



SUBMIT

DESCRIPTION OF PROPOSAL:

City of Spokane Unified Development Code text amendments to chapter 17C.370 of the Spokane Municipal Code, to expand the area where existing neighborhood commercial structures in residential zones may be re-established as a commercial use, following a conditional use permit review.

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

The revisions do not affect one site in particular.

APPLICANT:

Name: City of Spokane Planning and Development Department

Address: 808 W Spokane Falls Blvd. Spokane, WA 99201-3329

Phone (home):

Phone (work): (509) 625-6893

Email address: ngwinn@spokanecity.org

PROPERTY OWNER:

Name: No particular property owners are directly affected by this proposal.

Address: Subject and adjacent property owners would be notified in the event of a future application.

Phone (home):

Phone (work):

Email address:

AGENT:

Name:

Address:

Phone (home):

Phone (work):

Email address:

ASSESSOR'S PARCEL NUMBERS:

This is not a parcel specific proposal. Several potential properties have been identified, but these and other potentially eligible locations would be verified at the time of a future application.

LEGAL DESCRIPTION OF SITE:

N/A

SIZE OF PROPERTY:

N/A

LIST SPECIFIC PERMITS REQUESTED IN THIS APPLICATION:

No other permits are required with this application.

SUBMITTED BY:

PLANNING AND DEVELOPMENT DEPARTMENT BY NATHAN GWINN

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, _____, owner of the above-described property do hereby authorize _____ to represent me and my interests in all matters regarding this application.

ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, 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.

Notary Public in and for the State of Washington,
residing at _____



DESCRIPTION OF THE PROPOSED AMENDMENT Please check the appropriate box(es):

(Inconsistent Amendments will only be processed every other year beginning in 2005.)

Comprehensive Plan Text Change

Land Use Designation Change

Regulatory Code Text Change

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):

Please see detailed responses below.

*NG
4/21/2017*

- a. Describe the nature of the proposed amendment and explain why the change is necessary.
- b. How will the proposed change provide a substantial benefit to the public?
- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.
- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.
- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?
- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.
- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation?
- c. What is the requested land use designation?
- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

1. General Questions (for all proposals):

- a. Describe the nature of the proposed amendment and explain why the change is necessary.

The amendment is to expand the area where historically commercial structures, whose activity later discontinued as a commercial use, may be reused for low-impact neighborhood scale and neighborhood serving businesses. Examples might include a commercial use or small multi-family building or office. The location of such structures in residential zones, and the extended time since their commercial use ceased, normally prevent such buildings from being reinstated as a commercial use under development regulations.

An existing pilot code allowing such development is limited to the West Central neighborhood (Spokane Municipal Code chapter 17C.370). However, since its adoption in 2012, none of the existing structures in this pilot area has been reviewed under the chapter, but it is thought that other areas of the city may be better positioned to make use of the changes for nurturing neighborhood-scale commercial activity on such sites with former commercial structures.

- b. How will the proposed change provide a substantial benefit to the public?

Existing former commercial structures in residential zones may deteriorate over time due to lack of investment in maintenance. Residential areas would have the opportunity to be served with active, walkable retail and other commercial uses to provide economic development and increase the diversity of options for small businesses in a manner that has minimal impact to neighbors. The public would benefit from increased investment in areas impacted by an existing structure that, without encouraged investment, may otherwise deteriorate, or have a potentially blighting effect on the surrounding neighborhood.

- c. Is this application consistent or inconsistent with the Comprehensive Plan goals, objectives and policies? Describe and attach a copy of any study, report or data, which has been developed that supports the proposed change and any relevant conclusions. If inconsistent please discuss how the analysis demonstrates that changed conditions have occurred which will necessitate a shift in goals and policies.

This application is consistent with the Comprehensive Plan goals, objectives and policies. Spokane's Comprehensive Plan Goals DP 4 and ED 7. Particularly, policies DP 4.8 Zoning Provisions and Building Regulations, and ED 7.6 Development Standards and permitting Process, support the use of development regulations appropriate for historic sites and neighborhoods to encourage investment and meet community needs and goals.

- d. Is this application consistent or inconsistent with the goals and policies of state and federal legislation, such as the Growth Management Act (GMA) or environmental regulations? If inconsistent, describe the changed community needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

This application is consistent with the goals and policies of state and federal legislation, such as the Growth Management Act and environmental regulations.

- e. Is this application consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the Regional Transportation Improvement District, and official population growth forecasts? If inconsistent please describe the changed regional needs or priorities that justify such an amendment and provide supporting documents, reports or studies.

This application is consistent with and does not conflict with such documents. The proposal supports provision of urban services, transportation, and fiscal impacts policy topic areas of the CWPP through the potential reestablishment of businesses on arterials where services and utilities, as well as transit routes and services, exist or are provided nearby.

