



Spokane Plan Commission Agenda

June 14, 2017

2:00 PM to 5:00 PM

City Council Briefing Center

808 W. Spokane Falls Blvd., Spokane WA 99201

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each Citizens are invited to address the Plan Commission on any topic not on the agenda

Commission Briefing Session:

2:00 - 2:15	1) Approve May 10, 2017 meeting minutes	
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Reports	Greg Francis
	3) President Report	Dennis Dellwo
	4) Transportation Subcommittee Report	John Dietzman
	5) Secretary Report	Lisa Key

Workshops:

2:15 – 2:45	1) Sign Code	Amy Mullerleile
2:45 – 3:15	2) DRB Process Update	Julie Neff

Hearings:

4:00 – 4:30	1) 17G Code (comp plan amendment process revisions)	Tirrell Black
4:30 – 5:00	2) Existing Neighborhood Commercial Structures: Res. Zones Expansion	Nathan Gwinn

Adjournment:

Next Plan Commission meeting will be on June 24, 2017 at 2:00 pm

The password for City of Spokane Guest Wireless access has been changed:

Username: COS Guest

Password:

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Spokane Plan Commission

May 10, 2017

Meeting Minutes: Meeting called to order at 2:03 pm

Workshop Attendance:

- Board Members Present: Dennis Dellwo, Todd Beyreuther, John Dietzman (via telephone), Christopher Batten, Christy Jeffers, Patricia Kienholz, Michael Baker, Greg Francis; Community Assembly Liaison, Lori Kinnear; Council Liaison
- Board Not Members Present: FJ Dullanty, Jacob Brooks
- Staff Members Present: Lisa Key, Amanda Winchell, James Richman, Tirrell Black, Melissa Owen, Kevin Freibott, Nathan Gwinn, Shauna Harshman, Brandon Blankenagel, Brian McClatchy, Tami Palmquist, Jacqui Halvorsen, Katherine Miller

Public Comment:

- None

Briefing Session:

1. The April 26, 2017 meeting minutes approved unanimously.
2. City Council Liaison Report-Lori Kinnear
 - Avista will be restoring Bluff road in the Comstock neighborhood.
 - Council Defferred a request for water from a land owner on Patch road until the May 22nd Council meeting.
 - Council is currently reviewing the draft Comprehensive Plan.
3. Community Assembly Liaison Report- Greg Francis
 - Community Assembly discussed the Amendments to 17G.
4. Commission President Report-Dennis Dellwo
 - The Plan Commission retreat is on May 24th from Noon-4pm with an optional walking tour from 4pm-5pm at the McKinstry Building.
5. Transportation Subcommittee Report - John Dietzman
 - None
6. Secretary Report-Lisa Key
 - Requests board members to complete the box lunch requests for the May 24th Plan Commission retreat.
 - Board interviewed Carole Shook for the Plan Commission Vacancy.
 - Board interviewd Sylvia St. Clair for the Plan Commission Vacancy.

Todd Beyruether made a motion to recommend to the Mayor both candidates as qualified for the Plan Commission vacancy. Christy Jeffers seconds the motion. Motion passes unanimously.

Workshops:

1. Existing Neighborhood Commercial Structures in Residential Zones Workshop-Nathan Gwinn
 - Presentation and overview given
 - Questions asked and answered
 - Discussion ensued
2. Parklet Ordinance Workshop-Tami Palmquist
 - Presentation and overview given
 - Questions asked and answered
 - Discussion ensued
3. Amendments to 17G for Comp Plan Amendment procedures-Tirrell Black
 - Presentation and overview given

- Questions asked and answered
- Discussion ensued

Hearing

1. 6 Year Transportation Program

- Presentation and overview given
- Questions asked and answered
- Discussion ensued

Public Comment:

Bill Johns commented in opposition to the 6 Year Transportation Program.

Todd Beyreuther makes a motion to recommend to the City Council that the 6 year transportation program is consistent with the City Comprehensive Plan. Motion seconded by Michael Baker.

Conclusions read on the record:

- A. The 2018-2023 Six Year Street Program HAS been prepared in full consideration of the City's Comprehensive Plan.
- B. The 2018-2023 Six Year Street Program has been reviewed by the City Plan Commission and HAS been found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Arterial Street Plan.
- C. The 2018-2023 Six Year Street Program has been reviewed by the City Plan Commission and HAS been found to be in conformance with the draft goals and policies of the City's 2017 update to the transportation chapter (chapter 4) of the 2001 Comprehensive Plan, as amended.

Motion passed unanimously (7/0)

Meeting Adjourned at 4:36 P.M.



Sign Code Amendment

Draft Scope and Plan of Action

Problem Statement:

- On April 10, 2017 the City Council adopted a moratorium on the relocation of off-premise signs under SMC 17C240.250(B)(2). The purpose was to provide staff with an opportunity to review and revise this section of the sign code to ensure billboards relocated in response to the North South Corridor project do not negatively impact the immediate community and undermine targeted City investments, design standards for centers and corridors, as well as land use and neighborhood goals for these areas.
- A 2015 Supreme Court decision necessitated a thorough sign code audit to ensure compliance with the Reed V. Gilbert decision and constitutional defensibility. Planning staff has already begun preliminary research on this issue and feel that performing the constitutional audit in conjunction with the objectives of the moratorium would be a prudent and effective use of staff time.
- In addition to the question of constitutionality, Current Planning staff have compiled a list of recommended updates and clarifications that would be helpful in administering the code and would be a logical inclusion in this process.

Goal:

To update and amend the sign code to address issues identified in the problem statement, specifically:

- Amending the code to be sign-content neutral;
- Responding to the City Council's moratorium regarding the relocation of non-conforming off-premise signage within center and corridor zoning; and,
- "Code clean-up" to clarify code requirements and facilitate effective and efficient administration of the sign code

Process:

- In order to address the issues identified in the problem statement, project staff will begin by performing an audit of the existing code section and preparing an outline of needed revisions to the existing ordinance as well as developing a proposed approach to addressing those concerns.
- The outline of needed revisions and proposed strategy will be workshopped before the Plan Commission, along with the draft charter document outlining the process, to guide the development of a baseline draft.
- After reviewing the outline of needed revisions and charter, staff will work with the Plan Commission to form a work group comprised of community stakeholders, the sign industry, City Plan Commission, and City staff.
- Staff will develop a baseline draft of proposed amendment that incorporates portions of the existing code, portions of post Reed model codes, and staff recommended revisions, consistent with the proposed approach workshopped with the Plan Commission.
- The work group will review, and provide recommendations on the baseline draft prepared by staff.

- City staff will incorporate the work group's recommendations into the baseline draft and vet the compiled draft with other City departments prior to scheduling a final Plan Commission Workshop on the proposed amendments.
- Following the final Plan Commission workshop, staff will schedule and notice a public hearing before the Plan Commission, and will forward the resulting Plan Commission recommendation on to City Council for consideration.

Outcomes:

The amendments to the sign code will provide the City of Spokane, users and stakeholders with a clear, legally defensible, publically vetted, sign code that achieves balance between safety, commerce, aesthetics, and context.

Stakeholders:

- Internal Stakeholders:
 - Development Service Center
 - Legal
 - Street Department
 - Code Enforcement
- External Stakeholders:
 - STA
 - WSDOT
 - DSP
 - Neighborhood business groups
 - Sign Owners
 - Sign Makers
 - Residents
- Work Group:
 - Amy Mullerleile
 - Lisa Key
 - Dave Compton
 - James Richman
 - Bob Turner
 - Plan Commission Members (1-2)
 - DRB Member
 - DSP Rep
 - CA Representative
 - Sign Code Industry Rep

Deliverables and Timeline:

<i>Deliverables:</i>	<i>Timeline:</i>
Internal staff audit and baseline draft development	April - May
Plan Commission workshop and appointment of	June 14

steering committee members	
Work Group review and recommendations	June-July
Plan Commission workshop	July 26 and/or August 9
Plan Commission hearing	September 13
Plan Commission Recommendation - findings & conclusions	September 27
Submittal to Washington State Department of Commerce for 60 day review (prior to Council Action)	September 14
Council Briefing at PED	September 18
Council Advance Briefing	October 2
Council First Reading	October 9
Council Hearing and adoption	November 6

Design Review Board Program Updates

Proposed Code Amendments

Plan Commission Meeting June 14, 2017

Introduction

Maintenance of the Design Review Board Program includes new member orientation, retreats or training, periodic review of the program, and adjustments as necessary to keep the process running smoothly. This summary includes recent actions and recommendations to update and maintain the program.

Background

Since it was established in 1994, there have been several minor updates to the DRB process and more significant changes were made in conjunction with the Downtown Plan Update in 2008-2009. The current re-evaluation of the process is timely as staff is beginning to scope the next Downtown Plan Update. This project is anticipated to begin in late 2017-18 and presents an opportunity to further refine the DRB process. Over the past several years, increasing applications in conjunction with the reorganization of Planning Department staff into two separate departments indicate the need to re-evaluate several areas of concern including the following:

- **Capacity.** Increasing numbers of DRB applications, and limited board and staff capacity, could negatively affect the timeliness of permit applications. The number of permit applications has been steadily increasing over the past several years, and the timing of the applications is not always predictable or evenly distributed. It would be important to identify the projects that most benefit from the process, and eliminate others.
- **Focus.** The board is currently reviewing a wide range of diverse projects. Sharpening the focus and criteria used in reviews is likely to improve efficiency and effectiveness.
- **Criteria.** Design guidelines have not been adopted to assist the DRB with a productive review of all the various types of projects subject to review. Instead, staff researches potential supporting policy for inclusion in staff reports. Clear design criteria should be adopted for all projects subject to design review.
- **Staffing.** Appropriate staff roles and responsibilities need to be identified and standardized to avoid miscommunication and duplication of effort between Current Planning and Long Range Urban Design. *In 2009, a collaborative workshop prior to permit application was introduced. While this is an important step, it's created challenges for staff in terms of how to appropriately and consistently communicate code and permitting requirements. The 2013 staff reorganization further complicated the matter as Design Review is housed in Long Range Planning whereas permitting is handled by Current Planning staff in Business and Developer Services. To help address concerns, a team approach to design review that includes Current Planning and Urban Design was adopted during summer 2016.*

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Update Project Outline

The project was divided into three general phases and is still in Phase I.

