

From: [Dennis Hession](#)
To: [Duvall, Megan](#)
Subject: Re: 21 unit Apartment Building at 713 and 717 E. 29th Ave
Date: Friday, September 1, 2023 2:20:35 PM
Attachments: [image002.png](#)
[image002.png](#)

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Afternoon:

As I mentioned, I wanted to give you a couple of comments about the discussion at the Landsmark Commission meeting this week.. It is apparent from the comments by Commission members that, although there were some specific opinions about the exterior materials of the proposed project, there are larger, and more serious, elements at play. It was interesting to me to hear from the Commission members that my assessment of their larger responsibility regarding historic preservation within the neighborhood and the Rockwood Historic District is shared. How that manifests itself in terms of the authority of the Commission is unclear.

I found Austin Dickey's comments interesting. I assume that his reference to Browne's Addition was reflective of the distinction between the Browne's Addition Local Historic District and the Browne's Addition Local Historic District Overlay. That is a very unique partnership between the Historic Preservation Office and the Browne's Addition residents. Those distinctions, of course, do not exist in the Rockwood Historic District. And, although I understand Commissioner Dickey's point regarding different treatment at the center of the District and on its perimeter, without some legal formality to authorize those distinctions, it would be hard to say that the Commission could approve disparate treatment affecting Jordan Piscopo's home on Rockwood Boulevard and ours, on Scott Street..

Of course, the centers and corridors zoning does add a complexity, and perhaps some flexibility for developers. However, it would not seem appropriate for the centers and corridors designation to override all other considerations. In other words, the CC-4 designation should not allow just any improvement irrespective of its placement proximity and impact to single-family neighborhoods.

I thought the comments by Commissioners Rast, Wood, Reynolds, and McCandless, and even Commissioner Taylor were particularly telling with regard to the concepts of transition development, compatibility, and massing. The sheer height, width, depth and overall site development of this project, loom large.

I found Jordan Piscopo's comments with regard to the condition of these two properties revealing. Having lived adjacent to these properties since they were owned by Mr. Piscopo and his Company, there has been a noticeable lack of care and apparent intentional deterioration. I'm sure that you have experienced, as I have, the phenomenon by property owner/developers whereby they allow their properties to deteriorate and then claim that their condition does not allow them to generate sufficient revenue to maintain those properties within the current use. That's the exact same thing that Joe Nichols did in developing the Windermere property on the corner of 29th and Grand. I appreciated Logan Camporeale's comments in this regard.

It has been our contention that this proposed project is just too ambitious and overwhelms the site. Perhaps a proposal more modest in size and scope could address many of the issues raised by the Commissioners. It may even answer some of the concerns asserted by the neighborhood.

The proposal to have sole ingress and egress to the development via the alley is alarming.

Even under thier estimate, that anticipates 80 car trips per day on a very narrow alley that is not maintained or plowed by the City. The entrance to and exit from the alley will be from non-arterial neighborhood streets Also, as you and I discussed, the parking planned is wholly inadequate and will bleed into a neighborhood already burdened by the Windermere Building. Thank you for your kindness and for listening. I will keep you apprised.

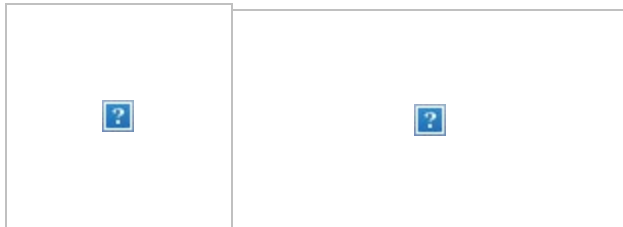
Cordially,

Dennis

Dennis P. Hession.

On Thu, Aug 31, 2023 at 1:39 PM Duvall, Megan <mduvall@spokanecity.org> wrote:

And, I did get a bit more information about an appeal to the Hearings Examiner from the folks in Building – apparently, after the appeal is filed, the Hearings Examiner has 30 days to schedule a hearing (unless there is a request for an extension). Building permits cannot be issued during the appeal period. So, our review can continue, but no permits can be issued until the SEPA appeal is completed.



