

**STAFF REPORT ON COMPREHENSIVE PLAN  
LAND USE AMENDMENT APPLICATION  
FILE NO. 1000058-COMP**

**I. SUMMARY OF REQUEST AND RECOMMENDATIONS:**

**DESCRIPTION OF PROPOSAL:** This is an application by Dwight Hume, on behalf of James Ivers and Michael Hume, for a proposed Comprehensive Plan Land Use Plan Amendment. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Residential 15-30" for one parcel, approximately 41,555 square feet in area and located at 2727 E 35<sup>th</sup> Avenue on parcel 35331.1107. If approved, the implementing zoning designation requested is Residential Multifamily (RMF).

**Note: Site Maps, department and agency comments, and citizen comment letters are attached to this report.**

**II. GENERAL INFORMATION:**

- A. Applicant/Agent: Dwight J Hume  
9101 N. Mt. View Lane  
Spokane, WA 99218  
Phone: (509) 435-3108
- B. Property Owner(s): James Ivers and Michael D Hume  
8205 N Division Street  
Spokane, WA 99218  
Phone: (509) 467-7400 Email [mikeh@tb.com](mailto:mikeh@tb.com)
- C. Location of Proposal: 2727 E. 35th Avenue  
Spokane, WA  
The site consists of one parcel.
- D. Existing Zoning: RSF
- E. Land Use Plan Designation: Residential 4-10
- F. SEPA Status: A SEPA threshold determination of Non-significance was made on June 22, 2011.  
The appeal period will close on July 7, 2011.
- G. Enabling Zoning: SMC 17G. 020, Comprehensive Plan Amendment Process
- H. Hearing Date: Plan Commission  
July 13, 2011 at 5:00 pm  
City Council Chambers
- I. Staff Contact: Marla French, 625-6638  
[mfrench@spokanecity.org](mailto:mfrench@spokanecity.org)

**III. FINDINGS OF FACT:**

- A. Site Description: The site is currently vacant. There are no significant slopes on site. The street frontage on Southeast Blvd is improved with a curb, planting strip and sidewalk and the street frontage on 35<sup>th</sup> Avenue is improved with a curb only.
- B. Project Description: Authorized by Spokane Municipal Code Section 17G.020, "Comprehensive Plan Amendment Process," the applicant is requesting a Comprehensive Plan Land Use Map designation change from "Residential 4-10" to "Residential 15-30" for one parcel totaling approximately .95 acres located at 2727 E 35<sup>th</sup> Avenue.
- C. Surrounding Zoning and Comprehensive Plan Land Use Designations:
- To the north: The property located across Southeast Blvd to the north is zoned O-35 with a land use plan map designation of Office.
- To the east: The parcel adjacent to the east of the subject parcel is zoned RMF with a land use plan map designation of Residential 15-30.
- To the south: The parcel adjacent to the south is split zoned RTF/RMF with a land use plan map designation of Residential 10-20 and Residential 15-30.
- To the west: The parcel adjacent to the west is zoned RSF with a land use plan map designation of Residential 4-10.
- D. Zoning and Land Use Designation History:
- The property has been zoned Residential Single-Family since 1928.
- E. Adjacent Land Use:
- To the north: The parcel across Southeast Blvd to the north is vacant. .
- To the east: The parcel contains multifamily apartment buildings
- To the south: The parcel to the south contains multifamily apartment buildings.
- To the west: The parcel to the west contains a single-family residence.
- F. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Process; SMC 17G.020.010(C): Amendments: Timing, Criteria
- G. Procedural Requirements:
- Application was submitted on October 29, 2010;
  - Applicant was provided Notice of Application on January 7, 2011;
  - Notice of Application was posted, published and mailed on February 11, 2011, which began a 30 day public comment period;
  - A SEPA Determination of Non Significance was issued on June 22, 2011;
  - Notice of Public Hearing was posted and mailed by June 22, 2011;
  - Notice of Public Hearing was published on June 22 and June 29, 2011;
  - Notice of Public Hearing was published in the City of Spokane Official Gazette on June 22 and June 29, 2011;
  - Hearing Date is scheduled with the Plan Commission on July 13, in Council Chambers.

