

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
FILE NO. Z1300069-COMP, 2929 and 2937 E. Wellesley Avenue (R Properties)**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

This proposal is to amend the Comprehensive Plan land use map designation of two parcels from “Office” to “CC-Core”. If approved, the parcels would be zoned Center and Corridor, Type 2, District Center (CC2-DC) and could be developed consistent with the retail, business, service and other uses permitted within that zoning category. The approximate size of the proposal is 19,050 square feet (.44 acres). No specific development proposal is being approved at this time.

II. GENERAL INFORMATION:

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| Agent: | Dwight Hume |
| Applicant/Property Owner(s): | R Properties LLC, Duane Alton, Manager |
| Location of Proposal: | The parcel addresses are 2929 E Wellesley Avenue and 2937 E Wellesley Avenue. The parcel numbers are 36343.2914 and 36343.2917. (SW ¼ of Section 16, T26N, R43 EWM) |
| Legal Description | Lots 14, Block 22 Hillyard (parcel 36343.2914) and Lots 15 and 16, Block 22 Hillyard (parcel 36343.2917) |
| Existing Land Use Plan Designation: | “Office” |
| Proposed Land Use Plan Designation: | “CC Core” |
| Existing Zoning: | Office, 35 height limit (O-35) |
| Proposed Zoning: | Center and Corridor, Type 2, District Center (CC2-DC) |
| 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 two tax parcels (three platted lots) with a combined area of approximately 19,050 square feet (0.44 acres) at the northwest corner of Wellesley Avenue and Haven Street. The property is vacant on the easterly parcel (two platted lots) and consists mostly of a flat, graveled surface. The westerly lot contains a small structure that was historically used as a doctor's office and is currently used by a church congregation to meet. Overall, the site is flat. An unpaved alley runs east to west along the north side of the property.

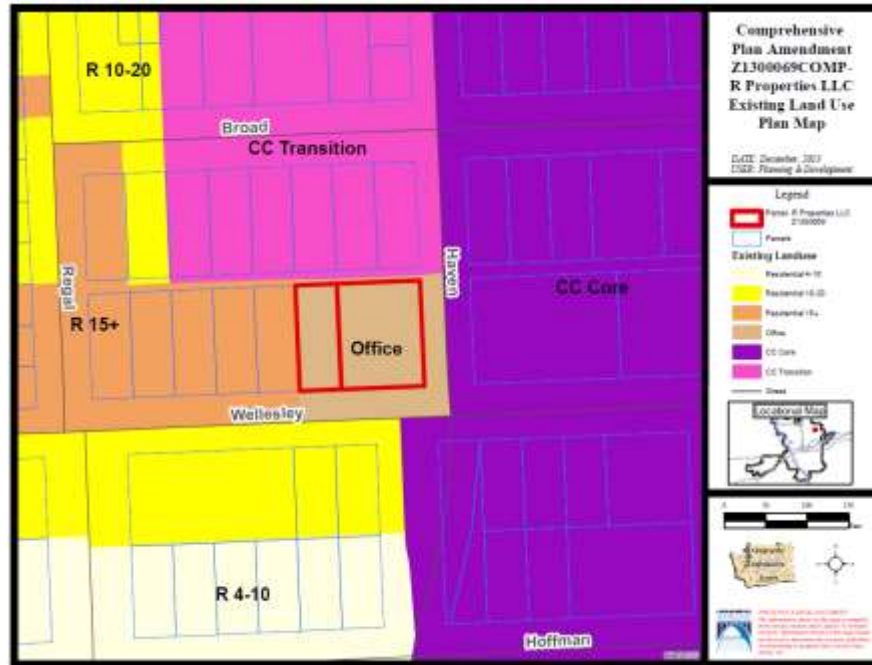
North of the site are residential homes, some appear to be single family use and some multifamily use. Across Wellesley to the south is St. Peter's Lutheran Church and a residential building owned by the church. Directly east, across Haven Street, there is an abandoned and currently boarded up property which historically served as a nursing home. To the west is a single family residence and a parking lot which historically served the medical building.

North Spokane Corridor project is proposed nearby, roughly in alignment with Market Street, with an interchange alignment proposed at Wellesley. Both Wellesley Avenue and Haven Street are designated as principle arterials at this location. This site is currently served by STA routes 27 and 33.

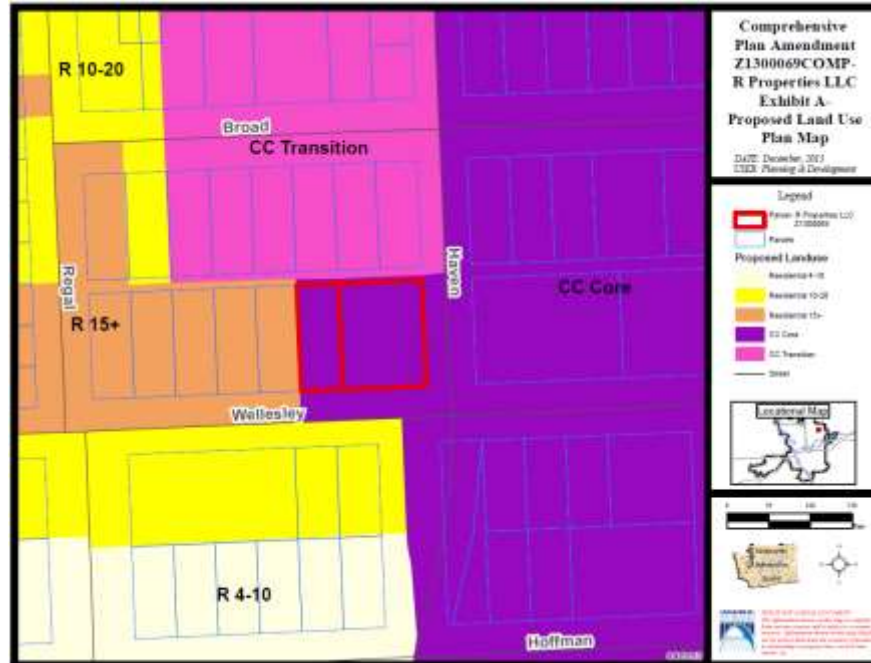
- B. **Project Description:** This proposal is to amend the land use designation of two parcels (three platted lots) from "Office" to "CC Core" making their designation uniform with the land use designation of the properties to the east. The approximate combined size of the property is 19,050 square feet (0.44 acres). If approved, the zoning for the