Megan Duvall

Historic Preservation Officer

City/County of Spokane

808 W. Spokane Falls Boulevard

Spokane, WA 99201-3329

509.625.6543 Office Cell Phone: 509.435.8260

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From: Dennis Hession <dennisphession@gmail.com>

Sent: Thursday, August 31, 2023 11:53 AM

To: Duvall, Megan <mduvall@spokanecity.org>

Subject: Re: 21 unit Apartment Building at 713 and 717 E. 29th Ave

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you. I will loop you in on anything we file.

Take Good Care,

Dennis

On Thu, Aug 31, 2023 at 11:26 AM Duvall, Megan <mduvall@spokanecity.org> wrote:

Good morning, Dennis –

Nice meeting you as well. I appreciate that you mentioned your work on the Rookery/Mohawk block – what a sad ending that was!

As far as I can tell, I don't think that the appeal will delay our continued review of the project. I noticed that in the updated MDNS that was sent out, they added the process for the SHLC as a mitigation (SMC 17D.100.230). So, we'll continue on and keep an eye on the appeal



Megan Duvall

Historic Preservation Officer

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From: Dennis Hession <dennisphession@gmail.com>
Sent: Thursday, August 31, 2023 10:23 AM
To: Duvall, Megan <mduvall@spokanecity.org>
Subject: 21 unit Apartment Building at 713 and 717 E. 29th Ave

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Morning:

It was a pleasure meeting you yesterday. I was impressed by how thoughtful the Commissioners and Staff were at the hearing.. I have a few thoughts about it which I will share with you but in the interim, I wanted to inform you that we will be appealing the MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) to the Hearing Examiner. Can you tell me if that will have an effect on the process before SHLC?

Thank you,

Dennis

Dennis P. Hession



Request for Appeal or Reconsideration

Application

Rev.20170927

Please answer each question completely. If more space is needed, attach additional paper.

Appellant:

Name: Jane M. and Dennis P. Hession

Address: 2818 South Scott Street Spokane, Washington 99203-3251

Phone: (509) 844-2655 Email: dennisphession@gmail.com

Respondent:

Name: 29 FTW LLC

Address: 1837 S. Rockwood Blvd. Spokane, Washington 99203-3456

Phone: unknown Email: piscopo@prodigyarrow.com

File Number (of application or permit, if applicable): B238473SEPA

This is an appeal or reconsideration of:

- | | |
|---|--|
| <input type="checkbox"/> Hearing Examiner | <input type="checkbox"/> Planning Director |
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Director of Building |
| <input type="checkbox"/> City Engineer | <input type="checkbox"/> Traffic Engineer |
| <input type="checkbox"/> City Council | <input type="checkbox"/> Homeless Encampment Decision |
| <input type="checkbox"/> Junk Vehicle Determination | <input type="checkbox"/> Other: _____ |

This is an appeal or reconsideration to the:

- | | |
|--|--|
| <input type="checkbox"/> City Council | <input checked="" type="checkbox"/> Hearing Examiner |
| <input type="checkbox"/> Planning Examiner | <input type="checkbox"/> Other: _____ |

What is the decision being appealed or request for reconsideration?
(i.e. approval or denial of a special permit or issuance of a building permit, etc.)

Mitigated Determination of Non-Significance

Why is the decision wrong?

- ☐ Error or misinterpretation of FACT ☐ Error in PROCEDURE
☐ Error or misinterpretation of LAW or COMPREHENSIVE PLAN

Please identify the specific factual, legal or procedural errors or misinterpretations that you believe resulted in the decision being wrong and how correcting the error would result in a different decision. If you believe a misinterpretation of the law or Comprehensive Plan or procedural error was made, please identify the specific laws, code sections or plan policies that you believe were misapplied, misinterpreted, or violated:

Please see Attached as Attachment A

What is the harm to you resulting from the decision?