#### **IV. DEPARTMENT REPORTS**

Notice of this proposal was sent to City departments and outside agencies for their review. Department comments are included in the file.

#### **V. CONCLUSIONS**

##### **Decision Criteria—SMC 17G.020.010(C)**

SMC 17G.020.010C specifies the decision criteria for comprehensive plan amendments. For amendments, it states the following:

##### SMC 17G.020.010C. Amendments: Timing, Criteria

*Starting in 2003, and thereafter no more often than once a year, the Plan Commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the Comprehensive Plan or land use code, upon finding that each proposal meets all of following conditions and requirements. However, proposals that are not consistent with the Comprehensive Plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.*

##### **Criterion 1. GMA: The change must be consistent with the goals and purposes of the state Growth Management Act.**

##### Relevant facts:

The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

##### **RCW 36.70A.010, Legislative findings.**

*The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.*

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”). The proposed change is consistent with these goals.

Staff concludes that this criterion is met.

##### **Criterion 2. Consistency: Unless the proposal is consistent with and implements the current version of the comprehensive plan and its supporting documents, adoption of the proposal must also include any other changes needed to regain overall compliance with GMA’s requirement for internal and regional consistency.**

##### Relevant facts:

Policy LU 1.3, “Single Family Residential Areas,” states, “Protect the character of single-family residential neighborhoods by focusing higher intensity land uses in designated centers and corridors.” The subject parcel is located on the south side of Southeast Blvd which may be

considered a natural boundary between higher intensity land uses and lower intensity land uses. However, this subject parcel is also located immediately adjacent (to the east) to multi-family development that fronts onto Regal Street. The alignment of Southeast Boulevard has created a location that may not be as highly desirable for single family residence as it once was. The Comprehensive Plan does not provide specific policy direction for the delineation of a boundary between multi-family and single family in this case. Staff is inclined to recommend a Land Use Category of Residential 10-20 for the subject property. This would show a recognizable pattern of decreasing land use intensity on Regal along 35<sup>th</sup> Avenue westward. The Residential 10-20 designation would allow a larger variety of housing types beyond single family and yet not at the intensity of the Residential 15-30 designation. The Plan Commission is presently reviewing proposals for amendments to the Spokane Municipal Code that may allow new opportunities for in-fill housing in the Residential 10-20 designation.

Initial analysis does show that the subject property would be within a 30-50 square block area from the intersection of 29<sup>th</sup> and Regal (LU 3.2). This argument was used by staff as part of a recommendation to the Plan Commission on a 2005 Comprehensive Plan Amendment (see Z2005-003-LU). The advantage on that application is that the subject property was located north of Southeast Boulevard and had good pedestrian and general circulation access to the core of the Lincoln Heights District Center. The subject property of this amendment application is south of Southeast Boulevard which is a significant barrier to pedestrian access and general circulation. Vehicular access is still being discussed as a possibility on to Southeast Boulevard and pedestrian access for crossing is limited to the intersection of Southeast Blvd. and Regal, which is a block to the east from the subject property. Further, there was historical support in the repealed Lincoln Heights Neighborhood Plan for more intense uses north of Southeast Boulevard and single-family uses to the south of Southeast Boulevard. Although that Neighborhood Plan is repealed it does offer insight into the desires of the neighborhood at the time that plan was in effect.

Policy LU 5.5 “Compatible Development” that states, “*infill and redevelopment projects are well designed and compatible with surrounding uses and building types.*” A higher density designation than Residential 4-10 may promote the development of this vacant lot in a way that is compatible with both single family and multi-family.

Given these considerations staff finds that the proposal would be consistent with and implement the current version of the Comprehensive Plan with the Residential 15-30, as requested by the applicant, but staff would offer the proposal could be more consistent with and implement the Comprehensive Plan better with a Land Use Category of Residential 10-20.

Staff concludes that this criterion is met.

