Spokane Plan Commission Agenda

August 9, 2017
2:00 PM to 4:00 PM
City Council Briefing Center
808 W. Spokane Falls Blvd., Spokane WA 99201

TIMES GIVEN ARE AN ESTIMATE AND ARE SUBJECT TO CHANGE

Public Comment Period:

3 minutes each	Citizens are invited to address the Plan Commission on any topic not on the agenda	

Commission Briefing Session:

2:00 -2:15	1) Approve July 26, 2017 meeting minutes	
	2) City Council Report	Lori Kinnear
	3) Community Assembly Liaison Reports	Greg Francis
	3) President Report	Dennis Dellwo
	4) Transportation Subcommittee Report	John Dietzman
	5) Secretary Report	Lisa Key

Workshops:

2:15-2:45	1) Spokane Falls Building Height Report Out	Lisa Key
2:45-3:00	2) Citywide Capital Improvement Program Update	Crystal Marchand
3:00-3:30	3) Quality Housing Standards & Definition	Alicia Ayars
3:30-3:45	4) Comprehensive Plan Amendment Procedures (City Council Changes)	Tirrell Black

Hearings:

4:00 - 5:00	1) Parklet Ordinance	Tami Palmquist

Adjournment:

Next Plan Commission meeting will be on September 13, 2017 at 2:00 pm

The password for City of Spokane Guest Wireless access has been changed:

Username: COS Guest
Password: 4ca4F5QN

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: *The City of Spokane is committed to providing equal access to its facilities, programs, and services for persons with disabilities. The Council Chambers and the Council Briefing Center in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., are both wheelchair accessible. The Council Briefing Center is equipped with an audio loop system for persons with hearing loss. The Council Chambers currently has an infrared system and headsets may be checked out by contacting the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Chris Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.*

Spokane Plan Commission

July 26, 2017

Meeting Minutes: Meeting called to order at 2:00 pm

Workshop Attendance:

- Board Members Present: Dennis Dellwo, John Dietzman, Christopher Batten, Patricia Kienholz, Michael Baker, Sylvia St.Claire, Carole Shooke, Community Assembly Liaison Greg Francis; Community Council Liaison Lori Kinnear
- Board Members not Present: Todd Beyreuther, Christy Jeffers
- Staff Members Present: Lisa Key, Darcie Jernberg, Mellissa Owen, Lori Kinnear, Brian McClathey,Nathan Gwinn

Public Comment:

- None

Briefing Session:

1. The July 12, 2017 meeting minutes approved unanimously.

2. City Council Report- Lori Kinnear

- City purchased two additional pot hole patch trucks
- City Council voted to put Railroad Coal Train Initiative on the ballot

3. Community Assembly Liaison Reports –Greg Francis

- No Community Assembly meeting, but they did have a Land Use Committee Meeting where they discussed the ecological impact within the urban growth area over the long term as density increases.
- Two Locations on South Hill are being considered for changing from greenspaces.
  - Granite Park- potententally converting the park into a parking lot for the Prairie District.
  - Spokane School District is considering using the area north of Hamblen Elementary which is a wooded area for future expansion.
  - Grant Park discussion by Jonathan Mallahan– Director of Neighborhood and Business Services gave an overview about Grant Park after questions arose. 3 different alternatives to expand the existing parking lot. One option would occur off the south side of the park angled on street parking that might encroach in current parkland. Only one option would displace the baseball diamond that would need to be moved. All 3 options allowable under the restrictions of park land. They are reviewing which design makes the most sense for the neighborhood at the lowest cost.

4. **President Report-**

- Welcomed new Plan Commissioners Sylvia St. Clair and Carole Shook

5. Transportation Sub-committee Report –John Dietzman

- Participated in the meeting of the new Transportation Impact Advisory Board; they discussed adding an area in the west plains.
- Impact fee levels are being evaluated—the impact fees collected can only be used to improve capacity. Fee structure also under review.
- This new Subcommittee was established at the request of the City Council and Plan Commission. Any questions on transportation go through the Subcommittee, prior to Plan Commission and City Council review.

DRAFT

6. Secretary Report- Lisa Key

- Community Engagement Placemaking Workshop around the NSC corridor- being led by EWU and WSDOT- more information about these workshops looking for opportunities for placemaking.
- Plan Commission Transportation meeting on August, 1, 2017 was canceled.
- Plan Commission meeting on August 9, 2017 will include a public hearing to discuss the Parklets Ordinance, City wide Capital Improvement Program, Quality Housing Standards, Spokane Falls Building Height Report are also on the workshop agenda.
- August 23rd Plan Commission meeting canceled for summer sabbatical

Workshops:

The Yard Area Wide Plan Acceptance –Melissa Owen

Presentation and overview given
Questions asked and answered
Discussion ensued

A motion was moved by Chris Batten moved seconded by John Dietzman to recommend that the City Council recognize *The YARD Redevelopment Master Plan* as a record of the community's ongoing desire and effort to encourage and invest in development, job creation, and quality of life improvements in The YARD and surrounding area.

Demolition Ordinance- Lori Kinnear and Brian McClatchey

Presentation and overview given
Questions asked and answered
Discussion ensued

Infill Project Update- Nathan Gwinn

Presentation and overview given
Questions asked and answered
Discussion ensued

Meeting Adjourned at 3:38 P.M.

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Return to Agenda

BRIEFING PAPER
Building Heights on Falls Boulevard
City of Spokane Plan Commission

August 9, 2017

Background:

On March 22, 2017, Council President Stuckart and Downtown Spokane Partnership requested that the Spokane Planning Commission undertake a study to evaluate building height limits along Spokane Falls Boulevard as a disincentive for redevelopment of surface level parking lots. With a $65 million investment in redevelopment of Riverfront Park underway, and unprecedented investment in Downtown Spokane currently underway, the timing is ripe for redevelopment of surface level parking lot uses adjacent to Riverfront Park. According to David Peterson, representing the property owners associated with those surface level parking lots across from Riverfront Park, height limits adopted in 2009, following the Downtown Plan Update, have proved to be an obstacle to redevelopment of the very sites identified as “catalytic opportunity sites” in that Downtown Plan Update.

On April 12, 2017, the Spokane Plan Commission approved a project charter to study of the Spokane Falls Boulevard Building Heights Limits. The charter envisioned convening a Stakeholder Work Group to review existing City code and policy, and to recommend a framework for possible revisions to code that were consistent with existing Comprehensive and Downtown Plan policies, and/or recommend a scope for policy revisions to be considered through the 2018 Downtown Plan Update. The Spokane Falls Boulevard Building Heights Work Group met four times, and with the input and support of consultant Mark Hinshaw, identified some recommendations that included a framework for some short term code amendments to increase flexibility and incentivize development, as well as some additional recommendations for consideration in the long term. The attached report encapsulates the information evaluated by the work group, and their recommendations.

Work Group Recommendations:

The Work Group recommended a framework for amending SMC standards for building height bonuses within the DTC-100 zone (which is located only along Spokane Falls Boulevard) in the near future. The recommended framework is intended to incentivize residential development in that area, to activate the street, and to create economically feasible redevelopment opportunities, while minimizing the impacts to light, air, vistas, and shade in the park, particularly along the Howard Street Promenade.

The Work Group also provided several longer term recommendations, to include planning for coordinated streetscape elements along Spokane Falls Boulevard; considering the potential elimination of the DTC-100 zone altogether, as part of the 2018 Downtown Plan Update; and, a review of the Downtown design standards and guideline, including a study of height and massing, as part of the Downtown Plan Update scope, or through a subsequent strategic action, assuming adequate budget and time.

Action Requested:

The Plan Commission is requested to consider a motion making a recommendation to City Council with regard to the recommendations identified by the Work Group with regard to the issue of Building Heights along Spokane Falls Boulevard.

Planning & Development Services
808 W. Spokane Falls Blvd.
Spokane, Washington 99201-3329
509.625.6300
FAX 509.625.6013
my.spokanecity.org

July 25, 2017

Dear Plan Commissioners and Members of the Spokane Falls Building Heights Working Group,

Spokane is experiencing an unprecedented level of public and private investment in growing our community public spaces, infrastructure and businesses. To date, over $311 million in public and private investment has occurred in Spokane. This figure matches the total annual investment in 2015. The City is focused on supporting an environment to create economic opportunity and strong neighborhoods to facilitate continued growth. The public's overwhelming support for a $60 million update to Riverfront Park and over $25 million annual investment in the City's integrated capital plan represents the enthusiasm Spokane has for our bright future.

In addition to investing in public spaces, responding to market forces in a timely way is necessary to create economic opportunity. To that end, I want to thank you for your effort and excellent work as an ad hoc committee of the Plan Commission to explore the height and area limitations currently in place in the core of our City, which limit development opportunities for surface parking lots adjacent to the region's premier park.

Staff have prepared a report dated August 2017 that recounts your work and documents the issues. On behalf of Mayor Condon's Administration, I would like to voice our support to update development regulations to allow for the maximum size floor plate considered by the committee with the restriction that relief for building height limitations be tied to residential uses. The City's Comprehensive Plan and the Downtown Plan prioritize economic development and housing density. By inventing housing development near Riverfront Park, the planned STA central city line and the Downtown retail core, the goals set out by the citizens of Spokane are furthered.

Thank you for your thoughtful consideration of this issue and our input on this topic. The opportunity is now, while the market for residential expansion is in high demand, to support productive redevelopment of surface parking lots into housing that continues to energize Downtown Spokane.

