
**STAFF REPORT ON
PRELIMINARY SHORT PLAT APPLICATION FILE NO. Z23-454PSP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant is proposing to subdivide parcel 35273.0415 addressed as 3137 E 28th Ave. into two (2) lots for the purpose of constructing a fourplex on lot fronting 27th Ave. and duplex on lot fronting 28th Ave. under the City’s Interim Zoning ordinance found in chapter 17C.400 – Interim Housing Regulations Adopted to Implement RCW 36.70A.600(1). This application is processed as a Type II application.

Recommendation: Staff recommends approval of this application, with conditions.

II. GENERAL INFORMATION:

- A. Applicant/Agent: Storhaug Engineering
510 E Third Ave.
Spokane, WA 99202
509-242-1000

- B. Property Owner: D. Daniel Thomas Enterprises, LLC
522 W Riverside Ave. Ste 700
Spokane, WA. 99201

- C. Agent: Same as Applicant

- D. Location of Proposal: 3137 E 28th Ave., parcel 35273.0415 (SW 1/4,
Section 27, Township 25 N, Range 43 E, W.M.)

- E. Existing Zoning: Residential Single Family (RSF)

- F. Land Use Plan Designation: Residential Low

- G. SEPA Status: This proposal is exempt from SEPA, per SMC
17E.050.080

- H. Enabling Zoning: 17G.080.040 Short Subdivisions; 17G.060.170(C)
Decision Criteria; 17C.400 Interim Housing
Regulations Adopted to Implement RCW
36.70A.600(1)

- J. Staff Contact: Steven Bafus, Assistant Planner, 509-625-6312
sbafus@spokane.org

III. FINDINGS OF FACT:

A. Storhaug Engineering applied for a Type II preliminary short plat on behalf of D. Daniel Thomas Enterprises, LLC on October 12, 2023. The proposal is to subdivide a total of .40 acres into two lots for development of middle housing. The applicant is proposing the construction of a fourplex on lot fronting 27th Ave. and a duplex on lot fronting 28th Ave.



3137 E 28th Ave. (parcel 35273.0415)

- B. The project proposal encompasses one parcel shown above located at 3137 E 28th Ave. (parcel 35273.0415). The subject property is generally bound by E 27th Ave. to the north, 28th Ave. to the south, and single-family residential to the east and west.
- C. The current zoning of parcel is Residential Single Family (RSF). The proposed short plat would create two lots for construction of six new dwelling units. Anticipated development requires separate permits which are reviewed for compliance with all applicable codes adopted at the time of permit.
- D. Residential Single Family (RSF) is a low-density single-family residential zone. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.
- E. This project is vested under and the Pilot Low-Density Residential Development Standards, also known as Building Opportunities Choices for All (BOCA) which allows for low-intensity residential buildings, including single-family residential buildings, duplexes, multi-family residential structures of three or four units, and attached houses, are all compatible building types within a neighborhood. These standards allow for greater variety of housing and increased capacity for new housing. BOCA ended on December 18, 2023 and was permanently replaced by current development code on January 1, 2024.
- F. The applicant may opt to develop the lots under the current development code which allows for a range of housing choices built at the general scale and height of detached houses. This

includes both detached and attached homes and middle housing types including duplexes and fourplexes.

- G. BOCA allows for the development of multi-family structures of up to four units on lots zoned RSF, regardless of the proposed development exceeding the 10 units per acre maximum. Additionally, the development code adopted on January 1, 2024 does not have a maximum density standard for lots two acres or less in size. The number of units allowed on a site is based on the presumption that all site development standards will be met.
- H. Residential Single Family (RSF) zoning is adjacent to the project area with the exception for adjacent parcel 35273.0402 to the west which is zoned Residential Multifamily (RMF). This adjacent parcel and contains parking and vehicular access to the multi-family apartment complex at 3104 E 27th Ave.
- I. Residential Multifamily (RMF) and Office (O-35) zoning designations are also present on the same block of the project site. The O-35 zoning is generally bound by E 27th Ave. to the north, E 28th Ave. to the south, S Ray St to the east, and single-family residential to the west. The RMF zoning is generally bound by E 27th Ave. to the north, E 28th Ave. to the south, S Fiske St. to the west, and single-family residential to the east. These zoning designations allow for Residential Household Living uses. Please see the zoning map below.