Phase I – Information Gathering and Outreach

Informal outreach began in 2016 and a series of meetings were set up in early 2017 as follows:

February 22, 2017 – DRB Special Meeting | Design Review Program Updates

March 8, 2017 – Planning Staff | All Public Projects

March 15, 2017 – Planning Staff | Non-Municipal Public Projects

March 23, 2017 – Planning Staff | Downtown Projects

March 28, 2017 – Interdepartmental Staff | Municipal Public Projects

April 12, 2017 – Downtown Spokane Partnership | Downtown Projects

Please see APPENDIX A – MEETING SUMMARIES.

Phase II – Develop Recommendations

The “low hanging fruit” or adjustments to help focus and improve the process have been identified in this report. In addition to further review during the Downtown Plan Update, outreach is recommended to address topics including exemptions from design review and review of non-municipal public projects.

Phase III – Adoption

Recommendations

1. To address capacity, staff would recommend making minor amendments to 17G.040.020 Development Applications Subject to Design Review as part of the 2017 “code cleanup” process.

Please see APPENDIX B – PROPOSED CODE UPDATES for additional information.

Staff is requesting the Design Review Board recommend in favor of making the amendments identified in Appendix B.

Similar revisions were previously discussed in 2012 and include the following:

a. Remove shoreline conditional use permit applications. However, departures from code design standards must still be forwarded to the Design Review Board.

For the following reasons:

There are adequate shoreline protections including the code design standards administered by staff, and there is no additional design criteria intended for use by the Design Review Board.

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b. Remove downtown façade modifications to existing buildings. However, departures from code design standards must still be forwarded to the Design Review Board.

For the following reasons:

The vast majority of downtown façade renovations are reviewed “administratively” and a typical recommendation is that applicants work with Current Planning Staff to meet the code design standards. This is already standard procedure so design review appears to be an unnecessary step.

2. Staff to convene an interdepartmental meeting and develop amendments to 17G.040.030 Projects Exempt from Design Review. This topic was tabled during the 3/8/17 staff discussion on public projects to allow for a more focused discussion. Once revised language has been developed and reviewed with the Design Review Board, it could potentially be included as a “code cleanup” item.

3. Continue the DRB Program Update Project in conjunction with the update of the Downtown Plan in late 2017-2018. Updates should address the following topics:

a. Municipal and non-municipal public projects outside downtown. The general consensus to date is that municipal buildings should continue to be subject to design review. However, additional review is needed to determine whether non-municipal public projects such as those proposed by federal or state agencies, the county, and public schools should continue to be subject to design review.

Currently there are no adopted design guidelines for these projects. **Council adoption of the *Public Projects or Structures Guidelines, March 14, 2001* or other design guidelines for public structures should be a priority.**

b. Skywalk applications over a public right-of-way. Currently there are no design guidelines for these projects. If skywalk applications over a public right-of-way will continue to be reviewed, then **it should be a priority to develop and adopt design guidelines.** The *Downtown Skywalk Design Guidelines, December 1999* may be a useful reference.

4. Staff to continue to nurture and build on the team approach adopted by Current Planning and Long Range Urban Design during the summer of 2016. In addition, Urban Design Staff will begin attending Integrated Capital Management monthly charter meetings.

Design Review Board Program Updates

Proposed Code Amendments

Design Review Board Special Meeting, June 13, 2017

APPENDIX A – MEETING SUMMARIES

Meeting 1 Design Review Program Updates

February 22, 2017 5:30pm to 7:30pm

DESIGN REVIEW BOARD

Attendees:

Austin Dickey, Chair

Steven Meek, Vice-Chair

Dave Buescher (part-time)

Anne Hanenburg

Kathy Lang

Ryan Leong

Ted Teske

Omar Akkari, Nathan Gwinn, Julie Neff, Lisa Key, City of Spokane Planning

Staff Summary

General Agreement

1. Frustration when recommendations have not been followed.
2. Perceived lack of “teeth.” Even when the board makes a unanimous decision.
3. Acknowledgement that the recommendations themselves could be improved.
4. The political realities of a business friendly environment may undermine design review to support developers.
5. Observation that the current permitting system seems to value speed above other considerations.
6. Concern whether there’s political backing for design quality and this board? Are there instances when city leadership is willing to waive the board’s recommendations for certain developers or even city projects? Knowing where we have political support is important for knowing where to focus.
7. Recognition that there is value in continuing to push for higher design standards. Overall it’s going well and the board has a positive influence.
8. Shorelines could be removed. Beyond that however, there were varying perspectives on the approach. The three general categories are as follows:
 - a. Wherever public dollars are being spent.
 - b. Downtown because we have criteria. Possibly add Centers & Corridors.
 - c. No change. Broad focus with minor adjustments such as removing shorelines and downtown facades.
9. Staff to return with a recommendation following further outreach.

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Design Review Board Special Meeting, June 13, 2017

Other comments

1. Distrust (from some) that staff will properly enforce codes.
2. Many thought downtown should be major part of the scope. Reasons included because we have criteria, and downtown is important to most everyone.
3. The board should focus where our public dollars are being spent, as advocates for the community. Concern that even municipal projects do not value the DRB process or recommendations. Ex. Wall St., Riverside State Park Water Reclamation, etc. Comment that if the board is focused on municipal projects throughout the city, then design guidelines should be adopted by Council.

Meeting 2 Design Review Program Updates | All Public Projects

March 8, 2017 10am-11am

PLANNING STAFF

Attendees:

Lisa Key
Nathan Gwinn
Omar Akkari
Melissa Owen
Boris Borisov
Teri Stripes
Jacqui Halvorson
Tirrell Black
Tami Palmquist
Julie Neff

Staff Summary: Discussion on exemptions from design review including options for formalizing the exemption process. It was agreed to table this topic and revisit it as a focus item. Agreement to continue the public project discussion on March 15 with a focus on non-municipal public projects.

A meeting with additional staff “clients” has been set for Tuesday, March 28 to discuss municipal projects.

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Meeting 3 Design Review Program Updates | Non-Municipal Public Projects

March 15, 2017 10am-11am

PLANNING STAFF

Attendees:

Lisa Key
Nathan Gwinn
Omar Akkari
Andrew Worlock
Teri Stripes
Jacqui Halvorson
Tami Palmquist
Julie Neff

Staff Summary of Recommendations:

NON-MUNICIPAL PUBLIC PROJECTS

Institutional Facilities

Continue to exempt institutional facilities inside a campus and not facing a public street or right of way (exemption as currently written is ok). These projects are less impactful and there is no criteria beyond the code design standards. Leave design departure process in place.

K-12 Public Schools

Consider exempting from design review because there is no criteria beyond the code design standards Current Planning Staff administered. Leave design departure process in place.

Other ways to assess design quality may include an interdisciplinary staff design review committee. Include staff review of public input at community meetings (at staff review committee). Tighten code language (Tami will review for easy fixes).

Public Facilities District

-Most are downtown and include public outreach.

WSDOT

- There's value in reviewing these projects because it may be one of the few opportunities to evaluate how the proposal looks.
- These projects represent an extremely important impact and investment in the city, so a process is needed.
- However, the DRB recommendation goes to a city decision maker. When there is no city decision, there is no opportunity for follow through.
- Need to talk with Louis about how to engage with WSDOT. How to get into the process, how to ensure DSC has an opportunity to weigh in. Internal interdisciplinary design review committee?

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Municipal Projects

Observation that many municipal projects do not include review by Current Planning, and sometimes do not meet code. Possibly consider a DRB or staff review committee process at the time of scoping rather than at the time of design because review at that time cannot fix budget constraints.

Meeting 4 Design Review Program Updates | Downtown Projects

March 23, 2017 10am-11am

PLANNING STAFF

Attendees:

Lisa Key
Nathan Gwinn
Omar Akkari
Andrew Worlock
Teri Stripes
Melissa Owen
Jacqui Halvorson
Donna DeBit
Julie Neff

Staff Summary

DOWNTOWN PRIVATE AND PUBLIC PROJECTS

New Buildings

Benefits include that design review raises the expectations for design. Allows for a public discussion on contextual fit and ways to support the surrounding district.

Follow-up can be done by the Planning Department during permitting and certificate of occupancy.

Recommendation: *There is value in continuing design review of new buildings, especially for design departures.*

Façade Renovations

Recommendation: *Façade modifications may not merit the time needed for a design review process. Possibly staff review only as in most cases applicants are simply asked to meet code. There is value in maintaining a design review option for design departures.*

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Meeting 5 Design Review Program Updates | Municipal Public Projects

March 28, 2017 1pm to 2pm

INTERDEPARTMENTAL CITY STAFF

Attendees:

Lisa Key, Planning

Leroy Eadie, Parks and Recreation

Garrett Jones, Parks and Recreation

Kyle Twohig, Design Engineering

Dan Buller, Design Engineering

Marcia Davis, Integrated Capital Programs

Melissa Owen, Planning

Nathan Gwinn, Planning

Omar Akkari, Planning

Andrew Worlock, Planning

Ali Brast, Current Planning

Teri Stripes, Planning

Jacqui Halvorson, Planning

Julie Neff, Planning

Municipal Projects – Staff Summary

A. BUILDINGS

Discussion related to the question of benefits and effectiveness of Design Review

- Municipal buildings are fairly rare and important occurrences so they should remain on the DRB scope
- The DRB helped Park buildings to have contextual identity to the Park and between buildings. Helpful to have consistent set of eyes to maintain cohesiveness.

Preliminary recommendations

- Continue to review public buildings, especially buildings intended for public use and interaction.

B. PUBLIC RIGHT-OF-WAY IMPROVEMENTS

Discussion related to the question of benefits and effectiveness of Design Review

- Administrative review has been very important and timely for streets projects. The board does not have the same ability to make quick responses, or the dialog and depth that's available with a staff review.
- The board process creates challenges in terms of material preparation and delays waiting for feedback.

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- The DRB schedule doesn't work well for these projects because the surface design is happening late in the process, and by the time the DRB sees the project it is set and has had neighborhood public input.
- The DRB process begins after the charters for Public Right-of-Way Improvements are developed, and is not integrated with other separate public outreach processes.

