

December 11, 2014

TO: City Plan Commission

FROM: Nathan Gwinn, Assistant Planner

RE: Pocket Residential/Unit Lot Subdivision Pilot in East Central Neighborhood

The proposal to allow an expanded pilot area for Unit Lot Subdivision procedures would change development regulations for specific areas of land where higher-density residential development is encouraged in the East Central neighborhood. The change would allow owners of new attached housing developments, such as townhouses and rowhouses, to divide them into separate lots for individual sale or lease through a process of subdivision. This would follow the recent regulations, adopted for existing development in [SMC 17G.080.065](#), Unit Lot Subdivisions, to enable new developments of townhouses that meet zoning standards to apply to become separated onto individual lots. The text amendment would revise text in that section of code.

The pilot project is proposed to be for a defined time period. The changes would only apply to attached housing and not to other uses.

Design guidelines are now required for attached housing—and they would continue to be used in the pilot project—to insure that new proposals are compatible in character with adjacent development. The design guidelines are listed in [SMC 17C.110.310](#) and minimize impacts to neighborhoods through landscaped front yards, stepping back of buildings, entrance placement, and other required measures. Additional design standards would be required for the pilot project area, to include those that apply to Pocket Residential Development, listed in [SMC 17C.110.360\(E\)](#) and included in this packet. The main change proposed is that if new attached housing is built as a group to meet zoning standards and design guidelines, then this pilot project would enable use of this particular subdivision process on more sites.

Please find attached in this packet the proposed public participation and adoption process for this project, draft ordinance for Unit Lot Subdivision and adopted regulations for Pocket Residential Development.

The following process is intended to identify the necessary steps for meeting the legal requirements for public notice and SEPA review for amending the Unified Development Code.

<b>Milestone</b>	<b>Description</b>
<b>SEPA Review</b>	Review checklist. Based on findings from the SEPA review and staff analysis, the applicant may be required to conduct additional studies.
<b>Notice of Application/SEPA/Public Notice of Proposal</b>	This combined notice announces 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.
<b>Public Comment Period</b>	The public comment period initiated by the notice of application may last up to ____ days ... 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.
<b>East Central Neighborhood Council Meeting</b>	Present proposal to neighborhood council representatives.
<b>Land Use Committee</b>	Informational presentation.
<b>Plan Commission Consideration</b>	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.
<b>SEPA Determination</b>	Within ten days of 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 ... 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).
<b>Notice of SEPA and Hearing</b>	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.
<b>Staff Report and Notice of Intent to Adopt to Commerce</b>	Once the SEPA appeal period ends, the staff prepares its final report, which addresses both SEPA and the merits of the amendment proposal. Copies of the report are mailed 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 and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620 ...
<b>Plan Commission Hearing</b>	The plan commission's public hearing takes place after the SEPA appeal period has expired. The hearing will usually occur within thirty days of the end of the public comment period

<b>Milestone</b>	<b>Description</b>
<b>PCED Subcommittee Briefing</b>	
<b>Plan Commission Recommendation</b>	The plan commission bases its recommendation on the review guidelines and required decision 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 are forwarded to the city council within thirty days of their decision on their recommendation.
<b>City Council</b>	The city council considers the amendment proposal, staff report, and plan commission's amendment recommendations, and acts on the amendment proposal. 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 hold an additional hearing on the modified version. 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 Unified Development Code.
<b>Mayor's Signature</b>	
<b>Notice of Adoption to Commerce</b>	
<b>Ordinance Implementation, Public Info, Staff Training and Public Outreach</b>	As soon as the adopted amendments become effective, the resulting text 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.

ORDINANCE NO. C - \_\_\_\_\_

An ordinance relating to subdivisions; amending SMC section 17G.080.065.

