

## Land Use Solutions & Entitlement

### Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218

509-435-3108 (V)

dhume@spokane-landuse.com

10-29-19

Kevin Freibott, Planner II  
Planning & Development Services  
3<sup>rd</sup> Floor City Hall  
West 801 Spokane Falls Blvd.  
Spokane WA 99201

Ref: 10<sup>th</sup> and Jefferson SEC R 4-10 to R-30

Dear Kevin:

The applicant, Lark Homes LLC is requesting the change of density in order to utilize an existing nursing home for its maximum capacity of 16 assisted living occupants. This was a nursing home, first established in the mid-fifties when the property was zoned R4. It was operated as such through the mid 80's and eventually sold to Lark Homes LLC, the applicant.

The non-conforming rights no longer apply and an RMF zone is needed in order to accommodate the existing living space to full capacity of 16 assisted living occupants. Lark Homes is currently renting rooms to 6 separate occupants per provisions of the current zone in which 6 unrelated individuals constitutes a family unit as allowed by the current RSF zone.

With the increasing need for assisted living, it is imperative that the City approve the request simply to enable optimum use of this facility. To that end, we are open to entering into a development agreement to assure the neighbors and the City that an approved amendment will not be precedent setting and/or allow apartment use.

Lark Homes has contacted the surrounding neighbors and they are supportive of his plans, presumably because of the historic nature of the building and land use as a nursing home. Lark Homes has also met with the Cliff Cannon Neighborhood Council and shared his plans and they are supportive of his proposal.

Respectfully Submitted



Dwight J Hume, agent



**DESCRIPTION OF PROPOSAL:**

Map amendment from R 4-10 to R 15-30 and a zone change from RSF to RMF on property located at the SEC of Jefferson and 10<sup>th</sup> Avenue.

**ADDRESS OF SITE OF PROPOSAL:** (if not assigned yet, obtain address from Public Works before submitting application)

1117 W 10<sup>th</sup> Avenue

**APPLICANT:**

**Name:** Lark Homes LLC  
**Address:** 8805 N Cedar Rd Spokane WA 99208  
**Phone (home):** **Phone (work):**  
**Email Address:** spy.pawn007@gmail.com

**PROPERTY OWNER:**

**Name:** Same  
**Address:**  
**Phone (home):** **Phone (work):**  
**Email address:**

**AGENT:**

**Name:** Land Use Solutions & Entitlement C/O Dwight Hume  
**Address:** 9101 N Mt. View Lane,  
**Phone (home):** **Phone (work):** 435-3108  
**Email address:** dhume@spokane-landuse.com

**ASSESSOR'S PARCEL NUMBERS:**

35193.1405

**LEGAL DESCRIPTION OF SITE:**

N 75 ft of Lots 6-7 Block 2, Booges Addition

**SIZE OF PROPERTY:**

6750 sf

**LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:**

Annual Map Amendment and Zone Change

**SUBMITTED BY:**

Dwight Hume

☐ Applicant   ☐ Property Owner   ☐ Property Purchaser   ☒ Agent

In the case of discretionary permits (administrative, hearing examiner, landmarks commission or plan commission), if the applicant is not the property owner, the owner must provide the following acknowledgement:

I, Seth Knutson, owner of the above-described property do hereby authorize Land Use Solutions & Entitlement c/o Dwight Hume to represent me and my interests in all matters regarding this application.

[Signature]

**ACKNOWLEDGMENT:**

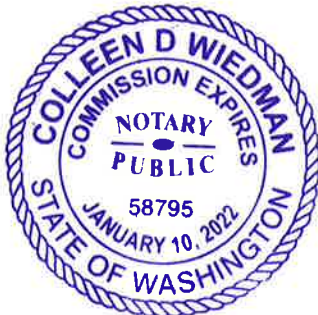
STATE OF WASHINGTON    )

) ss.

COUNTY OF SPOKANE        )

On this 16<sup>th</sup> day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Seth Knutson, to me known to be the individual that executed the foregoing instrument and acknowledged the said instrument to be free and his/her free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed the day and year first above written.



Colleen D. Wiedman

Notary Public in and for the State of Washington,

residing at Spokane, WA

## Project Narrative Summary

### Lark Homes LLC Map Amendment

Lark Homes LLC request a map amendment from R 4-10 to R 15-30 to simply enable the efficient use of an existing group home facility, formerly a nursing home established in 1956 when the property was then zoned R-4, Multi-Family. It is located at the SEC of Jefferson and 10<sup>th</sup> Avenue within one block of a grocery store (Huckleberry's) and a hardware (Ace Hardware) at 9<sup>th</sup> and Monroe.