Preliminary recommendations

- Update the review procedures
 - Continue with internal staff reviews, and consider establishing/formalizing an internal review committee rather than board process. Begin early at the scoping stage with ICM.
 - Make provisions to allow exceptions for projects that may merit design review.

C. STORMWATER FACILITIES

Discussion related to the question of benefits and effectiveness of Design Review

- CSO tanks are almost completed. Two or three projects left. The designers are fairly constrained on these projects.
- Administrative review, or staff review is helpful.
- It's not clear whether there's been adequate briefing to inform discussion with regard to the initial and ongoing costs of board recommendations. Earlier involvement may be helpful. On-going maintenance is a critical concern.
- Political realities weigh heavily on sensitive / contentious projects and tend to diminish the recommendations of the DRB.
- There are currently high levels of public outreach to surrounding neighbors and "demand for public engagement is going up."
- The DRB process begins after the charters for stormwater facilities are developed, and is not integrated with other separate public outreach processes.

Preliminary recommendations

- The process needs further review.
 - Look at establishing an internal staff review process rather than board process to address compliance with adopted criteria.
 - Make provisions to allow exceptions for projects that may merit design review.

D. PARKS

Discussion related to the question of benefits and effectiveness of Design Review

- Great value added for parks projects. Park buildings benefit from oversight as the Parks Department does not have any architecture professionals on staff. The DRB helps fill this role in

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maintaining consistency of built elements or building design throughout a park. The aquatic center recommendations were helpful.

- Parks now has LA's on staff with greater expertise to help guide other park projects and there is typically public outreach to adjacent neighbors so design review is less needed except for buildings.
- The exemptions are not broad enough to prevent smaller projects from triggering design review so need more refinement. Struggle with when and what types of projects should come to the DRB.
- Increased grant funding requires more public meetings.

Preliminary recommendations

- The Parks Dept. does not have the staff expertise to review buildings and would suggest buildings continue to be subject to design review.
- The process for other park projects needs further review.
 - Administrative review is most appropriate for typical projects (except?) high value / complete remodel projects.
 - Exemptions need to be further explored and formalized.

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Meeting 6

Design Review Program Updates | Design Review of Downtown Projects

Wednesday, April 12, 2017, 10am to 11am

DOWNTOWN SPOKANE PARTNERSHIP

Attendees:

Mark Dailey, Integrus Architecture

Jeff Warner, ALSC Architecture

Mark Richard, Juliet Sinisterra, Andrew Rowles, Downtown Spokane Partnership

Lisa Key, Julie Neff, Omar Akkari, City of Spokane

Meeting Summary

Benefits of a Design Review Board

- Codifying good design is difficult.
- The Design Review Board process is helpful when there's a desire or need for a design departure.
- The Design Review Board helps raise the bar for design quality throughout the downtown and aids in buffering against development patterns that might negatively affect the neighborhood's character.
- Design Review Board provides a valuable function in reviewing public projects.

Board Scope and Process

- Supportive of review of public projects especially those within the downtown.
- Could consider requiring design review only for departures. But, it is possible to meet standards and still have a poorly designed, ugly project.
- Encouraging innovation is good for the downtown.
- It may be possible to remove façade renovations from the DRB's purview unless a departure from code standards is requested.

Design Standards

- Tightening the standards so there's a higher bar for design in the downtown may be something to consider, in conjunction with a staff design review process that would broaden review beyond one planner. Continue to allow flexibility from code through the DRB process.
- Properties with more than one street facing frontage have much more difficulty meeting glazing requirements. Glazing standards should be reviewed to seek out more equitable standards for these types of projects. Energy code seems at odds with glazing requirements.

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Board Composition

- The board should be made up of accomplished, experienced design professionals so there's credibility and teeth.
- The board composition may need more work.
- It's important that DRB members clearly understand their role and focus.

General Observations

- Portland seems to have a good review process. It may be worth researching how they've achieved results such as the Pearl District.
- There may be a cultural expectation for design in Portland and Seattle that hasn't developed yet in Spokane.
- Politics sometimes seems to override discussions about design, including those in the DRB process.
- Desire for design standard updates to be linked with Downtown Plan Update.

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APPENDIX B – PROPOSED CODE UPDATES

These updates are similar to what was discussed previously by the DRB in 2012 and staff would propose moving the following minor amendments forward as part of the 2017 Code Cleanup process.

Staff is requesting the Design Review Board recommend in favor of making these amendments.

Title 04 Administrative Agencies and Procedures

Chapter 04.13 Design Review Board

Section 04.13.015 Design Review Board

Purpose.

The design review board is hereby established to:

- A. improve communication and participation among developers, neighbors, and the City early in the design and siting of new development subject to design review under the Spokane Municipal Code;
- B. ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan;
- C. advocate for the aesthetic quality of Spokane's public realm;
- D. encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit;
- E. provide flexibility in the application of development standards as allowed through development standard departures; and

F. ensure that public facilities and projects within the City's right-of-way serve as models of design quality.

~~F. : wisely allocate the City's resources,~~
1. ~~serve as models of design quality.~~

Date Passed: Monday, December 14, 2009

Ordinance C34527 Section 3

Section 04.13.020 REPEALED (Authority)

Chapter 17G.040 Design Review Board Administration and Procedures

Section 17G.040.020 Development and Applications Subject to Design Review

Development Applications Subject to Design Review.

The board shall review the design elements of the following developments and/or project permit applications:

- A. All public projects or structures.
- ~~B. Shoreline conditional use permit applications.~~
- C. Skywalk applications over a public right-of-way.
- D. Projects seeking a design departure per [chapter 17G.030 SMC](#), Design Departures, [SMC 17G.030.030](#), Review Process.
- E. Within downtown zones:

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1. Within the central area identified on the [Downtown Design Review Threshold Map 17G.040-M1](#):
 - a. New buildings and structures greater than twenty-five thousand square feet.
 - ~~b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.~~
2. Within the perimeter area identified on the [Downtown Design Review Threshold Map 17G.040-M1](#):
 - a. New buildings and structures greater than fifty thousand square feet.
 - ~~b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.~~
3. Within the gateway areas identified on the [Downtown Design Review Threshold Map 17G.040-M1](#):
 - a. New buildings and structures greater than twenty-five thousand square feet.
 - ~~b. All new buildings and structures.~~
 - ~~c. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade fronting on a designated gateway street or within one hundred feet of an intersection with a gateway street.~~
4. Sidewalk encroachment by private use.
- F. Within Centers & Corridors zones, application for Design Departures from the Design Standards and Guidelines for Centers and Corridors. (not applicable in 2012)
- G. Any other development proposal or planning study about which the ~~plan commission, planning director, or hearing examiner~~ approving authority requests to have the board's advice pertaining to any design elements.
- ~~H. Other developments or projects listed within the Unified Development Code that require design review.~~

Date Passed: Monday, July 20, 2015

Effective Date: Wednesday, September 2, 2015

ORD C35280 Section

Section 17G.040.040 Design Review Criteria

Design Review Criteria.

The board shall base its review, report, and/or recommendation on the following criteria:

- A. The requirements, guidelines, and applicable provisions of [Title 17 SMC](#) that apply to the property in question including ~~all additional zoning development~~ regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval.
- B. A summary of the design guidelines adopted by the City is found in the Design Review Application Handbook on file in the planning department.

Date Passed: Monday, December 14, 2009

Effective Date: Saturday, January 16, 2010

Ordinance C34526 Section 1

Design Review Board Program Updates

Proposed Code Amendments

Design Review Board Special Meeting, June 13, 2017

Section 17G.040.050 Design Review Process

A. Design Review Process.

The design review process is found in the Design Review Application Handbook. The planning director is responsible for maintaining **and amending** the Design Review Application Handbook and design review process. Changes to the Design Review Application Handbook and design review process must be approved by the design review board and adopted as official City administrative policy.

B. Design Review Board Operating Rules.

The board shall adopt rules of procedure for the conduct of its duties and shall provide in such rules for the time and place for holding regular board meetings.

Date Passed: Monday, December 14, 2009

Effective Date: Saturday, January 16, 2010

Ordinance C34526 Section 1

Section 17G.040.060 Design Review Board Meetings

Design Review Board Meetings.

The board meets twice a month ~~if necessary to respond to development applications unless there is no agenda~~. The meetings are open to the public.

Date Passed: Monday, December 14, 2009

Effective Date: Saturday, January 16, 2010

Ordinance C34526 Section 1

Section 17G.040.080 Design Review Board Recommendations

Recommendations.

Recommendations of the board are made according to the design review criteria adopted by the city council. In no case may the recommendations of the board contain design solutions contrary to other applicable provisions of this title. The design review criteria reflect the policies of the comprehensive plan.

A. The functions of the board shall be advisory. ~~The board makes recommendations on matters in which the hearing examiner, planning director, city council, building official, or city engineer is the action approving authority.~~

B. The board makes recommendations to the ~~responsible City official~~ approving authority on all ~~other~~ matters for which design review is required.

C. The board's recommendation shall be recorded in writing and available within seven days of the board's recommendation meeting.

D. The action approving authority shall consider the board's recommendation, provided that, if there is a unanimous recommendation to the action approving authority, the action approving authority shall issue a decision that makes compliance with the board's recommendation a condition of permit approval, unless the action approving authority concludes that the recommendation:

1. reflects inconsistent application of the design criteria; or

Design Review Board Program Updates

Proposed Code Amendments

Design Review Board Special Meeting, June 13, 2017

2. exceeds the authority of the board; or
3. conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
4. conflicts with the requirements of state or federal law.

Date Passed: Monday, December 14, 2009
Ordinance C34526 Section 1

Section 17G.040.100 Expiration of Application

Expiration of Design Review Application.

~~Design Review Applications will expire upon expiration of the project permit application. Applications which have been certified complete for either a design review collaborative workshop or an administrative design review process as set forth in chapter 17G.040 SMC shall have one year to complete the design review process. After one year the application expires by limitation and becomes null and void. The director may grant one extension of up to one hundred eighty days if the application has been pursued in good faith, the request is in writing, and justifiable cause demonstrated.~~

Date Passed: Monday, December 14, 2009
Ordinance C34526 Section 1

BRIEFING PAPER
City of Spokane
Plan Commission Public Hearing, June 14, 2017

Subject

The proposal is to update the way that annual amendment proposals to the Comprehensive Plan and the Unified Development Code are reviewed. This proposal would add a threshold determination or a “docketing” step; SMC Chapters 17G.020 and 17G.025 govern these procedures.