Please see attached as Attachment B

What relief do you seek? What would you have the decision maker do?

Please see Attached as Attachment C

SUBMITTED BY:

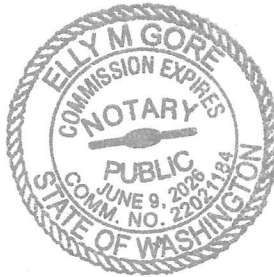
Dennis P. Hession

Dennis P. Hession

ACKNOWLEDGEMENT

I certify that I know or have satisfactory evidence that Dennis P. Hession signed this instrument and acknowledged it to be his/her own free and voluntary act for the uses and purposes mentioned in this instrument.

DATE: September 13th, 2023



Elly M. Gore

Notary Public in and for the City of Spokane,
State of Washington

My commission expires. 06/09/2026

For Staff Use Only

Date appeal filed:
Was appeal timely filed?
Appeal fee?
Transcript fee?

Date appeal period ends:
Is appellant a party of record?
Fee paid?
Fee paid?

Attachment A

Appeal of SEPA Determination

Summary Introduction

It is the citizens of this community and our State who empowered our governments to legislate, to adjudicate and to advocate for the protection of our environment. The foundation for all of this is the State Environmental Policy Act which among other things requires state and local governments to:

“(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment;

(b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations....” RCW 43.21C.030.

Under SEPA, the list of elements of the environment involve the integration of the “natural” and the “built” environment.

“SEPA policies and goals supplement existing authorizations for Washington's executive, legislative and judicial branches including state agencies, counties, cities, districts, and public corporations. Any governmental action may be conditioned or denied pursuant to SEPA.”
Department of Ecology SEPA Overview.

This is an appeal of Spokane Environmental Decision, File No. B238473SEPA. The Mitigated Determination of Non-Significance (MDNS), concluding the “proposal will not have a probable significant adverse impact on the environment,” is in error for two primary reasons:

1. The Lead Agency, in its determination fails in several respects to recognize the probable adverse environmental impacts, required by SEPA to consider and assess; and
2. RCW 43.21C.240 states “Project review shall be integrated with environmental analysis...” This means, for Cities planning under the Growth Management Act, the process of evaluation and assessment requires the proposal to meet both environmental and project specific standards. This proposal meets neither.

Argument in Opposition to Issuance of MDNS

The following are a few excerpts from the State Environmental Policy Act which provide the underlying policies of the Act and set the stage for the responsibilities the Lead Agencies in making the all-important threshold determinations in the environmental review process.

RCW 43.21C.010

Purposes.

The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation.

RCW 43.21C.031

Significant impacts.

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact.

RCW 43.21C.020

Legislative recognitions—Declaration—Responsibility.

(1) The legislature, recognizing that a human being depends on biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of a human being's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of human beings, declares that it is the continuing policy of the state of Washington, in cooperation with federal and

local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) create and maintain conditions under which human beings and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

Background – By Notice of SEPA Application placed on the subject property, a deadline of June 23, 2023 was established for comments related. The Appellants on behalf of themselves and their neighborhood (Two Nine North Neighborhood) timely submitted Comments to SEPA Application B2308473. Within a few days the City of Spokane, Development Services Center issued the original Mitigated Determination of Non-Significance (MDNS). The sole mitigation identified was as follows:

1. Preparation of an Inadvertent Discovery Plan to be implemented into the scope of work as requested by the Spokane Tribe.

The MDNS was issued using the optional DNS process in section WAC 197-11-355.

