

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
FILE NO. Z1300068-COMP, 1924 E. Boone Avenue (HD3 Investments)**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

This proposal is to amend the Comprehensive Plan land use map designation of one parcel from “Residential, 4 to 10 units per acre” to “Neighborhood Retail”, with a corresponding rezone of the parcel from RSF (residential single family) to NR (neighborhood retail). The approximate size of the proposal is 7100 square feet (.16 acres). No specific development proposal is being approved at this time.

II. GENERAL INFORMATION:

Agent:	Stacy Bjordahl
Applicant/Property Owner(s):	HD3 Investments
Location of Proposal:	The parcel address is 1924 E. Boone Avenue. The parcel number is 35162.2605. (NW ¼ of Section 16, T25N, R43 EWM)
Legal Description	Subdivision of School Section 16, Lot 5, Block 77 (parcel 35162.2605)
Existing Land Use Plan Designation:	“Residential, 4 to 10 units per acre”
Proposed Land Use Plan Designation:	“Neighborhood Retail”
Existing Zoning:	RSF (Residential Single Family)
Proposed Zoning:	NR (Neighborhood Retail)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on June 23, 2014. The appeal period closed on July 9, 2014 at 3pm.
Enabling Code Section:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	July 9, 2014
Staff Contact:	Tirrell Black, Planner; tblack@spokanecity.org

III. FINDINGS OF FACT:



A. Site Description: The property consists of one platted lot with an area of approximately 7,100 square feet (0.16 acres) which is addressed at 1924 E. Boone Avenue. The site is vacant except for a fence. The site is adjacent to a lot to the east that is in the same ownership. An unpaved alley runs east to west along the south side of the property. Across the alley is multifamily residential. Across the street to the north are residential uses. There is an adjacent residence to the west that appears to be single family residential.

Napa Street is a minor arterial and also a bus line for STA Route 29.

This site is adjacent to a 0.81 acre area that is zoned Neighborhood Retail (using parcel size information).

B. Project Description: This proposal is to amend the land use designation of one parcel from “Residential, 4 to 10 units per acre” to “Neighborhood Retail” with a corresponding rezone of the parcel from RSF (residential single family) to NR (neighborhood retail). The approximate size of the proposal is 7100 square feet (.16 acres). The applicant has submitted conceptual plans for an office building, but no specific development proposal is being approved at this time. Subsequent development of the site would be subject to all relevant provisions of the City’s unified development code.

C. Existing Land Use Plan Map Designations



D. Proposed Land Use Plan Map



E. Zoning and Land Use Designation History:

The property is located in a section of the city that was annexed on April 23, 1891. The zoning designation in 1929 was multifamily residential called Class II Residential District. The 1991 Chief Garry Park Neighborhood Specific Plan designates this area as MDR (Medium Density Residential) with R3 zoning. It remained in this zoning classification until 2006 when there was a citywide rezone and this property was zoned RSF (Residential Single Family).

F. Adjacent Land Use:

The property has frontage on Boone Avenue which is classified as a local street. Napa Street, which is one lot away in shared ownership is classified a Minor Arterial. Across Boone Avenue, to the north, is a single family home; to the northeast across Boone is a commercial property which may have been a store at some time. To the west of the property is a single family home; to the west is an office building which is owned by the applicant. To the north, across the alley are apartments.

STA Bus Route 29 has service on Napa Street. Napa Street is designated as a minor arterial. The most recent traffic counts indicate that the average daily total trips per day as 6200.

Three blocks to the north at the intersection of East Mission Avenue and Napa Street is an area designated as a Mini Center on the Land Use Plan Map. This area is also zoned Neighborhood Retail and is home to Cassano's Italian Grocery and is approximately 3.6 acres in size.

G. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan Amendment Procedures.

H. Procedural Requirements:

- Application was submitted on October 30, 2013 and Certified Complete on November 26, 2013;
- Applicant was provided Notice of Application on April 3, 2013;
- Notice of Application was posted, published, and mailed on April 14, 2014, which began a 60 day public comment period. The comment period ended June 12, 2014;
- The applicant made a presentation regarding the proposal to the Chief Garry Neighborhood Council on May 6, 2014;
- A SEPA Determination of Non Significance was issued on June 23, 2014;
- Notice of Public Hearing was posted and mailed by June 24, 2014;
- Notice of Public Hearing was published on June 25, 2014 and July 2, 2014;
- Hearing Date is scheduled with the Plan Commission for July 9, 2014.