Background

Currently, requests to amend the City’s Comprehensive Plan and Unified Development Code proceed to the Plan Commission and then to City Council for legislative consideration, after initial staff and agency review.

In order to better handle the work load for staff, Plan Commission and the City Council, this proposed amendment will add a process of threshold review prior to full review. It is anticipated that this early review step will also benefit applicants who may spend considerable time and resources on proposed amendments. This early review would establish a Comprehensive Plan Annual Amendment Work Program to be referred to as “the docket” for ease of use. Once this docket is established, full review would begin. This proposal does not make substantial changes to the full review process now followed.

Amendments to the Comprehensive Plan can be Land Use Plan Map amendments or text amendments. Annual Amendment proposals may be initiated by anyone.

Key Concepts in this code update:

- For early threshold review procedure, the draft in your packet, has language that requires City Council to hold a public hearing on the applications submitted for early threshold review. City Council will then set the Annual Comprehensive Plan Amendment Work Program by resolution. Alternatives to this approach were discussed at the previous workshops. The “optional additional language” section (below) addresses this point further.
- A \$500 fee currently designated as “pre-application fee” would be re-purposed as the “docket consideration fee”. If an application moves on to full review, the amendment base fee of \$5,000 would be required with a credit for the previous \$500 paid. (SMC 8.02.692).
- This proposal would incorporate any non-city amendments proposed to the Unified Development Code (Title 17) into the docket procedure that will be used primarily for proposed amendments to the comprehensive plan.

Optional additional language:

At the last Plan Commission Workshop on May 10, 2017, staff were directed to return with a draft that has City Council setting the docket. Staff are aware that some members of the Plan Commission are interested in having more interaction with city council during the setting of the docket. If the Plan Commission has an interest in adding more language to the draft to reflect that interaction. Staff suggest this language could be added to SMC 17G.020.025(A)(1)(a)(i) (page 3 of the draft):

Prior to deciding which amendment proposals to include the Annual Comprehensive Plan Amendment Work Program, the City Council may conduct one or more study sessions in conjunction with the Plan Commission to review the amendment proposals.

Project Timeline

January 25, 2017 – Concept workshop with Plan Commission
March 22, 2017 – Workshop with Plan Commission
April 26, 2017 – PC Workshop with draft language
May 4, 2017 - Outreach to Community Assembly
May 10, 2017 – Plan Commission Workshop, continued draft review
June 14, 2017 –Plan Commission Public Hearing
Summer 2017 – City Council Public Hearing

Additional information: Completed [2015/2016 Annual Amendments](#) and the current process. [Annual amendments for 2017 are suspended](#) while the city adopts the periodic update to the Comprehensive Plan.

DRAFT ORDINANCE NO. _____
Prepared for Plan Commission Hearing, June 14, 2017

Chapter 17G.020
Comprehensive Plan Amendment Procedure

17G.020.010 ~~((Comprehensive Plan Amendment Purpose))~~ Purpose and Guiding Principles

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ~~((for amending))~~ the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 6. ~~((The proposed changes))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.
- C. Scope of Amendments
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

17G.020.020 ((Timing)) Amendment Process

- ~~((A. No more frequently than once every 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, upon finding that each proposal meets all of the 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.))~~
- B. ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((an area-wide or)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

New Section:

Section 17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

- i. City Council Review. Pursuant to the applicable procedural provisions of this chapter, complete applications to propose an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by the City Council. The City Council will hold a public hearing and, using the criteria set forth in SMC 17G.020.026, determine which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. Prior to the hearing, the City Council shall review the geographic scope of any proposed amendments. The City Council may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

- a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.
- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

- 3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

A new Section 17G.020.026 is added as follows:

Section 17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- D. The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and

- E. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- F. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- G. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated;
- H. State law required, or a decision of a court or administrative agency has directed such a change.

17G.020.030 Final Review Criteria

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 by the city council in ((determining whether a criterion for approval has been met)) making a decision on the proposal.

- A. **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 Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **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.
- D. **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.

E. Internal Consistency.

1. 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.
2. If a proposed amendment is significantly inconsistent with current policy within 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.

F. 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.

G. 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.

1. 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.
2. 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.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

1. 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.

2. 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).

I. 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.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

K. ~~((Consistent Amendments))~~ Demonstration of Need.

1. 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:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;

- e. plan objectives are not being met as specified;
 - f. the effect of the plan on land values and affordable housing is contrary to plan goals;
 - g. transportation and/or other capital improvements are not being made as expected;
 - h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.
2. 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:
- a. 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.);
 - b. The map amendment or site is suitable for the proposed designation;
 - c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.
3. Rezones, Land Use Plan Map Amendment.
- Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

~~((L. Inconsistent Amendments.~~

~~1. 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.~~

~~2. 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:~~

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

~~3. 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.))~~

17G.020.040 Amendment ((Exceptions)) Frequency

~~((The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.))~~ The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive

plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ~~((Also, future annexations will require an amendment to the land use plan map.))~~

B. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

~~((B))~~C. Adoption or amendment of ~~((a))~~ the shoreline master program.

~~((G))~~D. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.

~~((D))~~E. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

~~((E))~~F. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

~~((F))~~G. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

~~((G))~~H. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.

~~((H))~~I. Technical corrections that would remove typographical errors or resolve a mapping error.

17G.020.050 Amendment Applications

~~((A.~~ Scope of Amendments.

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~

2. ~~regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
3. ~~administrative and regulatory procedures that implement the comprehensive plan; or~~
4. ~~the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.))~~

~~((G))A.((Pre-application)) Threshold Review Application.~~

~~Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ((by submitting the following:)). The following shall be submitted prior to scheduling the predevelopment conference:~~

1. ~~((Pre-application)) Threshold review application form, including a general summary of the nature of the ((desired change)) proposed amendment.~~
2. ~~The ((pre-application)) threshold review fee as specified in chapter 8.02 SMC.~~

~~((D))B. Final Review Application ((Components)).~~

~~A private applicant for a comprehensive plan amendment must submit the following documents and fees:~~

1. ~~A general application.~~
2. ~~A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:~~
 - a. ~~Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((or inconsistent)) with the current comprehensive plan, and whether the applicant believes any ((specific suggested changes)) additional amendments to the plan ((or)) and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ((The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.))~~

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
- 3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
- 4. A notification district map.
- 5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ~~((pre-application))~~ threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 17G.020.060 is amended as follows:

17G.020.060 Process for Application, Review and Decision

- ~~((A. — Pre-application Form.
Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.))~~
- ~~((B))~~A. Pre-application Conference.
A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ~~((desired change))~~ proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ~~((concern))~~ proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).
- ~~((C))~~B. ~~((Deadline for Consideration))~~ Application Deadline.
~~((Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.))~~ Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to

be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete. An application ((will)) shall not move ahead for ((further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal)) final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

~~((D.—Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.))~~

~~((E))~~C.((Full Review—SEPA)) Review by City Staff and Agencies.

~~((Full))~~ Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((begins December 1st for those proposals certified complete by November 30th)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((Priority of proposal)) Timely review is ((based)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((and provision of requested studies)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

((F))D. Notice of Application/SEPA.

~~((Within fourteen days of the completion of the review required))~~ When the review described in subsection ((E)) (C) above is complete, staff sends ((the)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((sixty)) thirty days of the date the notice of application is ((sent by staff to the applicant)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

((G))E. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((H))F. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ~~((and hold public open houses))~~ during this time.

((I))G. SEPA Determination.

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination ~~((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty))~~ pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications 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).

((J))H. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published ~~((within seventeen days of the end of the public comment period, and))~~ fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

~~((K))~~I. Staff Report.

~~((Once the SEPA appeal period ends,))~~ Prior to the Plan Commission hearing, ~~((the))~~ staff prepares its final report, which address~~((es both))~~ SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ~~((mailed))~~ provided to the applicant as well as ~~((the))~~ plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ~~((office of community, trade and economic development))~~ department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620~~((, and subsection (I)(9) of this section))~~.

~~((L))~~J. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ~~((appeal period has expired))~~ decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

~~((M))~~K. Plan Commission Recommendation.

The plan commission bases its recommendation on the ~~((review guidelines and required decision))~~ guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ~~((and conclusions regarding its recommendation))~~ conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

1. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.
 - a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

2. Denial for the following reason(s):

- a. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.
- b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
- c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

~~((N))~~L. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ~~((amendment))~~ recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ~~((may))~~ shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ~~((However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.))~~

~~((O))~~M. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive

plan amendments over the years, and such list will be included as part of the comprehensive plan.

17G.020.070 Notification

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once ((in early January and again)) in early ((September)) August regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.
- F. City Council Decisions.

City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.

Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.

At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ~~((as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,))~~ for their review and comment. In addition, copies of adopted amendments must be transmitted to ((CTED)) Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

No changes proposed, included for reference will not go in final ordinance:

17G.020.075 Supplemental Notice

A. Purpose.

In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:

1. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
2. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and
3. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

B. Who to Notify.

Depending on the nature of particular applications, the plan commission may decide to require additional notice procedures that are reasonably calculated to

provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:

1. Property owners, residents and building occupants.
2. Other affected and interested individuals.
3. Tribes.
4. Government agencies.
5. Businesses.
6. School districts; and
7. Organizations.

Section 10. That there is adopted a new section 17G.020.080 to chapter 17G.020 of the Municipal Code to read as follows:

No changes proposed, included for reference will not go in final ordinance:

17G.020.080 Public Participation Program

A. Roles

All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.

B. Goals.

Various public meetings, forums, presentations and outreach may be conducted in order to ensure:

1. broad dissemination of proposals and alternatives;
2. opportunity for written comments;
3. public meetings after effective notice;
4. provision for open discussion;
5. communication programs;
6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.

In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:

1. efforts to involve the broadest cross-section of the community;
2. a series of public meetings or workshops should be held at various locations;
3. opportunity to make written comment;
4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;
5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;
6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;
7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.

Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.