WHEREAS, the City Council adopted Ordinance No. C-35133 on August 18, 2014, creating provisions relating to the creation of lots for types of attached housing and specified cottage housing projects; and

WHEREAS, it is the City Council's intent to amend SMC 17G.080.065 to allow as part of a pilot project the extension of these provisions to new construction in residential multi-family housing in the East Central Neighborhood; and

The City of Spokane does ordain:

Section 1. That SMC Section 17G.080.065 is amended to read as follows:

**17G.080.065 Unit Lot Subdivisions**

- A. Purpose.  
The purpose of these provisions is to allow for the creation of lots for types of attached housing and specified cottage housing projects, while applying only those site development standards applicable to the parent site as a whole, rather than to individual unit lots.
- B. Applicability.  
The provisions of this section apply exclusively to the subdivision of land that is already developed with residential dwelling units except as provided for in subsection C. The types of existing development that may use the unit lot subdivision are:
1. Cottage housing projects previously approved under SMC 17C.110.350 and built prior to January 1, 2014;
  2. A similar existing development that consists of multiple dwelling units on a single parcel or site; or
  3. An existing townhouse development in zones in which townhouse dwellings are a permitted use.
- C. The unit lot subdivision permitted in this section shall apply as a pilot project to new construction of attached housing, as defined in SMC 17A.020.010, in RMF and RHD zones located within the East Central Neighborhood as set forth in the attached map. The design standards of SMC 17C.110.360(E) shall apply to developments approved in this pilot program. The pilot program shall begin upon the effective date of the ordinance amending this section and expire on \_\_\_\_\_ at which time no additional applications would be accepted. The city council shall take affirmative legislative action to extend or make permanent the provision of this subsection.

((G))D. Application Procedure.

Unit lot subdivisions of nine or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in SMC chapter 17G.060.

((D))E. General Regulations.

1. The unit lot subdivision as a whole shall meet development standards applicable to the underlying site development approval and the provisions of this section. As a result of the unit lot subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot. So long as the parent site meets the criteria of the underlying site development plan or the dwelling units are already in existence, each unit lot will be deemed to be in conformance. If the units are already legally in existence and do not comply with development standards (i.e.: minimum building setbacks, maximum density, etc.), a unit lot may be created for each existing dwelling unit. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot;
2. Unit lot subdivisions shall be subject to all applicable requirements of Title 17 SMC, except as otherwise modified by this section;
3. Unit lot area and width per unit for purposes of subdivision may be as small as the coverage of the individual unit;
4. Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site;
5. Maximum lot coverage of the aggregate buildings located upon the parent site shall not exceed the maximum lot coverage permitted by the underlying zone;
6. Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent site as a whole. There shall be no setback required from individual unit lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the underlying site development plan;
7. Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section;
8. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and

other similar features, and shall be recorded with the county auditor's office. Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan;

9. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:
- a. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent site by the site development plan approval (stating the subject project file number if applicable);
  - b. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved site development plan;
  - c. If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
  - d. The individual unit lots are not separate building sites and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

~~((E))~~ E. Conflicts.

Any conflicts between the provisions of this section and the text of other sections in the Unified Development Code shall be resolved in favor of the text of this section.

PASSED by the City Council on \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