IV. DEPARTMENT REPORTS and PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department comments are included in the file.

As of the date of the staff report, written public comment received regarding this proposal has been limited to an email in support from the neighborhood council.

V. CONCLUSIONS

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposal to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

A. Regulatory Changes.

Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

Relevant facts: The proposal is being considered and processed in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA) and the Spokane Municipal Code. There are no known recent state or federal or local legislative actions with which the proposal would be in conflict. Staff concludes this criterion is met.

B. GMA.

The change must be consistent with the goals and purposes of the state Growth Management Act.

Relevant facts: The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

RCW 36.70A.010, Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”). The two goals that are most directly related to the land use element state:

- ◆ *Urban growth. “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”*
- ◆ *Reduce sprawl. “Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.”*

Based on the evaluation provided elsewhere in this report, staff concludes that the application is consistent with these and the rest of the GMA Planning goals and the overall purpose of the Growth Management Act.

C. Financing.

In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

Relevant facts: This proposal has been reviewed by city departments responsible for providing public services and facilities. No comments have been made to indicate that this proposal creates issues with any public services and facilities. Staff concludes that this criterion is met.

D. Funding Shortfall.

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

Relevant facts: Staff has concluded that this criterion is not applicable to this proposal. There are no funding shortfall implications.

E. Internal Consistency.

The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Relevant facts: The proposal does not result in the need for other amendments to the Comprehensive Plan text or development regulations.

The applicant provided a discussion of the applicable Goals and Policies from the Comprehensive Plan which supports their request for the Land Use Plan Map Amendment. Below are relevant Comprehensive Plan Goals and Policies. Staff discussion follows.

Relevant Comprehensive Plan Goals and Policies

From Chapter 3, Land Use

Goal: LU 1 CITYWIDE LAND USE

Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

- Policy: LU 1.6 Neighborhood Retail Use: *Direct new neighborhood retail use to neighborhood centers designated on the land use plan map.*
- Policy: LU 1.12 Public Facilities and Services: *Ensure that public facilities and services systems are adequate to accommodate proposed development before permitting development to occur.*

Goal: LU 3 EFFICIENT LAND USE

Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.

- Policy: LU 3.1 Coordinated and Efficient Land Use: *Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory incentives, and focused growth in areas where adequate services and facilities exist or can be economically extended.*

From Economic Development Chapter 7

Goal: LU 5 DEVELOPMENT CHARACTER

Promote development in a manner that is attractive, complementary, and compatible with other land uses.

- Policy LU 5.3 Off-Site Impacts: Ensure that off-street parking, access, and loading facilities do not adversely impact the surrounding area.

Goal: ED 3 STRONG, DIVERSE, AND SUSTAINABLE ECONOMY

Foster a strong, diverse, and sustainable economy that provides a range of employment and business opportunities.

- ED 3.5 Locally-Owned Businesses: Support opportunities to expand and increase the number of locally-owned businesses in Spokane.

Goal: ED 6 INFRASTRUCTURE

Implement infrastructure maintenance and improvement programs that support new and existing business and that reinforce Spokane's position as a regional center.

- ED 6.1 Infrastructure Utilization: Locate development where infrastructure capacity already exists before extending infrastructure into new areas

Staff Discussion:

As indicated above, this proposal raises a discussion around Comprehensive Plan Policy 1.6, Neighborhood Retail Use. The full text of Policy LU 1.6 Neighborhood Retail Use is attached in Exhibit A. This policy expresses a preference for encouraging future neighborhood retail development to centers and corridors. The policy states that “[n]o new neighborhood retail locations should be designated outside of a center” and that “business expansion at existing locations should be contained within the boundaries of the existing designation.” Along these lines, the glossary of the City’s Comprehensive Plan defined “should” as follows: “Indicates that an action specified in a policy discussion is discretionary.” In addition, staff understands that Growth Management Hearings Board decisions indicate that the word “should” in the context of policies adopted under GMA denotes a discretionary policy, not a mandatory one.