All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

- G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

end

DRAFT ORDINANCE

Amending SMC Section 8.02.699 Comprehensive Plan and Land Use Code
Amendments

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Section 17G.025.010 Text Amendments to the Unified Development Code

- A. Initiation.
~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
 - 1. Property owner(s) or their representatives;
 - 2. Any citizen, agency, neighborhood council, or other party; or
 - 3. A ~~((City))~~ city department, the plan commission, or the city council.
- B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are

specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

1. ((After submittal of an applicant-initiated application, the application)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:
 - a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
 - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ((After submittal,)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((shall)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and

SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

((D)) E. Notice of Public Hearing.

Amendments to ((this code)) Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
- f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city

council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.

Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. (~~By a majority vote, the city council shall~~) The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.

This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be

submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

BRIEFING PAPER

City of Spokane

Plan Commission Hearing, June 14, 2017

Subject

This proposal is an ordinance relating to expansion of the area shown in Spokane Municipal Code [Map 17C.370-M1](#), into additional areas of Spokane in residential zones, where existing neighborhood commercial structures may be restored to a previously discontinued use, or other approved commercial use. A Plan Commission public hearing is scheduled June 14, 2017.

Background

In 2012, the City of Spokane adopted regulations in [SMC chapter 17C.370](#) to allow commercial, office, and multi-family uses to be established in former commercial structures in residential zones within the West Central Neighborhood Council area boundary.

The City's [Comprehensive Plan](#) encourages regulations that are appropriate for historic neighborhoods and nurture economic activity (DP 4.8, ED7). Proposed changes to regulations could extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings outside of the West Central neighborhood.

The Plan Commission was last briefed on the proposal at its workshop May 10, 2017. The changes proposed will limit locations to arterial streets and require a public hearing and Hearing Examiner approval for structures with a ground floor area of more than 3,000 sq. ft. The previously considered time period of two years, as well as provisions for site expansions, have been removed from the proposal. A combined notice of public hearing and Determination of Nonsignificance was issued May 31, 2017.

Impact

Potentially eligible sites are previously developed locations immediately adjacent arterial streets. At the time project permit applications propose a use and improvements, the director or Hearing Examiner will review impacts to public facilities and infrastructure, and potential negative impacts on the residential character of the area, and mitigation of those impacts may be required via the conditions of project approval.

Recommendation

Staff suggests discussion on additional changes to previous versions of the draft ordinance. These changes are reflected in the updated version in the Plan Commission hearing packet.

- 17C.370.030(A)(1) - Consolidate application process changes in this paragraph.
- 17C.370.030(F)(4) - Remove application process references and clarify that any structural expansion is limited by the current applicable development standards.
- 17C.370.030(F)(5) - Remove reference to the parking standards of the NR zone, which has only minor differences from residential zones, aside from exceptions to parking requirements for structures 5,000 square feet or less. Also, reinstate the exception that subtracts the first five required parking spaces. This returns back to the original adopted language, and balances concerns regarding parking.

Existing Neighborhood Commercial Structures in Residential Zones

Plan Commission Hearing Packet

June 14, 2017

Contents

- I. [Draft Ordinance](#)
- II. [Communication Log](#)
- III. [Public Comments Received](#)
- IV. [Draft Findings, Conclusions and Recommendation](#)

ORDINANCE NO. _____

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code [Map 17C.370-M1](#), into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses. The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. [This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.](#)

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone and located on a parcel with frontage on an arterial street as classified on the official City [Arterial Street Map](#). The provisions of this chapter apply only to the ~~((area shown on Map 17C.370-M1))~~ [RA, RSF, RTF, RMF, and RHD zones.](#)

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative [or Hearing Examiner](#) Decision.

1. Establishing a ~~((non-residential))~~ use [under this chapter](#) in an eligible structure requires following the same application and posting process as a Type II [or III](#) Conditional Use Process as provided in [chapter 17G.060](#)

SMC. A Type III application is required for projects whose structure size or expansion exceeds a ground floor area of three thousand square feet, including building additions. For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.
- D. Decision criteria ~~((is))~~ are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,
 - c. weapons,

d. ~~((medical))~~ marijuana.

2. Uses Allowed:

- a. Office uses found in [SMC 17C.190.250](#);
- b. Retail sales and service uses found in [SMC 17C.190.270](#); and
- c. Uses allowed within the RMF zone found in [SMC 17C.110.100](#).

F. Development and operation standards in addition to the base zone:

- 1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC, which may be converted under SMC 17C.320.060.
- 2. The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on [SMC 12.08.040 Official Arterial Street Map](#)~~((; or the building must be listed on the Spokane Register of Historic Places at the time of application))~~.
- 3. The site must be located within ~~((an eligible area as shown on Map 17C.370-M1))~~ the RA, RSF, RTF, RMF, or RHD zones.
- 4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area ~~((at the time of this chapter's date of adoption))~~ existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards.
- 5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in [chapter 17C.230 SMC](#) Parking and Loading, with the following exception: ~~((for a Neighborhood Retail Zone (NR). Exceptions to the required parking and loading include:~~
 - ~~a. On-street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~
 - ~~b.))~~ The minimum parking required for this section is the amount specified in [chapter 17C.230 SMC](#) Parking and Loading minus the first five parking spaces. (Example: If the minimum parking required as determined in [chapter 17C.230 SMC](#) Parking and Loading is calculated at five spaces then the required parking is five minus five equals zero.)

6. Business operation hours shall be determined by the [hearing examiner or director](#). Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
 7. Drive through facilities are prohibited.
 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards for the CC4 zones shall apply. Temporary outdoor signage is prohibited except that one sandwich board sign is permitted. If the sandwich board sign is erected in the public right-of-way it must be consistent with [SMC 17C.240.240](#).
- G. If the [hearing examiner or](#) planning director determines that proposed use is appropriate for the site, the [hearing examiner or](#) director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with [SMC 17C.220](#) Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals ~~((of the Planning Director Administrative Determination))~~.
The decisions of the planning director may be appealed to the hearing examiner as provided for in [SMC 17G.060.210](#) and follow an appeal process consistent with a Type II Conditional Use Permit application. [The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.](#)

Section 2. That Map [17C.370-M1](#), Neighborhood Commercial Structures in Retail Zones, is deleted.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

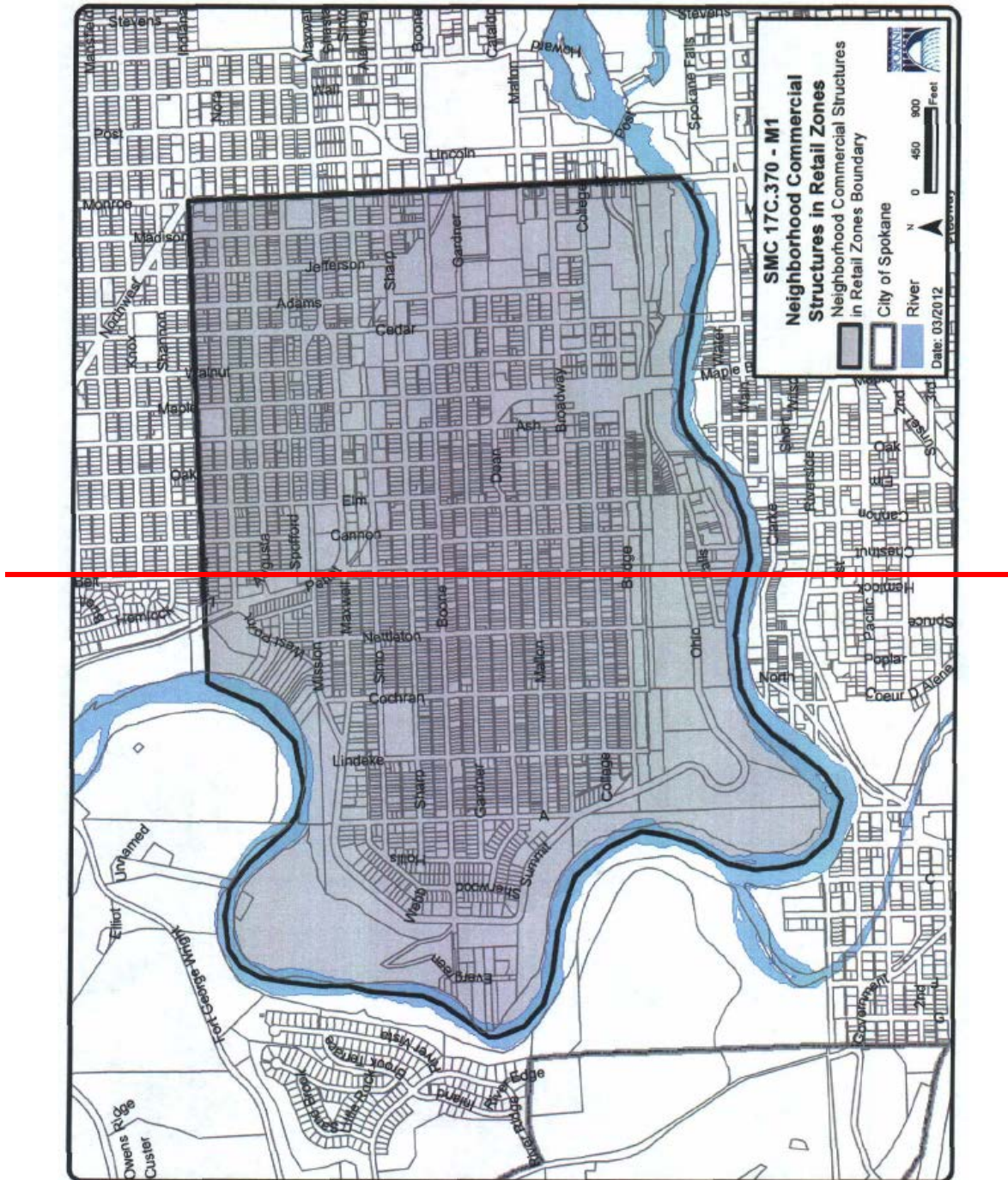
Mayor

Date

Effective Date

Attachment A

[Map SMC 17C.370 – M1, Neighborhood Commercial Structures in Retail Zones, is deleted.]





