

**STAFF REPORT ON COMPREHENSIVE PLAN  
LAND USE AMENDMENT APPLICATION  
FILE NO. Z1000059-COMP**

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

**DESCRIPTION OF PROPOSAL:** This is an application by Dwight Hume, on behalf of Nick & Michele Follger, for a proposed Comprehensive 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 "Office" for two adjoining parcels, approximately 27,325 square feet in area and located at 2714 & 2728 E. 31<sup>st</sup> Avenue. If approved, the implementing zoning designation requested is Office-35 (O-35). In addition Planning Staff recommends to the Plan Commission that they expand the boundary of this application to include two vacant parcels located at 2801 E. 31<sup>st</sup> and 2814 E. 31<sup>st</sup> to the Land Use Designation of R 4-10 to Office at the same time to match the zoning of O-35 after a rezone of these properties in 2001.

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

**II. GENERAL INFORMATION:**

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| A. | Applicant/Agent:           | Dwight J Hume<br>9101 N. Mt. View Lane<br>Spokane, WA 99218<br>Phone: (509) 435-3108                       |
| B. | Property Owner(s):         | Nick & Michele Follger<br>4241 E. 20th Ave.<br>Spokane, WA 99223   |
| C. | Location of Proposal:      | 2714 & 2728 E. 31 <sup>st</sup> Ave. Spokane, WA.  |
| D. | Existing Zoning:           | RSF  |
| E. | Land Use Plan Designation: | Residential 4-10   |
| F. | SEPA Status:               | SEPA determination of Non-Significance issued 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, 5 p.m. at City Council Chambers   |
| I. | Staff Contact:             | Dave Compton, 625-6089<br>dcompton@spokanecity.org   |

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### **III. FINDINGS OF FACT:**

- A. Site Description: The site consists of two separate parcels. The building on the east parcel is currently being used as a photography studio. The west parcel is used for parking for the photography studio. There are no significant slopes on site. The street frontage is improved with a curb and sidewalk.
- 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 "Office" for two parcels totaling approximately .62 acres located at 2714 & 2728 E. 31<sup>st</sup> Avenue.
- C. Surrounding Zoning and Comprehensive Plan Land Use Designations:

To the north and east: The properties located directly across 31<sup>st</sup> Avenue to the north (2801 E. 31<sup>st</sup> Ave.) and immediately adjacent to the proposal site on the east (2814 E 31<sup>st</sup> Ave.) are both zoned O-35 with a land use plan map designation of R 4-10 where it should be Office. We would recommend to the Plan Commission that they expand the boundary of this application to include these two vacant parcels at the same time. The zoning, O-35, would not need to be changed. The following is a brief history of what occurred with these two parcels:

As the Comprehensive Plan was undergoing development prior to its adoption in 2001, applications for zone changes continued to be submitted for consideration by the Hearing Examiner. The review of the zone change applications was being conducted based on the land use plan maps of the neighborhood design/specific plans that were still in effect when those applications were submitted to the city. The land use plan map adopted in the new Comprehensive Plan was based on the zoning that existed at the time of adoption in May, 2001. The new land use plan categories generally matched the existing zoning designations. When the Comprehensive Plan was adopted, the neighborhood design/specific plans were repealed.

The two sites that are recommended to be incorporated into this application were in the zone change review process as the Comprehensive Plan was being developed. The applications received final approval by the City Council after the effective date of the Comprehensive Plan. As a result of this timing, the two sites were zoned Office but they were not designated Office on the land use plan map of the Comprehensive Plan. Staff recommends that the land use plan map and the zoning map be brought into alignment at this time. This is not a substantial change and is seen as a housekeeping matter. See attached map showing current and land use designations.

To the south: The parcel adjacent to the south where several apartment buildings are located is zoned RMF with a land use plan map designation of Residential 15-30.

To the west: Two parcels to the west are zoned RMF with a land use plan map designation of Residential 15-30.

- D. Zoning and Land Use Designation History:

The property has been zoned Residential Single-Family since May 2006. Prior to then the zoning was R1 since 1958.

- E. Adjacent Land Use:

To the north: The parcel across 31<sup>st</sup> Avenue to the north contains a residence that has been converted in an office building.

To the east: The parcel to the east is vacant

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To the south: The parcel to the south contains two apartment buildings.

To the west: The parcel to the west contains a single family residence but is zoned Office (unknown if used as office). Beyond that is an apartment building that fronts Mt. Vernon.

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 issued on June 22, 2011;
- Notice of Public Hearing will be posted and mailed by June 22, 2011;
- Notice of Public Hearing was published on June 22, 2011 and June 29, 2011; (Published in the City Gazette on same dates)
- Hearing Date is scheduled for July 13, 2011 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*

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*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.

The applicant lists seven (7) goals and policies for question 1c. on their application that are relevant to this proposal and staff finds consistent with GMA goals and policies. This is based on the applicant's argument that this proposal was within a designated District Center via the previous Lincoln Heights Specific Plan that has not been updated since adoption in September 1990. The land use plan map of the Lincoln Heights Specific Plan (rescinded in 2001) designated this site as appropriate for Medium Density Residential or Office land use. However, the site of the current land use plan map amendment application was never rezoned from single family residential (formerly R1). These two parcels are the only ones that remain in a single family residential zone in this area that was previously designated for Medium Density Residential or Office land use.