Sincerely,

Jonathan Mallahan
Director of Neighborhood and Business Services
jmallahan@spokanecity.org

BUILDING HEIGHTS ON SPOKANE FALLS BOULEVARD

DRAFT Report - August 2017

City of Spokane Planning Department

Building Heights on Spokane Falls Boulevard:

A Study Into the Challenges and Opportunities of the Spokane Municipal Code, the Downtown Plan, and the Development Requirements of the City of Spokane as they Apply to Shading on Riverfront Park

Prepared by the Planning and Development Department
City of Spokane, 808 W. Spokane Falls Blvd., 99201
Summer, 2017

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Appendix B - Updated Shading Study

Appendix C - Working Group Figures and Exhibits

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PART I

Introduction

On March 22, 2017, Council President Ben Stuckart and the Downtown Spokane Partnership requested that the Spokane Plan Commission undertake a study to evaluate building height limits along Spokane Falls Boulevard as a disincentive for redevelopment of surface level parking lots. With a $65 million investment in redevelopment of Riverfront Park as well as an unprecedented investment in Downtown Spokane currently underway, the timing is ripe for redevelopment of surface level parking lot uses adjacent to Riverfront Park. According to Mr. David Peterson, representing the property owners associated with those surface level parking lots across from Riverfront Park, height limits adopted in 2009 following the Downtown Plan Update have proved to be an obstacle to redevelopment of the very sites identified as "catalytic opportunity sites" in that Downtown Plan Update.

On April 12, 2017, the Spokane Plan Commission approved a project charter to study Spokane Falls Boulevard Building Height Limits. The charter envisioned convening a stakeholder working group to review existing City code and policy, and to recommend a framework for possible revisions to code that were consistent with existing Comprehensive and Downtown Plan policies, and/or recommend a scope for policy revisions to be considered through the 2018 Downtown Plan Update. The Spokane Falls Boulevard building heights working group met four times. With the input and support of consultant Mark Hinshaw they identified some recommendations that included a framework for some short-term code amendments to increase flexibility and incentivize development, as well as some recommendations for consideration in the long term.

Executive Summary

This report encapsulates the information evaluated by the working group, and their recommendations. The report includes:

- An overview of the **Project Initiation**, including background on the initial request by the DSP, as initiated by the property owners' representative, and detailing the project process and scope;
- A **Code and Policy Study**, which provides a review of relevant goals and policy contained in the City of Spokane Comprehensive Plan and Fast Forward Spokane - the 2008 Downtown Plan Update, as well as the building height requirements contained in the Spokane Municipal Code (SMC);
- A **Technical Analysis**, which reviews previous and updated shading studies; and
- A **Finding and Recommendations** section, which summarizes the recommended framework for potential code amendments to bonus height allowances within the study area, as well as some longer-term recommendations and considerations for future implementation.

Specifically, the working group recommended a framework for amending SMC standards for building height bonuses within the DTC-100 zone (which is located only along Spokane Falls Boulevard) in the near future. The recommended framework is intended to incentivize residential development in that area, to activate the street, and to create economically feasible redevelopment opportunities while minimizing the impacts to light, air, vistas, and shade in the park, particularly along the Howard Street Promenade.

The Work Group also provided several longer-term recommendations, to include planning for coordinated streetscape elements along Spokane Falls Boulevard; considering the potential elimination of the DTC-100 zone altogether, as part of the 2018 Downtown Plan Update; and, a review of the Downtown design standards and guidelines, including a study of height and massing, as part of the Downtown Plan Update scope or through a subsequent strategic action, assuming adequate budget and time.

PART II

Project Initiation and Plan Commission

Summary of Request by DSP/Property Owner

Following a request by the City Council President, the Plan Commission heard a request by Mr. Mark Richard of the Downtown Spokane Partnership and Mr. David Peterson of Goodale & Barbieri, representing owners of some properties located on Spokane Falls Boulevard within the DTC-100 zone, asking the City to eliminate the height requirements within the DTC-100 zone. Those height requirements currently state that buildings over 100 feet in height must step back from the park in order to protect sunlight in the park.

In a letter from Mr. Peterson[1] and an email from Mr. Richard[2], both to Council President Stuckart, Mr. Richard and Mr. Peterson asserted that the current standard, which requires that buildings over 100 feet be stepped back by 15 feet for each additional story in height above 100 feet, is detrimental to fostering development of remaining surface parking lot parcels along the south side of the park. They stated that the limitation of heights in this location had already precluded a single development proposal for the property at the corner of Spokane Falls Boulevard and Stevens Street. They were concerned that the building height requirements were "hindering development and creating unintended consequences for residential housing and commercial development."

In Mr. Peterson's letter to President Stuckart, he made the following assertions regarding the height limitations:

- Restriction in height was inconsistent with the intent of the zoning code to "prevent uncontrollable outward growth."
- Building height restrictions cause underinvestment in land improvement.
- Higher densities boost transit usage.
- High-rise development downtown would:
    - Increase local employment;
    - Enhance retail demand downtown;
    - Support entertainment venues; and,
    - Create a sense of place.

1 Letter from Mr. David Peterson to President Ben Stuckart, January 26, 2017.

2 Email dated January 30, 2017.

In an email from Mr. Richard to the Council President, Mr. Richard directly requested that the height limitation imposed by the SMC, as called for in Fast Forward Spokane, the 2008 update to the Downtown Plan, be removed entirely as it is preventing development of downtown.

Summary of Plan Commission Scope and Action

Following the request and presentation, the Plan Commission requested that Planning staff develop a scope to study and consider the request, including its potential policy ramifications, and to present that scope at the next earliest convenience. Following background research and study, Lisa Key, Planning Director for the City, presented a draft project charter at a Plan Commission workshop on April 12, 2017.

Table 1 - Working Group Members

Name	Affiliation
Todd Beyreuther (Chair)	Plan Commissioner
Michael Baker	Plan Commissioner (alternate)
Chris Batten	Plan Commissioner
Christy Jeffers	Plan Commissioner
Greg Francis	Community Assembly
Chris Wright	Parks Board
Mark Richard	Downtown Spokane Partnership
Andrew Rolwes	Downtown Spokane Partnership (alternate)
Jim Price	Citizen Rep
Jim Kolva	Riverside Neighborhood
Lisa Key	Planning Director
Leroy Eadie	Parks Director
Gary Bernardo	Bernardo Wills Architects
Ann Martin	Heylman Martin Architects
David Peterson	Goodale & Barbieri

Table 2 - Associated Officials/Staff

Name	Department/Affiliation
Ben Stuckart	City Council
Susan Traver	Parks Board
Louis Meuler	Principal Planner
Tirrell Black	Associate Planner
Tami Palmquist	Associate Planner
Kevin Freibott	Assistant Planner
Omar Akkari	Urban Designer
Garrett Jones	Parks Planning and Development Manager
Julie Happy	Communications Manager
Sherri Vernon	Downtown Spokane Partnership
James Richman	Assistant City Attorney

The project charter laid out a process for re-addressing the height limitation topic, utilizing a series of meetings with a multi-disciplinary project working group. The working group would meet a total of four times, in May through June of 2017, with the following goals:

Meeting 1 – Discuss background and project goals, walk the length of the project to familiarize the group with the topic.

Meeting 2 – Review possible alternative designs consistent with existing Comprehensive Plan and Downtown Plan policy, which could be addressed through code amendment. Discuss possible refinements to policy that could be contemplated as part of the Downtown Plan Update, or through a possible Comprehensive Plan Amendment.

Meeting 3 – Continue to refine topics discussed in Meeting 2. Develop draft recommendations for further refinement in Meeting 4.

Meeting 4 – Summarize findings of the analysis and compile final recommendations for report.

In order to facilitate the discussion, and to provide specialized expertise into design options addressing the unique concerns of development in these types of situations, the City secured the services of Mark Hinshaw of Walker-Macy under an existing professional services contract with the City.

Working Group Membership

Following direction from Plan Commission, the working group was established with the membership shown in **Table 1**. In addition to the working group, the persons listed in **Table 2**

contributed their time and expertise to the effort.

Report Preparation

At the end of the four meetings, the project scope and charter identified that a final summary report would be prepared by staff, and that the following items specifically would be included in this summary report:

- Review of existing policy, code, and design standards (Comprehensive Plan, Downtown Plan, SMC).
- Review of previous and updated shading studies and the effect of shading on the park/public uses.
- Design examples that fit the current policy.
- Potential code modifications/clarification that could be developed immediately (SMC), consistent with existing policy.
- Potential update/amendment to policy established in the Downtown Plan for possible consideration during 2018 Downtown Plan Update.
- Recommendations for additional/updated policy, code, and design standard guidance.

This report has been prepared according to those guidelines, and in consultation with concerned City Departments, as based upon input received by the working group in the above described meetings.