Inadvertently, the Development Services Center sent Appellants' Comments to a different SEPA project. As a result, the MDNS was issued without any consideration of those comments. The Comments were ultimately sent to the Building Official but not until July 24, 2023. Appellants also did not receive notice of the MDNS as required by WAC 197-11-355 as the MDNS was issued under the optional DNS process. As a result, the 14 day appeal period expired without notice to them. Additionally, Appellants were notified by the Historic Preservation Officer on August 21, 2023, that the two properties involved in this proposal, due to the failure of the property developer to adequately identify these properties in the SEPA checklist as being within the Rockwood National Registered Historic District, were proposed for demolition. This triggered a statutory requirement for the Landmarks Commission to approve the replacement structure if these historic buildings were to be demolished. This resulted in a hold on any demolition permit until the developer pursues a Certificate of Appropriateness for the replacement structure. Appellants also understand that the Historic Preservation Office was seeking the Building Official to issue a Determination of Significance. The Landmarks Commission held an initial meeting on August 30, 2023, and will have a hearing on this matter on September 20, 2023. In the interim, no building permit will be issued.

Appellants on their behalf and on behalf of their Neighborhood notified the City of its failure to give notice of the MDNS and requested that they reissue it and provide all with the statutory 14 days to appeal. Initially, the Building Official acknowledged these Comments as timely and provided a response to each of the points made in the Comments but refused to reissue the MDNS. Subsequently, the Appellants raised the issue of due process and satisfaction of the city

and state procedures, resulting in a new MDNS being issued on August 30, 2023. This Determination added an additional mitigation as follows:

2. Prior to demolition the applicant will need to follow the guidelines stated SMC 17D.100.230.

As described by the Appellant's in their comments to the MDNS, there are a number of bases which support their contention that a finding of non-significance is in error. They are zoning, traffic, parking and historic and cultural preservation.

Zoning -The purpose of zoning is both to allow and protect. The proposal is located in the Manito District Center. The property is zoned CC-4, Mixed Use Transition Zone. SMC 17.122.020 D provides in part: "The intent of this zone is to provide a transition of mixed uses (office, small retail and multi – family residential) between the core of the center or corridor and existing or designated residential areas..." There are just a handful of properties in this district which are zoned CC-4, all of which are contiguous with the subject properties. In terms of fulfilling zoning intent, the CC-4 designation is clearly on the side of limitation and protection. And why? Because it is denominated "Mixed Use Transition Zone" and promulgated to protect single family and two-family residential zones. And for this reason, it is much more likely to be interpreted by developers as an opportunity to stretch the limits of the zone. In concept, it seems perfectly reasonable so long as the project proposed is reasonable. A modest residential development interposed between more commercial like enterprises insulates single-family housing. This is not such a proposal.

Nearly 7 weeks after the Appellants submitted their Comments to SEPA Application B2308473, the Building Official responded with a narrative to justify his MDNS determination. With regard to zoning, the sole justification for his approval is the language of SMC 17C.122.020 D which states: "Residential uses are allowed outright." Would anyone blindly interpret this language to allow any form of "residential" structure, irrespective of size, scope, orientation and the like, so long as residents are living there month-to-month? Of course, they would not. It is no wonder the Landsmark Commission questioned the concepts of transition development, compatibility, and massing of this proposal in the process of evaluating it as a respectable replacement for two historic structures. These elements must stand for something if the letter and the spirit of CC-4 zoning classification is to be honored.

The Respondent describes this project as a "three-story multi- family building." In reality, it is the conflation of two residential lots, originally 2 Single-Family Homes, with three 42-foot-tall buildings, displacing 14,200 ft.² on 3000 yd.³ of fill, defining 21 separate residential units, housing 79 persons, proposing 19 parking places, and even to their own calculations, 77 car trips daily, all entering and exiting on a single lane "alley" into multiple R-1 zone neighborhoods. Obviously, the Respondent is hoping to wedge this oversized development into a single-family neighborhood claiming it is just "residential use."