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Mayor

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Date

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Effective Date

DRAFT

**Exhibit A Ordinance C-\_\_\_\_\_**  
**Unit Lot Subdivision Pilot Area**

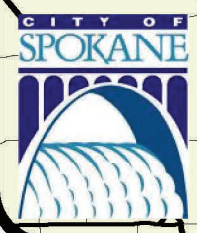
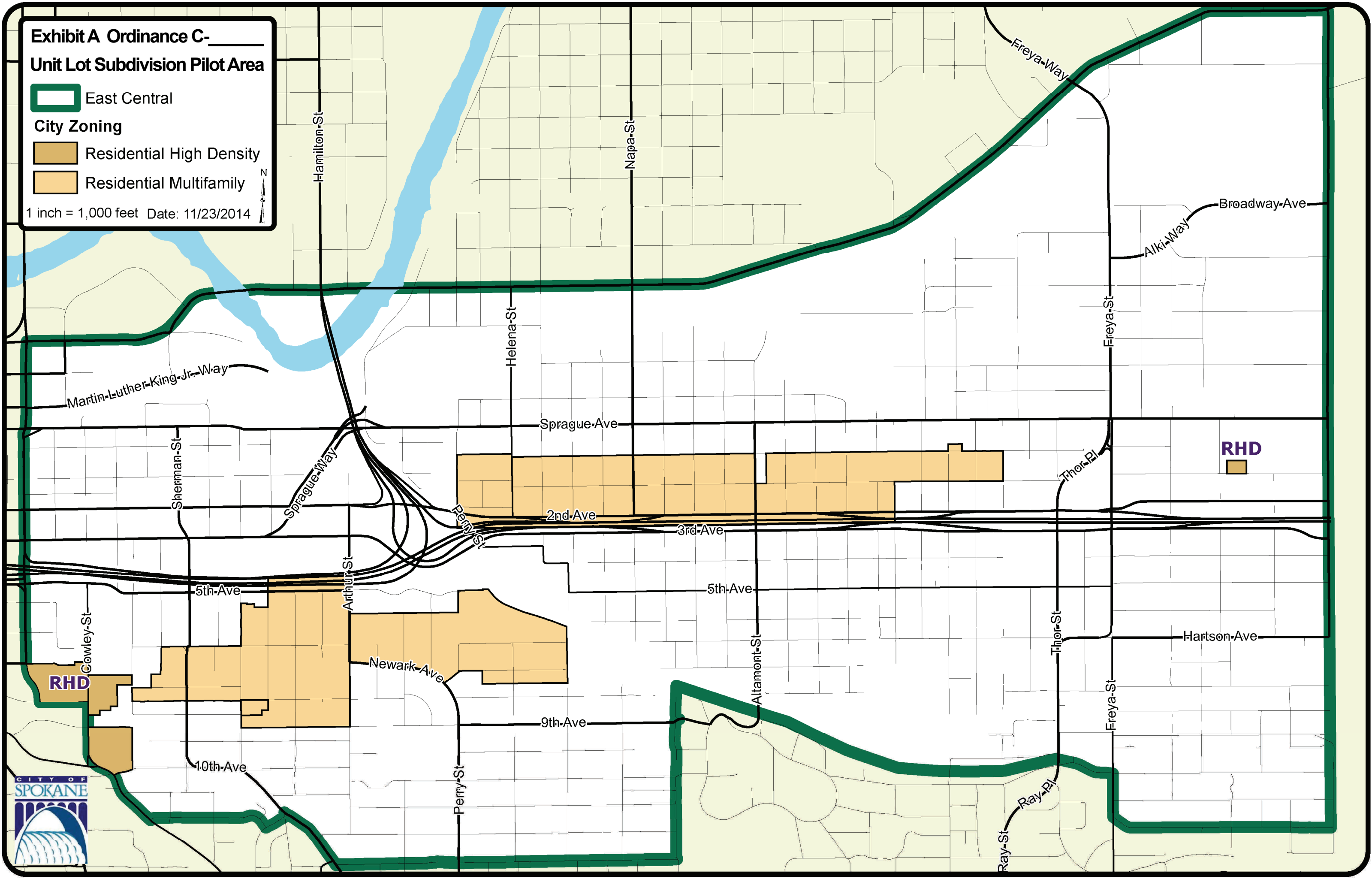
East Central

