement with the City of Spokane.

The existing concrete outfall may be used as a platform, coupled with landward structure, to support a cantilevered public viewing deck. The extent of projection has not been determined at this point. No in-water piers or supports for such a platform are planned.

6. Will the proposed use or development affect existing views of the shoreline or adjacent waters?  YES  NO  
If yes, describe:

Because the site is within the shoreline environment, it will change existing views. The intent of the project is to improve existing views and provide better public access both visually and physically.

#### **Views of Site From Public Rights of Way, Parks and Other Public Spaces**

**Views from South Toward the River** along Spokane Falls Boulevard, Browne Street, and Division Street are blocked by the existing convention center campus facilities and the Double Tree hotel. Division Street rises in elevation as it approaches the Spokane River and Division Street Bridge, thus visual access of the site itself is not available from the eye level of the typical automobile driver or passenger. Views currently are of the end of the existing Exhibit Hall and the tops of trees along the Centennial Trail. As one continues along Division Street northbound there is no view of the site or the river itself. Pedestrian views from the sidewalk along the east side of the Division Street Bridge are likewise of the concrete barrier along the west edge of Division Street, the Exhibit Hall and treetops.

**Views from the East** of the site are essentially blocked by the Division Street Bridge with existing Exhibition Hall rising above the bridge. The Centennial Trail along the south bank of the river provides physical access beneath the bridge, and visual access once on the west side. Views from the north bank of the river from along the Centennial Trail are also obscured by the Division Street Bridge and, during spring, summer, and fall months, by trees along the Centennial Trail and along the river's edge. Views are available of the site from the sidewalk along the west side of the Division Street Bridge as one passes the trees along the Centennial Trail. These views are presently asphalt parking lot, Shenanigan's Restaurant (former), and the north edge of the Exhibit Hall.

**Views from North:** Direct views of the site are available from the Centennial Trail along the south riverbank, and from across the river from the branch of the Trail along the north riverbank. During spring, summer, and fall months, trees along the river's edge and along the Centennial Trail screen views of the existing Exhibition Hall and the site. Views are also available from the west-side sidewalk walking across the Division Street Bridge, but under similar conditions, trees obscure the view of the site and existing facilities.

**Views from West:** Views from the Centennial Trail open to the site once past the Convention Center West Building (formerly Ag Trade Center), but if on the Trail, are screened by trees along the Trail and site landscaping. Views are also available across the river from the east end of Riverfront Park, but are also screened by trees along the riverbank and Centennial Trail.

**Streets:** The south boundary of the Convention Center campus is formed by Spokane Falls Boulevard, a Principal east-west arterial. Regional access is provided by the Division (northbound) and Browne (southbound) couplet that provide access to Interstate 90, U.S. 395 and U.S. Highway 2. Spokane Falls Court

provides access from Spokane Falls Boulevard to the Convention Center and Double-Tree Hotel parking facility, Double Tree loading dock, and Shenanigan's Restaurant. No views of the site or shoreline are available from Spokane Falls Boulevard. Views from Division Street are discussed above.

**Bicycle and pedestrian paths** – The Centennial Trail is the major bike/pedestrian route through the site, linking Riverfront Park to the west and the hotels (Marriott Courtyard and Fairfield Inn), Riverpoint Campus, and Gonzaga University campus to the east. The pathway system through Riverfront Park provides linkage between the Centennial Trail and the hotels on the north bank of the Spokane River (Inn at the Park, Oxford Suites, and River Inn. A branch of the Centennial Trail runs along the north bank between Riverfront Park and the Gonzaga University campus and connects the hotels with the Riverfront Park pathway network. Views along the shoreline or at the riverbank from either the north bank loop or the main trail on the south bank will not be adversely affected by the proposed project. The removal of the Shenanigan's Restaurant building (now within 50 feet of the water's edge) will open the view corridor paralleling the river (future building setback will be 75 feet).