Traffic - The Building Official when issuing the MDNS made no reference to Traffic/Transportation. SEPA is not just about the protection of clean air and clean water. Traffic/Transportation is a major component of the required SEPA analysis and an integral part of the SEPA checklist. Much later, the Building Official deferred to the City's Traffic Engineer and City Engineer claiming that SMC 17H.010.130 requires parking spaces to "be accessed from the alley and not the street." Both of the two existing properties currently have access to and from 29th Avenue. Respondent is seeking permission to eliminate that access and force all its 79 tenants onto the minimal alley. The City's Building Officials conclusion cherry picks and relies on certain language from the SMC section yet provides no analysis as to how this provision should be applied to the built environment. It is the application of this built environment to the "natural" environment which is at the heart of SEPA. A careful reading of this Code provision reveals that it strictly applies to new alley construction. There may be some science to this requirement in a new overall development because it allows for it to be planned and built with size and other structural standards as well as traffic planning to accommodate potential increases. This alley meets none of those standards. It is a narrow, laterally undefined in many places, that dead ends on both Hatch Street and Scott Street and is only paved because the property owners initiated and paid for it. The blessing granted by the Building Official comes without any traffic analysis as to the impact on the local traffic, pedestrian traffic or the management of the traffic coming from and to this planned significant development, using the City's street system.

Without regulations applicable to existing alleys, then it is only the personal opinion of the City's engineers that drives the decision to direct all traffic to the alley, and thereafter into the neighborhood residential streets. If you are going to apply some of the new alley provisions to this proposal, it seems only appropriate that you apply all the provisions of SMC 17H.010.130. For example, that would require under subparagraph D the alley to conform to the City's "standard plans." And, under subparagraph G, the alley would have to be at least 20 feet wide and paved to 12 feet. This alley does not satisfy either of those provisions. If there is one provision of SMC 17H.010.130 that could be construed to apply to an existing alley, it would be Subparagraph H which states in part "Alleys that serve as a primary access or as a fire access must have a paved width of at least twenty feet...." Not only will this be the "primary access" to this development, but it would also be the only access. Note that the City Council chose the word "must" in this Subsection, a word by most accounts to be more definitive and clear regarding a required obligation than the term "shall" (including observations Bryan Garner, Editor of Black's Law Dictionary).

1. There are several elements of the scope of this project which militate against the City issuing a Declaration of Non-Significance. Preeminent is the proposed traffic plan. This project demands an Environmental Impact Statement.
Of course, one of the accepted tenets of environmental impacts is traffic. The developer declares its traffic plan to exit all vehicular traffic on to the existing alley between Hatch

and Scott Street ("Alley"). This is not a plan; it is a conclusion. A traffic plan should include, at a minimum, the following:

- a. Complete a balancing analysis of the ingress and egress onto/from the arterial 29th Avenue or the Hatch/Scott Alley, or some combination thereof. This volume of traffic should access the property via an arterial.
- b. The impact on the contiguous landowners along the Alley by converting it to a street with a demonstrable change in volume during peak and non-peak hours. The dimensions of the Alley allow only one vehicle to access the Alley at a time. Numerous single-family residential properties along the Alley use it as the sole access to their residential garages.
- c. Consider the impact of this traffic volume on the existing neighborhood use of the Alley as a pedestrian walkway, including the use by Sacajawea Middle School students walking and riding their bikes to and from school.
- d. The inevitability that this project as proposed is accessed and exited by every one of the vehicle car trips, onto two R-1 zoned neighborhood streets, in all four directions, and which will likely result in traffic bleeding directionally North, East and West further into family neighborhoods, potentially impacting parks and schools, and single-family neighborhoods blocks distant from the project.
- e. Physically and structurally, the Alley was paved through a local improvement district many years ago through the resources of adjacent neighbors, but not built to current City standards. The Alley is not maintained by the City. It is not plowed, swept or repaired.

