

**STAFF REPORT ON CONDITIONAL USE PERMIT
FILE NO. Z17-163CUP2**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant has requested approval of an Administrative Conditional Use Permit (Type II) from the City Planning & Development Director to allow the construction of a 24 unit cottage housing development on properties located at 2140 and 2176 W. Fairview Avenue, Spokane, WA (Parcel #'s 25122.0102 & 0103) in the City of Spokane, WA.

Recommendation: Staff recommends approval of this application with conditions.

II. GENERAL INFORMATION:

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|----|----------------------------|---|
| A. | Applicant: | Transitional Programs for Women
3128 N. Hemlock Street
Spokane, WA 99205 |
| B. | Property Owner: | Same as Applicant |
| C. | Agent: | Ryan Bollinger
c/o Heylman Martin Architects
101 N. Stevens Street
Spokane, WA 99201 |
| D. | Location of Proposal: | See Above In Description of Proposal |
| E. | Existing Zoning: | "RSF" (Residential Single Family) |
| F. | Land Use Plan Designation: | Residential 4-10 |
| G. | SEPA Status: | DNS – April 19, 2017 |
| H. | Enabling Zoning: | SMC 17G.060.170, Decision Criteria |
| I. | Decision Date: | May 3, 2017 |
| J. | Staff Contact: | Dave Compton |

III. FINDINGS OF FACT:

- A. Site Description: The subject properties are currently undeveloped. The topography is relatively flat with several trees and vegetation on the eastern parcel along with a community type garden.
- B. Project Description: Construct a twenty-four (24) unit cottage style housing project on 2 adjacent parcels (slightly more than 2 acres) together with a community building for its residents. This will be the fifth cottage housing project in the City of Spokane since the adoption of the current (June 2006) residential development code.
- C. Surrounding Zoning: Residential Single Family (RSF) surrounds the entire site area. The closest non-residential zone is several blocks away to the south along Northwest Boulevard. This proposal lies in the Audubon/Downriver Neighborhood Council boundary.
- D. Zoning History: The subject property has been zoned RSF since June 2006 with the adoption of the current residential development regulations. Prior to that it was designated both R-1 (Single-Family Residential) and R-2 (Two-Family Residential).
- E. Adjacent Land Use: The adjacent land uses follow the same boundaries as the above mentioned zoning categories with the proposal site and that in all directions is Residential 4 – 10. The physical uses surrounding this proposal are predominately single-family homes in all directions with the exception of two buildings to the north that houses the Dominican Outreach Services that is facilitating this cottage housing project. These facilities were previously approved for by a Special Permit for community service uses.
- F. Applicable Zoning Regulations: SMC 17C.110, Residential Zones; and SMC 17G.060.170 Decision Criteria.
- G. Procedural Requirements:
- A Pre-Development Conference was held on March 2, 2017;
 - Application was submitted on February 20, 2017;
 - Applicant was notified in writing on March 14, 2017 of technically complete status of application;
 - Notice of Application was mailed and the subject property posted on March 24, 2017 which began the 15-day public comment period;
 - SEPA Determination of Non-Significance was issued on April 19, 2017; Appeal date ended May 2, 2017;
 - Administrative Approval of proposal issued May 3, 2017.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments. Their comments are included with the file and are made part of this application by reference.

V. CONCLUSIONS

SMC 17G.060.170 Decision Criteria

A. Criteria.

The intent of the below listed decision criteria procedure is to determine the conditions under which a use may be permitted. Type II or III applications are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A conditional use permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes.*

Cottage Housing is allowed in the RA (Rural Agricultural) and RSF zones by Type II Conditional Use Permit (CUP), subject to the compliance of subsections (D) and (E) of SMC 17C.110.350 – Cottage Housing. Cottage housing developments are permitted on sites of one-half acre or larger with a minimum of six (6) units and maximum of twelve (12) units. A twenty percent density bonus is allowed based on the minimum lot size permitted in the base zone to a maximum of twelve (12) units in the development. That would allow up to twenty-four (24) units at this site.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