The area is a mix of conforming and non-conforming apartment uses due to the fact that the subject site is adjacent to the RMF zone but now within the RSF zone, whereas it was formerly an R4 zone which allowed apartments, nursing homes, lodges, motels and hotels, medical and dental offices. Some of which were established within this current down zoned area.

As stated above, in 1956, there was the conversion of two adjoining residences into a common facility for use as a state regulated nursing home. The nursing home changed hands four times and eventually closed. In the interim, the zone changed from R4 multi-family to RSF single family and the then current non-conforming rights to a nursing home expired upon lapse of one year's vacancy.

The Applicant/Owner, Lark Homes LLC, purchased the property with these expired rights and needs to bring the facility into compliance with current city and state codes as they relate to Group Living and Assisted Living. Currently, the owner is renting to 6 non-related adults as temporary housing. In compliance with the restrictions of the RSF zone for single family occupancy.

It is the intent of this applicant to bring the facility up to code and accommodate sixteen (16) assisted living spaces, whereas the current RSF zone only allows the facility to be under-utilized with just ten (10) assisted living spaces. There are no other means of bringing this facility into compliance but for a land use plan map amendment and zone change to R 15-30 and the RMF zone.

As of this submittal, Lark Homes LLC has met with the neighborhood council and explained the proposal to them. They were very supportive of his plans and offered written support. He has also met with each adjacent homeowner and explained his long-range intentions and received no negative responses. Presumably, this request should be supported as proposed.

To conclude, we would suggest that the City Council approve this with the added restriction of a development agreement to ensure the limitation of use as proposed.



# Comprehensive Plan or Land Use Code Amendment

Pre-Application

Rev.20180102

## DESCRIPTION OF THE PROPOSED AMENDMENT:

(Please check the appropriate box(es) (701-707 S Sherman Map Amendment)

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Change | <input checked="" type="checkbox"/> Land Use Designation Change |
| <input type="checkbox"/> Regulatory Code Text Change    | <input type="checkbox"/> Area-Wide Rezone                       |

**Please respond to these questions on a separate piece of paper. Incomplete answers may jeopardize your application's chances of being reviewed during this amendment cycle.**

### 1. General Questions *(for all proposals):*

- a. Summarize the general nature of the proposed amendment.  
*A Map amendment from R 4-10 to R 15-30 and RSF to RMF on 6750 sf at the SEC of 10<sup>th</sup> Avenue and Jefferson.*
- b. Why do you feel this change is needed?  
*The area is not scheduled for a sub-area plan update; the existing and historical use has been group living as a nursing home since 1956 when the site was zoned R4 and permitted nursing homes. The applicant purchased the facility several years after it was vacated as a nursing home and thus inherited an expired non-conforming use. The current facility can accommodate 16 assisted living units whereas the zone allows 10 but can only do so if the land use designation is changed to R 15-30 and RMF zoning, together with the approval of a Conditional Use permit for group living. No other options are available in the MC or Development Code.*
- c. In what way(s) is your proposal similar to or different from the fundamental concepts contained in the comprehensive plan?  
*The request is similar to the fundamental concepts in the comprehensive plan because the area is adjacent to R-15-30 zoning at the NWC of 10<sup>th</sup> and Jefferson diagonally across the intersection, therefore it is similar to adjacent land use designations. Apartments also exist within 100 feet NE of the subject along 10<sup>th</sup> as non-conforming uses within the RSF zone.*
- d. For text amendments: What goals, policies, regulations or other documents might be changed by your proposal? *N/A*
- e. For map amendments:
  1. What is the current Land Use designation and zoning for each affected parcel? *R 4-10 and RSF*
  2. What is the requested Land Use designation and zoning for each affected parcel? *R-15-30 and RMF*
  3. Describe the land uses surrounding the proposed amendment site(s); e.g. land use type, vacant/occupied, etc. *Site: Nursing Home; East: S/F; South: S/F; West S/F and apartments; North: Apartments and S/F.*
- f. Do you know of any existing studies, plans or other documents that specifically relate to or support your proposal? *No*
- g. Why did you decide to pursue a comprehensive plan amendment rather than address your concern through some other aspect of the Development Services department's work program (e.g. neighborhood

planning, public input on new regulations, etc.)? *There are no other sub-area plans scheduled for this area. More importantly, there are no other means of enabling 16 assisted living patients except by a change of land use and zone.*

- h. Has there been a previous attempt to address this concern through a comprehensive plan amendment?  
☐ Yes                      ☒ No

- i. If yes, please answer the following questions:

1. When was the amendment proposal submitted?
2. Was it submitted as a consistent amendment or an inconsistent amendment?
3. What were the Plan Commission recommendation and City Council decision at that time?
4. Describe any ways that this amendment proposal varies from the previously considered version.

