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**CITY OF SPOKANE HEARING EXAMINER PRO TEM**

GARDEN DISTRICT PRELIMINARY PLAT  
AND PUD APPLICATION  
APPLICANT: GREENSTONE  
FILE NO. Z18-598PPUD

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION**

**I. SUMMARY OF DECISION**

**Hearing Matter:** The matter before the Hearing Examiner Pro Tem is an application for a Preliminary Plat and Preliminary Planned Unit Development (PUD) to construct 236 residential units and 38,000 square feet of office, retail, and other commercial uses on roughly 24.59 acres in the Lincoln Heights neighborhood. The applicant, Greenstone, submitted the application on behalf of Sonneland Properties, LLC.

**Summary of Decision:** Approved, subject to *revised* conditions.

**II. FINDINGS AND CONCLUSIONS**

**A. Procedural Matters:**

A Community Meeting was held on March 1, 2018. Spokane Municipal Code (SMC) 17G.060.050. An application was submitted on June 27, 2018. A Request for Comments notice was sent to departments and agencies on July 16, 2018, and the applicant was notified in writing on October 25, 2018, of the technically complete status of application. Notice of Application and Public Hearing was posted/mailed on November 1, 2018. SMC 17G.060.100. Notice of Application and Public Hearing was printed in the Spokesman on November 2, 2018, and November 9, 2018. The Public Comment Period ended on November 16, 2018. A State Environmental Protection Act (SEPA) Determination of Non-Significance (DNS) was issued on November 19, 2018, and was not appealed. SMC 17G.060.140.

The applicant is Greenstone c/o Ben Scandalis whose address is 1421 N. Meadowwood Lane, Suite 200, Liberty Lake WA 99019. The property owners are Sonneland Commercial Properties LLC & Sonneland Residential Properties LLC whose address is PO Box 562, Colbert WA 99005.

The Hearing Examiner Pro Tem conducted a site visit on December 10, 2018.

The hearing for this matter was scheduled, as noted in the Notice of Hearing, for 1:30 p.m. on December 12, 2018, in the Commissioner's Hearing Room, 1026 East Broadway, Spokane, Washington.

1 On December 12, 2018, at 1:30 p.m., the Hearing Examiner Pro Tem opened the  
2 hearing on this matter, the hearing being held until 4:00 p.m., at which time the hearing was  
3 recessed for one week for completion on December 19, 2018, beginning at 9:00 a.m., in the  
4 Commissioner's Hearing Room, 1026 East Broadway, Spokane, Washington. The hearing on  
the application concluded and was adjourned at or about 11:50 a.m. on December 19, 2018.  
The hearing was conducted pursuant to the Spokane Hearing Examiner Ordinance codified  
in SMC Section 02.005.040.

5 The following persons testified at the hearing, under an oath administered by the  
6 Hearing Examiner Pro Tem:

7 Tami Palmquist, Principal Planner  
City of Spokane  
808 W. Spokane Falls Boulevard  
8 Spokane WA 99201

Inga Note, Sr. Traffic Engineer  
City of Spokane  
808 W. Spokane Falls Boulevard  
Spokane WA 99201

9 James Richman, Assistant City Attorney  
City of Spokane  
10 808 W. Spokane Falls Boulevard  
Spokane WA 99201

Jim Frank  
Greenstone  
1421 N. Meadowwood Lane, Suite 200  
Liberty Lake WA 99019

11 Carol Ellis  
12 2015 E. 36th Avenue  
Spokane WA 99203

Leonard Butters  
2006 E. 64th Avenue  
Spokane WA 99223

13 Summer Beers  
14 4003 E. Sumac Drive  
Spokane WA 99223

Kevin Edwards  
2206 E. 32<sup>nd</sup> Avenue  
Spokane WA 99203

15 Trent Shino  
16 3211 S. Crestline Street  
Spokane WA 99203

Carol Tomsic  
3303 E. 27th Avenue  
Spokane WA 99223

17 Kelly Puzio  
18 3525 S. Crestline Street  
Spokane WA 99203

Scott Tschirgi  
2615 E. 38th Avenue  
Spokane WA

19 Rick Boal  
20 2026 E. 30th Avenue  
Spokane WA 99203

Andy Hoyer  
4219 E. 42nd Avenue  
Spokane WA 99223

21 Pat McElgunn  
22 4227 S. Magnolia Street  
Spokane WA 99203

Dick Edwards  
312 W. 32nd Avenue  
Spokane WA 99203

23 Richard Van Orden  
2211 E. 34th Avenue  
24 Spokane WA 99203

Charles Milani  
2204 E. 34th Avenue  
Spokane WA 99203

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Todd Whipple  
Whipple Consulting Engineers  
21 S. Pines Road  
Spokane Valley WA 99206

Rick Dullanty  
2007 E. 30th Avenue  
Spokane WA 99203

Richard Sola  
3605 S. Crestline Street  
Spokane WA 99203

Paul Kropp  
3311 E. Donora Court  
Spokane WA 99223

Brian Duncan  
1717 E. 38th Avenue  
Spokane WA 99203

Stewart Hart  
4123 S. Sherman Street  
Spokane WA 99203

Jim Flott  
2020 E. 36 Avenue  
Spokane WA 99203

Teresa Kafentzis  
4102 E. Sumac Drive  
Spokane WA 99223

Sam Magee  
2214 E. 32nd Avenue  
Spokane WA 99203

Albert Lundbeck  
2003 E. 34th Avenue  
Spokane WA 99203

John Saywers, Sr. Water Engineer  
City of Spokane  
808 W. Spokane Falls Boulevard  
Spokane WA 99201

The following persons were present at the hearing, but did not testify:

For the City of Spokane:  
Louis Mueller, Principal Planner  
Andy Schenk, Principal Engineer  
Eldon Brown, City Engineer

From the public:  
Dennis Wagner  
Lizzie Frank  
Ron Cord  
William Grimes  
Rita Ketza  
Marcia Milani  
M. Reichman  
John Hollett

The following persons/groups submitted comments to the file prior to the close of the hearing:

Southgate Neighborhood Council  
TJ O'Dell  
Justin McNamara  
Ann Hough  
Joycelyn Caton  
Kate Statz  
Drew & Lisa Repp

Danny O'Dell  
Brenda Cord  
Suzanne Janes  
Erin Rushworth  
Kaitlin Re  
Theresa Bidowski  
Katie Chisholm

Wayne Stronk	Brad & Ramona Pearson
Sharon Niblock	Andy Wittwer
Kathy Bixler	Jerry Boyd
Laine Lambarth	Chad Rigsby
Diane Birginal	William Bidowski
Lincoln Heights Neighborhood Council	Marilyn & Henry Reimann
Merri Hartse	Maxine Lammers
Alan Curryer, Rockwood South Hill	Amy Heppler
Heather Stewner	Diana Roberts
Adrian Rigsby	Jean Simmons
Amy McCaffree	Linda Warner
Douglas Hagood	Malika Oudes
Mark VanDam	Chris Barton
Sharon Christoph-Kelly	Tim & Rachel Devlin
Elaine Snouwaert	Leanne Ozaine-Smith
Jim & Anne Pearson	Kim & Mary Kay Anderson
Roger Branz	Michael McBride
Tom Kearney	Russ Reser
Penny Hencz	Pablo Monsivais
Amanda Gable	Dean Gable
Amy Heppler	Sheri Engelken

The following exhibits were admitted to the record during the hearing:

- Exhibit 1: City Building & Planning Staff Report PowerPoint Presentation, 42 pages
- Exhibit 2: Applicant's PowerPoint Presentation, 43 pages
- Exhibit 3: Letter from Kelly Puzio, 1 page
- Exhibit 4: Applicant's Garden District Street Exhibit, 1 page
- Exhibit 5: Lincoln Heights Neighborhood District Center Plan, submitted by Jim Frank, 3 pages
- Exhibit 6: Statement by Paul Kropp, 1 page
- Exhibit 7: Testimony materials from Stewart Hart, 7 pages
- Exhibit 8: Written statement by Albert Lundbeck, 1 page

The record includes the electronic recording of the public hearing, the documents in the application file at the time of the hearing up to and including December 19, 2018, at 9:00 a.m., the sign-in sheet for the hearing, and the items taken notice of by the Hearing Examiner Pro Tem in this decision and at the hearing.

1 The Hearing Examiner Pro Tem takes notice of the Spokane Comprehensive Plan  
2 (“Comprehensive Plan”), the SMC, other applicable development regulations, and previous  
land use decisions for the site and area.