- J. Applicable Plan Policies: The land use map designation is Residential Low per the current Comprehensive Plan Adopted in June 2017 (and subsequent amendment to Chapter 3, Land Use, pursuant to Ordinance C36414).
- K. Applicable zoning Regulations include Spokane Municipal Code (SMC) 17G.060.170 – Land Use Application Procedures Decision Criteria; 17G.060T – Land Use Application Tables, and 17G.080.040 – Short Subdivisions; 17C.400 – Interim Housing Regulations to Implement RCW 36.70A.600(1).
- L. Procedural Requirements:

- Application for a Type II Preliminary Short Plat was submitted on October 12, 2023;
- A Request for Comments notice was sent to Departments and Agencies on October 20, 2023;
- Applicant was notified on December 6, 2023 that the application was technically complete;
- A Notice of Application comment period was mailed and posted on the subject property on or before December 13, 2023, which began the 15-day public comment period;
- The Public Comment Period closed on December 29, 2023.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on October 20, 2023 as noted above. Staff received comments from City of Spokane Departments including Engineering Services and Planning. Commenting agency included the Lincoln Heights Neighborhood Council.

Staff and agency comments are included with the file and are made part of this application by reference.

V. PUBLIC COMMENT:

Notice of this proposal was sent to property owners, taxpayers, and tenants/occupants within 400 feet of the subject parcel. One public comment regarding the proposal was received via email during the public comment period. The comment is included with the file and made part of this application by reference.

The comment provided is in opposition to the proposal and addressed concern of density for the adjacent lots to the west. It should be noted that the adjacent lots to the west are also zoned Residential Single Family (RSF) and could be developed similarly to the subject site.

VI. CONCLUSIONS:

The Spokane Municipal Code has established decision criteria for these proposals – decision criteria are found in 17G.060.170. The following is staff's independent analysis of the proposed preliminary short plat taking into consideration these decision criteria.

SMC 17G.060.170 Decision Criteria

1. *The proposal is allowed under the provisions of the land use codes. SMC 17G.060.170(C)(1)*

Relevant Facts: The proposal is for 2 lots located in a Residential Single Family (RSF) zone. The RSF zone is a low-density single-family residential zone. It allows a minimum of four and a maximum of ten dwelling units per acre. One- and two-story buildings characterize the allowed housing. The major type of new development will be attached and detached single-family residences. The RSF zone is applied to areas that are designated residential 4-10 on the land use plan map of the comprehensive plan.

Staff Discussion: The proposal is permitted in accordance with SMC 17G.080.040 (Short Subdivisions) and SMC 17C.400 Pilot Low-Intensity Residential Development Standards. The proposal meets the minimum lot size and frontage requirements per SMC 17C.400. Construction specific detail such as setbacks, lot coverage, height, parking, etc. will be reviewed for compliance with applicable codes at time of permit. Development approved under the provisions of SMC 17C.400 supersede the applicable standards in SMC 17C.110.205.

Staff finds this criterion is met.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. SMC 17G.060.170(C)(2)*

Relevant Facts:

In the City's Comprehensive Plan:

Policy LU 1.3 Lower Intensity residential Areas states – *Focus a range of lower intensity residential uses in every neighborhood while ensuring that new development complements existing development and the form and function of the area in which it is located.*

Policy LU 1.12 Public Facilities and Services states – *Ensure that public facilities and services system are adequate to accommodate proposed development before permitting development to occur.*

Policy LU 3.7 Maximum and Minimum Lot Sizes states – *Prescribe maximum, as well as minimum lot size standards to achieve the desired residential density for all areas of the City.*

Policy LU 4.4 Connections states – *Form a well-connected network which provides safe, direct, and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.*

Goal LU5 Development Character states – *Promote development in a manner that is attractive, complementary, and compatible with other land uses.*

Policy LU 5.1 Built and Natural Environment states – *Ensure that developments are sensitive to the built and natural environment by providing adequate impact mitigation to maintain and enhance quality of life.*

Policy LU5.2 Environmental Quality Enhancement states – *Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.*

Policy LU 5.5 Compatible Development states – *Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.*

Policy LU 8.1 Role of Urban Growth Areas states – *Limit urban sprawl by encouraging development in urban areas where adequate public facilities exist or where such facilities can be more efficiently provided.*