Development Services Center 808 West Spokane Falls Boulevard, Spokane, WA 99201-3336  
[my.spokanecity.org](http://my.spokanecity.org) | Phone: 509.625.6300 | Fax: 509.625.6822



# Early Threshold Review

Lark Homes LLC 10<sup>th</sup> & Jefferson Map Amendment

**Description of Proposed Amendment:** Land Use Map change from R 4-10 to R 15-30 and a zone change from RSF to RMF on 6750 sf.

The request would allow an existing nursing home to accommodate 16 assisted living patients within the existing facility. The current zone only allows 10 assisted living patients, whereas this enables maximum utilization of the existing facility per adopted regulations for Group Living. (17C.330.120)

## **SMC 17G.025.010**

1. **Describe how the proposed amendment is appropriately addressed as a Unified Development Code Amendment.**

The UDC allows for private sector request on individual ownerships, in-lieu-of a city-wide update to the comprehensive plan or a sub-area plan. Neither of these options are available, leaving the private sector request as the only reasonable option.

2. **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.**

As stated above, neither a Citywide update nor a sub-area plan are available to this area and request, nor are they timely for the applicants needs.

3. **The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program.**

The proposal is reasonable because it is the perpetuation of a longstanding neighborhood land use. Public records show that the two residences were combined into a single nursing home in 1956. It changed names and ownerships four times prior to the current ownership, all of which were under various nursing home names.

The owner/applicant has met with the Cliff Cannon NC to share his intent to optimize assisted living within the existing facility. To which they expressed their support. In addition, he has met with the surrounding neighbors and

shared his plans. Accordingly, we do not expect any significant neighborhood opposition to this proposal, thus a normal process of review and comments is expected.

4. **Describe how the proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must be consistent with policy implementation in the Countywide Planning policies, the GMA, or other state or federal law, and the WAC.**

The annual process for amending the Comprehensive Plan is to keep the Comprehensive Plan alive and responsive to the community. Upon adoption of land use categories, it is then implemented through adopted zone and development regulations. In this case, the neighborhood has coexisted with this site's use as a nursing home since 1956, when the two residences were combined into one nursing home facility. It is the adopted Municipal Code at Chapter 17 that addresses the proposed use and requires an R-15-30 designation to allow full use of the existing facility for assisted living. (Note, the facility had been vacant for several years, thus losing its non-conforming right to 16 occupants. The applicant was the innocent purchaser of this property and its lapse of non-conforming rights. No other provisions of the MC enable this use without the R-15-30 designation.

The request is consistent with the CWPP. The CWPP encourages growth in urban areas where services and utilities already exist. When the site is further developed, the applicant or developer will be required to demonstrate that levels of service are maintained, as required by the CWPP. The CWPP also encourages the use of public transit and development where public transit is available. (Route 42 serves the subject property). It is important to note that the city has adopted development regulations and policies to implement the CWPP at the City level. Thus, consistency with the CWPP is achieved.

The application is consistent with the goals and policies of the Growth Management Act. The GMA encourages densification, in-fill and urban development and redevelopment in areas designated for urban growth and within existing city limits. The property is within the UGA and the city limits of Spokane.

The proposed change is consistent with the following goals of the Comprehensive Plan:



**Land Use 1.4** Higher Density Residential Uses.

*Direct new higher density residential uses to Centers and Corridors designated on the Land Use Plan Map.*

The subject property is located adjacent to and diagonally across from a large area currently designated R 15-30 and RMF zone. Notwithstanding, while currently designated R 4-10, it is within 100 ft. of an existing three-story apartment located NE of the subject facing 10<sup>th</sup> Avenue and across from several apartment conversions within the immediate neighborhood lying north and west of the subject property within this RMF zone. In other words, there is a mix of apartment uses throughout the immediate neighborhood, thus creating a land use trend and/or mix of housing.