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.***

The following is discussion on several of the key goals and policies the applicant lists as to why this proposal would be deemed consistent with the current comprehensive plan.

Relevant facts:

**LU 1.2 Districts**

*Identify districts as the framework for providing secondary schools, larger park and recreation facilities, and more varied shopping facilities.*

The applicant states that this proposal fits the location for such an office use.

**LU 1.5 Office Uses**

*Direct new office uses to centers and corridors designated on the land use plan map.*

The applicant lists that this proposal will act as a transition/buffer zone between multi-family uses to the south and commercial uses to the north. This proposal is not within a center or corridor that has been officially designated on the Comprehensive Plan land use plan map through a subarea planning process. The site is however generally within an area that is designated as a District Center by a symbol on the land use plan map. Staff believes that the site would most likely be designated Office in any future subarea planning effort

**LU 3.1 Coordinated and Efficient Land Use**

*Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and focused growth in areas where adequate services and facilities exist or can be economically extended.*

This is an in-fill proposal as the applicant states and is the type of use that should exist or be directed to District Center designations. No new infrastructure is anticipated over and beyond existing utilities.

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### **LU 3.2 Centers and Corridors**

*Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused.*

The Lincoln Heights Shopping Center is located to the north of the proposal at 29<sup>th</sup> Avenue and Regal Street. Policy LU 3.2 “Centers and Corridors” states in the discussion section, “As a general rule, the size of the district center, including the higher density housing surrounding the center, should be approximately 30 to 50 square blocks.” The subject property is not located within a designated center or corridor. However, the subject site is located immediately adjacent to Office-35 zoning on the north and east sides in addition to being only one hundred feet (100’) to a CC2-DC (Center and Corridor – District Center) zone to the east. The same CC2-DC zone also lies within one hundred seventy feet (170’) to the north of the proposal site. This use would lend support to sustain the neighborhood-scale businesses that are encouraged in district centers.

Because of the surrounding uses the two parcels are not ideal for further development of single-family homes. In order that the land use pattern be more consistent in the area of the proposal staff recommends that the RSF zoned parcels be changed to Office. Staff sees the change in designation of these lots as a clean-up of an inconsistent zoning pattern.

### **ED 3.6 Small Businesses**

*Recognize the significant contributions of small businesses to the City of Spokane’s economy and seek to enhance small business opportunities.*

This is indeed what the proposed amendment will provide by enabling the photography studio to remain at this location in a nicely renovated studio according to the applicant.

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 .62 acres consisting of two parcels. No other land use designations in the city would be 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 Non-Significance (DNS) was issued on June 22, 2011.

Staff concludes that this criterion is met.

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**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:

Staff finds the property will 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 indicated no substantial impacts are foreseen. However if the parcels are redeveloped to a higher or more intense use then all development would be viewed under current development standards.

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:

Infill development within urban areas helps to prevent the sprawl of development into undeveloped outlying areas without urban services. This photography studio has been serving the public for many years and has been very successful with a growing client base. It is to be noted that there have been no complaints or code enforcement violations reported to date. As discussed previously this is an example of the very type of business use suited for Centers and Corridors - District Centers such as Lincoln Heights.

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 Non-Significance (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.

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Relevant facts: Since this amendment includes only two parcels, one that currently has a structure on it and the other vacant and used for parking currently, it is unlikely to impact or to be addressed by the Six Year Capital Improvement Plan(s).

Staff concludes that this criteria is met.

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 is not applicable to this proposal and 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: If approved, this amendment would result in an automatic zone change from RSF to Office - 35 and move the Comprehensive Plan Land Use Map for this area into a more consistent pattern to match existing or adjacent land use designations. Staff doesn't anticipate that there will be other consistency issues with any other adopted city policy or regulation if this proposal is approved.

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;

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- 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 office 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 is surrounded on all sides by properties that are designed either Office (North and East) or R 15-30 (South and West). The proposed zoning will allow for development that has been determined to be harmonious with the existing uses in the area.

The subject site has access to urban services and has frontage onto 31<sup>st</sup> Avenue which has been paved and improved with a curb and sidewalk. 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, staff finds that the proposed designation is consistent with the Comprehensive Plan policies of protecting residential neighborhoods, directing new, or in this case an existing, office uses towards centers and corridors and within areas where the existing use of land is Office and higher density residential, thus promoting compatible development.

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

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**VI. RECOMMENDATIONS**

**STAFF CONCLUSION:** Staff recommends that this Comprehensive Plan Land Use Map Amendment request to change the land use designation of the parcels located 2714 & 2728 East 31st Avenue from Residential 4-10 to Office be approved. In addition the land use map incorrectly shows the Land Use Plan Map as R 4-10 on two parcels located 2801 E. 31<sup>st</sup> Ave & 2814 E. 31<sup>st</sup> Avenue. They both should have been changed to Office. The zoning, O-35, would not need to be changed. Both properties were rezoned to an office category in May 2001 (See Planning Services File # Z2001-16-ZC). See attached maps showing both current and proposed land use designations.