parcels would be Centers & Corridors, Type 2 – District Center (CC2-DC). No specific plans for the development of the property have been presented. Subsequent development of the site would be allowed in 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 in September 24, 1924. The zoning designation in 1929 was multifamily residential called Class II Residential District. A check of the 1970 zoning map, indicates this property was zoned R4. The property was rezoned in 1996 from R4 to RO-1L (File Z9500083ZC); this permitted expanded office use. The description of the property in 1995 describes the easterly two lots as vacant at that time and the medical office as an existing structure but without medical office use. In 2003 there were Land Use Plan Map amendments to the Hillyard Business Corridor (Ordinances C-33242 and C-33243). On a 2005 zoning map, this property is zoned O (Office) with R4 still existing to the west of the property.

F. Adjacent Land Use:

The property is adjacent to two principal arterials: Wellesley Avenue and Haven Street. To the north, across the alley, is housing that is single family residential or apartments within converted single family residential structures. To the east of the site is a complex that has been boarded up for some years but was historically a nursing home facility. To the south is a church. To the west is a single family residence and on the lot directly west of that is a parking lot which historically served the doctor's office.

STA Bus Routes 27 and 33 service this site. Wellesley Avenue and Haven Street are designated as principal arterials at this location.

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 Hillyard Neighborhood Council on May 21, 2013;
- 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. No substantive comments were received on this proposal.

As of the date of the staff report, no written public comment had been received regarding this proposal. If public comment is received, it will be included in the packets forwarded to the Plan Commission and/or City 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, 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 amendments 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. Staff has reviewed and concurs with the analysis prepared by the applicant. Goals and Policies from the City of Spokane Comprehensive Plan:

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 3.2 Centers and Corridors” states: *Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused.*

The discussion for policy LU 3.2 is lengthy but suggests that centers should be designated for those areas which can encourage and support the intensity and diversity of land uses which are needed to provide the surrounding neighborhoods with daily goods and services as well to provide opportunities for higher density housing and amenities which support a walkable, multimodal environment. To accommodate growth, centers must include not only areas of existing higher intensity commercial and mixed use, but also areas for infill and redevelopment. It is also noted that this proposal is to increase the CC2-DC zoning by 19,050 square feet (.44 acres) is a minimal increase. The existing Market Street Corridor is significant with approximately 28 acres in CC2-DC zoning.

As a site near the Market Street Corridor with available infrastructure capacity and its ability to be developed with minimal disruption to existing uses in the area, the proposal is consistent with this policy. It is significant that this site is on two principal arterials and adjacent (approximately two blocks) from the proposed North Spokane Corridor interchange and is likely to support a higher intensity of land use than its current Office zoning allows.

Thus staff finds that by changing the land use plan map designation from Office to Center & Corridor Core, the range of potential uses of the site will be expanded and the property can be developed with a new use helping to contribute to the mix of uses in the corridor rather than remaining an unproductive gravel lot.

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. This site is located adjacent to an area already designated CC Core as part of the North Market Street Corridor and with street designations on E Wellesley Avenue as principal arterial and N Haven Street as principal arterial. As such, the inclusion of this property into a Center & Corridor designation is a minimal addition which is a minor expansion of the existing corridor district boundaries. With the location being at the intersection of two principal arterials with a further planned interchange of the North South Corridor occurring within two blocks of this site, there are no indications that there will be adverse impacts by this action; the area has a high transportation capacity.

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 obtaining 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 Wellesley Avenue and Haven Street very near the proposed future interchange on Wellesley and the North Spokane Corridor. It has sufficient area and dimension so that it can easily be developed in accordance with the standards of the CC2-DC zone which will be applied to the property without negatively impacting adjacent or nearby uses and is directly served by STA Route 27 and Route 33. 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.

Staff concludes that this amendment and staff recommendations would implement the Comprehensive Plan better than the current land use plan designation.

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 change in the zoning classification to occur if the change to *Centers & Corridors Core* (CC Core) Land Use Plan Map designation is made. The applicant has requested CC2-DC zoning which matches the adjacent zoning designation to the east. This zoning category is commonly used to implement the centers and corridors designation and an appropriate classification for the Centers & Corridors Core designation as recommended by staff. The CC2-DC zoning designation has development standards set in unified development code, Spokane Municipal Code section 17C.122.

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 designated be changed to “Center & Corridor Core” and that the zoning classification of the property be changed to Center and Corridor Type 2 District Center (CC2-DC).