***Criterion 3. Cumulative Effect: All amendments must be considered concurrently in order to evaluate their cumulative effects.***

Relevant facts:

This proposal is a land use designation change for a site of approximately .95 acres, consisting of one parcel. No other land use designations in the city would be changed or potentially changed or potentially changed by this proposal at this time. Thus, there would be no cumulative land use impacts related to this proposal.

Staff concludes that this criterion is met.

**Criterion 4. SEPA: SEPA review must be completed on all amendment proposals.**Relevant facts:

The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, and a review of other information available to the Director of Planning Services, a Determination of Nonsignificance (DNS) was issued on June 22, 2011.

Staff concludes that this criterion is met.

**Criterion 5. Adequate Public Facilities: The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services.**Relevant facts:

The increase in the maximum number of units between the Residential 4-10 and Residential 15-30 would result in an approximate 24 unit increase to the project site. The maximum number of units would result in an approximate 10 unit increase to the project site, with a land use change to Residential 10-20. Staff feels that even if the maximum number of residential units were sited on the property it would not have a substantial impact on the City's ability to provide services. All applicable departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal and have not indicated that serving a higher density at this location would adversely affect their ability to provide services.

Staff concludes that this criterion is met.

**Criterion 6. Public Benefit: The proposed changes will result in a net benefit to the general public.**Relevant facts:

This amendment would result in an increase in availability of property zoned for higher density development in close proximity to Center and Corridor zoning designations. This would increase the availability of housing within the City where urban services are already available. Infill development within urban areas helps to prevent the sprawl of development into undeveloped outlying areas without urban services.

Staff concludes that this criterion is met.

**Criterion 7. No Adverse Effect: The proposed changes will not have a significant adverse effect on the public.**Relevant facts:

As stated previously under Criterion 4, this application was reviewed in accordance with the State Environmental Policy Act (SEPA) and a Determination of Nonsignificance (DNS) was issued on June 22, 2011.

All new development is required to meet development standards in the Spokane Municipal Code

Staff concludes that this criterion is met.

## **Review Criteria**

### **SMC 17G.020.010 D. Amendments: Review Guidelines**

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, and by the plan commission and city council in determining whether a criterion for approval has been met.

1. **Regulatory Changes:** Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management, or new environmental regulations.

**Relevant facts:** To the best of their knowledge, staff concludes that this amendment proposal is consistent with the above mentioned review guidelines.

2. **Financing:** In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved Comprehensive Plan amendments must be reflected in the relevant Six Year Capital Improvement Plan(s) approved in the same budget cycle.

**Relevant facts:** Since this amendment includes only one parcel, which would be improved to City standards by the applicant or developer, it is unlikely to impact or to be addressed by the Six Year Capital Improvement Plan(s).

3. **Funding Shortfall:** If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the Comprehensive Plan and Capital Facilities Program.

**Relevant facts:** Staff has concluded that this proposal will have not funding shortfall implications.

4. **Internal Consistency:** The requirement for internal consistency pertains to the Comprehensive Plan as it relates to all of its supporting documents, such as the development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the Parks Plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the Comprehensive Plan. As appropriate, changes to the map or text of the Comprehensive Plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

**Relevant facts:** To remain consistent with the Comprehensive Plan Land Use Map, this amendment would need an automatic zone change from RSF to RMF or alternately to RTF.

5. **Regional Consistency:** All changes to the comprehensive plan must be consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts.

Relevant facts: To the best of their knowledge, staff concludes that this amendment proposal is consistent with the above mentioned review guidelines.

6. Consistent Amendments:

a. Policy Adjustments: Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the Comprehensive Plan. Examples of such findings could include:

- i. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- ii. The capacity to provide adequate services is diminished or increased;
- iii. Land availability to meet demand is reduced;
- iv. Population or employment growth is significantly different than the plan's assumptions;
- v. Plan objectives are not being met as specified;
- vi. The effect of the plan on land values and affordable housing is contrary to plan goals;
- vii. Transportation and/or other capital improvements are not being made as expected;
- viii. A question of consistency exists between the comprehensive plan and its elements and Chapter 36.70A RCW, the Countywide Planning Policies, or development regulations.