3 **B. Description of Site:**

4 The subject property is located south of 29<sup>th</sup> Avenue, behind the Quail Run Office  
5 Park, west of Southeast Boulevard, north of 33<sup>rd</sup> Avenue, and east of Napa Street. The  
6 proposed project encompasses multiple parcels totaling approximately 25.49 acres. A portion  
7 of the site is currently developed with a general office building and a Rockwood primary care  
8 medical center. The remainder of the site is undeveloped. The topography of the site is  
generally sloping down north to south to approximately the middle of the site where the site  
9 levels off somewhat with some undulation through the southeast side of the site, which  
10 slopes up again toward 32<sup>nd</sup> Avenue to the south. There is a hill in the northwest side of the  
11 site that slopes down toward the east and south ending at approximately the line of the  
Crestline Street right-of-way (ROW) on the east and 32<sup>nd</sup> Avenue on the south. This hill area  
is where the City of Spokane is planning to construct a water tower as part of the potable  
water system of the area. Most of the site is still naturally vegetated with established trees,  
shrubs, and grasses. Utilities exist in the unimproved platted ROWs of Crestline Street and  
30<sup>th</sup>, 32<sup>nd</sup>, and 33<sup>rd</sup> Avenues.

12 The site is bounded on the northwest by residential development and commercial  
13 development immediately north on 29<sup>th</sup> Avenue. South of the site is residential single-family  
14 housing. To the west is residential multi-family development. East of the site is commercial  
development along Southeast Boulevard and the Lincoln Heights shopping area further east  
across Southeast Boulevard.

15 **C. Description of Proposed Project:**

16 The proposed development is described by the applicant as “a walkable mixed-use  
17 urban neighborhood with a combination of office, retail, and residential uses” that will  
“create a free-flowing public realm, emphasizing flexible plazas and a ribbon of green parks  
18 and gardens with a mobility network primarily serving pedestrians and cyclists.” The  
applicant asserts that the PUD Site Plan illustrates how the “green garden corridor will  
19 connect the urban mixed-use core of the neighborhood and serve as a transition to the lower  
density residential neighborhoods on the southern edge of the Lincoln Heights neighborhood  
20 and into the Southgate neighborhood further south.”

21 The applicant proposes to construct 236 residential units, composed of a mix of  
apartments, townhomes, cottages, and detached single-family homes, across the entire  
22 development site. The project will also include up to 38,000 square feet of office, retail, and  
other commercial located north of 30<sup>th</sup> Avenue. The PUD site includes two different base zone  
23 classifications: CC1 zone classification and Residential Single-Family (RSF) zone  
classification. A total of 110 residential units are proposed in the CC1 zone classification, and  
24 126 residential units are proposed in the RSF zone classification. Residential development

1 along 32<sup>nd</sup> Avenue, east of Crestline Street, will be “estate lots” designed to match the size of  
2 lots on the south side of 32<sup>nd</sup> Avenue outside of the proposed PUD. The commercial uses are  
all proposed to be developed in the CC1 zone classification.

3 Deviations from the zoning development standards for setbacks, lot coverage, roof  
4 forms, etc. are being requested under the PUD application. The application also proposes a  
5 deviation from the standard for connectivity, specifically elimination of a connection of  
6 Crestline Street northward to 29<sup>th</sup> Avenue and/or eastward to Southeast Boulevard. The  
7 vacation of several ROWs, dedicated as part of the final plat of “Estate Development” filed in  
8 1970, is also proposed in the applications for the plat and for the PUD. During the hearing,  
9 the applicant stated that it would no longer ask for the vacation of the ROWs, primarily due  
to the existence of various utility facilities that already exist in the ROWs. The applicant  
clarified that though it was no longer requesting that the ROWs be vacated, it was still  
requesting that the connection of 30<sup>th</sup> Avenue and 31<sup>st</sup> Avenue, from Martin Street to  
Southwest Boulevard, and that 32<sup>nd</sup> Avenue and Crestline Street be modified as proposed in  
the PUD Site Plan.

#### 10 **D. Land Use Designations and Surrounding Conditions for Site and Neighboring** 11 **Land:**

12 The adjacent zoning to the north is CC1-DC (Center and Corridor Type 1 – District  
13 Center); to the northeast is O-35 (Office); to the northwest is RMF (Residential Multi-  
14 Family); and to the south, east, and west is RSF. Prior to 2006, the RSF portion of the site  
was zoned R1. The CC1-DC portion of the site was zoned Office (O) and Office Retail (OR),  
but was changed to CC1-DC in 2013 as part of a Comprehensive Plan Amendment, File  
Z1200046COMP.

15 Adjacent land uses to the south are single-family homes. The Touchmark Retirement  
16 Community is to the west of the site; they recently received a Conditional Use Permit (CUP)  
17 to build a memory care center and a health and fitness building. The City of Spokane intends  
to build a water tower on the vacant, L-shaped parcel to the west. Commercial uses border  
the north of the site.

18 The land use map designation is Residential 4-10 and CC Core, per the current  
Comprehensive Plan adopted in 2017.

19 Applicable zoning regulations include SMC 17C.110 – Residential Development; SMC  
20 17G.060 – Land Use Application Procedures; SMC 17G – Planned Unit Developments; and  
SMC 17G.080 – Subdivisions.

#### 21 **E. Department Reports:**

22 Notice and request for comments were sent to the City departments and outside  
23 agencies concerned with land development on July 16, 2018. Copies of reports from those  
24 who responded to the notice and request for comments are a part of the file for reference. See  
File Z18-598PPUD. Department and agency comments have been considered and referred to  
in creating the conditions set forth below.

1 **F. Design Review Board:**

2 Pursuant to SMC 17G.040, the Design Review Board (DRB) convened the required  
3 hearings and submitted its recommendations regarding the proposed preliminary plat and  
4 PUD. See File No. Z18-598PPUD. Both the applicant and Spokane City assert that the  
5 DRB's recommendations were adopted by unanimous vote of the DRB. This is not stated in  
6 the DRB's recommendations and there appears to be no evidence of that in the record other  
7 than the assertions of the parties. Pursuant to SMC 17G.040.080(D), the recommendations of  
8 the DRB, dated June 13, 2018, are incorporated herein by this reference and compliance  
9 therewith shall be a condition of approval by this decision.

10 The applicant asserts that the recommendation of the DRB is to approve the proposed  
11 PUD as submitted relative to the termination of Crestline Street at 32<sup>nd</sup> Avenue. Thus, the  
12 applicant argues, the Hearing Examiner Pro Tem is bound to adopt the DRB's  
13 recommendation and approve the applications, including the termination of Crestline Street  
14 at 32<sup>nd</sup> Avenue. Spokane City argues that even though the DRB's recommendation is  
15 unanimous it does not recommend approval of the termination of Crestline Street at 32<sup>nd</sup>  
16 Avenue without continuing through the development site to Southeast Boulevard. The City  
17 further asserts that the DRB's recommendation is merely a recommendation and is not  
18 binding upon the Hearing Examiner Pro Tem.

19 The Hearing Examiner Pro Tem agrees with Spokane City regarding the language  
20 contained in the recommendation of the DRB. The language of the recommendation that is in  
21 question reads:

22 "In the event that the City of Spokane requires that the Crestline  
23 connection be established, the applicant shall return to the Design Review  
24 Board to address traffic calming, along with any disruptions to the  
pedestrian friendly environment and urban forest canopy." DRB  
Recommendation, dated June 13, 2018, paragraph #8.

This language clearly anticipates that the extension of Crestline Street through the  
proposed development to Southeast Boulevard, may be imposed as a condition of approval by  
Spokane City. If the extension of Crestline Street is required by the City, then the DRB asks  
that the applicant return to the DRB for review of the proposed extension. Id.

The Hearing Examiner Pro Tem lacks jurisdiction to require that the applicant follow  
any particular path in extending Crestline Street through the proposed preliminary plat and  
PUD; however, it is the Hearing Examiner Pro Tem's opinion that the path of said  
connection between Crestline Street from 32<sup>nd</sup> Avenue and Southeast Boulevard that is  
illustrated by Exhibit #4, as submitted by the applicant, may be sufficient to make the  
required connection.

23 **G. Public Comments:**

24 Written public comment and testimony at the hearing regarding the proposed  
preliminary plat and PUD is voluminous. Public comments regarding the proposal fall into

1 several categories; those in favor of the proposal including the termination of Crestline Street  
2 at 32<sup>nd</sup> Avenue, those in favor of the proposal but requesting that the extension of Crestline  
Street be included, and those opposed to the proposal entirely.

3 Individuals and neighborhood associations advocating the termination of Crestline  
4 Street at 32<sup>nd</sup> Avenue were resoundingly concerned with the prospect of inviting even more  
5 traffic into and through their neighborhoods if Crestline Street is extended through the PUD  
6 to Southeast Boulevard. A significant number of comments describe the condition of  
7 Crestline Street between 32<sup>nd</sup> Avenue and 57<sup>th</sup> Avenue as having no sidewalks, causing  
8 school children to walk along an already busy street without the protection of sidewalks and  
inadequate pedestrian crossings at intersecting streets. Other concerns describe allegedly  
inadequate traffic controls at intersections along Crestline Street and steep inclines  
approaching those intersections that cause dangerous stopping and crossing conditions in the  
winter season.