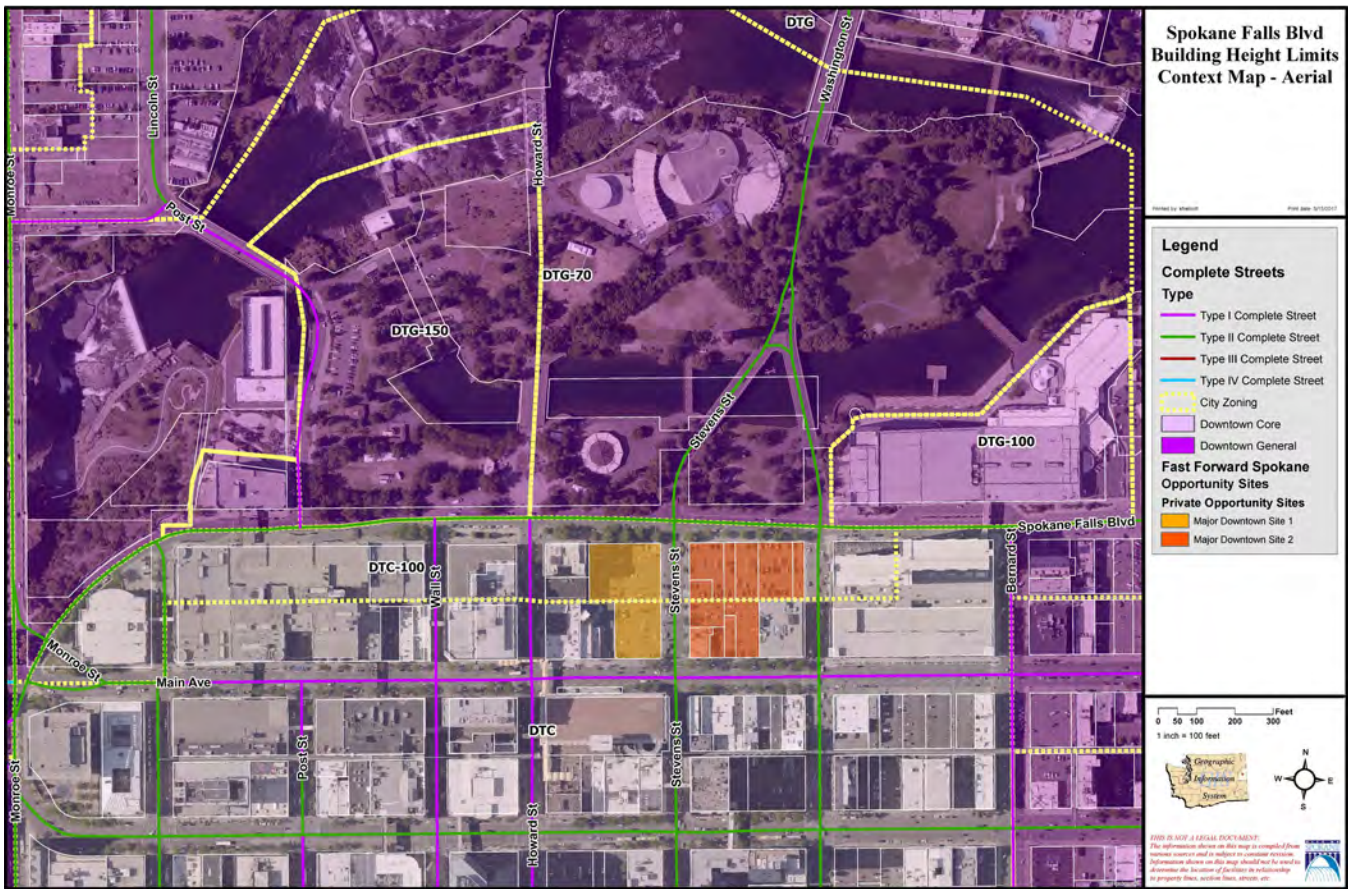


Fig. 1 - The map above provides an aerial overview of the study area for the working group. The orange and yellow shapes represent those properties most likely to develop in the near future, though this study considers the whole of the DTC-100 zone, not just those shapes.

PART III

Code and Policy Study

When addressing the topic of building heights in downtown Spokane, there are several levels of studies, policies, and standards to consider. This section gives a short summary of the pertinent documents and their directive and effect on building heights and shading.

Comprehensive Plan Policy and Direction

The work program that resulted in the creation of this report began shortly before approval of Shaping Spokane, the 2017 update to the City of Spokane Comprehensive Plan. Between the completion of the working group meetings and the finalization of this report, Shaping Spokane was approved by the City Council. As such, the following policy discussion includes minor changes to policies discussed by the working group.

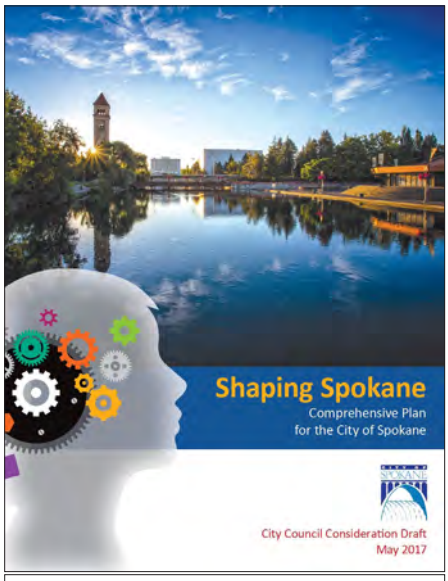


Fig. 2 - The City Council adopted the latest update to the Comprehensive Plan, known as "Shaping Spokane," on June 26, 2017. The policy text discussed at right represents the latest language adopted by City Council. For full text of the Comprehensive Plan, see www.shapingspokane.org.

Applicable Policies

The following policies are listed in the order they appear within the plan.

Land Use

Chapter 3, Land Use provides land use and development guidance in the City. The following policies relate directly to development standards and the promotion of development.

> *LU 2.2, Performance Standards*
> *Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.*

The discussion of this policy goes on to say that any such standards should address, among other topics, structural mass, open space, green areas, landscaping, and buffering. The discussion also gives allowance for "increased building height, reduced parking, and increased density, in exchange for development that enhances the public realm."[1]

> *LU 7.1, Regulatory Structure*
> *Develop a land use regulatory structure that utilizes a variety of mechanisms to promote development that provides a public benefit.*

The discussion of this policy goes on to state that incentives are a tool that can be used to encourage development with a public benefit aspect. It also states that regulations should be predictable, reliable, and adaptable to changing living and working arrangements. Those changes are cited as resulting from technological advances, not economic situations, though the discussion also states that regulations should be broad enough to encourage desirable development.

1 Shaping Spokane, the Spokane Comprehensive Plan, Chapter 3, p. 3-17.

Economic Development

> *ED 3.10, Downtown Spokane*
> *Promote downtown Spokane as the economic and cultural center of the region.*

The discussion following speaks of continuing to support the revitalization of downtown, specifically as it relates to the development of housing and the expansion of job opportunities.

The Economic Development policy above provides direction to support and promote downtown – directly relating to the creation and ongoing update of the Downtown Plan.

Social Health

> *SH 6.3, Natural Surveillance*
> *Design activities and spaces so that users of the space are visible rather than concealed.*

The discussion under this policy centers on design features such as building orientation and design elements that encourage visibility and public interaction in public spaces, including the entrances/exits to public parks and open spaces.

Neighborhoods

> *N 1.1, Downtown Development*
> *Develop downtown Spokane as the primary economic and cultural center of the region and provide a variety of housing, recreation, and daily service opportunities that attract and retain neighborhood residents.*

The discussion for this Policy centers on enhancing downtown and making it a "desirable neighborhood" with a stable resident population. Further, the discussion states that a healthy downtown neighborhood provides a needed market base for retail, services, etc.

Parks and Recreation

> *PRS 1.4, Property Owners and Developers*
> *Work cooperatively with property owners and developers to preserve open space areas within or between developments, especially those that provide visual or physical linkages to the open space network.*

The discussion under this policy states that the City should explore the use of incentives to protect open space, including the use of bonus densities and transfer of development rights.

> *PRS 2.3, Parks and Recreation Amenities*
> *Continue to develop parks and recreation amenities that enhance the local economy.*

The discussion centers on efforts in park and recreation amenities as they relate to value to both residents and visitors and their cumulative effect on the economy.

Policy Summary

The policies above clearly state that downtown is a key economic resource and development of downtown is important to realize the goals of the Comprehensive Plan. They go on to say that downtown development can be shaped by incentives, inclusion of public amenities, and a healthy residential component. Furthermore, the Comprehensive Plan gives clear direction that open spaces (and parks) are a valuable component of development, even within the downtown.

All subsequent planning, including the Downtown Plan and any other ancillary studies and plans (such as the City's Capital Improvement Plan, downtown parking standards, the Spokane Municipal Code) has been conducted according to and consistent with the Comprehensive Plan.

Downtown Plan

Plan for a New Downtown

The Downtown Plan, originally adopted by the City in 1999, lays out a vision and a path for development and enhancement of Downtown Spokane. The 1999 plan, titled "The Plan for a New Downtown," was created following an extensive public process that included close partnership with the Downtown Spokane Partnership (DSP) and the efforts and input of more than 1,500 members of the community. The downtown plan prepared then was found to be within the framework of the City's existing Comprehensive Plan and was subsequently incorporated by reference into that document – making it, functionally, a part of the Comprehensive Plan, with equal force and protection under State law.

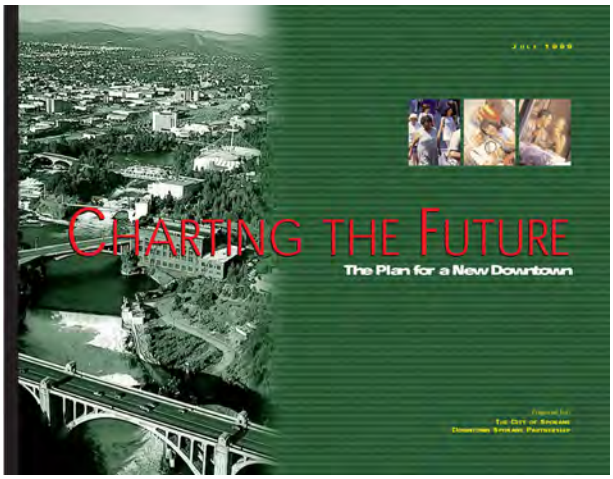


Fig. 3 - The original 1999 Downtown Plan, prepared after an extensive public process.

The 1999 plan included many key points, including:

- Description of the downtown as the "center and focal point" of the City;
- The existence of a need for market rate housing downtown;
- A surplus of vacant land and surface parking in the downtown;
- The stated need to create a safe pedestrian-friendly street level environment;
- A vision for downtown that included a vision for Riverfront Park as "the 'Jewel' of the City . . . the heart of a growing and vital Downtown."