**City Zoning**

Residential High Density






Residential Multifamily

1 inch = 1,000 feet Date: 11/23/2014

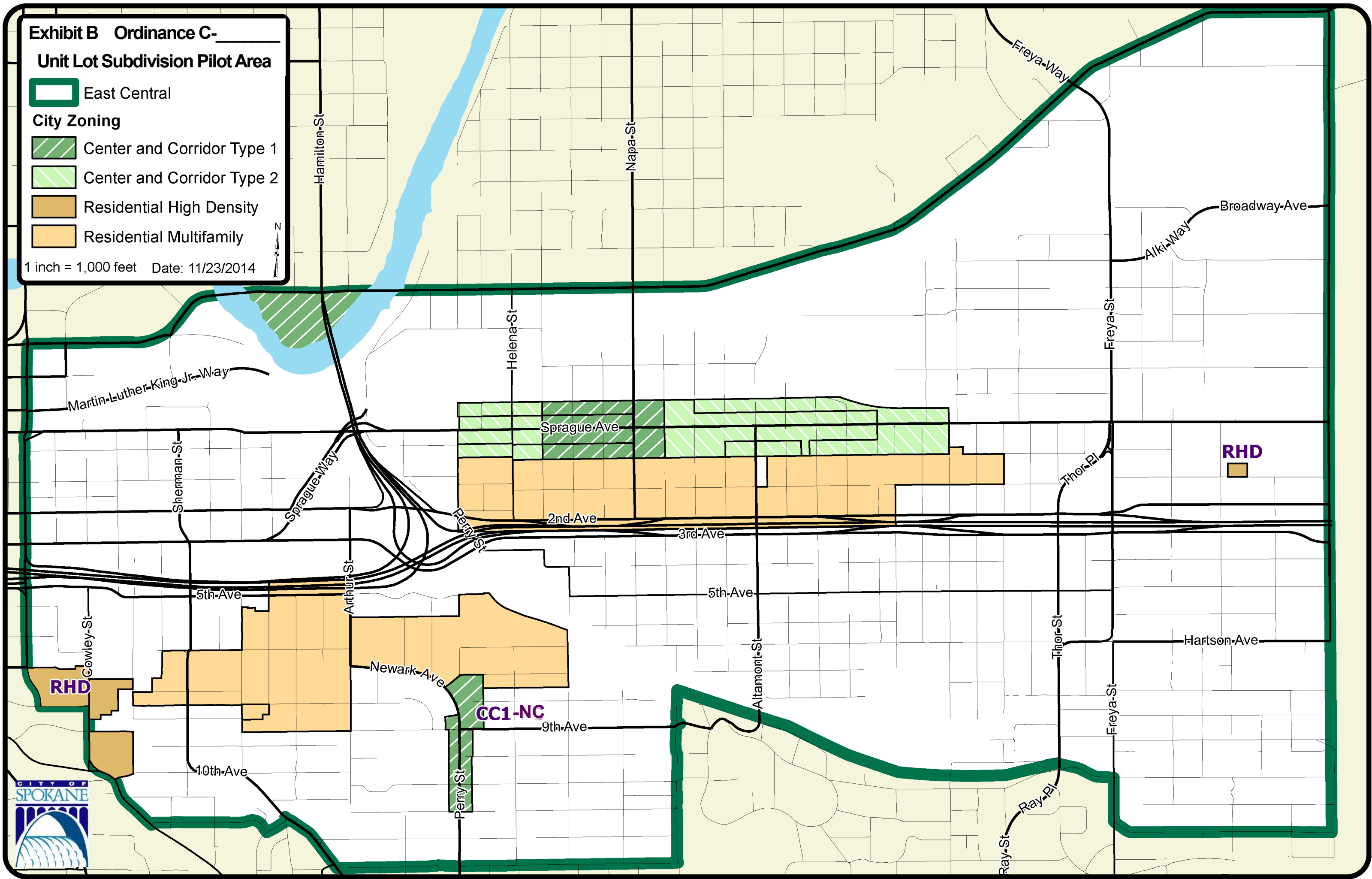




**Exhibit B Ordinance C-\_\_\_\_\_**  
**Unit Lot Subdivision Pilot Area**

-  East Central
- City Zoning**
-  Center and Corridor Type 1
  -  Center and Corridor Type 2
  -  Residential High Density
  -  Residential Multifamily

1 inch = 1,000 feet    Date: 11/23/2014





# Spokane Municipal Code

## Section 17C.110.360 Pocket Residential Development

### A. Purpose.

The purpose of the pocket residential development is to:

1. Encourage greater efficiency of land use by allowing compact infill development on aggregate sites.
2. Stimulate new housing that is compatible in scale and character to established surrounding residential areas.
3. Produce a broader range of building forms for residential development.
4. Expand opportunities for affordable home ownership.
5. Promote high quality housing of a character compatible with existing neighborhoods.
6. Encourage adequate, usable open space.