Existing Neighborhood Commercial Structures in Residential Zones Expansion

Communication Log

Date	Via	Name	Topic	Summary	Details
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Initial feedback on proposal	The group suggested defining and targeting developers/consumers of former commercial structures. Concerns with potential for continued low investments in sites. Need to address quality and maintenance of properties rehabilitated under the proposal. (NG)
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Continued feedback on proposal	Members of the committee expressed interest in including some sites that are located apart from arterial streets. A member also suggested a five-year time period for the pilot period, rather than two years, to allow additional time for obtaining financing. (NG)
4/21/2017	Email	Daniel Sanchez	Public Safety	Offenses by homeless population should be a priority	Enforce SMC 10.10 Offenses Against Peace and Order to address proliferation of homeless population before attending to the subject proposal. (NG)
4/25/2017	Phone	Mark Breithaupt	Scope	Question about scope	Asked whether this proposal would apply to this owner's triplex at 1117 W Shannon Ave. I explained the proposal only applied to non-residential structures. (NG)
4/25/2017	Phone	Debbie Rainey	Scope	Question about scope	Wanted to know which structures the proposal applies to and whether it would allow people to build behind homes. (NG)
4/27/2017	Phone	Douglas Horvath (owner of record)	Land Use	Wants rezone to build additional home	Caller said he owned a house at 616 N Cochran St and wanted to know how the proposal impacted him and whether he could build an additional home in the yard on the RSF property. I advised him to speak with a land-use attorney to inquire about rezone. (NG)
4/28/2017	Phone	Barbara Ingham	Scope	General questions	Curious whether there was interest in her neighborhood (Liberty & Nevada). Asked about what buildings the proposal would apply to; stated she was not concerned after learning about proposed limitations and scope. (NG)

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/3/2017	Phone	Jeanette Farrell	Scope	Against community services/group living in neighborhoods	Caller favored commercial uses in former commercial structures but did not think community services or group living facilities should be allowed. I explained that no such project was proposed and further notice to neighbors of any such project and opportunity for comment would occur. (NG)
5/4/2017	Meeting	Open House	Parking Impacts	On-street parking difficulty	On-street parking at the Flying Goat has improved but is problematic with blocking driveways and requiring striping. Residential occupants and guests are forced to park in neighboring driveways or further away. (NG)
5/4/2017	Meeting	Open House	Target audience	Entrepreneurial groups	Target members of entrepreneurial groups and others who might be interested in a corner store location. (NG)
5/4/2017	Meeting	Open House	Land Use	Recreational marijuana	Would recreational marijuana be allowed at a site under the proposal? (No; State-licensed marijuana producers, processors, and retailers are only allowed in locations specified in SMC 17C.347.030). (NG)
5/4/2017	Comment Form	Melissa Mohr	Land Use, Parking	Support of proposal	Supports restoration of a former commercial building in her neighborhood. Parking impact has been minimal. More local businesses support bicycling for some trips. (NG)
5/4/2017	Email	Jim Frank	Scope	Less limits, restrictions	"The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive."
5/5/2017	Email	Ron Wells	Land Use	Support of proposal	Supports restoring historic neighborhood stores to low impact commercial uses. (NG)
5/8/2017	Email	Dwight Hume	Proposal	Support of proposal	Supports expansion of proposal to former zones and areas of the city. (NG)
5/8/2017	Email	Daniel Sanchez	Public Safety	Enforce Peace and Order ordinances as first priority	To improve the city, first enforce Spokane Municipal Code 10.10 Peace and Order ordinances for individuals who sleep on sidewalks, panhandle, camp under viaducts, etc. (NG)

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/8/2017	Phone	Jim Frank	Scope, Parking	Allow expansions and clarify parking requirements	Expansions should be allowed to neighboring vacant sites to create multiple commercial sites to create sufficient mass to draw neighbors to it and function successfully as retail. Also, no parking requirement for smaller buildings should be stated in this chapter. (NG)
5/9/2017	Comment Form	Diane Belyea	Parking Impacts		Please see written comment form attached.
5/9/2017	Comment Form	Melvin Paddock	Use		Please see written comment form attached.
5/9/2017	Comment Form	Ryan Kelly	Proposal		Please see written comment form attached.
5/9/2017	Comment Form	Bonnie McInnis	Designation, location		Please see written comment form attached.
5/9/2017	Comment Form	Mariah McKay	Use		Please see written comment form attached.
5/9/2017	Comment Form	Lillie Sellers	Use		Please see written comment form attached.
5/9/2017	Comment Form	Helen Blyton	Incentives		Please see written comment form attached.
5/10/2017	Email	Jim Frank	Parking, Development Impacts	New development standards for parking, setbacks, sidewalks	Prohibit parking for smaller buildings, limit location of parking, require setbacks, sidewalks. (NG)
5/12/2017	Email	George Thomsen	Proposal	Support of proposal	Small businesses add value to neighborhoods. (NG)
5/15/2017	Email	Marcella Bennett	Parking Impacts	Parking concerns	Concerned about how parking issues will be addressed. (NG)

Gwinn, Nathan

From: Daniel Sanchez <mootsys406@gmail.com>
Sent: Monday, April 24, 2017 9:40 AM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Thanks

On Mon, Apr 24, 2017 at 9:31 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Good morning Mr. Sanchez,

Thanks for your comment. I will add it to the comment summary and public record for the file.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [mailto:mootsys406@gmail.com]
Sent: Friday, April 21, 2017 4:19 PM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

When we start enforcing existing law in the city, I'll take this role of government more seriously.. As of right now, Spokane Municipal Code 10.10- all facets, aren't worth the paper they're written on..

I get it, real estate development and social engineering is fun.. Dealing with the proliferating homeless population isn't.. But its an issue of public safety. You want to improve our city- enforce the existing laws..

On Fri, Apr 21, 2017 at 4:06 PM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

The City of Spokane Planning and Development Department invites you to join us at public open houses on Thursday, May 4, and Tuesday, May 9. The proposal is a text amendment to the Unified Development Code

that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas. Direct notice of the proposal is being sent to residents and property owners near potentially eligible properties. Please share this message with others you believe may be interested!



Activate Existing Neighborhood Commercial Structures Open Houses



Photo: Google Street View

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.	Tuesday, May 9, 5 p.m. – 7 p.m.
West Central Community Center	East Central Community Center
1603 North Belt Street, Spokane	500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 4, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melissa Mohr

ADDRESS: 2007 W. Dean Ave.

PHONE NUMBER: (509) 994-7816

E-MAIL CONTACT: melissajmohr@gmail.com

I have a historic neighborhood business on my block,
and I love it! Having an extra car or two park on my
block is not a problem, and I am so glad that the building
is now in good condition and hosting lovely people.
♡ Batch ♡

More local businesses makes it easier for people to start bicycling
for some trips, and gradually work up to longer trips if they
want to.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #509-625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Thursday, May 04, 2017 7:58 PM
To: Stratton, Karen
Cc: 'jfrank@greenstonehomes.com'; Mallahan, Jonathan
Subject: RE: Activating Existing Neighborhood Commercial Structures

Thanks, Karen! Yes, I sent the announcement to the infill contacts, including Jim. We had twelve people sign in and maybe a few more in attendance tonight. Good discussions. I will send a reminder on Tuesday for the other event and include Jim's comment in the record for the file.

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Stratton, Karen
Sent: Thursday, May 04, 2017 4:52 PM
To: Gwinn, Nathan
Subject: FW: Activating Existing Neighborhood Commercial Structures
Importance: High

I am stuck at City Hall. But, I wanted to forward this comment from Jim Frank, Kendall Yards. I tried to forward this information as best as I could to individuals I think could attend --- and I think Jim would be interested in this issue. Not sure he was notified earlier, but at least he commented.

Karen

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Thursday, May 04, 2017 4:44 PM
To: Stratton, Karen
Subject: Re: Activating Existing Neighborhood Commercial Structures

Thanks Karen,

The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 4/05/2017, at 4:09 PM, Stratton, Karen <kstratton@spokanecity.org> wrote:

I am not sure who received notice of this meeting, but I thought I would forward in case you are interested in attending. I am sorry for such late notice ---- I just got this today!

Karen

From: Fisher, Jessica
Sent: Thursday, May 04, 2017 10:31 AM
To: Fisher, Jessica
Subject: Activating Existing Neighborhood Commercial Structures

<image002.png>

FOR IMMEDIATE RELEASE

May 4, 2017

Contact: Nathan Gwinn, City Planner
Planning & Development Services
ngwinn@spokanecity.org
(509) 625-6893

ACTIVATING EXISTING NEIGHBORHOOD COMMERCIAL STRUCTURES IN RESIDENTIAL AREAS

CITY WILL HOST OPEN HOUSE EVENTS ON MAY 4 AND MAY 9

Corner stores provide historic residential neighborhoods with character and convenience. But many that were later abandoned, converted, or rezoned, struggle with maintenance and repair as they are now prevented from restoring a former commercial activity.

To assist an investigation into whether such structures might again be permitted to contribute to the community as a reestablished commercial use, or small multifamily building or office, the City Planning & Development Department will conduct open houses Thursday, May 4 and Tuesday, May 9 to engage in community discussion about a proposed revision to the Spokane City Zoning Code.

This initiative would expand an area where pre-existing commercial structures in residential zones may be reused for low-impact neighborhood scale and neighborhood serving businesses. An existing pilot code allowing sites that were historically stores or other commercial uses to reopen as a new commercial use is currently limited to West Central Spokane.

This initiative is meant to increase the diversity of options for small businesses in a manner that has a minimal impact to neighbors, while encouraging active, walkable retail and other commercial uses. Changes to West Central would include new specifications for limited expansions to existing structures.

The City of Spokane will host two open houses to invite citizens to provide input before the proposal is considered by the Plan Commission and eventually the Spokane City Council. The first event will be held on Thursday, May 4, from 4:30 to 6 p.m. at West Central Community Center, 1603 North Belt Street. The second open house will be held on Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street.

[Documents related to the project can be found on the City of Spokane website.](#)

<image003.jpg>

Jessica Fisher | City of Spokane | Public Information Assistant
509.625.6749 | jfisher@spokanecity.org | spokanecity.org

<image004.png> <image005.png> <image006.png>

<Activate Existing Neighborhood Commercial Structures.doc>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Friday, May 05, 2017 9:55 AM
To: 'Ron Wells'
Subject: RE: Neighborhood stores

Good morning Ron,

Thank you for your message. I will add it to the record for this file.