In specific relation to the topic under discussion, the original Downtown Plan discussed the need and intent to develop Howard Street as a "string of pearls," a central pedestrian element in the downtown. Discussion included development of enhanced pedestrian activity utilizing wide sidewalks, street furniture, public art, outdoor restaurants, and improvements in the sidewalk to building interface. Further, the plan discussed Spokane Falls Boulevard as a key east/west connection in the downtown. The plan expected new development and enhanced pedestrian amenities along Spokane Falls Boulevard.

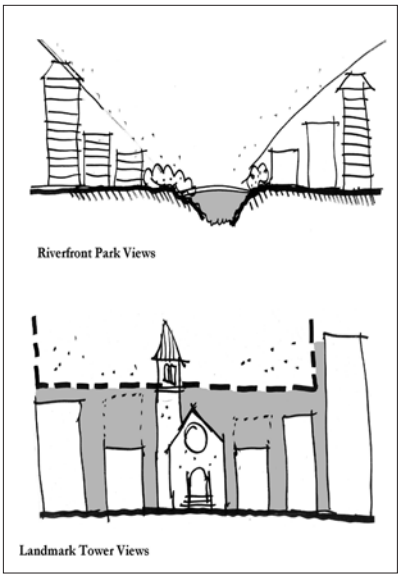


Fig. 4 - The 1999 Downtown Plan discussed views as they related to landmark towers as well as parks. While sunlight and shadows were discussed, the idea of limiting shade was not fully developed.

Building Height and Massing – 1999 Plan

The 1999 plan provided a short summary of past planning, which included a short discussion of the Olmsted Report of 1913, made to the Board of Park Commissioners.[2] In their Report on park opportunities and proposals within the City, the Olmsteds stated that not only was the control of building heights preferred in cities like Spokane, but that such controls should be enacted as soon as possible in order to avoid overcrowding the street and to minimize barriers to light and air at the ground level.

The Plan for a New Downtown built upon the statements of the Olmsteds and public input at the time the plan was written, stating that control of building heights could help allow penetration of sunlight and open views to vistas. Of specific discussion was maintaining views of Riverfront Park (Strategy 5.3) and views of landmark towers (Strategy 5.4). Most significantly to the topic of this report, the Riverfront Park Clock Tower was mentioned in particular.

Fast Forward Spokane – 2008 Update

In 2008 the City conducted the first update to the downtown plan, titled "Fast Forward Spokane." This effort also utilized a massive public process to update the plan after its first ten years in action. Included in this update were the following changes:

- The downtown planning area was increased in size to cover the eastern part of Kendall Yards as well as a large portion of the University District south of the River.
- Strategies and discussion of "influence areas" adjacent to downtown but outside the downtown plan area.
- Leveraging key assets like: the river and Riverfront Park; the centennial trail; the convention center; the Davenport Hotel; the INB Performing Arts Center; the Spokane Arena; the downtown mall; and the city's location and sense of history.
- A new vision statement for the downtown.
- Expansion on the idea of "green streets" into a true "Complete Streets" concept.
- New east-west links for circulation in addition to the Howard Street string-of-pearls concept from the original plan.
- Increased Transit.[3]

Fig. 5 - Adopted in 2008, Fast Forward Spokane represented the first update to the Downtown Plan. Development of the plan update included significant work on building mass and height. Likewise, code amendments made following the adoption of the plan update also included new standards for height and massing as well as minimization of shade on Riverfront Park.

2 Prior to the formation of the Plan Commission, the Board of Park Commissioners served a similar role in the City of Spokane.

3 Fast Forward Spokane specifically included discussion of a light rail through downtown - a concept that has since been replaced by the Central City Line.

- Discussion of catalytic opportunity sites, one of which is located within the DTC-100 zone under discussion in this report (catalytic opportunity site 2).
- A series of new strategies for success, including: complete streets; public space improvements; multi-modal transportation; gateways, signage, and wayfinding; housing; environmental stewardship; economic development; arts, culture, and entertainment.

Major Downtown Sites 1 and 2 – Stevens Street and Spokane Falls Boulevard

Fast Forward Spokane identified nine catalytic opportunity sites and two catalytic opportunity zones within the plan area. According to the plan, these areas represent dynamic sites within the downtown that provide for an array of development potential. Each took into account both recent and possible future development in the vicinity as well as opportunities to build on that development and to align with desired built form of the site. Furthermore, each site had the potential to further and expand linkages within the downtown.

Fig. 6 - Fast Forward Spokane (2008) included a schematic drawing of potential development on the surface lots on the south side of Spokane Falls Boulevard at Stevens Street.

Major Downtown Sites 1 and 2 straddle either side of Stevens Street on the south side of Spokane Falls Boulevard.[4] Site 1 represents the western side of Stevens Street and Site 2 the eastern. Both contained surface lots at the adoption of Fast Forward Spokane and both were envisioned by the plan for mixed use development. Conceptual plans for Site 1 on the west incorporated 65 parking spaces and 9,600 square feet of ground-floor retail. Site 1 was envisioned to contain 94,400 square feet of office space and between 56 and 64 dwelling units in a tower configuration above the retail. Similar to the west side of the street, the conceptual plans for Site 2 was envisioned to contain 31,000 square feet of retail and up to 136 parking spaces on the ground floor with another tower above containing 192,000 square feet of office and up to 64 dwelling units.

Height and Massing – 2008 Plan

The 2008 plan included a goal that states, "…foster and improve upon the unique, Downtown 'sense of place.'" Within the objectives of that goal was a requirement that development "strive to reasonably protect solar-access in key areas as well as view of key amenities." The strategies in the 2008 plan included a strong statement[5] that:

4 Downtown sites 1 and 2 were originally identified in the 1999 plan but that plan did not include signfiicant information on the disposition of those sites.

5 Fast Forward Spokane, 2008, p. 81, "Access to Views and Sunlight."

"The Spokane community expressed a strong desire to maintain maximum exposure to sunlight in significant public open spaces, such as Riverfront Park, by promoting buildings designed to reduce shadows."

In order to support the land uses and strategies identified in the 2008 plan, the plan included a number of necessary requisite actions. Among these was the creation of standards and guidelines to ensure consistent development with the plan. Strategy 10.2 of the Standards and Guidelines strategies states that the City should seek to modify its zoning regulations to be consistent with the downtown plan.[6] As a result of that strategy, the City undertook an expansive public process to update its zoning regulations shortly after adoption of Fast Forward Spokane.

Other Relevant Policies

Downtown Plan Goal 2.2
Foster and improve upon the unique, Downtown "sense of place."

The following relevant objectives were listed under this policy:

- Design complimentary infill and restrict surface parking lots.
- Encourage increased density and smaller building footprints.
- Strive to protect solar-access in key areas, as well as views of key amenities.

Downtown Plan Goal 2.5:
Increase housing options Downtown and protect existing neighborhood character

The following relevant objective was listed under this policy:

- Develop mixed use neighborhoods within Downtown

Downtown Plan Goal 2.6
Incorporate sustainable practices in redevelopment efforts

The following relevant objectives were listed under this policy:

- Improve live/work balance by promoting Downtown living

During the preparation of code amendments following the adoption of Fast Forward Spokane in 2009, an Update Task Force was formed, which included representatives of the following organizations:

- Washington State University;
- Downtown Spokane Partnership;
- Sherry, Pratt, VanVoorhis Landscape Architects;
- NAC Architects;
- TerraBella, Inc.;
- Kolva & Associates;
- SRM Development;
- Heylman Martin Architects;
- Century 21 Real Estate;
- Kiemle and Hagood;

Spokane Municipal Code

Following adoption of Fast Forward Spokane, the City undertook a code review and update process with the goal of accommodating the land use and development concepts in the plan. This process was led by an "Update Task Force " who provided industry insight and experience to the process. During that process a new section was proposed for the SMC § 17C.124, titled "Downtown Zoning." This new section included specific development regulations in accordance with the Downtown Plan. Additional updates were made to various other related sections of the SMC (i.e. parking & loading, landscaping and screening) as well as updates to the downtown design

6 Ibid., p. 126.

guidelines and the design review process. Following 10 meetings of the task force, 2 public open houses, 7 workshops with the Plan Commission, and many smaller presentations and meetings with groups throughout the City, the City Council approved the changes in December, 2009.

As a result of that process, the following requirement was included as SMC 17C.124.220.E:

> *E. Additional Height Within Specific Height Designation Areas.*
>
> *Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).*
>
> 1. *One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.*
> 2. *In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard.*

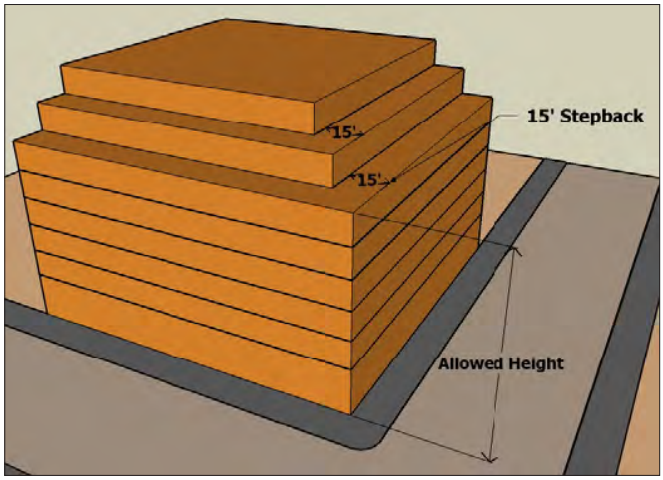


Fig. 7 - The exhibit above is currently included in SMC 17C.124.220.E and gives a single example of how a theoretical structure would comply with the height standards.