While the applicant doesn't specifically list any Comprehensive Plan goals and policies by element, the SMC section on Cottage Housing is cited as expressing the ones felt most applicable to this proposal on the CUP application. Most can be found within the Land Use element section of the Comprehensive Plan. There are many other goals and policies that could be attached to this type of proposal such as for design, economic development, transportation, etc., all of which would describe how it should fit into the public realm while safeguarding them from competing land uses. The intent of cottage housing is to support the diversity of housing, increases the variety of housing types for smaller households and provides the opportunity for small, detached single-family dwelling units within existing neighborhoods. This proposal highlights LU 3.11 – Compact Residential Patterns that allow for more compact and affordable

housing in all neighborhoods, this coupled with LU 3.12 – Maximum and Minimum Lot Sizes, which discusses the need to use the remaining usable land more efficiently by increasing the overall housing density within the city limits. By permitting increased densities, it in turn promotes efficient and cost-effective provision of city facilities, services, and transportation systems and enables the provision of affordable housing. Further LU 5.5 – Compatible Development and DP 3.8 – Infill Development both urge that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types. Lastly, N 2.6 – Housing Options reiterates the desire to provide housing options within neighborhoods to attract and retain neighborhood residents, consistent with the neighborhood planning process through a mixture of low, moderate, and high-income housing.

This site is free from critical areas according to available data. The proposal does not conflict substantially with adjacent land uses, is readily accessible to adequate transportation, utility, and service systems, as well as convenient to the labor force. All development will be required to meet any residential and applicable development standards as directed in the SMC 17C.110 – Residential Zones. This proposal must also comply with any and all county, state, or federal regulation applicable it currently or in the future. Conditions of approval will be listed at the end of this staff report. These and additional recommendations from agencies are located in the file of record.

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC.*

All applicable city departments and agencies had the opportunity to review this proposal with no one denying concurrency. This proposal was issued a Determination of Non-Significance after review of the SEPA Environmental checklists submitted. In addition, the applicant gives comments within the CUP application submitted on how they relate their proposal to concurrency and existing infrastructure systems.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features.*

The site area is suitable for development according to all city departments and agencies that commented. All improvements required by development regulations in the SMC and those noted by all that commented are applicable. No historical or cultural features are known to exist within the site area; however the Tribal Historic Preservation Officer of the Spokane

Tribe of Indians has recommended a cultural survey after review of a ground disturbance permit previously forwarded to them most likely due to the proposal being located in close proximity to Drumheller Springs Park, a known cultural site. This will be listed as a condition of approval.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.*

Please reference the applicant's response to this (#5) on the CUP application. A small amount of public comment, mainly from adjacent property owners, was received. The majority questioned the permitting of this type of housing in their single-family style neighborhood, its effect on surrounding property values, traffic issues, increased crime, etc. Design review of both the overall site plan and individual building permits is required and will be a listed as a condition of approval.

B. Time Limitation.

A CUP (type II or type III) application automatically expires and becomes void if the applicant fails to apply for a building permit within three years of the effective date of the CUP approval unless the applicant has received an extension for the conditional use permit as provided in SMC Section 17G.060.240 (D).

STAFF CONCLUSION: The staff recommends approval of the requested Conditional Use Permit.

VI: Recommendations

The staff recommends approval of the proposal subject to the following conditions:

1. Development should adhere to plans, design, drawings, illustrations and/or specifications on file in the Planning & Development Department.
2. All parking areas must be hard surfaced and screened from public streets.
3. A Homeowners' Association is required to be created for the maintenance of the open space, parking area, and common use area buildings.
4. The site plan, if approved, is required to be recorded at the Spokane county auditor's office including deed restrictions for the subject property that enforces the elements of the cottage housing ordinance.

5. Notify a Tribal archaeologist to schedule a Cultural Survey prior to any ground disturbance. After that, please notify the same if any evidence of Native American importance is found during any excavation activity.
6. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.
7. Any signage erected will require a separate permit and be reviewed under the current sign code in place at the time of submittal.

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning & Development Director are governed by Spokane Municipal Code 17G.060.210 - Appeals. Decisions of the Planning & Development Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with the Planning Department within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with the Planning & Development Department within seven (7) days of the date of the decision. The date of the decision is the 3rd day of May 2017. **THE DATE OF THE LAST DAY TO APPEAL IS THE 17th DAY OF MAY, 2017 AT 5:00 P.M.** In addition to paying the appeal fee to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.



Lisa D. Key
Planning & Development Director

By: Dave Compton, Assistant Planner *DC*
Planning & Development

May 3, 2017