

**Applicant Responses to Staff Recommendations
Preliminary Plat and PUD Application
File No. Z18-598PPUD**

The following is the Applicant's response to the Recommendations included in the staff report for the referenced application:

1. STAFF CONCLUSION: Staff is recommending approval of the application subject to a radical redesign of the Preliminary Plat and PUD site plans and the number and location of units thereon together with the layout of roads and drives on the submitted. Such a redesign would require a resubmittal of the PUD and PP site plan maps and application. Further it would require a resubmittal to the Design Review Board. (See DRB File No. 1812, Condition No.8). **The application objects to this recommendation. See legal brief from Elizabeth Tellessen. Also, see response to Condition No. 43 below.**
2. CONDITION NO. 1: Agreed
3. CONDITION NO.2: Object to the condition to the extent that it requires the extension of Crestline between 32nd Avenue and 30th Avenue.
4. CONDITION NO. 3: The plan provides a public road connection between Martin Street and Southeast Boulevard along the 30th/31st alignment. This connection does not connect to Crestline, and is not required by the SEPA MDNS for Z-1200046-COMP.
5. CONDITION NO. 4: Agreed
6. CONDITION NO. 5: This condition is vague and unclear. The applicant is maintaining the existing natural trail system in the open space area that include native a existing trail in the 32nd Street alignment west of Crestline. West of this point the property is owned by the City of Spokane for a water tank site. The applicant does not control any land or ROW west of Napa to Pittsburgh. The existing native trail system connects from the 32nd ROW termination to Napa Street and south to 34th Avenue. This trail system over PUD common area will be maintained.
7. CONDIITION NO. 6: Applicant objects to the statement that the "proposal does not address the SEPA mitigation requirements of the Sonneland Comp Plan Amendment z 1200046-COMP". The proposed PUD does in fact meet these conditions. Further the applications meets the items outlined in Condition 6.a and 6.b.
8. CONDITION NO. 7: The Applicant is willing to provide the clarification requested. All of the requested information is included in the PUD application.
9. CONDITION NO.8: The Applicant objects to the request for additional ROW on 29th Avenue. There is no nexus between the ROW request and the project. The Applicant has already agreed to a "right in-right out" access point on the sole driveway access point to 29th Avenue. The ROW request is an unlawful exaction. The Application also notes that the request for ROW from Martin Street east includes property that is not part of the PUD.
10. CONDITION NO. 9: Agreed.
11. CONDITION NO. 10: Agreed. Applicant notes that they are willing to provide the ROW requested on Condition No. 8 as a credit against traffic mitigations fees as provided in Condition No. 29.

12. CONDITION NO. 11: Agreed. Applicant notes that 30th Avenue and 31st Avenue connection to SE Boulevard is proposed as a public street with a 27 foot curb to curb width as permitted by the City of Spokane Engineering Design Standards. See Table 3-B Residential Local Access Roadway Requirements. This roadway is allowed for areas with restricted parking. In this instance the project qualifies under 17H.010.120. D.2. Parking access on these streets is provided from alleys or driveways. As per City code no variance from street design standards is required.
13. CONDITION NO. 12: Agreed. No street vacations are proposed other than 30th and 31st Avenues, which are being replaced with a more grid like street alignment.
14. CONDITION NO.13: Agreed.
15. CONDITION NO. 14: Agreed.
16. CONDITION NO. 15: Agreed
17. CONDITION NO. 16: Agreed
18. CONDITION NO. 17: Agreed
19. CONDITION NO. 18: The Applicant objects to this condition. The Water Department "Rules and Regulations" allow a single water tap to multifamily buildings (apartments or condominiums). For attached townhomes the Water Department desires to impose a requirement for a water tap to each unit. There is no basis for this distinction. The multiple water taps for townhomes is a cost burden on affordable home ownership and is contrary to the purpose of the PUD ordinance. The PUD ordinance in SMC 17.G.070.010 A.3 states as follows: "Flexible design standards that encourage affordable housing in all types of neighborhoods that is in an environment that is safe, clean and healthy. **This is accomplished through provisions of flexibility in utility design standards,** road design standards, site development standards, zoning density and permitted uses."
20. CONDITION NO. 19 thru CONDITION NO. 29: Agreed.
21. CONDITION NO. 30: This condition is vague and apparently a repeat of Condition No. 5. As noted above, there is already a native trail in the 32nd Avenue ROW from Crestline west to the cul d' sac.
22. CONDITION NO. 31 thru NO. 42: Agreed.
23. CONDITION NO.43: Agreed. The recommendations of the DRB were by a unanimous vote. As such, these recommendations are binding on the Hearing Examiner, subject to the provisions of 17G.040.080 D. **The DRB has the authority to review a PUD site plan and provide flexibility in "site development standards" (see SMC 17G.070.010 A.1 and A.3). In doing so they approved the site development plan with no Crestline connection. See DRB recommendation (a). Recommendations c, d, and e are impossible to meet if Crestline is extended through the project site.**
24. CONDITIONS NO.44 thru No. 47: Agreed.