The intent of these standards was to accommodate development within the DTC-100 zone but also to minimize any shading impacts to the park, as requested by the public during the public participation process enacted during preparation of the code amendments.

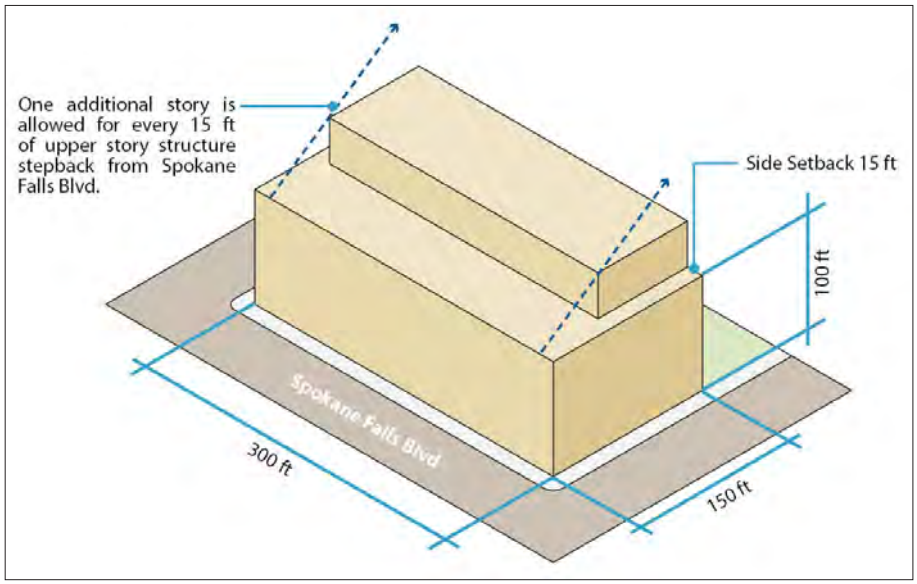
This section of the SMC also discusses height and massing for development outside the DTC-100 zone, including bonus heights for certain areas, provided that individual developments provide certain design features and amenities that provide for a public benefit, such as permanent affordable housing, street activating ground floor uses, alley enhancements, major public spaces/plazas, and a number of other similar features.[7] However, the SMC expressly states that these kinds of bonuses are not available within downtown zones that include a specific height number in the zone name, such as the DTC-100 zone.[8]

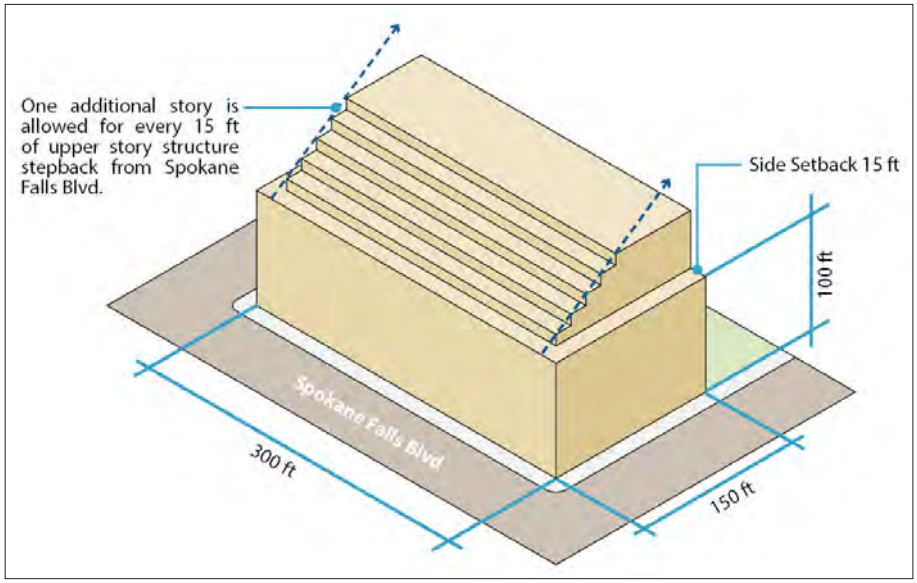
Lastly, SMC 17C.124.220.B.1 contains a requirement that is key to the topic of discussion and the original request. It states:

> *"Changes to the height provisions are not allowed outside of a downtown plan update process."*

7 SMC 17C.124.220.G

8 Ibid.





Figs. 8 and 9 - The two figures above were developed by City staff during the working group process to illustrate additional building envelopes that are allowed within the current SMC requirements. Analysis of the current SMC language indicated that the "wedding cake" shape shown in Figure 7 is not the only possible solution under the existing code.

PART IV

Technical Analysis

Multiple technical studies related to the effects of shading on Riverfront Park have been conducted by both the City of Spokane and other agencies such as the Downtown Spokane Partnership. As the goal of the Downtown Plan is to minimize shadowing on the park, these studies and analyses have historically been used to demonstrate the extent of shadowing and, in the case of specific development proposals, the increased shadowing created by certain developments.

Previous Shading Studies

Many shading studies have been conducted through the years since the Downtown Plan was updated in 2008. These were considered and discussed by the working group during their deliberations.

Fast Forward Spokane (2008)

During the code update process for Fast Forward Spokane, MIG (the consultant for the 2008 Downtown Plan Update) conducted multiple meetings regarding height and massing downtown. Included in this discussion was a number of sample shading diagrams showing the shadow profile of several theoretical developments in a downtown like Spokane's. Also included were digital video simulations of shadows as they progress throughout the day.

Davenport Grand Development Application (2013)

During its consideration of the Davenport Grand development application, the City considered the shading effects of the proposed design. Several models were produced showing the varied effects of shade from the proposed hotel on the park. An administrative interpretation was issued on September 24, 2013 by the Planning Director of the time, Mr. Scott Chesney. His interpretation found that the impacts to the park from the hotel would be minimal and the building was allowed to exceed the 100' building height limit provided that certain steps were taken to ensure shading would be minimized (i.e. the building was set back from Spokane Falls Boulevard above the first floor) and in consideration of the existing effects of the theater building to the north.

Fig. 10 - Sample shading from the schematic design for opportunity sites 1 and 2 presented during the 2009 code update process. MIG, the consultant on the Fast Forward Spokane update process, conducted several meetings on shading in the park, as shown here.

Fig. 11 - An excerpt from the Planning Director Decision in 2013 regarding the proposed (at the time) Davenport Grand development.

Updated Shading Study

City Study

As a part of the preparation of this report and the work of the working group, the City developed an updated shading study. The original study was augmented in order to account for new development and to correct certain modeling errors that were inherent in the original model (existing buildings that did not cast shadows but did not affect the overall park shading, etc.). With buildings modeled to 200 feet in height, shadows during the late fall and winter were extensive and would reach, in some cases, as far as the northern arm of the Spokane River. The addition of a 200-foot building on one of the surface lots within the DTC-100 zone would reach beyond that onto the bike/pedestrian trail on the north bank. However, such a building would not be allowed under current zoning.

The City-prepared shading study showed an important comparison between buildings built to the current code requirements (stepped back above 100′ by 15′ for each story) and those built to a theoretical worst case scenario of 200′. It was clear from this study that stepping back would have some effect in limiting shadows entering the park for those buildings. However, when compared to the shadows cast by existing development (or potential development of vacant lots fronting on Main Avenue, where there is no height restriction), the increased shaded area would be minimal in both cases.

For more images from this study, see the appendix to this report. Similar images are provided for different times and dates.

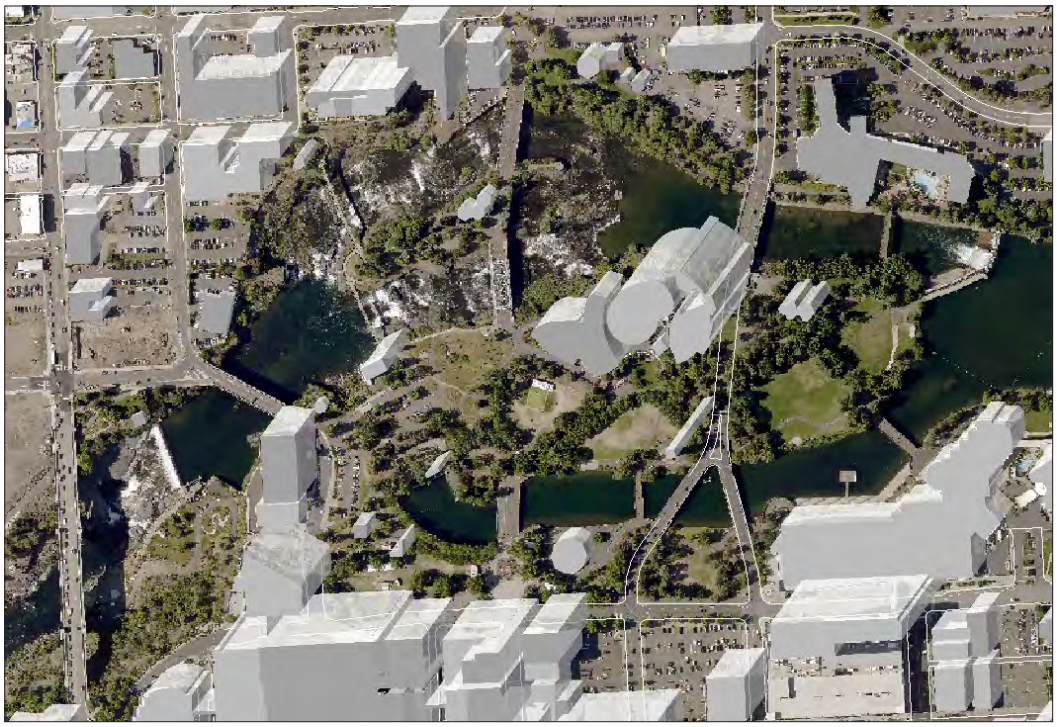


Fig. 12 - This excerpt from the City's updated shading study shows the existing shadow profile on March 20 at 3 PM. It is presented here as an example of typical afternoon shading.