Policy TR 18 Parking states – *Develop and administer vehicle parking policies that appropriately manage the demand for parking based upon the urban context desired.*

Policy H1.4 Use of Existing Infrastructure states – *Direct new residential development into areas where community and human public services and facilities are available.*

Policy H1.11 Access to Transportation states – *Encourage housing that provides easy access to public transit and other efficient modes of transportation.*

Policy H1.18 Distribution of Housing Options states – *Promote a wide range of housing types and housing diversity to meet the needs of the diverse population and ensure that this housing is available throughout the community for people of all income levels and special needs.*

Policy H2.4 Linking Housing with Other Uses states – *Ensure that plans provide increased physical connection between housing, employment, transportation, recreation, daily-needs services, and educational uses.*

Policy DP 1.2 Building and Site Design states – *Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.*

Policy DP 2.6 Building and Site Design states – *Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate*

neighborhood, responds to the site's unique features - including topography, hydrology, and microclimate - and considers intensity of use.

Staff Discussion: The Spokane Comprehensive Plan adopted June 2017 (and subsequent amendment to Chapter 3, Land Use, pursuant to Ordinance C36414) designates the subject property as “Residential Low Density” which allows residential uses in the RSF zone. The proposal is consistent with multiple goals and policies of the Spokane Comprehensive plan including, but not limited to the Land Use, Transportation, Housing, and Urban Design Chapters. The above selections from the City’s Comprehensive Plan does not represent an exhaustive list of goals and policies but is intended to illustrate the proposals consistency with the City’s adopted comprehensive plan.

Staff finds this criterion is met.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC. (SMC 17G.060.170(C)(3))*

Relevant Facts: The application was circulated amongst all City departments and outside agencies with jurisdiction on October 20, 2023 as identified above. There were no departments or agencies that reported that concurrency could not be achieved.

Staff Discussion: The proposal will connect to public sewer and water facilities. The developer will be required to extend an existing water main in E 27th Ave. at least 10’ west of the east property line in order to service the proposed fourplex on lot 1. The water main extension must be designed by a Professional Engineer licensed in the State of Washington and it must be fully installed and operational prior to the final plat being signed by Engineering. The proposed lot fronting E 28th Ave. has access to existing city sewer and water facilities. The developer is responsible for all costs associated with design and construction of sanitary sewer, street, and water improvements, etc. necessary to serve the proposed plat.

Staff finds this criterion is met.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. SMC 17G.060.170(C)(4)*

Relevant Facts: The site is suitable for development according to all city departments that commented. The proposed preliminary short plat shows lots that meet standards defined by SMC 17C.400.

Staff Discussion: City departments and agencies with jurisdiction reviewed the application and other technical documents for physical characteristics of the property. No comments were received indicating that the site is unsuitable for development.

Staff finds that this criterion is met.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.*

Relevant Facts: An application and technical documents were reviewed and routed by the City of Spokane. Applicable findings and recommendations are incorporated into the conditions for this proposal.

Any development on the parcels created via the platting action will be reviewed by the Development Services Department staff and other city departments as applicable to ensure that each new unit/structure meets all required development standards. These standards include, but are not limited to, land use standards, engineering standards, utility standards, and building and fire code standards.

Staff Comment: City departments and agencies with jurisdiction reviewed the application and other technical documents for physical characteristics of the property. No comments were received indicating that the proposal will have significant impact on the environment or the surrounding properties. Additionally, this project is exempt from SEPA per SMC 17E.050.080.

Staff finds that this criterion is met.

Plat, Short Plat and Binding Site Plan (17G.060.170(D)(4)(a-j)):

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

a. public health, safety and welfare;

The City Fire and Police Departments were given the opportunity to review this proposal. No comments were received with specific concerns identified. Compliance with the adopted fire code will continue to be reviewed as the proposal moves forward and will be reviewed for compliance with adopted codes at time of permit.

b. open spaces;

Short plats are not required to provide public open space and no public open space is proposed as part of this land use application. Both BOCA and the new development code have private outdoor area requirements for all residential uses. Required private open areas will be evaluated for compliance with adopted codes at time of building permit.

c. drainage ways;

A conceptual stormwater plan was submitted and detailed plans will be required for review/approval prior to construction.