### B. Applicability.

Pocket residential development is permitted within the RSF-C, RTF, RMF, RHD, O, OR, CC, NR, CB, and GC zones.

### C. Application Procedure.

Pocket residential development is allowed outright with a permit except when a subdivision of land is proposed. In the RTF zone a community meeting with the planning department and the neighborhood is required prior to the issuance of a development permit. When pocket residential development involves subdivision of land, the application shall be processed in accordance with the procedures of [chapter 17G.080 SMC](#), Subdivisions.

### D. Basic Development Standards.

1. Maximum Building Height.  
The maximum height of structures within a pocket residential development is as allowed in the underlying zone.
2. Maximum Building Coverage.  
The maximum building coverage within a pocket residential development site is

forty percent in the RA, RSF-C, RTF zones; fifty percent in the RMF zone and sixty percent in the RHD zone. Maximum building coverage is not limited in the O, OR, CC, NR, CB, and GC zones.

3. Setbacks.

Setbacks in a pocket residential development are measured from the exterior boundary of the site. The following setbacks are required except in commercial and center and corridor zones where the setbacks are as required in the underlying zoning district.

a. Front Setback.

The front yard requirement for the site shall be fifteen feet except as allowed under the front yard averaging provisions of [SMC 17C.110.220\(D\)\(1\)](#).

b. Side Setback, Abutting a Residential Zoning District.

If the side yard of the site is adjacent to other residentially zoned property the side yard shall be a minimum of five feet.

c. Side Setback, Interior to Site.

If platted, the side yard, interior to the site, may be zero.

d. Side Setback, Street.

The street side yard requirement for the site shall be a minimum of five feet.

e. Rear Setback of the Site.

Twenty-five feet or as required in the underlying zoning district.

4. Minimum and Maximum Site Size:

a. The minimum site size for a pocket residential development is as follows:

i. RSF-C zone: Eight thousand seven hundred square feet.

ii. RTF zone: Four thousand two hundred square feet.

iii. RMF, RHD zones: Two thousand nine hundred square feet.

iv. O, OR, CC, NR, CB, and GC zones: No minimum site size.

b. The maximum site size for a pocket residential development is one and a half acres. Pocket residential developments over one and a half acres must be approved as a planned unit development.

5. Density.

The maximum density allowed in a pocket residential development is limited to that allowed in the underlying zoning district in which the site is located. The density of a pocket residential development is based on the gross site area

including area set aside for public or private street rights-of-way and tracts of land dedicated for stormwater facilities.

6. Frontage.

Frontage on a public street is not required for lots created in a pocket residential development. Private streets or private access may be used to provide lot frontage when a private street or private access is approved in accordance with [SMC 17H.010.090](#) and a street design variance request is approved in accordance with [SMC 17H.010.020](#).

7. Parking.

The minimum required off-street parking for a pocket residential development is one stall for each dwelling unit

8. Required Outdoor Area.

Pocket residential developments shall comply with the required outdoor area standards of the underlying zone in accordance with [SMC 17C.110.223](#) and [Table 17C.110-3](#) Development Standards. Common outdoor areas designated to meet this requirement shall be permanently maintained by and conveyed to a homeowners' or property owners' association as regulated by law.

9. Permitted Housing Types.

The housing types allowed in a pocket residential development are those allowed in the underlying zone in accordance with [Table 17C.110-2](#).

10. Lot Size.

There is no minimum lot size for lots created within a pocket residential development.

E. Design Standards:

1. Ground Level Access.

In order to create the appearance of individual homes, rather than apartments, each dwelling unit shall have its own individual access from grade. Stacked units

with internal stairways accessed from grade are permitted.