**Sidewalks** – Sidewalks are along both sides of Spokane Falls Boulevard, the southern boundary of the Convention Center campus, and Division Street, the currently inaccessible eastern boundary. No views of the site or shoreline are available from Spokane Falls Boulevard. Three walkways provide access to the Convention Center, Double Tree Hotel, and Convention Center West Building. Two of these routes provide indirect access through the campus to the Centennial Trail and Spokane River. The west route, between the Double Tree Hotel and Convention Center West Building, opens to a view of the tree-lined Centennial Trail with glimpses of the Spokane River beyond. Presently, the east route, between the Double Tree Hotel and Convention Center Exhibit Hall and Parking facility, opens to a view of the East-West Arbor, Shenanigan's Restaurant, the tree-lined Centennial Trail, and north bank through the trees.

The Division Street sidewalk has no direct access to the site along the west side of the bridge (east side of site). Views from the north end of the bridge as one walks toward the south riverbank and site are of the bank and tree-lined Centennial Trail with glimpses of the Convention Center through the trees. As one reaches the south end past the trees, the Shenanigan's restaurant, asphalt parking lot and back of the Convention Center Exhibit hall and parking area become visible.

A sidewalk runs long the east side of Division Street from North River Drive across the Bridge to Spokane Falls Boulevard. As one walks along the bridge from the north views of the riverbank are limited by the bridge deck and only tree tops and the top of the Convention Center are available.

### **Impacts to Views**

The proposed project will not affect views of the south riverbank and the Centennial Trail from the north side of the Spokane River or from along the west side of the Division Street Bridge (views toward south). The background, filtered through the trees on the riverbank and along the Centennial Trail, will change with the proposed addition. Also, the Shenanigan's building, now within 50 feet of the water's edge will be removed. The building addition will be nearer the river than existing, but will remain at least 75 feet from the water's edge. The intent of the concept is an improved building façade and an enhanced landscape between that façade and the water's edge.

It is expected that the project would enhance existing views (from the south to the north) of the shoreline by removing the Shenanigan's Restaurant building, and adding elevated viewing platforms along the north façade of the building addition. It is also expected that an access point would be opened through the Division Street Bridge's west side railing to stairs along the west face of the bridge to a walkway that would provide access to the Centennial Trail; views would open to the riverbank as one steps down from the bridge deck to the ground level. Additionally, the concept study includes a terrace along the building façade that would provide a viewing and event platform. Stairs, elevator, or escalator would provide vertical movement between the terrace and ground level.

The existing walkways that provide access between Spokane Falls Boulevard (public right of way forming the southern boundary of the Convention Center campus) and the Centennial Trail and riverbank would be improved in conjunction with the project, thus improving physical access to the shoreline. As one passes the buildings to the north facades, views of the landscape, the Centennial Trail corridor, and the Spokane river would open along pathways or plazas providing access to the Trail and riverbank.

The views along the Centennial Trail toward the Spokane River will remain open, but depending on the specific improvements during the riverbank improvement portion of the project, may change slightly, but are expected to be an enhancement to the aesthetics of the riverbank. Such enhancement would result from new plantings of native vegetation and restoration of areas of vegetative deterioration and bank erosion.

Potential for an overlook that would cantilever over the water is also under consideration. Such a structure, or view platform could extend over the existing concrete stormwater outfall at about midpoint of the site.

7. Explain how the proposed use will not unreasonably interfere with the normal public use of public shorelines.

The proposed project is the completion/expansion of the existing Convention Center. The width of the building frontage of the Convention Center campus and Double Tree Hotel along Spokane Falls Boulevard (south side) will not change as a result of the project. There are currently two access points through the site between Spokane Falls Boulevard from which the site, Centennial Trail and Spokane River are accessed. These points of access, one on the west side of the Double Tree Hotel and one on the east side of the hotel, will remain open and be improved as a result of the proposed project. The access on the east side of the hotel, however, would be subject to building design and potential access through or around the expanded Convention Center.

Access along the river frontage of the site (north side) is via the Centennial Trail from Riverfront Park to the west and the University District campus to the east (beneath the Division Street Bridge). Public access along the Trail will not be adversely affected by the proposed project. There is likely, however, to be temporary disruption of the Trail during riverbank and trail improvement work in conjunction with the project. The PFD will work with appropriate entities (including City of Spokane, and Washington State Parks and Recreation Commission) to ensure an alternative pathway will be provided if such work temporarily restricts trail access.