Parking -The Respondents parking disclosures are incomprehensible. The SEPA Application reveals the number of parking stalls as a range of 15 to 25. The City's minimum parking requirements would be one per unit, or 21. The Site Plan shows 19. Irrespective of these irreconcilable numbers, the actual parking needs for this monolith far exceed any of these numbers. The relevant information regarding anticipated need for parking of vehicles include:

- a. 21 units
- b. 79 Residents
- c. All middle-income housing
- d. Overflow parking is ignored
- e. Current state of on street parking in the adjacent neighborhood.
- f. 77 Net Car Trips

The developer provides no plan or analysis of parking needs. It is incumbent upon the City to research this current state of parking in the adjacent neighborhood. What it will reveal is that the commercial development on the northeast corner of 29th and Grand

already overwhelms the neighborhood. From early morning to early evening, both sides of Hatch Street between 29th Avenue and 28th Avenue, are completely filled with parked cars. The parking also bleeds onto 28th Avenue both west and east of Hatch. And numerous vehicles from that development invade the neighborhood. Additional excess parking precipitated by this development will make an unacceptable parking situation worse. This means that the overflow parking will even further invade the R1 zoned neighborhood properties.

Historic and Cultural Preservation - We support the efforts by the Historic Preservation Officer and her staff, and the members of the Spokane Historic Landmark Commission to evaluate this development proposal as they are charged to do pursuant to SMC 17D.100.230. The SEPA Checklist, compiled by the Respondent, failed to provide competent answers to section 13, Historic and Cultural Preservation. Consequently, the Officer and the Commission were unaware of the Respondent's plan to demolish the two Historic Homes and replace them with an apartment building. To their credit the Commission accelerated the process and held a meeting in August and set a public hearing for September to evaluate the elements of the Respondent's development under the criteria promulgated in the Code. The burden is on the Respondent to apply for and demonstrate satisfactory compliance with the standards upheld by the Commission in the hope of achieving a Certificate of Appropriateness. The new development must be "compatible with the historic character of the Rockwood national register district", of which the existing homes are a part. In the second iteration of the MDNS, this compliance was one of the mitigation conditions. This is one place where, given the substantial importance placed on historic preservation, the City Council has granted greater authority to the Landmark Commission, than the baseline tenets of the CC-4 Zone.

Protective Request for a Stay of Proceedings

RCW 43.20 1C .075(3)(b) provides in part:

“ If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedures:

...

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision or recommendation on a proposal and any environmental determinations made under this chapter,..."

Because there have been no building permits issued for this proposal, and because there is a limitation period on the filing of appeals for SEPA determinations, this presents to the Appellants a potential conflict. In speaking with the City Attorney Appellants were assured that this would not impair the ability of the Appellants to proceed with this appeal and preserve their rights to take whatever necessary actions there are to preserve their rights related to substantive determinations.

If the Hearing Examiner determines that such a conflict would impair the Appellant's ability to preserve their rights related to substantive determinations, they would respectfully request the hearing examiner stay these proceedings until further actions in the nature of substantive determinations mature.

Attachment B

What is the harm to you resulting from the decision?

We live in a single-family residence on South Scott Street. We have lived here since 1981. The two residences which are to be demolished are located directly behind us. One of the properties shares a property boundary with us. The alley which is proposed to be the exclusive access to this proposed development, is along the north boundary of our property and is the only access to our attached garage, as it is to several properties abutting this alley.

The adverse environmental impacts are substantial. This proposal is to create a street out of a narrow alley. Nearly 80 car trips per day. Because the alley is only a block long it will funnel all the traffic to single family residential streets in order to find their way to arterials. Of course, the alley doesn't meet street standards and even the two residential streets to which it dead ends don't meet the City's street standards. The alley doesn't even meet the City's alley standards.

The alley is not and will not be maintained by the City. It is not and will not be cleaned, repaired or winter snow removed.

The Respondent and the Developer treat access and traffic as a fait accompli. The two properties currently access 29th avenue. This arterial has the capacity and the structure to absorb the traffic. That is where the access should be.

Attachment C

What relief do you seek? What would you have the decision maker do?

Declare the MDNS Declaration to be unsubstantiated. Order the City to require an EIS focusing on traffic impacts including appropriate access points. The EIS should also address zoning, parking, and historic and cultural preservation.