*Individual Access from Grade*



*Example of Individual Access for Each Unit*



*Example of Individual Access with Shared Open Space*



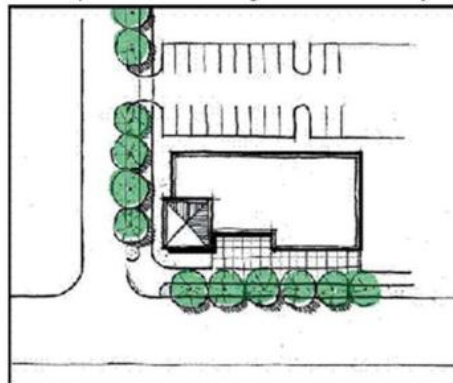
## 2. Parking Lots.

To ensure that parking is as unobtrusive as possible the following standards must be met:

### a. Alley Access.

If the development abuts an alley, parking must be accessed from the alley.

*Example of Surface Parking Accessed from Alley*



- b. Screening: Surface parking lots shall be screened both from the street and adjacent residential development by a combination of trees and shrubs. Trees shall be at least two inches in caliper at the time of planting and no more than thirty feet apart. Shrubs shall be at least thirty inches in height at the time of planting. Decorative walls or fences no more than forty-two inches in height may be used in lieu of shrubs. Parking is not allowed in a required front yard setback area.

*Planting Material Screen*



*Example of Surface Parking Screened from Street*



- c. Paving: All surface parking shall be improved in accordance with the standards of [SMC 17C.230.140](#).

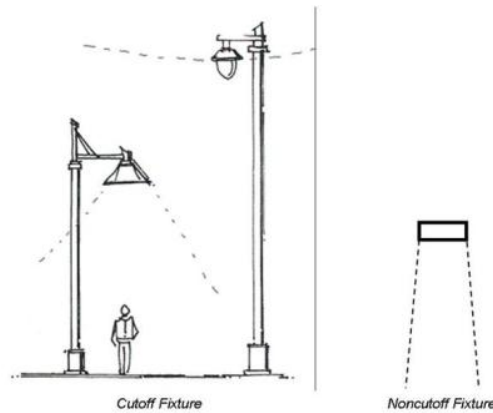
### 3. Lighting.

To diminish the amount of glare and spillover from lighting, the following standards shall apply:

- a. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.



- b. Cutoffs Required: Lighting fixtures shall comply with the standards of [SMC 17C.220.080](#).



4. Fencing: To ensure a residential atmosphere, fencing higher than forty two inches shall not be permitted along any street frontage.



*Residential Fence Along Street Frontage No Higher than 42 inches*



5. Residential Building Design.  
This section is subject to the provisions of [SMC 17C.110.015](#), Design Standards Administration. For pocket residential development, the following design standards must be met:

- a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every three lineal feet of foundation. (R)
- b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with living ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios. (R)
- c. Generous use of planting materials and landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged.(P)
- d. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building. (R)
- e. Duplexes and attached houses on corner lots shall be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street. (R)
- f. All units must meet the following standards. Adjustments to this paragraph are prohibited, but modifications may be requested through a design departure. The standards are:
  - i. Entrances. Each of the units must have its address and main entrance oriented toward a street frontage. Units that are on the interior of a site may be oriented toward a private access or shared open space. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed. (R)
  - ii. Each unit must have a covered, main entry-related porch or stoop area of at least fifty square feet with no dimension less than five feet. (R)
  - iii. Buildings must be modulated along the public street at least every thirty feet. Building modulations must step the building wall back or forward at least four feet. (R)
  - iv. Reduce the potential impact of new pocket residential development on established and historic neighborhoods by incorporating elements and forms from nearby buildings. This may include reference to architectural details, building massing, proportionality, and use of high-quality materials such as wood, brick, and stone. (P)



- v. Create a human scale streetscape by including vertical and horizontal patterns as expressed by bays, belt lines, doors and windows. (P)

Date Passed: Monday, September 24, 2012

Effective Date: Friday, November 2, 2012

ORD C34912 Section 1