Moreover, the subject property was originally within an R-4 Multi-Family Residence zone at the time of its conversion to a nursing home in 1956. A zone which not only allowed apartments, but hotels, lodges, hospitals, medical and dental offices. Hence the hodge-podge sprinkling of today's non-conforming uses within the current RSF zone. While some of these non-conforming uses cease to exist, they nonetheless, leave behind facilities that were altered for those uses and cannot be easily reformed into the primary uses of an RSF single-family zone.

Such is the case for the subject property, which has been used as a nursing home since 1956 and could be converted to a sixteen-bed assisted living facility within its four walls, but for the restrictions of the current zone, which only allows ten beds and/or occupants.

Accordingly, we would recommend that the request be tied to a Development Agreement to ensure the existing character of the neighborhood is preserved and thereby using the R 15-30 designation as a necessary tool to enable these additional 6 oc

**Land Use 1.12**

The proposed map change is consistent with LU 1.12.

*Ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur.*

Existing public facilities and services are adequately available to the subject property. The proposed assisted living use has minimal impacts on roads, transit, or trip generations. Nor are there significant impacts upon utilities and/or public facilities.

**LU 3 EFFICIENT LAND USE** *Goal: Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.*

The approval of this request enables the optimum utilization of an existing assisted living facility, whereas the current designation and zone limits the use to an occupancy at two-thirds its capability, (from 10 to 16 occupants). Thus, the approval promotes the efficient use of land.

**LU 5 DEVELOPMENT CHARACTER** *Goal: Promote development in a manner that is attractive, complementary, and compatible with other land uses.*

The subject site will be substantially maintained as is. Thus, no visual character changes will occur in terms of bulk, scale or use customarily associated with this site.

**Economic Development Goal 6**

The proposed map change is consistent with Goal ED 6, which recommends that development be located where infrastructure capacity already exist before extending infrastructure into new areas. In this case, all services are readily available.

5. **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. N/A, the proposal has not been submitted in the past.**
6. **If this change is directed by state law or a decision of a court or administrative agency, please describe. N/A**

**End of Form**

**From:** [Dwight Hume](#)  
**To:** [Freibott, Kevin](#)  
**Subject:** Fwd: January meeting  
**Date:** Tuesday, November 26, 2019 1:27:02 PM

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[CAUTION - EXTERNAL EMAIL - Verify Sender]

Request for 1117 W 10th Z19-505COMP

I will attend their nc meetings despite the circumstances, unique as they are.

Regards

*Dwight J Hume*

Land Use Solutions and Entitlement  
9101 N Mt. View Lane  
Spokane WA 99218  
509-435-3108

----- Forwarded message -----

From: **Dwight Hume** <[dhume@spokane-landuse.com](mailto:dhume@spokane-landuse.com)>  
Date: Tue, Nov 26, 2019 at 1:22 PM  
Subject: January meeting  
To: <[Patricia@pahansen.com](mailto:Patricia@pahansen.com)>, <[spy.pawn007@gmail.com](mailto:spy.pawn007@gmail.com)>