Comments to Landmarks Commission

Hearing Date: September 20, 2023

Jane and Dennis Hession on behalf of our Family and our Two Nine North Neighborhood

We made a presentation to your August 30, 2023, Commission meeting and sent some additional comments directed to you through Megan Duvall following that meeting, which we understand has also been made part of your record. In addition to our comments in this document we are submitting to you for the record a copy of our Request for Appeal or Reconsideration Application (Appeal of SEPA Determination) submitted to the City of Spokane Hearing Examiner last week. We believe it is important for context and relevant to this proceeding because the City added the Commission's ultimate deliberation to its MDNS as a mitigation factor.

Initial Observations

- SMC 17D.100.230 is the mandate to the Landmarks Commission to be the gatekeeper of demolition permits to be authorized in all National Registered Historic Districts. Only if the structure to be demolished is to be replaced with a structure which, in the opinion of the Historic Preservation Officer and the Commission, is compatible with the historic character of that District.
- Over the years, the Landmark Commission has developed a scoresheet, denominated, *Compatibility of Design Rating*, as a tool for the Commissioners and the Historic Preservation Officer to consider a measure of objectivity in their collective determination. Each of the scoresheet criteria provides an important opportunity for evaluation and assessment. However, with the uniqueness of this exercise, the replacement of two historic family homes with a large apartment structure, certain criteria deserve special consideration. The criteria in **Section 1: Context Sensitive Design and Urban Form** are particularly relevant to this proposal, including

overall district character, lot coverage patterns, rhythm/spacing, scale, massing and height. In **Section 2: Design Components** evaluating evidence of design principles, compatible well-designed presence, and designed to be a contemporary version of the building type, would be particularly relevant.

- The delay in engagement between the developer and the Historic Preservation Office and the Landmark Commission is directly attributable to the wholly inadequate responses provided by the developer to the SEPA Checklist, Paragraph 13. The answers to these SEPA questions were easily discoverable and could have facilitated earlier access and perhaps avoided certain expenses incurred by the developer.
- The developer's representative testified that it had incurred significant costs related to this project to date. No explanation of what those expenses might be. Perhaps carrying costs or debt service could be a substantial portion of those advances. This project is a business proposition. These advances are a cost of doing this business and should not be a factor in the deliberation of this body regarding the issue of compatibility.

Concerns

1. Is it even possible to replace two historic single-family home with a large apartment building? In most locations, the zoning would not allow it. Here, the CC-4 Type of Centers/Corridors, is intended to provide a transition from the center or corridor and existing or designated residential areas. SMC 17C.122.020 D. The proposed apartment building does not provide the "transition" contemplated by the CC-4 Type. Although residential, with 21 units and 80 residents, 19 parking places and 80 car trips per day, it is tantamount to a commercial development. This is not the type of development that honors the CC-4 Type or which protects single-family neighborhoods.
2. The existing residences are two stories, separated from each other by a driveway corridor, with reasonable setbacks from their respective end property lines, and each with physical access to 29th Ave. In contrast, the proposed development is effectively one large rectangle from property line to property line, without interim spacing, and 42 feet tall. When completed

it will be 25 feet taller than the two single-family historic houses on the east and west sides, and will eliminate both accesses to 29th Ave.

3. The City's Building Official gives a nod to this project because the CC-4 Type zone states: "Residential uses are allowed outright." But of course, no one would reasonably interpret this language to blindly authorize any "residential use." There are many limitations on this authority, including your jurisdiction to determine whether it is compatible with the historic character of the District.

We all recognize the mounting pressure to increase housing flexibility and density. The centers and corridors concept anticipated this in part a number of years ago. You see our own City Council making moves in this direction. Not surprisingly, your authority to preserve and protect our historic built environment has been left intact. This is particularly significant given this mounting pressure and this pressure will likely continue to test your resolve. You will probably see developers trying to maximize every potential site to advance their investment returns. Like the project before you, the larger and denser the project the more difficult to meet the standard of compatibility with the historic character of the District. That standard is much more sophisticated than just colors and textures.

Thank you for your time. We wish you well in your deliberations.