Fig. 13 - This excerpt from the City's updated shading study shows the shadow profile on March 20 at 3 PM if new buildings were constructed on the two opportunity sites as well as the "Wheatland Bank" building, according to the current SMC height requirements. The "new" buildings' shadow profile is shown in purple.

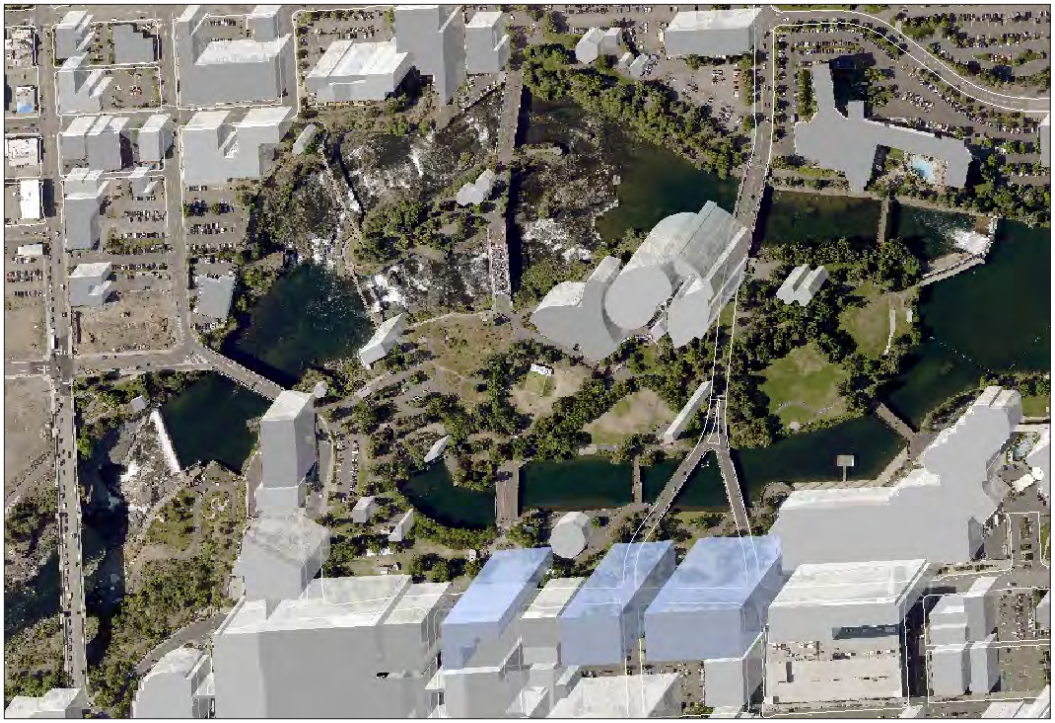


Fig. 14 - This excerpt from the City's updated shading study shows the shadow profile on March 20 at 3 PM if new buildings were constructed at 200 feet, much taller than is currently allowed, and without the stepback currently required by code. The shadow profile of these taller towers is shown in blue.

Downtown Spokane Partnership Study

For the purposes of discussion and comparison, the Downtown Spokane Partnership presented its own shading study, conducted by NAC Architecture of Spokane. Their model differed slightly in that it used a twin tower configuration above 100' for the eastern property, showing that a light corridor would in fact sweep the park even if those two towers were 200' in height. The NAC study did not, however, show the effect of existing buildings surrounding the sites and their effect on shading.

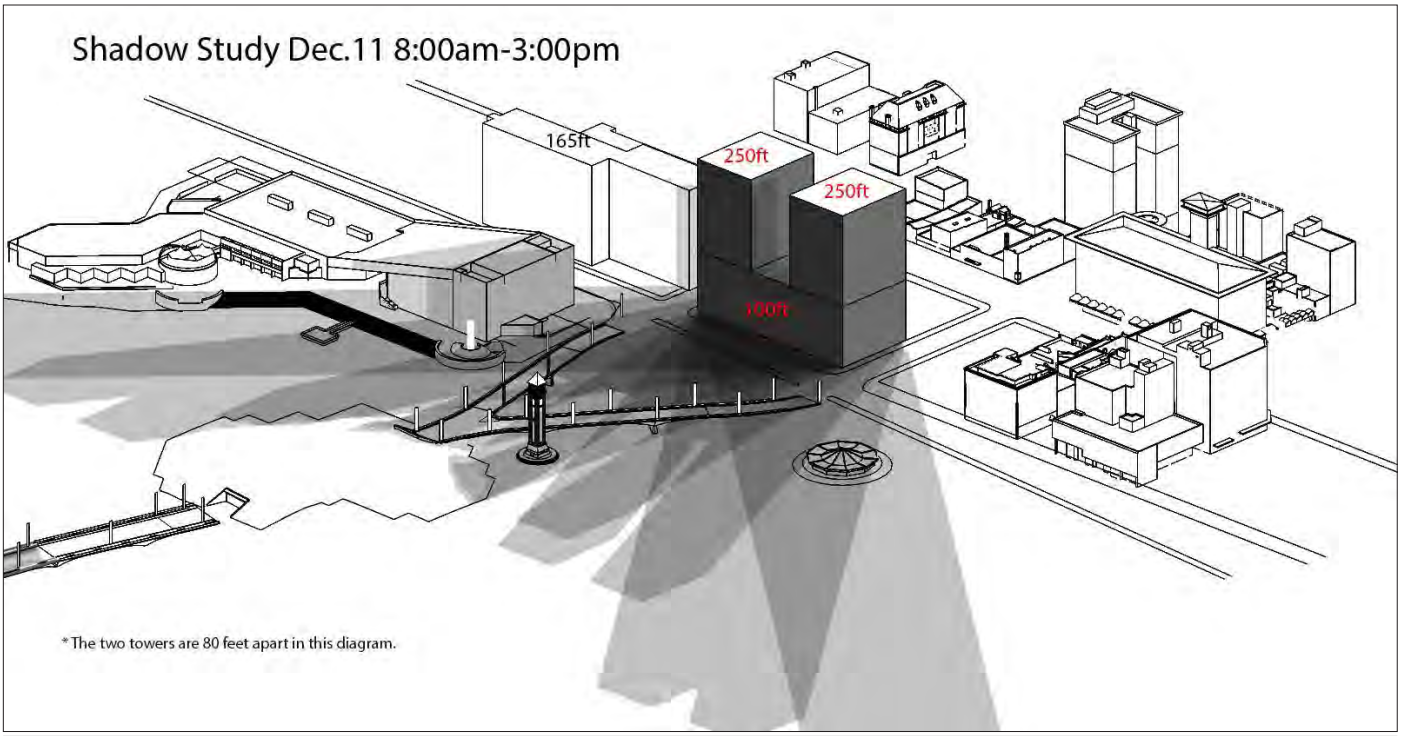


Fig 15 - Shadow study provided by DSP during the working group process. Note the gap in the shadow, which would swing west to east during the day. This model represents a December day and is thus a "worst case scenario." Spring to fall shadows would be greatly reduced.

PART V

Findings and Recommendations

Working Group Discussion

Working group discussions began with a thorough exploration of the history of the topic, the nature of the request from the Downtown Spokane Partnership (DSP) and the property owner representative, and the various effects of different types of development on the two surface lots most likely to develop in the future. The prior shading studies were presented, as well as additional shading analyses by both the City and DSP. Also discussed were some preliminary renderings of possible development on those sites and additional discussion of features and designs that would include some form of public benefit.

Discussion followed three themes: (1) what is possible within the current standards and requirements; (2) what would be the various impacts and opportunities presented if greater building heights were allowed; and, (3) could the original request to vacate the building height requirements be accommodated based upon existing Comprehensive Plan and Downtown Plan policies. In addition to renderings provided by DSP regarding what might be developed if the height limit were removed, City staff created two new exhibits that clarify what is allowable under the current code allowances.[1]

Following four meetings, the working group came to the following conclusions:

1. The original request to vacate the height requirements in DTC-100 by a typical Municipal Code amendment is not possible, pursuant to SMC 17C.124.220.B.1.

2. While the height provisions in the SMC cannot be vacated, the allowances for height bonuses in this zone under the current code could be clarified through additional graphic representation of the existing code language.[1]

3. Additionally, there is an opportunity to amend the SMC consistent with existing Comprehensive Plan and Downtown Plan goals and policies, that would simultaneously maintain the current height restriction, while allowing for height bonuses with greater flexibility to incentivize certain types of development (as envisioned in both the Comprehensive Plan and Downtown Plan) in the zone.

4. There are internal inconsistencies in the SMC as it stands now that require clarification and/or correction.

5. The request to eliminate the height restrictions in the DTC-100 zone

1 See figures 8 and 9 above, p. 11.

Fig 16 - The working group held four meetings in City Hall during May and June of 2017. These meetings were open to the public. The recommendation presented in this report represents the end result of those discussions.

would require adjustments to existing Downtown Plan Policy, and is most appropriately considered through the more robust public engagement process required to amend the Downtown Plan Update.

While universal agreement to the conclusions was not reached, the working group generally agreed upon a framework for moving forward, as detailed below.

Working Group Recommendation

The working group ultimately agreed, in general, to the following mechanism for allowing greater flexibility in building heights within the DTC-100 zone. It is important to note that this mechanism does not meet the original request to completely eliminate all height restrictions within the subject zone. However, the original requestors agreed that this was an adequate interim solution, given the constraints of the SMC and the Downtown Plan as it now stands.