Yes, as the ordinance is currently drafted for expanding the area outside West Central, it would maintain a required location on arterials, and eliminate the provision for structures elsewhere listed on the Spokane Historic Register. In our research, we did not find very many former commercial structures that are currently listed, and any of those historic structures would have an alternative means of converting the use under a different code section ([SMC 17C.335](#)). My understanding is that is the process that Browne's Tavern and Batch Bakeshop were reviewed under.

There has been discussion about locations farther away from arterials, such as at a specified distance, or whether an arterial location matters at all. With the limitation to arterials, stores may have sufficient foot traffic for viable business, and traffic and parking impacts to the neighborhood may also be less apparent.

However, several former commercial locations from previous thoroughfares and streetcar routes would be excluded. This appears to be the case with the Camp Grande building, which is one block from the nearest designated arterial, Inland Empire Way.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Ron Wells [<mailto:RonWells@ronwellsgroup.com>]
Sent: Friday, May 05, 2017 7:01 AM
To: Gwinn, Nathan
Subject: Neighborhood stores

Nathan. Good morning. I hope all is well with you these days.

I applaud the initiative to restore historic neighborhood stores to low impact commercial uses. Great idea!!! I've struggled for 8 years with what to do with an old vacant store that was with Camp Grande, located at the corner of Coeur d'Alene and 12th Avenue in Vinegar Flats. However as I read the initiative, it's limited to only a designated arterial. I assume Coeur d'Alene does not qualify?

Hope you have a great day!!!

Thank you very much.

Ron Wells
Ron Wells Group LLC
(Formerly Wells and Company LLC)
2310 W. 12th Avenue

Spokane, WA 99224

Mobile (509) 954-6940

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Dwight Hume'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Good afternoon, Dwight:

Thank you for your comment. I will include it in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Dwight Hume [<mailto:dhume@spokane-landuse.com>]
Sent: Monday, May 08, 2017 10:33 AM
To: Gwinn, Nathan
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan: I fully support the effort to enable former retail sites to be resurrected such as was done in West Central. There is no reason for isolating this benefit to one sub-area of the city. However, I would like to see the City expand this enablement to other former zones as well and for the same reasons. Thank you for your consideration of these comments.

Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC
9101 N Mt. View Lane
Spokane, WA 99218-2140
509-435-3108

From: Gwinn, Nathan [<mailto:ngwinn@spokanecity.org>]
Sent: Monday, May 08, 2017 10:16 AM
To: Gwinn, Nathan
Subject: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

 FIND US

 LIKE US

 FOLLOW US

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Daniel Sanchez'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Mr. Sanchez:

Thanks for your comment. I will include it with the other one in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [<mailto:mootsys406@gmail.com>]
Sent: Monday, May 08, 2017 1:33 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Enforce existing laws..

Spokane Municipal Code 10.10- "Peace and Order"- ordinances are flagrantly ignored.. If you want to improve the city- stop allowing people to sleep on the sidewalks, panhandle at every intersection, camp under the viaducts, etc, etc..

There's nothing to talk about until those laws are enforced.

On Mon, May 8, 2017 at 10:15 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

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Activate Existing Neighborhood Commercial Structures Open Houses

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For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Diane Belyea

ADDRESS: 215 E. 19th Ave

PHONE NUMBER: (509) 747-1422

E-MAIL CONTACT: dianebelyea@msn.com

I live on 19th off Grand. This area is zoned for commercial/residential. Rockwood Bakery is a block away. Parking for that business is not a problem for us; however, we did have issues with the medical office on Grand/20th. The employees were parking on our street (both sides) which made it very difficult to ① drive on the street with 2 way traffic ② Turn off Grand onto 19th because parked cars made it a bottle neck just to enter the street and ③ People were taking our parking space in front of our house! I'm all for taking existing structures (commercial) and improving neighborhood services (esp. home values) but parking

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Needs to be addressed.



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melvin S. Paddock
ADDRESS: 726 S LAURA PHONE NUMBER: 509 217-7793
E-MAIL CONTACT: VALUETINE.TAYLOR@GMAIL.COM
Would like to see 1026 E NEWARK
Become commercial property.
To go along with the Perry Disc.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Ryan Kelly

ADDRESS:

2516 E North Attamont

PHONE NUMBER:

471-891-3127

E-MAIL CONTACT:

Ryan.Kelly76@gmail.com

Great Plan. I'm All for it.

Big thumbs up.



Please feel free to share your questions, comments or concerns with us!

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Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Bonnie McInnis

ADDRESS:

1523 W. Gardner

PHONE NUMBER:

509.327.0369

E-MAIL CONTACT:

bonnie.mcinis@comcast.net

*Interested in historical designation
code - ? ie Batch Bakery*

*Interest in non-residential locations
becoming viable - ?*

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

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E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Mariah McKay

ADDRESS:

1024 W 11th Ave

PHONE NUMBER:

939-0015

E-MAIL CONTACT:

mariah.mckay@gmail.com

I support allowing historically commercial structures to be used again for commercial purposes for the following reasons:

- * reduces travel time to shopping & dining & employment destinations, making walking & biking more possible

- * creates locational advantages for innovative small businesses

- * stimulates upgrades and reinvestment

- * creates more interesting neighborhoods

- * prevents blight & derelict properties

- * increases property values by adding nearby amenities

- * creates potential "3rd Spaces" to increase social cohesion among neighbors & community members

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Lillie Sellers

ADDRESS: 3418 E 23rd Ave Spd 99223 PHONE NUMBER: 509 214 7171

E-MAIL CONTACT: l.seller356@yahoo.com

The rezoning of this property to a small grocery store would be ideal for this neighborhood. It would be a convenience for persons living in the immediate area in New Bryant Arms ~~Appts~~ Apartments which houses low income families (57). There are elderly as well as disabled persons among them.

I would greatly appreciate an update on the progress. Thanks

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Helen Blyton

ADDRESS:

POB 1117 N. Napa

PHONE NUMBER:

509-951-8831

E-MAIL CONTACT:

CLINESAC@MSN.COM

Idea is good BUT if the city would like to have investment in distressed areas - recommended
1) Reduce stringent landscaping and stormwater drainage requirements so they are more suitable for area - current regs are very costly making investment low in these areas. We can't have same level as in downtown.

2) Recognize differences between income properties and home owned residential properties when evaluating codes. Income properties should have different (reduced) screening requirements.

3) Provide a tax incentive for investors who develop these areas identified.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 8:50 AM
To: 'Jim Frank'
Subject: RE: Draft Ordinance

Jim,

I can add these comments to our record on the ordinance for the existing neighborhood commercial structures. We checked in with the Plan Commission on May 10, discussed the input received during the open houses, and identified the next step of a public hearing on June 14. We will send email notice of the public hearing to the contact list, later this month.

Did you want to follow these comments with additional comments on the draft ordinance?

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Wednesday, May 10, 2017 7:07 AM
To: Gwinn, Nathan; Palmquist, Tami
Subject: Re: Draft Ordinance

Thanks. I actually think parking (other than garage or underground) should be prohibited for uses smaller than 3000 SF. Since most of the uses occur in residential neighborhoods, nothing impacts neighborhood character more than parking lots. At a minimum they should be set back from the street the required street front setback of the underlying zone. Whereas there should be a requirement that the building (existing or expanded) should be street fronting creating a walkable urban form. There should be a minimum sidewalk standard as well. The last thing you want is a building set back from the street with parking in front in a residential neighborhood.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 9/05/2017, at 9:05 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Hi Jim,

Yes, here is the attached MS Word version.

Since our conversation, I confirmed that a mixed-use, commercial and residential building would not be required to provide parking if less than 3,000 square feet (under changes made since 2012). There is some discussion related to why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7). However, if any parking is provided off-street (as a choice of the developer), then under the International Building Code, the first space would need to be an accessible one.

I copied Tami above in case she has any clarification to add.

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Tuesday, May 09, 2017 6:14 AM
To: Gwinn, Nathan
Subject: Draft Ordinance

Nathan...is it possible to get the draft ordinance in a word document format? It would make it easier to provide comments and suggestions on the specific code sections.

Thanks, Jim

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-4-21-draft-legacy-commercial-ordinance.pdf>

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

<2017-4-21-draftlegacy-commercial-ordinance.docx>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 4:27 PM
To: 'George Thomsen'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

George,

It was good to meet you also. I will respond to your questions and include this message in the record for the file.

We did check in with the Plan Commission at its workshop on May 10, where we shared the input received by the project team during the open houses. We are moving ahead with the public hearing at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. As an employee of the City, I encourage you and anyone else interested in the outcome of the proposal, including those who have concerns or who might be opposed, to attend the meeting and give your input to the Plan Commissioners as they consider their recommendation to City Council. They will typically deliberate and make the recommendation that day, or they may continue it to an upcoming meeting. Following the recommendation, we will request to go on City Council's agenda to consider adopting the ordinance, which will likely occur in July or August.

The update to the parking requirement is somewhat complex. Basically there were some adjustments to requirements in 2012 and 2015, following the adoption of this overlay to allow commercial uses in existing commercial structures in West Central. The adjustments included allowing available on-street parking spaces next to a building to count toward requirements, as well as changes affecting smaller buildings in the Neighborhood Retail Zone. This ordinance uses those standards for the Neighborhood Retail Zone, so it no longer makes sense to allow the reductions originally written for the existing neighborhood commercial buildings. I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Please let me know if you have further questions or need any additional information. The draft ordinance text with the changes shown is fairly short and is posted on the project webpage: [Activate Existing Neighborhood Commercial Structures - City of Spokane, Washington](#)

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: George Thomsen [mailto:georget1000@gmail.com]
Sent: Friday, May 12, 2017 1:24 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan,

I was good to meet you at the East Central open house. I think it is clear that I am fully in support of this project moving forward. I truly believe that small businesses in residential neighborhoods add material value to the residents around them.

As the owner of one of the prospective properties, I am looking forward to bringing life back to a building and corner that has been an eyesore for too long. As a resident of the same neighborhood, I would hope that someone else would be doing this project if I was not. Our prospective tenants are also residents of the neighborhood and look forward to being able to walk to their workplace and provide business for the area.