9 A significant number of comments opposed to the extension of Crestline Street  
10 express an opposition to the extension of Crestline Street along the path at or near that  
11 shown in the Final Plat of Estate Development (1970). All parties agree, as alleged by the  
commenters, that an extension of Crestline Street along that path, currently a walking path  
12 through the site and proposed to remain as such, would result in removal and destruction of  
the mature trees that now line that path and are proposed to remain as part of the green,  
open space in the proposed development.

13 Comments requesting the extension of Crestline Street through the PUD to Southeast  
14 Boulevard generally focus on the fact that the proposed preliminary plat and PUD would  
15 create as many as 126 residential units in a very compact area; thus, creating a burden on  
the already allegedly crowded Crestline Street as it travels south from 32<sup>nd</sup> Avenue. These  
16 comments also cite the lack of sidewalks on south Crestline Street and the danger that poses  
to school children as well as adults who walk along Crestline Street.

17 Several comments were received that oppose the proposal in its entirety, alleging that  
18 the density is too high for the area in which it is to be built. Those comments highlight the  
19 fact that the surrounding neighborhood to the south of the proposed preliminary plat and  
20 PUD consists of lots larger than those proposed for the cottage-style dwelling units and  
certainly lower density than the multi-family structures that are proposed. They also  
expressed concerns for the added traffic, much like the other comments in favor or in  
opposition to the extension of Crestline Street north of 32<sup>nd</sup> Avenue.

21 A noticeable number of comments from citizens living in the surrounding  
22 neighborhoods to the south, west, and even to the north across 29<sup>th</sup> Avenue, express strong  
23 concerns for the added traffic on 29<sup>th</sup> Avenue, Southeast Boulevard, Crestline Street, Regal  
24 Street, and 37<sup>th</sup> Avenue. The expressed concerns spring from a fear that the already crowded  
traffic on those streets would be exacerbated by the proposed development. Complaints  
centered not just on the difficulty of driving in the area due to the high volume of traffic, but  
also the danger to pedestrians who attempt to cross 29<sup>th</sup> Avenue at the intersections of 29<sup>th</sup>



1 Avenue and Pittsburgh Street, 29<sup>th</sup> Avenue and Martin Street, 29<sup>th</sup> Avenue and Southeast  
2 Boulevard, as well as the issues already described along Crestline Street.

3 Notwithstanding the Traffic Distribution Letter submitted by the applicant and the  
4 anecdotal nature of the comments submitted during the review and hearing process, the  
5 people who commented, people who live and circulate in the area surrounding the proposed  
6 development, describe a situation relative to the pedestrian experience on 29th Avenue and  
7 on Crestline Street that would warrant further attention by Spokane City. However, relative  
8 to the review of the proposed preliminary plat and PUD for compliance with the  
9 Comprehensive Plan and SMC, the record lacks evidence to contest the professional opinions  
10 in the Traffic Distribution Letter and the testimony of engineers on behalf of Spokane City  
11 who agree that transportation concurrency is met for the proposed project, as that term is  
12 used in SMC 17D.010.020(C). The comments and testimony submitted regarding the  
13 proposal have all been considered by the Hearing Examiner in reaching this decision.

#### 9 **H. Consistency with Comprehensive Plan and Zoning:**

##### 10 SMC 17G.060.170 Decision Criteria:

###### 11 *C.1. Allowed under the provisions of land use codes.*

12 The proposals for a preliminary plat and PUD are allowed under the Residential  
13 Zoning Standards, SMC 17C.110; CC1 Zoning Standards, SMC 17C.122; PUD process,  
14 17G.070.030; and review by the DRB, SMC 17C.122.060.

15 SMC 17G.070.030(A)(5) allows permitted uses of either the RSF or CC1 zone to be  
16 allocated across the entire site of the proposed plat, proportionate to the land devoted for  
17 each zoning district. The density of residential units is less than the highest allowed density  
18 and higher than the minimum density. SMC 17C.110; 17C.122. As conditioned, the proposal  
19 complies with this requirement.

###### 20 *C.2. Consistency with the Comprehensive Plan designation and goals, objectives, and policies 21 for the property.*

22 Several Comprehensive Plan goals, objectives, and policies are relevant to the  
23 proposed preliminary plat and PUD. Those include LU 1.3, LU 1.12, LU 4.3, LU 4.4, LU 4.5,  
24 LU 5, LU 5.5, DP 1.2, TR 2, and TR 7. Of specific concern to the City of Spokane Planning  
Staff and many citizens residing in the surrounding areas are LU 4.4, LU 4.5, TR 2, TR 4.5,  
and TR 7. Several public comments and testimony at the hearing also indicate concerns  
related to LU 1.3, LU 5, LU 5.5, and DP 1.2.

LU 4.4, LU 4.5, TR 2, TR 4.5, and TR 7 envision a connected network of facilities that  
provide safe, direct, and convenient access for all users, including pedestrians, bicycles, and  
automobiles. The facilities are to be designed to allow safe travel through the proposed  
development and are to be generally laid out in a grid pattern with more street intersections,  
shorter block lengths, increased street connectivity, and access to and from the surrounding  
areas. This interconnected system of facilities should allow travel on multiple routes by

multiple modes with consideration of and alignment with the existing and planned land use context of each corridor and major street segment.

The original proposal, considered by the applicant and presented to the public during the required pre-application Community Meeting, included the extension of Crestline Street to the north from 32<sup>nd</sup> Avenue along the alignment shown in the Final Plat of Estate Development (November 1970) with a slight variation as it turned to the east and connected with 31<sup>st</sup> Avenue and on to Southeast Boulevard. That section of Crestline Street (from 37<sup>th</sup> Avenue to 31<sup>st</sup> Avenue and Southeast Boulevard) is currently designated in the Proposed Arterial Network Map TR 12 (of the Comprehensive Plan) as a future major collector arterial; though by Resolution No. 2018-0061, an amendment to the Proposed Arterial Network Map TR 12 is under consideration, which amendment would possibly “remove the proposed new urban major collector arterial on Crestline Street between 37<sup>th</sup> Avenue and Southeast Boulevard at 31<sup>st</sup> Avenue.” Testimony of Inga Note.

Public response at the Community Meeting was strongly in favor of eliminating the Crestline Street extension from 32<sup>nd</sup> Avenue to Southeast Boulevard and 31<sup>st</sup> Avenue. The reasons expressed for the opposition to the extension of Crestline Street north of 32<sup>nd</sup> Avenue can be summed up as an expectation that such an extension of Crestline Street would bring traffic from an already crowded Crestline Street into the neighborhood surrounding the proposed preliminary plat and PUD site and through the site, thus causing overwhelming traffic congestion, raise safety issues for pedestrians in the area, and destroy the “alternative to automobiles” design of the PUD. In contrast, there is public comment and testimony provided at the hearing before the Hearing Examiner Pro Tem that cites concerns for the added traffic and threat to safety that will be generated by the development of the PUD as proposed, with the 126 apartments and other residential units proposed in the PUD that will use Crestline Street southbound as their primary ingress and egress to and from the PUD.

In support of the proposal to terminate Crestline Street at 32<sup>nd</sup> Avenue, the applicant argues that transportation concurrency relative to the proposed development in the PUD is met without Crestline Avenue being extended north of 32<sup>nd</sup> Avenue and is thus unnecessary; that as indicated by the public comment and the Traffic Distribution Letter (Testimony of Jim Frank and testimony of Todd Whipple), the extension of Crestline Street would exacerbate the already congested and allegedly dangerous traffic conditions on Crestline Street south of 32<sup>nd</sup> Avenue; that the PUD code provisions allow for the deviation from the specific municipal code requirements in favor of a design that complies with and furthers the goals and policies of the Comprehensive Plan; and that the Proposed Arterial Network Map TR 12 is not a binding ordinance but is more in the nature of a suggestion. Testimony of Jim Frank.

In response, Spokane City cites to several Comprehensive Plan goals and policies that they argue dictate the connectivity between the established streets surrounding the proposed preliminary plat and PUD. They also cite provisions of the SMC that allegedly require extension of Crestline Street north of 32<sup>nd</sup> Avenue even in a PUD. Although Spokane City agrees that the transportation concurrency is met for the proposed preliminary plat and PUD

1 without the extension of Crestline Street, they point out that concurrency does not eliminate  
2 the requirement to comply with the Comprehensive Plan and applicable municipal code.  
3 Finally, Spokane City argues that prudent engineering practices indicate the need for the  
4 extension and that the Proposed Arterial Network Map TR 12 is a binding document that is  
5 adopted by ordinance. Testimony of Inga Note and testimony of James Richman.

6 The disagreement between Spokane City and the applicant regarding the location and  
7 design of the streets within the proposed preliminary plat and PUD centers on the extension  
8 of Crestline Street such that it connects with Southeast Boulevard and 31<sup>st</sup> Avenue. The  
9 alignment and design of 30<sup>th</sup> Avenue extending east from Martin Street then south to 31<sup>st</sup>  
10 Avenue and east again to Southeast Boulevard is not challenged by Spokane City. Also  
11 uncontested at this point in time is the location of and dedication of the ROW that is depicted  
12 in the Final Plat of Estate Development (1970). During the hearing the applicant indicated  
13 that: 1) the request for the vacation of ROWs within the proposed preliminary plat and PUD  
14 is withdrawn by the applicant; and 2) that the streets and avenues within the proposed  
15 preliminary plat and PUD would all be constructed and dedicated as public streets. The  
16 reason stated for the withdrawal of the request to vacate ROWs was in part that there exists  
17 in the ROW, and may be installed future, utility facilities that must remain and will be  
18 maintained from time to time.