The area on which the building expansion is proposed is currently occupied by the former Shenanigan's Restaurant and its associated asphalt parking lot. A portion of the East-West Arbor site, west of Shenanigan's may also be within the footprint of the building or an associated public plaza.

There will be interference with public access during the construction of the project. The access between the convention center and the east side of the Double Tree Hotel will be restricted during construction of the building. The access west of the Double Tree Hotel would remain open. Access to the Centennial Trail and views of the river from the Trail will not be affected during construction of the building. As stated above, there may, however, be rerouting of Trail traffic during the riverbank improvement project and repair of the Trail's surface.

A new access point is contemplated for construction on the Division Street Bridge that would allow pedestrians, via a new stairway, to directly access the Centennial Trail and landscaped area between the building and the Trail. Additionally a terrace could be integrated into the building façade that would allow public viewpoints as well as access to the ground level.

8. Please explain how the proposal is consistent with the map, goals, and policies of the Shoreline Master Program.

The site is within downtown Spokane in the Urban Intensive Environment with a shoreline buffer width of 50 feet. The proposed project is the completion or expansion of the existing Convention Center, a use allowed within this shoreline environment.

The proposed project is classified as a Water-enjoyment commercial use, and in accordance with TABLE 17E.060-04, SHORELINE PRIMARY USES, is a Permitted Use in the Intensive Urban Environment.

[Section 17E.060.360](#) Primary Permitted Uses

3. Water-enjoyment Use.

a. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

b. Examples of water-enjoyment uses may include, but are not limited to, river and stream swimming beaches, fishing areas, boat ramps for recreation, parks, piers, view towers, restaurants, museums, aquariums, scientific/ecological reserves, resorts and convention centers, public markets, interpretive centers, and other improvements facilitating public access to shorelines of the state, provided that such uses conform to the above water-enjoyment specifications and the provisions of the entire SMP.

The rerouting of the existing sewer line is necessary to shift it from the building footprint. The line will connect between two existing manholes on the site and will not expand capacity. It is considered a maintenance function; as such it is a permitted use within the shoreline. Further, is expected that the line would be routed through the former Shenanigan's parking lot and building footprint, along which there is no vegetation. Section 17E.060.490 Capital Facilities and Utilities provides guidelines for utility work within the shoreline.

The project would also involve improvements to the Centennial Trail, an existing recreational facility, and restoration of portions of the riverbank. The riverbank work would extend along the shoreline segment between (and under) the Division Street Bridge, and the wooden footbridge that connects the site and Centennial Trail with Riverfront Park. Table 17E.060-3 Shoreline Modification states that Shoreline Habitat and Natural Systems Enhancement Projects are "Permitted" in all shoreline environments. Section 17E.060.450 provides guidelines for such work.

The Shoreline Restoration Plan, Shoreline Master Program Inventory and Analysis Update (July 2008) lists opportunities for shoreline restoration but does not discuss riverbank segments between the Division Street and the Monroe Street bridges. A similar area that might serve as an example is the riverbank segment south of the Gonzaga University campus (figure 3g, RO-SR19 and 3h, RO-SR20). The applicable restoration approaches in this area include control noxious weeds, stream bank bioengineering, seed bare soil with native vegetation, and provide designated access to reduce erosion. These are techniques recommended by the Habitat Survey (Biology, Soil and Water, Inc., 11/2/2012) and previous planning work for the project.

Shenanigan's Restaurant building that is now 50 feet from the water's edge will be removed, and the potential future building footprint would be 75 feet from the water's edge. The strip between the proposed building and the south edge of the Centennial Trail will become a landscape composed of native plant species, replacing the restaurant and asphalt parking lot between the restaurant and Division Street Bridge.

Per Section 17E.060.280 Physical and Visual Public Access, the project would improve public access by adding a point of access on the west side of the Division Street Bridge. The concept plan proposes construction of a portal in the bridge railing to connect the sidewalk to the site. A stairway along the west side of the bridge abutment would allow direct access to the ground level, Centennial Trail and the shoreline. Additionally, the portal could provide access to a terrace across the north façade of the addition to allow access into the building as well as to the ground level. Such a terrace would also provide another viewpoint for the public.