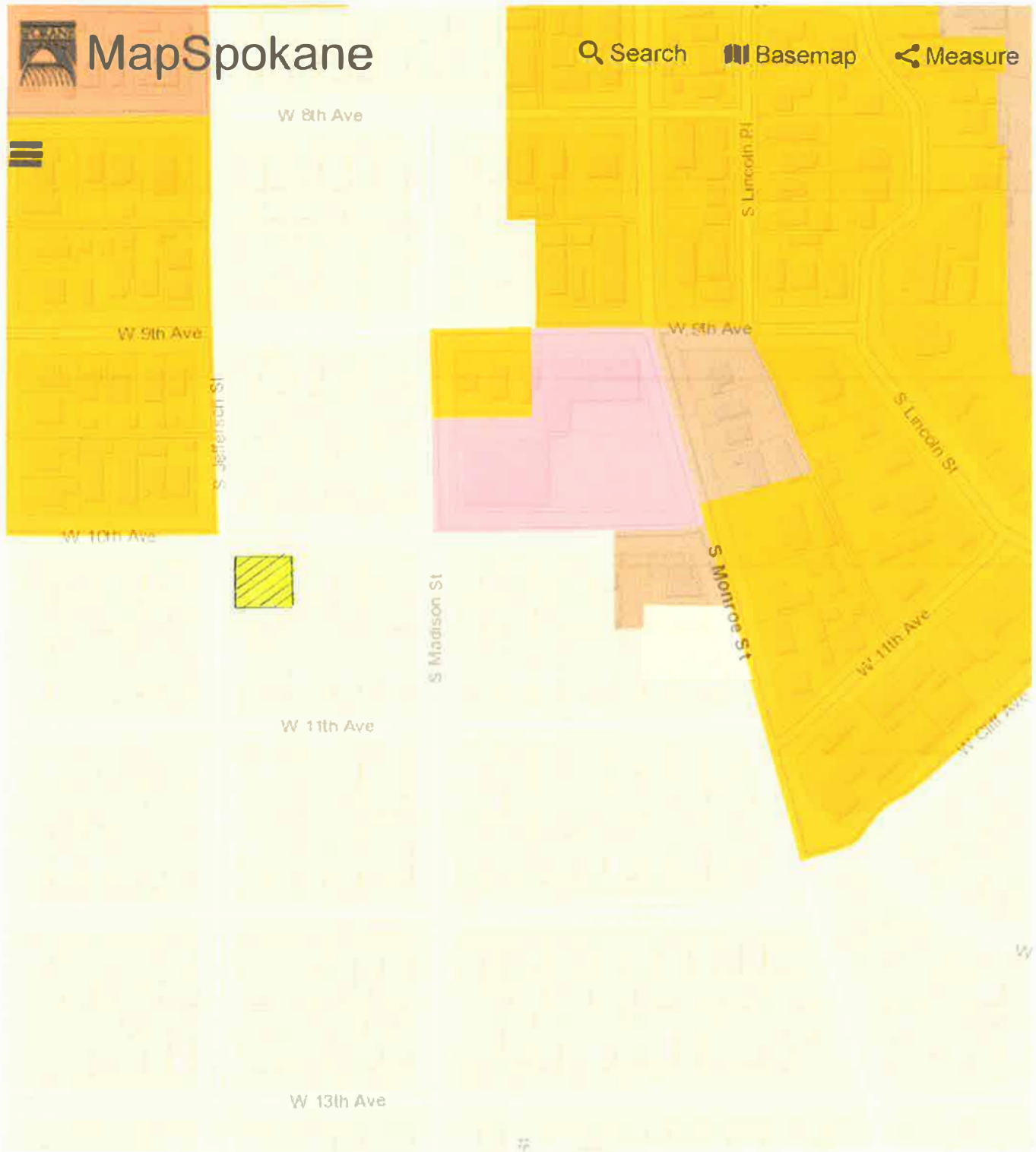
Patricia, I have filed the annual amendment application for Seth Kenudson at 10th and Jefferson. I know he met with you earlier this fall, however per process of the City, we must come and share the application information with you. Can you schedule this for your January 7th meeting? Please advise as to when you can schedule me in.