19 The mitigation measures stated in the Mitigated Determination of Nonsignificance  
20 (MDNS) relative to Spokane City File Z1200046-COMP, dated July 29, 2013, are sufficiently  
21 addressed and complied with by the proposed preliminary plat and PUD as conditioned  
22 hereinafter.

23 Comprehensive Plan policies LU 4.4, LU 4.5, TR 2, and TR 7 specifically refer to  
24 connectivity and travel to, from, and within the proposed preliminary plat and PUD. The key  
elements of the policies are safety of pedestrians and non-automobile use, along with an  
increase in connectivity of streets and multiple routes relative to major streets. The proposed  
preliminary plat and PUD is located adjacent to 29<sup>th</sup> Avenue and Southeast Boulevard and  
Crestline Street, each of which are major streets. The elimination of the connection between  
Crestline Street and Southeast Boulevard or 29<sup>th</sup> Avenue would not comply with the policies  
of the Comprehensive Plan relative to connectivity and transportation.

If the connection between Crestline Street and Southeast Boulevard and 29<sup>th</sup> Avenue  
is eliminated, the residents in the southern portion of the development would have only one  
avenue of ingress and egress to and from the development for automobile traffic, that being  
south on Crestline Street. Although traffic could use 34<sup>th</sup> Avenue, 35<sup>th</sup> Avenue, or 37<sup>th</sup>  
Avenue to then travel east or west from Crestline, the most direct route to the east or west  
would be south on Crestline Street to 37<sup>th</sup> Avenue. Even though the design as proposed  
would encourage bicycle or pedestrian traffic for access to the commercial enterprises on 29<sup>th</sup>  
Avenue and/or Southeast Boulevard, the policies for connection with surrounding existing  
streets and multiple routes through the development would be frustrated.

1 Although it is not directly applicable to Crestline Street (a major collector arterial),  
2 policy LU 4.3 provides a possible solution to the connectivity policy faced here and is  
3 consistent with an illustration provided by the applicant as Exhibit #4 at the hearing. The  
4 discussion portion of policy LU 4.3 reads: "Principal arterials that bisect neighborhoods  
5 create undesirable barriers to pedestrian circulation and adversely impact adjoining  
6 residences. Whenever possible, principal arterials should be located on the outer edge of  
7 neighborhoods." Exhibit #4 illustrates a possible route for the connection between Crestline  
8 Street and Southeast Boulevard that meets in large part the other policies identified above  
9 and directs the connecting street around the outer edge of the development (neighborhood).  
10 It is understood that this alternative route may attract traffic from the northern portion of  
11 the development, though that possibility has been considered in the original Traffic  
12 Distribution Letter prepared by Whipple Consulting Engineers, Inc. (January 3, 2018). Such  
13 an alternative design would accomplish the intent of the cited policies and provide a second  
14 route for the residents of the proposed residential dwelling units in the southern portion of  
15 the development.

16 *C.3. The proposal meets the concurrency requirements of Chapter 17D.010 SMC.*

17 The Traffic Distribution Letter dated January 3, 2018, and the Revised Traffic  
18 Distribution Letter, dated August 14, 2018, both generated by Whipple Consulting  
19 Engineers, Inc., regarding the automobile traffic expected to be generated by the proposed  
20 preliminary plat and PUD, conclude that "... the proposed project while adding trips to local  
21 intersections, will not reduce the intersections in the immediate area below an acceptable  
22 level of service." The staff report filed by Spokane City indicates that "The application was  
23 circulated on July 16, 2018, for department and agency comments. Comments were received  
24 and are included in the file. Adequate utilities exist in the area to serve the proposed  
25 project." The applicant's materials, Garden District Preliminary Plat – Subdivision Design  
26 Criteria section contains the following statement under numbered paragraph 9: "A  
27 demographic analysis of similar developments indicates that the Garden District community  
28 will have about 40 school-aged children (under 19 years). Spokane School District No. 81  
29 serves the site and has capacity to serve the additional students."

30 There are no comments from the public or from any agency asserting that the  
31 concurrency requirements for this application have not been met. All evidence in the record  
32 on the subject indicates that the concurrency requirements for this application are met.

33 *C.4. Suitability for proposed use.*

34 As stated above, the site of the proposed preliminary plat and PUD is located within a  
35 Final Plat – Estate Development that was recorded in approximately November 1970. As  
36 such, the property is suitable for redevelopment as infill development. The property is  
37 surrounded by urban development including professional businesses, commercial retail  
38 businesses, medical care providers, multi-family dwelling units, single-family dwelling units,  
39 and is bounded on at least two sides by major urban streets. The property is zoned  
40 appropriately for the proposed development. The topography of the site is well suited for

1 development as proposed. Cultural consideration has been provided by the Spokane Tribe of  
2 Indians indicating a desire for a cultural survey of the site and a discovery plan in the event  
3 that archeological artifacts are discovered on the property during development and  
construction. No objection to the suitability of development of the site has been offered.

*C.5. Absence of significant adverse environmental impact.*

4 A SEPA DNS was issued by Spokane City on November 19, 2018. The DNS was not timely  
5 appealed.

*D.4. PUD criteria.*

6  
7 In addition to the above criteria found in SMC 17G.060.170(C), approval of the  
proposed PUD must meet the following criteria:

8 a. Compliance with applicable standards.

9 The proposed development and uses must comply with all applicable standards of the  
10 title, except where adjustments are being approved as part of the concept plan application,  
pursuant to the provisions of SMC 17G.070.200(F)(2). SMC 17G.060.170(D)(4). Construction  
11 of the PUD is proposed to take place in three phases, and the proposed PUD meets the  
requirement of SMC 17G.070.200(F)(2).

12 Relying upon SMC 17G.070.010, the applicant requests deviation from the standards  
13 of Title 17G SMC, specifically regarding the extension of Crestline Street through the  
proposed PUD from 32<sup>nd</sup> Avenue to Southeast Boulevard.

14 SMC 17G.070.010(A) explains that the purpose of the PUD provisions is to encourage  
15 innovative planning and flexible design standards that results in more infill and mixed use  
development; economically diverse and affordable housing options; improved protection of  
16 open space and critical areas and transportation options and preserve the existing landscape  
and amenities that may not otherwise be protected through conventional development. The  
17 PUD provisions in that code section are: 1) Flexibility, 2) Efficiency, 3) Affordable Housing, 4)  
Diverse Housing, 5) Open Space, 6) Economic Feasibility, and 7) Resource Preservation.

18 The applicant argues that extending Crestline Street through the proposed PUD to  
19 Southeast Boulevard along the path of the dedicated ROW in the Final Plat of Estate  
Development (1970) would diminish if not destroy the designed open space and would  
20 significantly hinder the resource preservation designed into the proposed PUD. Construction  
of an extension of Crestline Street along the dedicated ROW to Southeast Boulevard would  
21 cut a wide path through the planned pedestrian pathway designed for that ROW and would  
require the removal of the colonnade of mature trees that borders the proposed pathway  
22 currently. The proposed design would leave the existing trees and make that area part of the  
green open space designed for the PUD.

23 In response, Spokane City argues that the extension of Crestline Street from 32<sup>nd</sup>  
24 Avenue to Southeast Boulevard is not only included in the Proposed Arterial Network Map  
TR 12, but is also required by the Comprehensive Plan and development standards and

1 street standards contained in the SMC. Upon questioning during the hearing, Spokane City  
2 indicated that the location of the extension of Crestline Street to Southeast Boulevard need  
3 not follow the path of the dedicated ROW in the Final Plat of Estate Development (1970);  
4 however, the City's position is that the extension and connection to Southeast Boulevard  
5 must be made. Spokane City also indicated during the hearing that the extension of  
6 Crestline Street to Southeast Boulevard would not be required to be an arterial as indicated  
on the Proposed Arterial Network Map TR 12; however, no indication was given regarding  
whether that was a final decision and amendment to the Proposed Arterial Network Map TR  
12, thus the question of whether Crestline Street between 32<sup>nd</sup> Avenue and Southeast  
Boulevard would be an arterial is not yet resolved.

7 As noted above, during the hearing the applicant submitted an illustration marked as  
8 Exhibit #4 that shows a possible alternate route for a connection between Crestline Street at  
9 32<sup>nd</sup> Avenue and Southeast Boulevard. That possible alternate route would follow 32<sup>nd</sup>  
10 Avenue to the east from Crestline Street and then turn north at the now existing cul-de-sac  
11 to connect to 31<sup>st</sup> Avenue and then proceed along 31<sup>st</sup> Avenue to Southeast Boulevard. The  
12 alternate route in Exhibit #4 would comply with the standards in Title 17G SMC. See SMC  
17G.070.145. The applicant's briefing before the Hearing Examiner emphasizes that the  
proposed preliminary plat and PUD only proposes to terminate Crestline Street at 32<sup>nd</sup>  
Avenue without extending it through the PUD. At the hearing the applicant did not propose  
the illustration in Exhibit #4 as a modification to the proposed preliminary plat and PUD.