- f. Are there any infrastructure implications that will require financial commitments reflected in the Six-Year Capital Improvement Plan?

No. The cost of improvements to sites with small, pre-existing former commercial structures would be borne by the project applicants and should not require financial commitments to be reflected in the Six-Year Capital Improvement Plan.

- g. Will this proposal require an amendment to any supporting documents, such as development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical areas regulations, any neighborhood planning documents adopted after 2001, or the Parks Plan? If yes, please describe and reference the specific portion of the affected plan, policy or regulation.

No.

- h. If this proposal is to modify an Urban Growth Area (UGA) boundary, please provide a density and population growth trend analysis. Changes to the Urban Growth Area may occur only every five years and when the Board of County Commissioners (BoCC) reviews all UGA's countywide.

This proposal is not intended to modify the Urban Growth Area boundary.

2. For Text Amendments:

- a. Please provide a detailed description and explanation of the proposed text amendment. Show proposed edits in "line in/line out" format, with text to be added indicated by underlining, and text to be deleted indicated with ~~strikeouts~~.
- b. Reference the name of the document as well as the title, chapter and number of the specific goal, policy or regulation proposed to be amended/added.

The proposed text amendments are contained within the attached draft ordinance, and occur in Spokane Municipal Code chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones. The detailed description and explanation of each amended section are provided below.

17C.370.010 Purpose

- **Proposed changes include removal of sites located on the Spokane Register of Historic Places, which has a separate provision for conversion of uses under SMC 17C.355 Historic Structures – Change of Use. Although still available to any eligible structure on an arterial street, listed historic non-residential structures located apart from arterials are removed because there are very few of these, and there is another code provision available to them for conversion of use to a non-residential use.**
- **Changes also include addition of a clarifying statement that public and semi-public facilities are reviewed under another section, SMC 17C.320.060. This is to give some clarification to focus the eligible properties to small, previously commercial structures.**

17C.370.020 Applicability

- The proposed additional text defines the expanded area to other residential areas within a proposed pilot period.

17C.370.030 Procedure

- The proposal adds a hearing examiner process under Type III review for projects that exceed certain expansion thresholds or when the planning director determines it is in the public interest.
- The fee for a Type III application is specified.
- Structures in the institutional use category are excluded, such as schools, community services, and religious institutions, which are non-residential structures but are not intended to be covered by the provisions of the chapter.
- The text amendments specify the location and duration of the pilot program.
- The new expansion thresholds requiring Type III review are:
 - When a structure's ground floor, or building footprint, will be equal to or greater than 3,000 square feet.
 - When off-street parking is expanded.
 - When another aspect of expansion causes the site or use to expand onto surrounding sites.
- Parking exceptions are proposed for removal following the subsequent adoption since this chapter's adoption in 2012 of on-street parking provisions and exceptions to small structures in the Neighborhood Retail (NR) zone. Parking exceptions in (F)(5) are proposed to be removed because of code revisions following the original section under ORD C34882 on 6/18/2012:
 - On-street parking was added to General Standards under SMC 17C.230.100(G) (ORD C34927 Section 1, passed 10/22/2012).
 - This section's requirements follow 17C.230 SMC Parking and Loading for a Neighborhood Retail Zone (NR). An exception was later added for Neighborhood Retail Zone standards when SMC 17C.230.130(B) was changed to cancel any parking requirement for structures less than 3,000 square feet, and provided reductions for buildings 5,000 square feet or less (ORD C35264, passed on 6/15/2015). The additional exceptions in this section might have unintended consequences for uses converting under this section. Consider a proposed 4,000 square-foot-restaurant, which under the NR zone now requires a standard of 4 spaces (this calculation based on 1,000 square feet that is more than the 3,000 square feet subtracted—so 1 space per 250 sq. ft. of floor area × 1,000 square feet = 4 spaces). This section would further provide a deduction of 5 spaces, meaning the required spaces would be negative 1, or less than zero. No ground-floor structure will exceed 5,000 square feet under this section, and most converted uses will be below 4,000 square feet of all parts of the structure. The preexisting exception in this section, adopted in 2012, did

not anticipate the application of the late exception for smaller structures available using NR zone requirements, which was passed in 2015.

- The proposed text amendment provides the procedure for appeal of a hearing examiner's decision to superior court.

3. For Map Change Proposals:

- a. Attach a map of the proposed amendment site/area, showing all parcels and parcel numbers.
- b. What is the current land use designation?

No land use designation change.

- c. What is the requested land use designation?

No requested land use designation change.

- d. Describe the land uses surrounding the proposed amendment site (land use type, vacant/occupied, etc.)

The land uses surrounding the proposed eligible structures vary.