Visual access could also be provided by riverbank overlooks. The completion project concept plan proposed a pier that would extend from riverbank over the river at about the location of the existing stormwater outfall. The shoreline ordinance does not allow such structures west of the Division Street Bridge (although there is a footbridge across the south channel and a floating dock in the south channel 700 and 1000 feet west, respectively). Regardless, if a structure cannot be placed in the water at this location, it may be possible to cantilever a structure over the outfall and provide a public viewing platform that would terminate a pathway from Spokane Falls Boulevard through the Convention Center to the Centennial Trail and river's edge.

The completion project concept plan also proposed a place along the riverbank at which to put in and take out small watercraft such as canoes and kayaks. This location is at the western edge of the Division Street Bridge, along an eroded and barren shoulder between the edge of the Centennial Trail and the water. Completion of this project would require a change in the Spokane City Municipal Code (Swimming in River-Chapter 10.19.010) that now prohibits entering the Spokane River west of the east edge of the Division Street Bridge, and coordination with Avista Utilities. It is the intent of the PFD that user groups would initiate and complete this element of the project.

9. A detailed narrative of how the impacts of the proposal have been analyzed to achieve no net loss of shoreline ecological functions, including each step of the mitigation sequencing process, as defined in Section 17E.060.220 SMC.

A habitat survey and report was completed for the site on November 2, 2012 by Biology Soil & Water, Inc. The environment of the site is entirely man-made, predominantly by the development of the frontage along the river for railroad mainline and spur tracks, marshalling yards, and warehouses. The riverbank itself is a creation of that railroad building. The site is predominantly impervious surface, asphalt and rooftop associated with the former Shenanigan's restaurant. The Centennial Trail, adjacent to the north side of the PFD site, is asphalt. The site area of about 150,050 sf (3.44 acres) consists of about 91,872 sf (2.11 acres) of impervious surface including roof top, asphalt and concrete (about 61% impervious).

The landscape between the Centennial Trail and the building consists of manicured turf grass, shrubs, and trees. The East-West Arbor, with arbor structure and gravel paths predominates this landscape. To its west, across an asphalt driveway, is a turf grass area, including a swale, with trees and shrubs, and sidewalks. Additionally, a 25-foot-wide by 200-foot strip of domestic shrubs is along the south side of the Centennial Trail between Shenanigan's and the Division Street Bridge. Concrete sidewalks and approaches, and asphalt driveways cross this landscape. London Plane trees planted in the early-1970s (post-Expo-74) are regularly spaced (about 60 feet on center) along the south side of the Centennial Trail.

The introduction of the Habitat Report conducted by BS&W, states:

"Soils and vegetation between the riverbank and the proposed development footprint have been greatly disturbed by historical land uses. In the early 1900s the natural flora and fauna were totally eliminated when the site was cleared, grubbed, and graded during the construction of railroad yards. The railroad yard was reclaimed for the World's Fair in 1974 and the site was subsequently landscaped with a mixture of native and non-native plants when it was converted to a park."

10. List of permits required from other than City of Spokane agencies, include name of agency, date of application, and number of application.

It is not expected that the construction of the building will require permits other than from the City of Spokane. Cutting and constructing an access point through the railing on the west side of the Division Street Bridge will require approval from the Washington State Department of Transportation.



**In addition to Questions 1-15, all Shoreline Variance Applications must provide the following additional information:**

16. Fill out the following information for the variance being requested:

	<i>REQUIRED</i>	<i>PROPOSED</i>
Front yard setback		
Rear yard setback		
Side yard setback		
Lot coverage percentage		
Lot size		
Lot width		
Height		
Other (specify):		

17. What physical characteristics of the property interfere with your ability to meet the required standards?

18. How does this property physically differ from other similarly zoned properties in the area and how do the physical characteristics of the subject property prevent developing to the same extent?

19. What hardship will result if the requested variance is not granted?

20. Does compliance with the requirement eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance? If yes, please explain.

21. Will surrounding properties suffer significant adverse effects if this variance is granted? Please explain.

22. Will the appearance of the property be inconsistent with the development patterns of the surrounding property? Please explain.
23. Variance permits for development that will be located **landward** of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized; provided, the applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property.
  - b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.
  - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment.
  - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  - e. That the variance requested is the minimum necessary to afford relief.
  - f. That the public interest will suffer no substantial detrimental effect.