I do have a couple questions....

Were you able to get on the agenda for next month planning meeting? And when will we know the result of that meeting?

I saw a note in the handouts about updated parking requirements, can you explain what those updates are?

Is there anything else I can do at this point to help make sure the process is moving forward?

Thank you,
George Thomsen

On May 8, 2017 10:16 AM, "Gwinn, Nathan" <ngwinn@spokanecity.org> wrote:

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



Gwinn, Nathan

From: Gwinn, Nathan
Sent: Tuesday, May 16, 2017 3:07 PM
To: 'Marcella Bennett'
Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorban76
Subject: RE: Notification of Proposed Changes to Properties Currently Zoned Residential

Good afternoon Marcella,

Thank you for following up on our talk at the open house about the parking requirements. I am grateful for the feedback about the event, and glad you made it. As I mentioned during our discussion May 4, while the parking history at the Flying Goat is informative, we should be certain to distinguish between how that project was approved, and the additional process in the proposal for existing neighborhood commercial structures. I will try to explain how the processes and criteria differ.

Properties zoned for commercial uses such as the Flying Goat (located in a Neighborhood Retail zone) do not require additional land-use approval processes, such as a conditional use permit. Conversely, this proposal would set an applicant on a different track for approval than the Flying Goat, one that requires obtaining a conditional use permit and review under the additional regulations designed to promote compatibility with residential land uses. Since they have a location in a residential zone, the commercial structures under consideration here cannot obtain a building permit until a decision is first reached on the conditional use permit.

Below are some essential distinctions between a project for similar uses on a commercially zoned property and this proposal. In order to allow existing neighborhood commercial structures to be reused for low-impact neighborhood scale and neighborhood serving businesses, a project under this proposal would also be subject to all of the following items unique to existing commercial structures, and not part of the consideration for property zoned for commercial use such as the Flying Goat:

- Under current regulations in [SMC 17C.370.030\(F\)\(2\)](#), the site must have frontage on an arterial street or be listed on the Spokane Register of Historic Places. The proposal would remove the historic exception to the arterial street location, where on-street parking may or may not be provided or allowed. However, where parking is allowed, on-street parking patterns in the vicinity may follow more established patterns (and be closer to transit) than at locations farther away from arterials.
- Under the current regulations in [SMC 17C.370.030\(F\)\(4\)](#), the site size may not be expanded beyond the site area. Under the proposed changes to this paragraph in the draft [ordinance](#) (pp. 3-4), the development of additional off-street motor vehicle parking would require a public hearing and decision by the hearing examiner; *and*
- Whether or not additional off-street parking is proposed, [SMC 17C.370.030\(D\)](#) requires conditional use review procedures and use of decision criteria in [SMC 17G.060.170](#), including Subsection (C)(5):

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.

This paragraph allows a decision maker to impose conditions that might include developing additional off-street parking if he or she finds it necessary to avoid significant interference with the use of neighboring property or the surrounding area; *and*

- Finding that the use is permitted if the benefits of the proposed use and improvements to the property (such as existing or new off-street parking) would mitigate potential negative impacts on the residential character of the area; [SMC 17C.370.030\(E\)](#) or
- Finding that the use is **not permitted** if the negative impacts on the residential character of the area cannot be mitigated with conditions of approval. [SMC 17C.370.030\(E\)](#)

In addition to these differences, the applicant is required to provide notice under this proposal. However, despite these several additional differences, for structures less than 3,000 square feet, additional parking under this proposal may not be required. Even so, it may be provided by an applicant anyway for the convenience of property owners or users, subject to the standards of [SMC chapter 17C.230](#). One additional parking requirement that is not in the current proposal, but was discussed in the past, is to require any permanent outdoor seating areas for uses such as restaurants to be counted as part of the square footage of the structure.

In a final note about the parking requirements for this proposal, the changes proposed would actually increase the amount of required parking by fixing some outdated exceptions. Parking under the current code is as required for the Neighborhood Retail zone, which has reduced off-street parking requirements for smaller buildings (5,000 square feet or less, which is where the exception is found for buildings less than 3,000 square feet, under [SMC 17C.230.130\(B\)](#)). The existing requirement and outdated exceptions are described in [SMC 17C.370.030\(F\)\(5\)](#). The proposed changes to remove parking exceptions in the existing code would generally require providing more parking than under the current code. To help describe the change, I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Regarding the pictures, addresses, and locations of the known existing commercial structures, you may view the open house posters, including the map with this information on page 2, presented at the open houses, by clicking the following link:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/open-house-posters.pdf>

A public hearing will be scheduled for this proposal at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. To view the documents above and for more information, please see the project webpage:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Marcella Bennett [mailto:marcellabennett@hotmail.com]

Sent: Monday, May 15, 2017 7:59 AM

To: Gwinn, Nathan

Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorb76

Subject: Notification of Proposed Changes to Properties Currently Zoned Residential

Nathan,

The meeting you conducted on May 4th at the West Central Community Center was quite informative. Could you please advise how the parking issues will be addressed should any of the "business opportunities" take place on these properties? The horror story related that evening regarding the parking problems encountered by the residents surrounding the "Flying Goat" would make one believe the city has taken steps to prevent this

from happening in the future. Also, I understand there are pictures, addresses and descriptions of each of the properties which have been targeted on your website. Could you please give a detailed "path" as to how we can locate these on your website?

Your assistance is greatly appreciated.

Marcella Bennett
Citizens for Maintaining Neighborhood Character

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17C.370, Existing
Neighborhood Commercial Structures in Residential Zones

A recommendation from the City Plan Commission to the City Council to **APPROVE / DENY** proposed amendments to the Unified Development Code. The proposal amends Spokane Municipal Code (SMC) Title 17C Land Use Standards, by making revisions to *Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones*.

Findings of Fact:

- A. The City of Spokane's Comprehensive Plan acknowledges the desirability of neighborhood businesses that provide nearby residents with access to goods and services. The Plan also recognizes that, if sized appropriately, the transportation and parking impacts of neighborhood businesses may be minimized.
- B. City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Goal DP4, Preservation states: *Preserve and protect Spokane's significant historic structures, neighborhoods, and sites*. Policy DP 4.8 Zoning Provisions and Building Regulations states: *Utilize the existing and develop new zoning provisions, building regulations, and design standards that are appropriate for historic properties, sites, districts, and neighborhoods*.
- C. City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED7, Regulatory Environment and Tax Structure states: *Create a regulatory environment and tax structure that encourage investment, nurture economic activity, and promote a good business climate*. Policy ED 7.6, Development Standards and Permitting Process states: *Periodically evaluate and improve the City of Spokane's development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals*.
- D. City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR2, Transportation Options states: *Provide a variety of transportation options, including walking, bicycling, taking the bus, car pooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles*. Policy TR 2.4, Parking Requirements states: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving*.
- E. City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR5, Neighborhood Protection states: *Protect neighborhoods from the impacts of the transportation system, including the impacts of increased and faster moving traffic*. Policy TR 5.7, Neighborhood Parking states: *Preserve neighborhood on-street parking for neighborhood residents*.
- F. In 2012, the City adopted chapter 17C.370 SMC, which allows existing neighborhood commercial structures located within a residential zone to be reused for low-impact

neighborhood scale and neighborhood serving businesses. The provisions of chapter 17C.370 SMC are limited to the West Central neighborhood.

- G.** Since its adoption, the City has not received any applications for a change of use under chapter 17C.370 SMC. The City has received interest, however, in expanding application of the chapter to the rest of the City's residential areas.
- H.** Public open houses were held May 4, and May 9, 2017, at West Central and East Central community centers, seeking public feedback on the proposal to amend chapter 17C.370 SMC to extend its application beyond the West Central neighborhood to the rest of the City's residential areas. The City provided notice of the open house meetings by advertising on its website and via email notice to neighborhood councils and interested parties. In addition, approximately 2,000 post cards were mailed to property owners, property tax payers, business owners, and residents of real property located within 400 feet of known structures that may be eligible for a change in use under chapter 17C.370 if amended.
- I.** Several written public comments received during and following the open houses included various concerns about potential on-street parking impacts to neighbors of existing neighborhood commercial structures in residential zones.
- J.** On May 10, 2017, the Spokane City Plan Commission held a workshop to study the proposed amendment to chapter 17C.370 SMC.
- K.** On May 12, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to chapter 17C.370 SMC. On May 16, 2017, the City received an acknowledgement letter from the Department of Commerce.
- L.** On May 31, 2017, the City caused Notice of the proposed amendments to SMC chapter 17C.370 and announcement of the Plan Commission's June 14, 2017 hearing to be published in the Spokesman Review.
- M.** On May 31, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.370. The public comment period for the SEPA determination ended on June 14, 2017.
- N.** On June 14, 2017, the City Plan Commission held a public hearing on the proposed amendments; deliberations followed.
- O.** During deliberations, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010.
- P.** The following modifications to the proposed text amendment were considered by the Plan Commission at its hearing on June 14, 2017:
 - 1. 17C.370.030 (A)(1) - Consolidate application process changes in this paragraph.
 - 2. 17C.370.030(F)(4) - Remove application process references and clarify that any structural expansion is limited by the current applicable development standards.

3. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.
4. Other

Q. The Plan Commission incorporated the following revisions to the proposed language of the text amendment in its recommendation to City Council, during deliberations at the June 14, 2017 hearing:

1. Xxx
2. Yyy.

Conclusions:

- A.** Proposed changes to regulations **WILL/WILL NOT** extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings in areas of the city outside of the West Central neighborhood.
- B.** The provisions of the Development Code, including the exception to the minimum parking requirement under SMC 17C.370.030(F)(5), which subtracts the first five parking spaces, **DO/DO NOT** appropriately balance the concerns expressed in the written comments received regarding parking impacts.
- C.** With regard as to whether the proposed amendments meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:
 1. The proposed amendments **ARE/ARE NOT** consistent the applicable goals and policies of the City's Comprehensive Plan.
 2. The proposed amendments **DO/DO NOT** bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of ____ to ____, the Plan Commission recommends to the City Council the **APPROVAL/DENIAL** of the proposed amendments to the Unified Development Code, with changes as deliberated.

**Dennis Dellwo, President
Spokane Plan Commission
June 14, 2017**