Relevant facts: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. Staff concludes that this criterion is not applicable to this proposal.

b. Map Changes: Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- i. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Relevant facts: The applicable Comprehensive Plan Policies for the location of new higher density development have been addressed previously in criterion 2. Staff concludes that this proposed amendment is consistent with the appropriate location criteria identified in the Comprehensive Plan.

- ii. The map amendment or site is suitable for the proposed designation;

The subject site has vacant office to the north, developed multi-family to the east and south and single family to the west. The staff suggested Residential 10-20 designation will allow for development options that would provide a step down in intensity and act as a transition between multi-family and single family.

The subject site has access to urban services and has frontage onto Southeast Blvd which would provide good pedestrian access to the intersection of Regal and Southeast Blvd. This frontage has been improved with street paving, curb,

pedestrian strip, and sidewalk. The site also fronts onto 35<sup>th</sup> Avenue, improved with a curb only. The site contains no significant slopes, water features, critical areas or cultural resources that would inhibit development of the site.

iii. The map amendment implements applicable comprehensive plan policies better than the current map designation.

As stated above, the staff recommended designation is consistent with the Comprehensive Plan policies of protecting single family neighborhoods, providing a decreased intensity zone that would provide still more increased development incentive for the vacant lot.

Staff concludes that this amendment would implement the Comprehensive Plan better than its current land use.

## 7. Inconsistent Amendments.

### a. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the Comprehensive Plan are addressed only within the context of the required Comprehensive Plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.

Relevant facts: Staff concludes that this criterion is not applicable to this proposal.

### b. Adequate Documentation of Need for Change.

The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the Comprehensive Plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:

- i. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- ii. the capacity to provide adequate services is diminished or increased;
- iii. land availability to meet demand is reduced;
- iv. population or employment growth is significantly different than the plan's assumptions;
- v. transportation and/or other capital improvements are not being made as expected;
- vi. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- vii. assumptions upon which the plan is based are found to be invalid; or
- viii. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: Staff concludes that this criterion is not applicable to this proposal.

### c. Overall Consistency.

If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of

the Comprehensive Plan and its other supporting documents with the full range of changes implied by the proposal.

Relevant facts: Staff concludes that this criterion is not applicable to this proposal.

8. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

a. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

Relevant facts: A DNS was issued on June 22, 2011.

b. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: All amendment applications from 2010 amendment cycle are being moved forward to City Council at the same time.

9. SEPA.

SEPA review must be completed on all amendment proposals.

a. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

Relevant facts: There was no other applications in this immediate vicinity that would have changed the threshold determination of this proposal.

b. DS.

If a Determination of Significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required Environmental Impact Statement (EIS).

Relevant facts: Staff concludes that this criterion is not applicable to this proposal.

10. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) Citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: Because this proposed amendment applies only to one parcel and is adjacent to Southeast Blvd, it is unlikely that this will have an adverse impact on the City's ability to provide public facilities and services.

11. UGA.

Privately initiated Comprehensive Plan amendment applications proposing changes to the urban growth area (UGA) will only be accepted during those years when the board of county commissioners (BoCC) reviews all UGAs countywide. Urban growth boundaries will be revised at least once every five years, per CWPP 1.19. Since the BoCC is the sole agency authorized to change the UGA, the city council's role is merely to review those suggested changes and make recommendations to the BoCC. A review of densities and population growth trends must indicate that such a change is needed, and the review shall conform to the requirements and guidelines contained in chapter 36.70A RCW and the relevant countywide planning policies.

Relevant facts: Staff concludes that this criterion is not applicable to this proposal.

**VI. RECOMMENDATIONS**

STAFF CONCLUSION: Staff recommends that this Comprehensive Plan Land Use Map Amendment request to change the land use designation of the parcel located 2727 E. 35<sup>th</sup> Avenue from Residential 4-10 to Residential 15-30 be modified to a change to Residential 10-20 and that the modified application be approved.