13 For the reasons stated above in this section, the preliminary plat and PUD as  
14 proposed do not comply with all applicable standards of Title 17G SMC.

15 b. Architectural and Site Design.

16 The applicant has completed the Design Review process and the recommendations of  
the DRB are incorporated into this decision.

17 c. Transportation System Capacity.

18 As demonstrated by the uncontested Traffic Distribution Letters dated January 3,  
19 2018, and August 14, 2018, there is sufficient capacity on the arterial system and  
20 intersections surrounding the proposed preliminary plat and PUD. The capacity of the  
arterial system and intersections surrounding the proposed preliminary plat and PUD,  
however, do not relieve the requirement of compliance with the applicable standards of Title  
17G SMC.

21 d. Availability of Public Services.

22 Both the applicant and Spokane City assert that there is sufficient capacity within  
23 the public services to adequately serve the proposed preliminary plat and PUD upon build  
24 out of the project. This is supported in the record by evidence in the file that the application  
was submitted to departments and agencies who provide those services and the responses  
from those agencies and departments are contained in the file. Failure of an agency or

1 department to respond to the application or to otherwise object is taken as an indication of  
2 adequate capacity.

3 e. Protection of designated resources such as historic landmarks, view sheds, street trees,  
4 urban forests, critical areas, or agricultural lands.

5 The proposed preliminary plat and PUD is designed to leave in a substantially  
6 natural state the rock outcropping on the east side of the site and to preserve as much as  
7 possible the mature trees throughout the site. The proposal also maintains much of the  
8 walking trails that already exist on the property including improvement to the pedestrian  
9 path that currently exists in the area of the ROW for the extension of Crestline Street  
10 through the Final Plat of Estate Development (1970). There are no agricultural areas within  
11 the site.

12 f. Compatibility with adjacent uses.

13 The site of the proposed preliminary plat and PUD is surrounded by varying uses,  
14 including commercial development on the northwest and east boundaries. To the west the  
15 site is bounded by multi-family apartment style residential development and to the south by  
16 single-family residential development on urban sized lots. The proposed commercial and  
17 residential development in the northern portion of the site, with a CC1 zoning classification,  
18 is compatible with the existing commercial development immediately adjacent to the site. In  
19 the southern portion of the site, with a RSF zoning classification, the proposal indicates a  
20 total of approximately 126 residential dwelling units across a combination of multi-family  
21 residential structures similar to those to the west of the site, single-family cottage-style  
22 residential dwellings in the south and east side of the site, and single-family dwellings on  
23 urban sized lots similar to the development immediately across the street in the south and  
24 east side of the site. The proposed development is within the density requirements for the  
site and represents a reasonable buffer and transition from the development on the site to  
the surrounding areas.

g. Mitigation of off-site impacts, such as litter, noise, shading, glare, and traffic.

As conditioned the proposed preliminary plat and PUD will offer mitigation measures  
relative to this requirement. Although mitigation for traffic is not necessary, based upon the  
Traffic Distribution Letters submitted and accepted by Spokane City, the extension of  
Crestline Street from 32<sup>nd</sup> Avenue to Southeast Boulevard is required by the policies of the  
Comprehensive Plan and the applicable design and street standards.

In summary, as indicated above in this section, the criteria identified in SMC  
17G.060.170(D)(4)(b–g) are met by the proposed preliminary plat and PUD. Criteria (a) is not  
met.

1 *D.5 (a-j). Plat, Short Plat, and Binding Site Plan – Capacity and Concurrence.*

2 a. Public health, safety and welfare.

3 As conditioned the proposed preliminary plat and PUD makes appropriate provision  
4 for the public health, safety and welfare.

5 b. Open spaces.

6 The proposal under consideration includes approximately 9.18 acres of common area  
7 tracts that will be used for parks, open spaces, and shared community facilities including  
8 community gardens, a neighborhood park, a community center building, and fitness center.

9 c. Drainage ways.

10 All stormwater and surface drainage generated on-site shall be disposed of on-site in  
11 accordance with SMC 17D.060 “Stormwater Facilities,” the 2008 Spokane Regional  
12 Stormwater Manual (“2008 SRSM”), Special Drainage Districts, and City Design Standards.

13 d. Streets, roads, alleys, and other public ways.

14 Public and private streets, including paving, curb, sidewalk, signs, storm drainage  
15 structures/facilities, and swales/planting strips necessary to serve the proposed plat, shall be  
16 designed and constructed in accordance with City standards. During testimony at the  
17 hearing, the applicant indicated that all streets constructed within the proposed preliminary  
18 plat and PUD would be public streets meeting all applicable code requirements and  
19 standards.

20 Notwithstanding a modification of the location of the streets from that illustrated in  
21 the Final Plat of Estate Development (1970), the proposed preliminary plat and PUD  
22 provides a street connection between Martin Street at 30<sup>th</sup> Avenue and Southeast Boulevard  
23 at 31<sup>st</sup> Avenue, consistent with the SEPA mitigation requirements of the Sonneland  
24 Comprehensive Plan Amendment Z1200046-COMP.

At the time of the original application it had been proposed that the existing ROWs  
within the Final Plat of Estate Development (1970) be vacated. During the hearing before  
the Hearing Examiner Pro Tem, the applicant withdrew its request for vacation of the ROWs  
within the earlier plat upon the request of Spokane City. The reason for the withdrawal of  
the request to vacate ROWs and agreement to withdraw was based upon the existence within  
the ROWs of several utility facilities and the significant future possibility of other utility  
facilities being placed within the existing ROWs.

Narrower streets with parking on one side and two, 10-foot lanes have been requested  
indicating a total curb-to-curb width of 28 feet. The alignment and location of the narrower  
section was not identified in the request. The residential standard curb-to-curb width is 36  
feet while the arterial standard curb-to-curb width is 40 feet (SMC 17H.010.050). A design  
variance request must be submitted and approved prior to the submittal of engineering plans  
for review if an alternative width is to be used (SMC 17H.010.020).



1 e. Transit stops.

2 A Spokane Transit Authority (STA) route is currently available along 29<sup>th</sup> Avenue and  
3 Southeast Boulevard, with a bus stop along 29<sup>th</sup> Avenue at Martin Street. There is also a  
4 Park and Ride facility across Southeast Boulevard at the intersection with 31<sup>st</sup> Avenue.  
5 There are no stops or routes proposed internal to the development.

6 f. Potable water supplies.

7 Domestic water services are available at the site of the proposed preliminary plat and  
8 PUD. All water services shall follow the "City of Spokane Water Department Rules and  
9 Regulations for Water Service Installations." The following changes to the applicant's PUD  
10 Development Standards Matrix are required by Spokane City.

11 PUD Development Standards Matrix – CC1 Zone:

12 Utilities – All water services shall follow the "City of Spokane Water  
13 Department Rules and Regulations for Water Service Installations."

14 Manifold meters or bullhead assemblies are not allowed. All sewer services  
15 shall follow the Regulations Governing Sewer Construction in the City of  
16 Spokane and City of Spokane Design standards.

17 PUD Development Standards Matrix – RSF Zone:

18 Utilities – All water services shall follow the "City of Spokane Water  
19 Department Rules and Regulations for Water Service Installations."

20 Manifold meters or Bullhead assemblies are not allowed. All sewer services  
21 shall follow the Regulations Governing Sewer Construction in the City of  
22 Spokane and City of Spokane Design standards.

23 g. Sanitary sewers.

24 All sewer services shall follow the Regulations Governing Sewer Construction in the  
City of Spokane and City of Spokane Design Standards. The sanitary sewer system,  
including individual connections to each lot, shall be constructed and accepted for services  
prior to the City Engineer signing the final plat.

h. Parks, recreation and playgrounds.

See b. Open spaces, above. In addition, Hamblen Park is located roughly a quarter of  
a mile south on Crestline Street from the southern boundary of the proposed preliminary  
plat and PUD. The parks department did not offer any comments on this proposal.

h. Schools and school grounds.

The site is located within the Spokane Public School District #81, roughly a third of a  
mile from Hamblen Elementary School. There are no provisions for public schools or school  
grounds as a part of this proposal. The school district did not provide any comments on this  
proposal.

1 i. Sidewalks, pathways, and other features that assure safe walking conditions.

2 The applicant is proposing a trail system through the community common area and  
3 along streets to provide a comprehensive pedestrian system throughout the site that  
4 connects to the surrounding roadway system and neighborhoods. Separated sidewalks with  
street trees will be required on both sides of each new street.