Options for Implementation

The working group identified the following three possible ways to accommodate the request:

1. Utilize the existing "plans in lieu" procedure in the SMC.
2. Create a new special district designation for part of the zone.
3. Amend the existing SMC standards for building height bonuses in the DTC-100 zone.

After discussion, the general consensus was that option three represented the best route forward. The "plans in lieu" procedures in the SMC are not well defined and could result in the opposite effect desired (i.e. uncertain process leading to long delays). Creating a special district would result in more complexity in the system than was thought prudent. It was generally agreed by the group and city staff that as long as any amendments to the SMC avoid modifying the base height limit within the DTC-100 zone, option 3 posed the most feasible solution.

Desired Outcomes

The working group developed the following outcomes that would be sought by any action moving forward:

a. Create opportunities within the DTC-100 zone for mixed-use redevelopment and incentives for residential development to occur in an economically viable manner.

b. Put activity on the street.

c. Create relationships with the enhanced park.

d. Consider and mitigate development impacts to light, air, vistas and shade to the park, especially along the Howard Street Promenade

within Riverfront Park, while allowing more flexibility in development standards.

While shading is a concern in general, it was agreed that the key resource to protect in Riverfront Park is the Howard Street Promenade, as it provides a key sun-dependent use (the Rotary Fountain), it is part of the Howard Street string-of-pearls identified in the Downtown Plan, and it provides an important north-south route through the park tying the north bank to the rest of downtown.

Principles

The working group developed a series of principles that they felt should apply to any work to amend the code as it relates to this topic. They are:

a. Unique Place - Create a positive, highly identifiable environment in the area bounded by Main Street, the Spokane River and Riverfront Park, Lincoln Street, and Washington Street that will draw people to a wide range of public and private destinations.

b. Integrated Development - Guide the redevelopment of properties along the south side of Spokane Falls Boulevard in order to result in a seamless integration with the enhanced park, so that the entire area is a lively and ever-changing part of downtown.

c. Active Streetscapes - Ensure a lively and activated streetscape through both management of public spaces and activation by commercial and residential uses that embrace the public realm.

d. Varied Building Forms - Promote flexibility in building location, form, height, and massing. Avoid creating a continuous "wall" effect fronting the park.

e. Economic Development - Attract types of development and uses that can reinforce activities and spaces associated with the park and residents who can monitor and populate the area.

f. Howard Street Promenade - Preserve significant amounts of sunlight throughout the year on the highly important corridor through the park.

Development Standards (Conceptual)

The working group developed a range of new standards that they felt should be utilized when developing a code amendment. The following conceptual standards expand on the existing requirements of the SMC and meet the intent of the building height requirement while allowing for greater flexibility and reduced impediments to development.

All numbers in the following standards are highly conceptual in nature. Additional analysis and discussion is necessary to refine these numbers further. The numbers presented here are simply a sample of standards that would be successful.

a. Floors occupied exclusively by residential, live/work, and/or hotel uses may be allowed as a bonus to extend above the underlying height

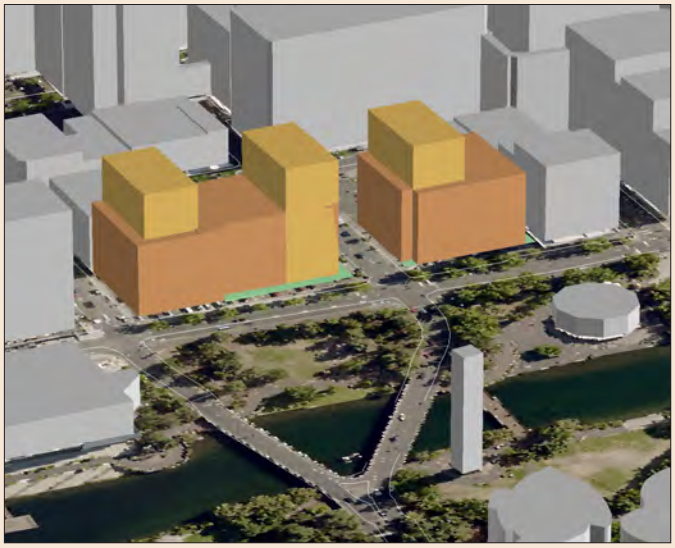


Fig 17 - The model above depicts sample building mass with 10,000 square foot floor plates for the towers.

Schematic Diagrams - Building Mass by Floor Plate Size

In order to inform future policy discussions, the following schematic models give some idea of the mass of the eventual development possible, were the recommendations of the working group enacted. The three following models were developed by City staff according to the following assumptions:

- Both opportunity sites are aggregated into two large developments;
- The maximum size building base allowed under the code (with the working group changes) would be constructed;
- Any towers would be built to the maximum floor plate size allowed at full depth, north to south.
- Public plaza space was allocated according to the requirements of SMC 17C.124.580 (one square foot per 100 square feet of building floor area);
- The towers rise six 10' stories over the building base; and,

Fig 18 - The model at left depicts sample building mass with 14,000 square foot floor plates for the towers.

Fig 19 - The model at left depicts sample building mass with 18,750 square foot floor plates for the towers. Note that two 18,750 sq. ft. towers are not possible on the eastern properties as they would be closer than 50 feet. As such, one 18,750 sq. ft. tower is shown along with a 10,000 sq. ft. tower.

limit under certain conditions as indicated below.

b. If residential and hotel uses are located in the 100-foot building base, an equal area of non-residential uses may be permitted above 100 feet, provided all other requirements of the bonus height provisions have been met.

c. Floor plates above 100 feet shall be no larger than XXX sq. ft (anticipated to fall between 10,000 -18,750 square feet, with the actual floor plate limit to be determined from the subsequent public process).[2]

d. The long dimension of building floors above 100 feet shall be perpendicular to Spokane Falls Blvd.

e. Towers above 100 feet shall be spaced apart no less than 50 feet, or as may be determined from the subsequent public process.[3]

f. Active retail (shops, personal services, and food services) or residential uses shall occupy no less than 50% of the street frontage . Corporate offices, banks, and financial institutions do not qualify as retail. Such uses shall have entrances directly on the public sidewalk.

Fig. 20 - During their presentation to the Plan Commission, DSP presented the rendering above (a proposed building in Los Angeles) as an example of a "sculpted" building such as that discussed in item C at right.

Design Review and Guidelines

Because of the relationship between properties in the DTC-100 Zone and significant public open spaces, such as Riverfront Park, the working group felt development should receive extra attention through the City's design review process. To this end, the working group felt a number of expectations should be made of proposed buildings, including:

a. Architectural detail at the ground level that supports people walking, lingering, eating, and socializing. This should include elements such as movable tables and chairs, pedestrian-scaled lighting, pedestrian-scaled signs, generous windows that open out to the park with possibly roll-up or sliding sections, canopies, and artwork.

b. Enhancements to the existing sidewalk areas to ensure that they feel welcoming, usable, visually interesting, and usable to all members of the public. Ways of extending character-giving aspects of the park should be provided in this wide sidewalk area. For example, places for live music and temporary art could be provided.

c. Upper stories of buildings should be articulated with architectural "sculpting" such as decks, balconies, projecting bays, recesses, offsets, changes in materials and color, roof gardens, upper levels setbacks.

2 Discussion centered around whether the Shoreline Master Plan requirements of SMC 17E.060.750.B.4 be used (i.e. no more than 145' on the diagonal and "less than ten thousand square feet" on any floor above 50' in height), 14,000 sq. ft. as suggested by the City's consultant, or 18,750 sq. ft. as suggested by the property owners' representative. The final number will need to be vetted through the subsequent public process required for any code amendments. See figures 16-18 for depictions of these various floor plate sizes.

3 Also discussed was a distance of 70 feet, or roughly the width of adjacent north/south streets.

Flat, featureless, rectilinear forms are to be avoided.

d. In order to reflect the importance of a gateway effect, the corners of buildings should be given special treatment such as public spaces, distinctive architectural expressions, major entrances, dramatic lighting, and unique landscape design.

e. At the initial stage of review, the Design Review Board should express its priorities and not merely react to already-designed proposals. The process between the DRB and the applicant shall be a collaborative one. Adherence to the principles listed previously shall inform the review.

f. Any towers above 100 feet should be placed so as to give consideration to sunlight, air, views, and vistas, especially on the Howard Street Promenade within Riverfront Park.

Additional Code Recommendations

The working group felt that a code amendment process should also consider the following tasks:

a. Replace the existing image in SMC 17C.124.220.E.1 with the updated image presented to the working group.[4]

b. Correct noted inconsistencies in the language in SMC 17C.124.220.

As regards item b above, the most significant inconsistency is one in SMC 17C.124.220.B, wherein it states that no bonus heights are allowed for zones with a height number in the name, such as the DTC-100 zone under consideration herein, followed in subsection E by standards for bonus heights in the DTC-100 zone.

Long Term Recommendations by the Working Group

It was generally understood by the working group that the solution presented above is short term in nature and that a longer term solution may be required. Also, as the topic of activating the street and important amenities on Spokane Falls Boulevard were discussed, it was agreed that some future streetscape planning would be valuable. The following recommendations for future action by the City were made by the working group:

a. Plan for coordinated streetscape improvements along Spokane Falls Boulevard.

b. Consider the elimination of the DTC-100 zone within the scope of the Downtown Plan Update.

c. Review of Downtown Design Standards and Guidelines, including a study of height and massing standards, as part of the Downtown Plan Update scope, or as a subsequent strategic action , assuming adequate budget and time.