All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities", the Spokane Regional Stormwater Manual, Special Drainage Districts, City Design Standards

No building permit shall be issued for any lot in this subdivision until evidence satisfactory to the Director of Engineering Services has been provided showing that the recommendations of Chapter 17D.060 SMC, Stormwater Facilities, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision/PUD, have been complied with.

d. streets, roads, alleys and other public ways;

The subject site fronts to 27th Ave. to the north and 28th Ave. to the south. 28th Ave. is classified as an Urban Minor Collector street and 28th Ave. is classified as an Urban Local

Access street. Both streets provide direct access to S Ray St. approximately 200 feet east of the subject site. South Ray Street is classified as an Urban Principal Arterial and provides north/south access.

e. *transit stops;*

Spokane Transit Authority (STA) provides bus stops for routes 34 and 43 at the corner of 29th and Ray St. which is approximately a three-minute (0.1 mile) walk from the subject site. Additionally, the STA South Hill Park & Ride is approximately .8 miles from the subject site.

STA works independently with private property owners to address improvements to STA facilities that may impact private development sites. Any coordination with the city that may be necessary and/or required permits associated with transit improvements are addressed outside of platting actions. STA did not offer any comments on this proposal.

f. *Potable water supplies;*

Future development within the proposed subdivision will be required to connect to the city's public water system. Detailed plans will be required for review/approval prior to construction. Any public and private facilities necessary to serve the development will be constructed with appropriate permits and at the developer's expense. Compliance with applicable codes is verified at time of permit.

The developer will be required to extend an existing water main in E 27th Ave. at least 10' west of the east property line in order to service the proposed fourplex on lot 1. The water main extension must be designed by a Professional Engineer licensed in the State of Washington and it must be fully installed and operational prior to the final plat being signed by Engineering. The proposed lot fronting E 28th Ave. has access to an existing 6" cast iron distribution main.

g. *Sanitary wastes;*

Future development within the proposed subdivision will be required to connect to the city's public sewer system. Detailed plans will be required for review/approval prior to construction. Any public and private facilities necessary to serve the development will be constructed with appropriate permits and at the developer's expense. Both proposed lots have access to city sanitary mains in 27th and 28th Aves.

h. *Parks, recreation, and playgrounds;*

This proposal does not require the applicant to provide any public open space nor are any shown on the proposed plans. However, Thorton Murphy Park is directly across 27th Ave. from the subject site. The Parks Department did not offer any comments on this proposal.

i. *Schools and school grounds;*

The site is located within the Spokane Schools District 81. There are no provisions for public schools or school grounds as a part of this proposal. School District 81 did not provide any comments on this proposal.

j. *Sidewalks, pathways and other features that assure safe walking conditions.*

Sidewalk infrastructure exists on the frontages of both proposed lots on 27th and 28th Aves. The sidewalks provide a pedestrian connection to the Lincoln Heights Shopping Center which is approximately 400 feet west of the subject site and to Thorton Murphy Park directly across

27th Ave. from the subject site.

Staff finds that this criterion is met.

VI. RECOMMENDATION

TO APPROVE the Preliminary Long Plat of two (2) lots and two at a .40 acre site consisting of parcel 35273.0415 addressed as 3137 E 28th Ave. substantially in conformance with the application, plans, drawing, illustrations, and/or specifications on file in the Planning and Development Services Center; and the following conditions of approval:

1. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
2. In compliance with planning department comments found in the Technically Complete letter dated December 6, 2023:
 - a. Structures approved for development under SMC.17C.400 (Ordinance No. C36232) shall meet all applicable development and design standards in accordance with Sections 17C 400.010-.030 at the time of building permit submittal and that if, at the time of building permit submittal, Sections 17C 400.010-.030 are replaced with permanent code, the applicant may choose to meet all applicable development and design standards adopted by Ordinance No. C36232 in its entirety, or all the applicable residential development and design standards listed in SMC 17C in its entirety.
 - b. Verification of compliance with all applicable development standards will be verified at time of permit.
 - c. Street trees and landscaping are required – compliance with street tree requirements and landscape standards associated with subdivision and development of proposed lots pursuant to Ordinance No. C36232 (or subsequently adopted permanent code in SMC 17C as applicable) will be verified prior to approval of Certificate of Occupancy.
 - d. We recommend that you submit your final plat materials at the time of submittal of engineering plans for infrastructure development to avoid conflicts across plans. While the final plat will not be approved until infrastructure improvements are completed and accepted by the City of Spokane, the review process can take place concurrently.
 - e. Final Short Plat Map Requirements are found in SMC 17G.080.040 F thru I and 17G.080.070.
 - f. The Final Plat shall include the signatory statements as prescribed in SMC 17G.080.040(G)(2)
3. As part of the Final Plat application please update the plat map to:
 - a. Please make sure that the final plat submittal includes a vicinity map at a scale where road names are legible at the final printed 24" X 36" size.
 - b. Any other small modifications/corrections/edits that may be necessary on the plat map or dedication page will be addressed during final plat review.
4. In compliance with the Engineering Department Memo dated December 6, 2023.

- a. Addresses must be shown on the final plat. Address permits can be applied for by emailing a request to addressing@spokanecity.org. Please note that five new address fees have already been invoiced and collected.
 - b. The existing water main in 27th Ave. will need to be extended to at least 10' west of the east property line in order to serve Lot 1. The water main extension must be designed by a Professional Engineer licensed in the State of Washington and it must be fully installed and operational prior to the final plat being signed by Engineering.
5. The Following statements will be required in the dedication of the final plat (additional statements may need to be added to the final plat and will be determined during final plat review).
- i. Only City water and sanitary sewer systems shall serve the plat; the use of individual on-site sanitary waste disposal systems and private wells is prohibited.
 - ii. Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Development Services prior to the issuance of any building and/or grading permits.
 - iii. Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Development Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Department and the Fire Department.
 - iv. All parking areas shall be hard surfaced.
 - v. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060, Stormwater Facilities, the Spokane Regional Stormwater Manual, and City Design Standards.
 - vi. No building permit shall be issued for any lot in this subdivision until evidence satisfactory to the Director of Engineering Services has been provided showing that the recommendations of Chapter 17D.060 SMC, Stormwater Facilities, and the Project Engineer's recommendations, based on the drainage plan accepted for the final subdivision/PUD, have been complied with.
 - vii. Slope easements for cut and fill, as deemed necessary by Development Services in accordance with City Design Standards, are granted along all public right of ways.
 - viii. Street trees are required – compliance will be verified prior to approval of Certificate of Occupancy for each new home.
 - ix. If any archaeological resources, including sites, objects, structures, artifacts, and/or implements, are discovered on the project site, all construction and/or site disturbing activities shall cease until appropriate authorities, agencies, and/or entities have been notified in accordance with Chapters

27.44 and 27.53 RCW.

6. The following Statements are required to be added to either the dedication page or the face of the final plat map.
- i. Structures approved for development under SMC.17C.400 (Ordinance No. C36232) shall meet all applicable development and design standards in accordance with Sections 17C 400.010-.030 at the time of building permit submittal. If at the time of building permit submittal Sections 17C 400.010-.030 are replaced with permanent code, the applicant may choose to meet all applicable development and design standards adopted by Ordinance No. C36232 in its entirety, or all the applicable residential development and design standards listed in SMC 17C in its entirety.

Time Limitations.

The Type II Preliminary Short Plat applications becomes void five years after the effective date of the Planning Services Director's decision without the submission of a final short plat application unless the Planning Services Director authorizes an extension of time. No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050.

Notice of Right to Appeal

Appeals or requests for reconsideration of decisions by the Planning and Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning and Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with Planning and Development within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development within seven (7) days of the date of the decision. **THE DATE OF THIS DECISION IS THE 17th DAY OF JANUARY 2024. THE LAST DAY TO APPEAL THIS DECISION IS THE 31st DAY OF JANUARY 2024, AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

An appeal shall take the form of a written statement of the alleged reason(s) the decision was in error. An appeal application is not considered complete until the required appeal fees are paid. The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from Planning and Development.

Please contact Steven Bafus 509-625-6312 if you have further questions related to procedures or if you need further assistance.

Sincerely,



Spencer Gardner
Planning and Development

By: Steven Bafus, Assistant Planner
Planning and Development






Staff Report and Decision_17Jan2024_DDT

Final Audit Report

2024-01-17

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