#### 5 **I. City Recommendations:**

6 The City recommends approval of this application subject to the conditions of  
7 approval. The City believes that, as the proposal is currently configured, it does not achieve  
8 the connectivity envisioned by the Comprehensive Plan and does not comply with the City's  
9 development regulations, which implement the Comprehensive Plan. The conditions of  
approval are necessary to ensure that the project is consistent with the Comprehensive Plan  
and Development Regulations, and compliance with the conditions should be a condition of  
approval of the project.

10 Any finding of fact above that is a conclusion of law is deemed a conclusion of law.  
Any conclusion of law above that is a finding of fact is deemed a finding of fact.

### 11 **III. DECISION**

12 Based on the Findings of Fact and Conclusions of Law above, the application for a  
13 preliminary plat and PUD, on a 24.59-acre site to construct 236 residential units and 38,000  
14 square feet of office, retail, and other commercial uses, is hereby approved, subject to  
compliance with the conditions specified below.

15 Any conditions of approval of public agencies that have been added or significantly  
16 altered by the Examiner are *italicized*. This approval does not waive the applicant's  
obligation to comply with all other requirements of other public agencies with jurisdiction  
over land development.

#### 17 **A. Conditions of Approval:**

- 18 1. Development should adhere to plans, drawings, illustrations, and/or specifications on file  
with the Development Services Center as modified by the conditions below.
- 19 2. *As presently configured, the proposed preliminary plat and PUD is not consistent with the*  
20 *applicable goals and policies of the Comprehensive Plan and does not comply with the*  
21 *applicable standards, specifically related to connectivity of streets surrounding and*  
22 *through the proposed development. The applicable policies and standards require that a*  
*street connection for vehicles be provided between the intersection of Crestline Street and*  
*34th Avenue to the intersection of Southeast Boulevard and 31st Avenue.*

- 23 • This vehicular connection shall be built to City of Spokane Street Standards.

- 24 • This connection shall be *dedicated* as a public ROW.

- 1       • All proposed intersections, corners, or curves must meet the Fire Department's  
2       design standards.
- 3       • *The location of the street connection shall be agreed upon between the City of*  
4       *Spokane and the applicant.*
- 5       • *Whether the street connection between Crestline Street and Southeast Boulevard*  
6       *shall be an arterial street or otherwise is dependent upon the proposed amendment*  
7       *of the Proposed Arterial Network Map (Map TR 12) found in Resolution No. 2018-*  
8       *0061, dated July 9<sup>th</sup>, 2018.*
- 9       3. *The proposed residential public street connection for vehicles between the intersection of*  
10      *Martin Street at 30<sup>th</sup> Avenue and Southeast Boulevard at 31st Avenue shall:*
  - 11       • Be built to City of Spokane street standards;
  - 12       • Be dedicated as a public ROW; and
  - 13       • All proposed intersections, corners or curves must meet the Fire Department's  
14       design standards.
- 15      4. Bike connections must be provided between the three intersections 1) Crestline Street at  
16      34th Avenue, 2) Martin Street at 30<sup>th</sup> Avenue, and 3) Southeast Boulevard at 31st  
17      Avenue.
- 18      5. Pedestrian connections must also be provided between *the three intersections identified in*  
19      *#4 above*, and additionally to the proposed trail in the 32<sup>nd</sup> Avenue alignment to Pittsburg  
20      Street.
- 21      6. *Any new intersection/driveway at 29th Avenue and Stone Street (south side of 29th*  
22      *Avenue) shall be limited to "right-in, right-out only" to maintain the function of 29th*  
23      *Avenue and Southeast Boulevard intersection, pursuant to the Mitigated Determination of*  
24      *Nonsignificance "MDNS" for File No. Z1200046-COMP, dated July 29, 2013.*
- 25      7. Additional clarification shall be provided regarding the following items:
  - 26       • Provide a key to describe or delineate on the topographical map what the  
27       numbered lots and tracts reference.
  - 28       • Modify the plan to indicate the uses proposed and their locations in this plat (SFR,  
29       multifamily, mixed use, etc.) or for the tract uses (open space, stormwater  
30       management, multi-modal and pedestrian access, etc.).
- 31      8. The applicant shall dedicate 7.5 feet of ROW along the south side of 29th Avenue  
32      immediately adjacent to the proposed preliminary plat and PUD, between Martin Street  
33      and the east property boundary to allow for future widening work on 29<sup>th</sup> Avenue.

1     *Dedication of the ROW can be used as a credit to offset the cost of Transportation Impact*  
2     *Fees required due to the development of the site.*

3     9. Intersection improvements of 31st Avenue and Southeast Boulevard will be required to  
4     include minor restriping work, to add a northbound left turn pocket and crosswalk  
5     amenities.

6     10. Transportation impact fees will be assessed per SMC 17D.075.

7     11. All public or private streets, paving, curbs, sidewalks, utilities, stormwater, lights, and  
8     similar facilities shall be developed according to City standards, unless specifically  
9     modified by the city engineer. Waivers, variances, or modifications to the private or  
10    public street standards, utilities, and other infrastructure through a PUD shall be  
11    approved by the city engineer. No waivers, variances, or modifications to the private or  
12    public street standards have been approved for this plat.

13    12. *Any proposed vacation of 32<sup>nd</sup> Avenue shall be conducted by the Spokane City Council*  
14    *(SMC17G.080.020.D.2.a).*

- 15       • The existing 32nd Avenue ROW, west of Crestline Street is the planned route for  
16       the new water main that will provide the water supply to the new High System  
17       Reservoir. This ROW is also planned to be the emergency overflow path for the  
18       new reservoir tank. A sufficient no build easement for both of these needs is  
19       required for the vacation to be considered.
- 20       • All existing public water mains and public sewer mains require a minimum no  
21       build easement of 30 feet. If the easements overlap due to the large size of these  
22       mains, the easement shall extend a minimum 15 feet from the outside edge of the  
23       utility on each side. The no build easements shall apply to all structures, patios, or  
24       swimming pools, etc. The City of Spokane shall not be responsible for any surface  
      restoration except grass or asphalt if utility repairs are required. Foundations  
      shall have a minimum 20-foot separation from public water and sewer mains.
- Adequate access shall be provided to surface facilities (e.g., manholes, valves, etc.)  
      within the easement(s).
- If existing public ROW is vacated, the applicant will need to compensate the City  
      of Spokane if there is a net loss of overall platted public ROWs.

15    13. *All existing and proposed easements, both public and private, shall be shown and/or*  
16    *referenced on the preliminary plat face.*

- 17       • Crestline Street was vacated from 29th Avenue to 30th Avenue in 1994 with the  
18       condition of an “unobstructed paved easement” reserved for Washington Water  
19       Power Company, Cox Cable TV, and the City of Spokane for existing and future  
20       utilities. Reference Ordinance C31317, amending C30538, recording number  
21       9503140282.

- 1           • There are existing water service lines to the existing buildings addressed as 2202,  
2           2204, and 2230 E. 29th Avenue. Easements for the water services will need to be  
3           established or water services will need to be relocated as to not cross property  
4           lines.
- 5 14. No structures will be allowed within the existing easement areas of vacated Crestline and  
6     Stone Streets.
- 7 15. Maintain all existing water and sewer services, provide easements and access as needed.
- 8 16. The following items are required to be shown on the preliminary plat per SMC  
9     17G.080.040(B)(2) via SMC 17G.080.050(C)(2):
- 10           • Locations and widths of streets, alleys, ROWs, easements (both public and  
11           private), turn around and emergency access, parks and open spaces will need to be  
12           shown on the preliminary plat. (SMC 17G.080.040 (2)(r)).
- 13           • The location and sizes of all permanent buildings, ... structures, overhead and  
14           underground utilities, ... and other features existing upon, over or under the land  
15           proposed to be subdivided, and identifying any which are to be retained or  
16           removed.
- 17 17. Clearly identify the outer boundary limits of the proposed preliminary plat.
- 18 18. All water services shall comply with the “City of Spokane Water Department Rules and  
19     Regulations for Water Service Installations.” All sewer services shall comply with the  
20     Regulations Governing Sewer Construction in the City of Spokane and City of Spokane  
21     Design standards.
- 22           • CC1 Zone: Utilities – All water services shall follow the “City of Spokane Water  
23           Department Rules and Regulations for Water Service Installations.” Manifold  
24           meters or Bullhead assemblies are not allowed. All sewer services shall follow the  
25           Regulations Governing Sewer Construction in the City of Spokane and City of  
26           Spokane Design standards.
- 27           • RSF Zone: Utilities – All water services shall follow the “City of Spokane Water  
28           Department Rules and Regulations for Water Service Installations.” Manifold  
29           meters or Bullhead assemblies are not allowed. All sewer services shall follow the  
30           Regulations Governing Sewer Construction in the City of Spokane and City of  
31           Spokane Design standards.
- 32 19. All manholes and valves shall require a 12-foot-wide, all-weather driving surface to each  
33     location for access with either a turn-around or through access and must be accessible at  
34     all hours.
- 35 20. Each lot must include addresses on the face of the final plat. Application for addresses  
36     should be made at the time of sewer and water services permits.