Regards

*Dwight J Hume*

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9101 N Mt. View Lane  
Spokane WA 99218  
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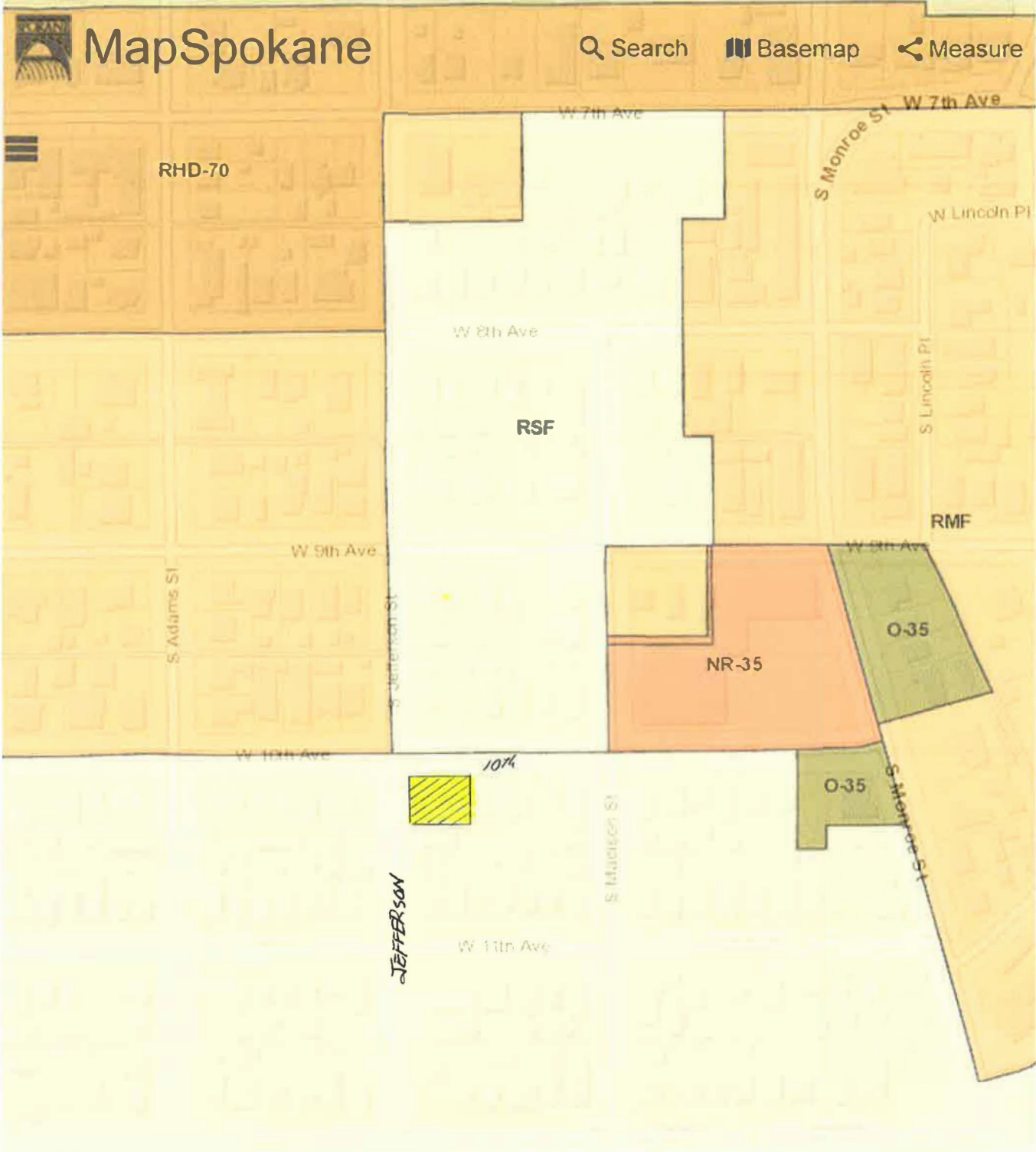




0 150 300ft



[Map Use Disclaimer](#)



0 150 300ft





## Comprehensive Plan or Development Standard Amendment Threshold Review - Counter Complete Checklist

This checklist includes all of the required information for submitting a **Early Threshold Review Application** for an item that has been docketed for full review as a COMPREHENSIVE PLAN OR DEVELOPMENT STANDARD AMENDMENT. It includes required information of the State Environmental Policy Act. Applications will not be processed until all of the following information is submitted and determined "Counter Complete."

- ☐ Predevelopment meeting summary (if applicable)
- ☐ Pre-application meeting or correspondence with neighborhood council (for map amendments)
- ☒ General Application, completed and signed
- ☒ Threshold Review Application for Comprehensive Plan Amendments
- ☐ Environmental checklist, if required under SMC Chapter 17E.050. *VED TILL DOCKETING*
- ☒ Additional materials such as photographs illustrating the site or visioning documents appropriate to a non-project action may be included.
- ☒ For a map amendment, (2) paper copies and one PDF (formatted for posting and emailing) of the site plan, drawn to a minimum scale of 1"=100', on a sheet no larger than 24"x36", which will include all of the following:

- ☐ Applicant's name, mailing address and phone number
  - ☐ Section, township and range
  - ☐ North arrow and scale
  - ☐ Legal description
  - ☐ Dimensions of property and property lines
  - ☐ City limits and section lines
  - ☐ Existing utilities in adjoining right-of-way
  - ☐ Existing streets, alleys, major easements or public areas
  - ☐ Location of existing buildings
  - ☐ Unstable slopes (if applicable)
  - ☐ Wetlands (if applicable)
  - ☐ Water courses such as streams, rivers, etc. (if applicable)
  - ☐ Flood plains, flood fringe or flood way (if applicable)
  - ☐ Significant habitat or vegetation (if applicable)

- ☒ For a text amendment, instead of the site plan, please include the proposed amendment with the text to be added underlined and the text to be deleted with ~~strikeouts~~.
- ☒ Additional application information may be requested later if item is put on the Annual Comprehensive Plan Amendment Work Program and may include, but is not limited to, the following: critical area studies, noise studies, air quality studies, visual analysis, transportation impact studies, geotechnical and wetland studies
- ☒ Planning & Development Department filing fees, as required under SMC Chapter 8.02

1117 W 10<sup>TH</sup> AVE

RECEIVED BY: *Kevin Jacobs*

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