The discussion section in this policy also visualizes a size limitation to these neighborhood retail areas as being limited to two acres in size. The current combined Neighborhood Retail zoning at Boone and Napa is 0.81 acres. If this land use plan map amendment were approved and the implementing zoning changed, the resulting sum of parcel area in this NR zoned cluster would be 0.97 acres or approximately 1 acre in size. This is still well within the size visualized in the policy discussion.

The applicant has stated that this increase in size will allow for greater development of the site and may enhance their ability to expand and allow this small local business to remain in situ.

Staff concludes that this criterion is met.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Relevant facts: This amendment will not impact regional consistency.

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

i. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

ii. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order

to facilitate the assessment of their cumulative impacts.

Relevant facts: This application is being reviewed as part of the annual cycle of comprehensive plan amendments.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

Relevant facts: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, and in recognition of the mitigation measures that will be required by State and local development regulations at the time of development, a Determination of Non-Significance (DNS) was issued on June 23, 2014.

Staff concludes that this criterion is met.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal and no agency or department offered comments suggesting the proposal would affect the City's ability to provide adequate public facilities to the property or surrounding area or consume public resources otherwise needed to support comprehensive plan implementation strategies. Any specific site development impacts can be addressed at time of application for a building permit, when actual site development is proposed. Staff concludes that this criterion is met.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

Relevant facts: The proposal does not involve amendment of the urban growth area boundary. This criterion is not applicable to this proposal.

K. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Relevant facts: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.

2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Relevant facts: Relevant Comprehensive Plan policies are addressed in Criterion E above.

Staff concludes that the proposed amendment is compatible with neighboring land uses and is consistent with the Comprehensive Plan.

- b. The map amendment or site is suitable for the proposed designation;

Relevant facts: This property is a relatively flat and level site located on Boone Avenue. It has sufficient area and dimension so that it can easily be developed in accordance with the standards of the NR zone which will be applied to the property. Staff finds that it is a suitable site.

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Relevant facts: Staff finds that the proposed amendment is consistent with the Comprehensive Plan policies.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

Relevant facts: The applicant has requested a corresponding rezone to Neighborhood Retail (NR).

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
 - b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - c. the capacity to provide adequate services is diminished or increased;
 - d. land availability to meet demand is reduced;
 - e. population or employment growth is significantly different than the plan's assumptions;

- f. transportation and/or other capital improvements are not being made as expected;
- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or
- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

3. Overall Consistency.

If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

VI. RECOMMENDATIONS

STAFF CONCLUSION: For reasons outlined within this report, staff recommends that this Comprehensive Plan Land Use Map Amendment request be approved with the property designation changed to “Neighborhood Retail” and that the zoning classification of the property be changed to “Neighborhood Retail” (NR).

Exhibit A

From Chapter 3, Land Use:

LU 1 CITYWIDE LAND USE

Goal: Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane’s role as the urban center.

Policy LU 1.6 Neighborhood Retail Use

Direct new neighborhood retail use to neighborhood centers designated on the land use plan map.

Discussion: To ensure that neighborhood retail use is attracted to centers, future neighborhood retail development is directed to the centers. Neighborhood retail areas located outside centers are confined to the boundaries of the neighborhood retail designations.

The neighborhood retail designation recognizes the existence of small neighborhood-serving businesses in locations that are not larger than two acres and that lie outside of designated centers. These locations are usually found along arterial streets, typically at the intersection of two arterials. In neighborhoods that are not served by a center, existing neighborhood businesses provide nearby residents access to goods and services.

No new neighborhood retail locations should be designated outside of a center. Further, business expansion at existing locations should be contained within the boundaries of the existing designation. Business infill within these boundaries is allowed.

Businesses that are neighborhood-serving and pedestrian-oriented are encouraged in neighborhood retail locations. Buildings should be oriented to the street and provide convenient and easily identifiable sidewalk entries to encourage pedestrian access. Parking lots should not dominate the frontage and should be located behind or on the side of buildings. Drive-through facilities, including gas stations and similar auto-oriented uses, tend to provide services to people who live outside the surrounding neighborhood and should be allowed only along principal arterials and be subject to size limitations and design guidelines.

Residential uses are permitted in these areas. Residences may be in the form of single-family homes on individual lots, upper-floor apartments above business establishments, or other higher density residential uses.