- 1 21. Plan review fees for sanitary sewer, water, street, and stormwater improvements will be  
2 determined at the time of plan submittal and must be paid prior to the start of review.
- 3 22. General Facility Charges (GFCs) must be paid at the time of water and sewer permits,  
4 including connections to private systems.
- 5 23. Construction plans for public street, sewer, water, and stormwater systems must be  
6 designed by a Professional Engineer, licensed in the State of Washington, and submitted  
7 to Development Services for review and acceptance prior to construction.
- 8 • The developer will be responsible for all costs associated with constructing street  
9 improvements necessary to serve the proposed plat.
  - 10 • Signing and striping plans, where appropriate, shall be included as part of the  
11 design submittal.
  - 12 • Street designs for the proposed plat shall include supporting geotechnical  
13 information on the adequacy of soils underneath to support vehicular design loads.
  - 14 • Any requests to deviate from the City standards (curb, sidewalk and planting strip  
15 locations/widths, right-of-way widths, etc.) must be submitted in writing and will  
16 be addressed at the time of Developer Services' review of the street engineering  
17 plans.
  - 18 • Minimum 20-foot radii are required at all residential intersections. A minimum of  
19 30-foot radii are required for residential and arterial intersections.
  - 20 • Garages shall be setback a minimum of 20 feet from a sidewalk to fully  
21 accommodate a parked vehicle without obstructing the sidewalk.
  - 22 • Americans with Disabilities Act (ADA) ramps must be constructed as necessary.
  - 23 • All street identification and traffic control signs required due to the proposed plat  
24 shall be installed by the developer at the time of street improvements. They shall  
be installed and inspected to the satisfaction of the City's Construction  
Management Office in accordance with City standards prior to the occupancy of  
any structures within the phase being developed.
- 24 24. There are multiple public sanitary sewer mains within the proposed plat/PUD as well as  
in 29th Avenue available to provide service to this plat/PUD.
- Any new sewer main lines constructed outside public ROW shall be private.
  - Any additional sewers necessary to serve the proposed plat shall be designed and  
constructed to City standards. Review and permit fees are applicable.
  - The developer will be responsible for all costs associated with constructing  
sanitary sewer improvements necessary to serve the proposed plat. Additionally,

inspection fees are applicable for sewer improvements to the lots and are subject to be paid prior to the start of construction.

- Sanitary sewer shall be constructed, inspected, and tested prior to the City Engineer signing the final plat.

25. There are multiple public water mains within the proposed plat/PUD as well as in 29th Avenue available to provide service to this plat/PUD.

- Any new water mains constructed outside of the public ROW shall be private.
- Any additional water mains necessary to serve the proposed plat shall be designed and constructed to City standards. Review and permit fees are applicable.
- The developer will be responsible for all costs associated with constructing water improvements necessary to serve the proposed plat. Additionally, inspection fees are applicable for water improvements to the lots and are subject to be paid prior to the start of construction.
- Water improvements shall be constructed, inspected, and tested prior to the City Engineer signing the final plat.
- A pressure of 45 pounds per square inch (psi) minimum to the property line is required for service connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at the developer's expense. Where minimum domestic and fire flows cannot be provided from the existing water system, the developer will be required to design and construct improvements necessary to serve the proposed plat in accordance with City standards.

26. A hydraulic analysis is required for the proposed removal of any water mains from the water system, to ensure the operation of the water system is not compromised by the removal.

27. All stormwater and surface drainage generated on-site shall be disposed of on-site in accordance with SMC 17D.060 "Stormwater Facilities" and the Project Engineer's recommendations, based on the drainage plan accepted for the final plat. A surface drainage plan shall be prepared for each lot and shall be submitted to Development Services for review and acceptance prior to issuance of a building permit.

- The Dedication of the plat must address who has responsibility for operation and maintenance of the proposed drainage facilities. If drainage tracts are proposed, a homeowner's association (HOA) must be established and appointed as having responsibility for said stormwater facilities in the tracts. An Operation and Maintenance Manual is required which will identify and list the operation and maintenance tasks associated with the drainage facilities with the tracts. The

1 Operations and Maintenance Manual must be referenced in the Dedication of the  
2 plat.

- 3 • All stormwater facilities necessary to serve the proposed plat shall be designed  
4 and constructed in accordance with City standards. Review and permit fees are  
5 applicable.
- 6 • Prior to construction, a grading and drainage plan showing finished one-foot  
7 contours and supporting calculations shall be submitted to Development Services  
8 for review and acceptance.
- 9 • An erosion/sediment control plan, detailing how dust and runoff will be handled  
10 during and after construction, shall be submitted to Development Services for  
11 review and acceptance. Erosion and sediment control measures must be in place,  
12 on the project site, prior to the issuance of any building permits and any  
13 construction (including any grading/earth-moving).
- 14 • One copy plus a pdf of a final drainage report, including supporting geotechnical  
15 site characterization, calculations and documentation, shall be submitted to  
16 Developer Services for review and acceptance prior to the City Engineer signing  
17 the final plat.
- 18 • Acceptance of a conceptual drainage report does not imply that the concept  
19 proposed is inherently accepted as the final design. Acceptance only implies that  
20 the applicant (or agent) has demonstrated that stormwater disposal is  
21 manageable. It does not relieve the applicant from changes to the design that may  
22 be necessary in order to comply with the City's stormwater ordinance and design  
23 standards.
- 24 • If drywells are utilized, they will be tested insure design infiltration rates are met.  
A minimum factor of safety of two will be required. You must register all new dry  
wells and other injection wells with the Underground Injection Control program  
(UIC) at Washington State Department of Ecology (WSDOW) prior to use. In  
addition, discharge from the well(s) must comply with the ground water quality  
requirement (nonendangerment standard) at the top of the ground water table.  
Contact the Eastern Regional Office UIC Coordinator, Llyn Doremus at (509) 329-  
3518 or via email at Llyn.Doremus@ecy.wa.gov. You may also go to  
[https://ecology.wa.gov/Regulations-Permits/Guidance-technical-](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-injection-control-program)  
[assistance/Underground-injection-control-program](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-injection-control-program) for registration forms and  
further information. Proof of registration must be provided prior to plan  
acceptance.
- The developer is responsible for all costs associated with constructing stormwater  
improvements necessary to serve the proposed plat.

28. *An unpaved trail shall connect between the Garden District and Touchmark development  
at the intersection of vacated 32nd Avenue and Napa Street.*



- 1 29. All water services after the required Protectus meter as shown in City of Spokane  
2 Standard Plan Y-118 shall be private. All vault locations shall be per Standard Plan Y-  
118.
- 3 30. A \$250.00 deposit will be required for each monument to be installed as part of the final  
4 plat.
- 5 31. Civil engineered plans and profiles shall use NAVD88 datum (City of Spokane datum  
minus 13.13 feet).
- 6 32. In accordance with the City's Financial Guarantee Policy, a financial guarantee will be  
7 required for all street, drainage, and erosion / sediment control improvements not  
constructed prior to approval of the final plat.
- 8 33. Site fire flow will be required to be provided and maintained during construction.
- 9 34. Fire hydrant spacing shall not be more than 500 feet (along an acceptable path of travel),  
10 within 500 feet of the property line for non-sprinklered buildings and 750 feet of the  
property line for fire sprinklered buildings (SMC 17F.080.030).
- 11 35. For commercial buildings, fire hydrants are required to be along an acceptable path of  
12 travel within 400 feet to all points around the building without fire sprinklers  
(International Fire Code [IFC] 507.5.1), and 600 feet for commercial buildings with fire  
13 sprinklers (IFC 507.5.1, exception 2).
- 14 36. Fire Department Connections for new fire sprinkler system installations shall be located  
15 no more than five hundred feet from a fire hydrant along an accessible path of travel  
unless where approved by the fire official.
- 16 37. Fire Department approved all-weather access must be provided to within 150 feet of any  
17 point around the outside of a building (IFC 503.1.1). For fully sprinklered buildings, this  
is extended to 165 feet (IFC 503.1.1, exception 1). Dead-end roads longer than 150 feet  
18 need approved fire apparatus turn-arounds (IFC 503.2.5). Fire apparatus turning radius  
is 50 feet external, 28 feet internal (SMC 17F.080.030.D.3). Minimum height clearance is  
19 13 feet-6 inches (IFC 503.2.1). Fire lanes will have a maximum slope of 10 percent (based  
on IFC 503.2.7). Minimum width for fire access is 20 feet, unobstructed (IFC 503.2.1).
- 20 38. Buildings exceeding 30 feet in height and will be required to have a Fire Aerial Access  
21 lane of 26 feet wide along at least one full side of each building (IFC D105.2).
- 22 39. Fire access will be maintained during construction. The fire lanes will be maintained  
23 with an all-weather surface (IFC 3310.1).
- 24

1 40. Single-family and duplex residential developments that exceed 30 dwelling units on any  
2 single road with no additional access are required to have a second fire access road (IFC  
D107.1).

3 41. Pursuant to the DRB recommendation dated June 13, 2018:

- 4 • The Design Review Board finds that the site design and architecture as presented  
5 demonstrates the use of innovative, aesthetic, and energy-efficient design.
- 6 • The Design Review Board supports the requested design departure to provide a 6-  
7 foot separated sidewalk with a 6-foot planting strip (in the CC1 zoned portion)
- 8 • The project as proposed preserves the healthy urban forest canopy and supports a  
9 pedestrian friendly environment.
- 10 • The applicant shall preserve the existing allee of trees in the center of the site.
- 11 • The applicant shall consider opportunities for a terminated vista at South  
12 Crestline Street and East 32nd Avenue with an amenity or art.
- 13 • The applicant shall consider opportunities for greater variation of the roof form of  
14 the two story multifamily housing units on the south end of the site to better blend  
15 with the existing neighborhood.
- 16 • The project as proposed will better meet the buffer requirement if conifers are  
17 integrated into the southern landscape buffer.
- 18 • *Based upon the condition imposed by this decision, requiring that a connection be  
19 established between the intersection of Crestline Street and 32<sup>nd</sup> Avenue and  
20 Southeast Boulevard and 31<sup>st</sup> Avenue, upon agreement between Spokane City and  
21 the applicant regarding the location of said connection, the applicant shall return  
22 to the Design Review Board to address traffic calming, along with any disruptions  
23 to the pedestrian friendly environment and urban forest canopy.*

24 42. Pursuant to the WSDOE comment:

- The operator of a construction site that disturbs one acre or more of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer, must apply for coverage under WSDOE's Baseline General Permit for Stormwater Discharges Associated with Construction Activities.

43. Pursuant to the STA comments:

- As the Garden District project moves forward, Spokane Transit requests that we continue to be involved in the design of the transit stop and associated amenities. In particular, the stop and amenities should be planned to support the implementation of High Performance Transit elements, with planned improvements on the 29th Avenue corridor beginning in 2019. Specifically, we are interested in improving (and/or slightly relocating) the existing eastbound stop at

1 Southeast Boulevard. Such improvements should accommodate raised boarding  
2 platforms and power/communication conduits to support High Performance  
Transit infrastructure.

- 3 • Spokane Transit further requests that pedestrian crossing improvements at the  
4 intersection of East 31st Avenue and South Southeast Boulevard be considered as  
part of the project.

5 44. Pursuant to the Spokane Tribe comments:

- 6 • An inadvertent disturbance plan be created and submitted to Spokane City prior  
to commencement of construction on the project.

7 45. The following statements shall be included in the Dedicatory Language on the face of the  
8 final plat:

- 9 • 10-foot-wide easements for “Dry” utilities (electric, gas, phone, fiber, cable TV) as  
10 shown on the herein described plat are hereby dedicated for the use of serving  
11 utility companies for the construction, reconstruction, maintenance, protection,  
12 inspection and operation of their respective facilities, together with the right to  
13 prohibit changes in grade over installed underground facilities and the right to  
14 prohibit, trim and/or remove trees, bushes, landscaping without compensation and  
to prohibit brick, rock or masonry structures that may interfere with the  
construction, reconstruction, reliability, maintenance, and safe operation of same.  
Storm drain dry wells and Water Meter boxes shall not be placed within the “Dry”  
easements; however, lateral crossings by storm drain, water and sewer lines are  
permitted. Serving utilities are also granted the right to install utilities across  
sidewalk easements, common areas or Tracts and future acquisition areas.
- 15 • Utility easements shown here on the described plat are hereby dedicated to the  
16 City and its permittees for the construction, reconstruction, maintenance, and  
17 operation of utilities and cable television, together with the right to inspect said  
utilities and to trim and/or remove brush and trees which may interfere with the  
construction, maintenance, and operation of the same.
- 18 • All storm water and surface drainage generated on-site shall be disposed of on-site  
19 in accordance with SMC 17D.060 “Storm water Facilities”, City standards, and as  
20 per the Project Engineer’s recommendations, based on the drainage plan accepted  
21 for the final plat. Pre-development flow of any off-site runoff passing through the  
proposed plat shall not be increased (rate or volume) or concentrated due to  
development of the plat, based on a 50-year design storm. An escape route for an  
“a 100-year design storm event” must be identified.
- 22 • Slope easements for cut and fill, as deemed necessary by Engineering Services, in  
23 accordance with the City’s Design Standards, are hereby granted to the City of  
Spokane for the construction and maintenance of public streets adjoining this plat.
- 24 • This plat is not in an irrigation district. The property owner shall maintain the  
drainage swale/planting strip in the public right-of-way, adjacent to the property

owner's property, with a permanent live cover of lawn turf, with optional shrubbery and/or trees, which do not obstruct the flow and percolation of storm drainage water in the drainage swale as indicated by the approved plans. Any re-grading of the lots shall not alter the drainage of such facilities. The City of Spokane and its authorized agents are hereby granted the right to ingress and egress to, over, and from all public and private drainage easements and tracts for the purposes of inspection and emergency maintenance of drainage swales and other drainage facilities. The property owner or his/her representative shall inform each succeeding purchaser of all drainage easements on the property and his/her responsibility for maintain drainage facilities within said easements.

- The City of Spokane does not accept the responsibility of maintaining the stormwater drainage facilities on private property nor the responsibility for any damage whatsoever, including, but not limited to, inverse condemnation to any properties due to deficient construction and/or maintenance of stormwater drainage easements on private property.
- All improvements (street, sewer, storm sewer, and water) shall be constructed to City standards by the developer prior to the occupancy of any structures served by said improvements.
- All required improvements serving the plat, including streets, sanitary sewer, stormwater, and water shall be designed and constructed at the developer's expense. The improvements must be constructed to City Standards by the developer prior to the occupancy of any structures within the development.
- No building permit shall be issued for any lot in this subdivision/PUD until evidence satisfactory to the City Engineer has been provided showing that the recommendations of chapter 17D.060 SMC, Stormwater Facilities, and the Project Engineer's recommendation, based on the drainage plan accepted for the final subdivision/PUD, have been complied with.
- No garage shall be permitted within twenty feet from the front property line.
- All parking areas and driveways shall be hard surfaced.
- Only City of Spokane Water shall serve the plat. The use of individual on-site wells is prohibited.
- Only City of Spokane Sewer shall serve the plat. The use of individual on-site sanitary disposal systems is prohibited.
- A Transportation Impact Fee will be collected for each lot per SMC 17D.075.
- Development of the subject property, including grading and filling, are required to follow an erosion/sediment control plan that has been submitted to and accepted by Development Services prior to the issuance of any building and/or grading permits.

- Prior to the issuance of any building permits, the lots shall be connected to a functioning public or private water system complying with the requirements of the Engineering Services Department and having adequate pressure for domestic and fire uses, as determined by the Water and Hydroelectric Services Development.
- Prior to the issuance of any building permits, the lots shall be served by fire hydrants and shall have appropriate access to streets as determined by the requirements of the City Fire Department and the Engineering Services Department.
- Water mains and fire hydrants must be installed at the developer's expense, in locations approved by the City Fire Department and in accordance with applicable State and Federal provisions.
- The water system shall be designed and constructed in accordance with City Standards. A pressure of 45 psi minimum at the property line is required for services connections supplying domestic flows. Pressures shall not drop below 20 psi at any point in the system during a fire situation. Pressures over 80 psi will require that pressure relief valves be installed at the developer's expense.
- All private improvements constructed within the boundaries of a PUD are required to be maintained by a homeowner's association or comparable entity established for this PUD.

DATED this 15<sup>th</sup> day of January, 2019

CITY OF SPOKANE HEARING EXAMINER  
PRO TEM



David W. Hubert, WSBA #16488

#### **NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL**

Appeals of decisions by the Hearing Examiner are governed by SMC 17G.060.210, 17G.060.210.C, 17G.060.210.F, and 17G.050.

Decisions by the Hearing Examiner regarding preliminary long plats and PUDs are final. The Hearing Examiner's decision may be appealed to the Spokane City Council. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the issuance of the decision.

Pursuant to Revised Code of Washington (RCW) Chapter 36.70C, the date of issuance of the Hearing Examiner's decision is three (3) days after it is mailed.

On January 15, 2019, a copy of this decision will be by first class mail to the Applicant, the Property Owner, and the Agent and by email or first class mail to other

1 parties of record. The date of issuance of the Hearing Examiner's decision is January 18,  
2019.

2 THE LAST DAY FOR APPEAL OF THIS DECISION TO THE SPOKANE CITY  
3 COUNCIL IS FEBRUARY 1, 2019.

4 In addition to paying the appeal fee to appeal the decision, the ordinance requires  
5 payment of a transcript fee to the Office of the Hearing Examiner to cover the costs of  
preparing a verbatim transcript and otherwise preparing a full record for the City Council.

6 Pursuant to RCW 36.70B.130, affected property owners may request a change in  
valuation for property tax purposes notwithstanding any program of revaluation.