4 See figures 8 and 9 above.

It is also important to note that the discussions of the working group, while open to the public and publicly announced, did not include significant outreach to the public outside the working group members. Additional outreach and engagement will be required by City staff prior to any direct action on code changes which may be requested by City Council. Time was provided for public comment but none was given by any of the attendees outside the working group.

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Prepared by City Staff
August, 2017

https://my.spokanecity.org/projects/building-heights-on-spokane-falls-boulevard/

APPENDIX A

City of Spokane
City Council

TO: Council President Ben Stuckart

FROM: Brian McClatchey, Policy Advisor

DATE: January 3, 2017

RE: Legislative history of SMC 17C.124.220(E) (requirement for "wedding cake" building envelope adjacent to Riverfront Park)

Issue:

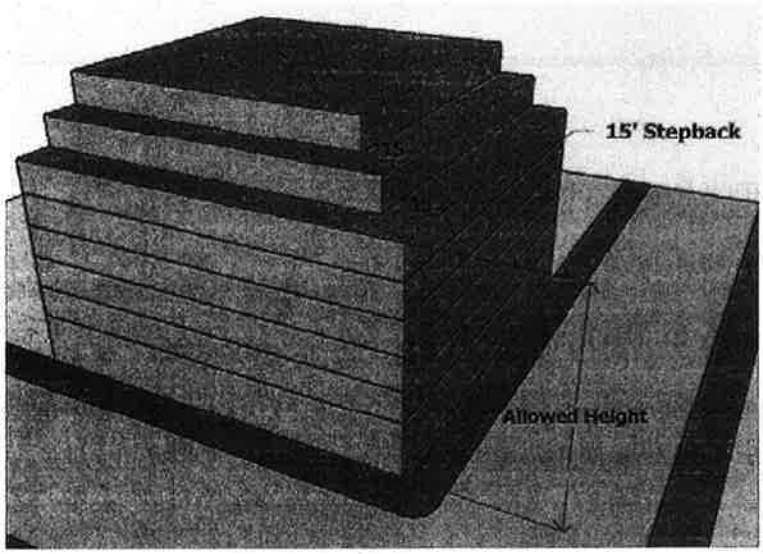
You have asked me to provide the legislative history and background information on SMC 17C.124.220(E). This section provides that, in a small area directly across Spokane Falls Boulevard from Riverfront Park, buildings may be constructed with additional stories over 100 feet in height if each additional floor is stepped back (to the south and away from the Park) by 15 feet – the so-called "wedding cake" arrangement.

Discussion:

The specific text follows:

E. Additional Height Within Specific Height Designation Areas.
Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).

1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone [i.e., downtown core, maximum of 100 feet in height] one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard.

SMC 17C.124.220(E).

This section was codified as part of the downtown plan update in 2009 (specifically ordinance C-34522 (Dec. 14, 2009). That ordinance was one of a number of ordinances which put the development regulations in place to implement the downtown plan.

In the lead-up to Council enactment of C-34522, the Plan Commission held workshops and hearings, and one document which was presented to them was the attached "building height and massing study" (Aug. 12, 2008).

The main conclusion, with respect to this code section, was the policy preference to maintain an open, light-filled, sunny edge of Riverfront Park. Having sunlight on one side of every street allows for a better public realm, because it allows for openness as well as the sense of enclosure that the shade provides.

The study included some shadow studies as well, showing that a building could be up to 75 feet high and not cast a shadow (in September) on the other side of a 100 foot right of way at any point during the day. As well, a building could be 55 feet high and not cast a shadow (again, in September) on the other side of an 80 foot right of way.

Spokane Falls Boulevard is approximately 100 feet wide. So, in order to avoid casting a shadow on the sidewalk on the north edge of Spokane Falls Boulevard in late summer/early fall (i.e,. the end of the most active portion of the use of the Park), the buildings on the opposite side of the street should only be 75 feet high. However, out of

concern that this would both be too great a hindrance on development and would also not fit with the existing building scale, that number was raised to 100 feet. This means that a 100 foot high building directly across from Riverfront Park will cast shadows over the sidewalk but not quite (for example) to the Carrousel.

Based on the height and massing study, the decision was made to allow even greater height, if additional floors are stepped back from the Park by 15 feet per additional floor. Note that those floors would only have to be stepped back along Spokane Falls, and not (in the case of a hypothetical building at the corner of Spokane Falls and Washington) on the Washington Street side.

Council held final reading for ordinance C-34522 on Monday, December 14, 2009. Several individuals signed in to testify on the ordinance, and those testifying in favor included representatives from DSP (5 individuals, including Andrew Rowles), the Design Review Board, and the Plan Commission. In fact, the only issue with this ordinance appeared to be the provision which would require that new standalone commercial parking lots within the downtown core be contained within parking structures. Council Member French (Apple seconded) moved to strike that provision, which failed by a vote of 4-3 (Council President Shogan and Members Corker, Rush, and Snyder voted 'no' on the motion to amend). On that basis, the ordinance passed by a vote of 4-3 (French, McLaughlin and Apple voting 'no').

As stated previously, these regulations passed in late 2009 by the Council were intended to implement the downtown plan. Page 81 of that document (chapter 4 – also attached) notes

> Access to Views and Sunlight
>
> Significant existing views of historic landmarks from public rights-of-way can be preserved through sensitive site and building design, building orientation, stepbacks, and/or building height limits on blocks adjacent to landmark and contributing buildings. <u>The Spokane community expressed a strong desire to maintain maximum exposure to sunlight in significant public open spaces, such as Riverfront Park, by promoting buildings designed to reduce shadows.</u>
>
> Downtown Spokane Plan, Chapter 4 – Strategic Framework (emphasis added).

There are six "urban form" (or "built form") objectives to the Downtown Spokane Plan: urban density, active streetscapes, preservation/restoration/reuse, complementary infill, access to views and sunlight, and green infrastructure. The intentions of these built form objectives, "developed during the public planning process, are to preserve and enhance Downtown Spokane's distinctive environment and history; to foster a sense of identity in Downtown; and to create an exciting, pedestrian-friendly environment." Downtown Spokane Plan, at 80.

GOODALE & BARBIERI COMPANY SINCE 1937

January 26, 2017

Spokane City Council
Attn: Ben Stuckart, Council President
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Spokane Falls Boulevard Height Restrictions

Dear Mr. Stuckart,

Goodale and Barbieri Company has provided professional real estate services in the Pacific Northwest for nearly 80 years. Our extensive experience has positioned us to provide expert advice in commercial and residential real estate development.

We are deeply concerned that current height restrictions along Spokane Falls Boulevard are hindering development and creating unintended consequences for residential housing and commercial development.

Zoning within the City of Spokane is intentionally written and interpreted to prevent uncontrollable outward growth. Since there are restrictions on how far outward development can reach, it is common sense that we are able to build upward in the Downtown Core where that type of building is commonplace.

Building height restrictions cause underinvestment in land improvement. The intensity of land use on Spokane Falls Boulevard for newly zoned and constructed buildings is lower than that of existing downtown buildings. Consequently, lower valued land uses in highly valued Downtown Cores result in a loss of property tax bases. Further, there are numerous examples in the United States where building height restrictions lead to expanded growth outward and have overextended municipalities resulting in problems with governance, proper allocation of resources, and dilapidated improvements.

High densities boost ridership of mass transit. As large developments are encouraged farther and farther away from the City Core, motorization is encouraged. Alternatively, mass transit is discouraged. With the type of investment our community has made into the Spokane Transit Authority, it behooves us to ensure that our zoning codes reflect that commitment as well.

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818 W Riverside Ave, Suite 300 • Spokane, WA 99201
Phone (509) 459-6102 • Fax (509) 344.4939 • www.g-b.com

A downtown high-rise including uses such as office, retail or residential with complementary parking would facilitate employment opportunities, enhance retail demand and support entertainment venues, to name a few.

More importantly it can help give the City of Spokane a sense of place. It can often enhance the city's pride in its community. When traveling to Seattle, Portland and San Francisco, it is clear the city's economic impact for high-rise buildings is imperative for future growth. The height restriction has already led to a loss of a sizeable development along Spokane Falls Boulevard.

Considering the scarcity of land available in Downtown Spokane and the information above, we request the Spokane Falls Boulevard Height Restrictions be removed to promote growth and developability of Downtown Spokane.

Respectfully,

David Peterson
EVP and COO
Goodale & Barbieri Company

Dp/crm

Cc: Andrew Rolwes

DOWNTOWN
SPOKANE

January 30, 2017

To: Honorable Ben Stuckart, Council President, Spokane City Council
CC: Mr. Mark Richard, Downtown Spokane Partnership
Mr. David Peterson, Goodale & Barbieri
Subject: Spokane Falls Blvd Height Restriction

Dear Council President Stuckart,

On behalf of the Downtown Spokane Partnership, we request your consideration of the removal of existing height restrictions along Spokane Falls Blvd. Per SMC 17C.124.220, Downtown Height and Massing:

> "1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified."

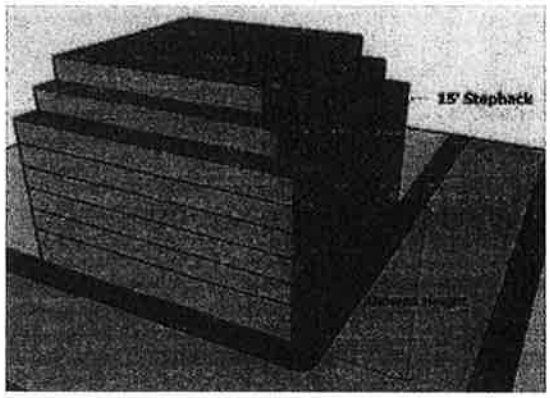

Figure 1: Stepback illustration

> "2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard."

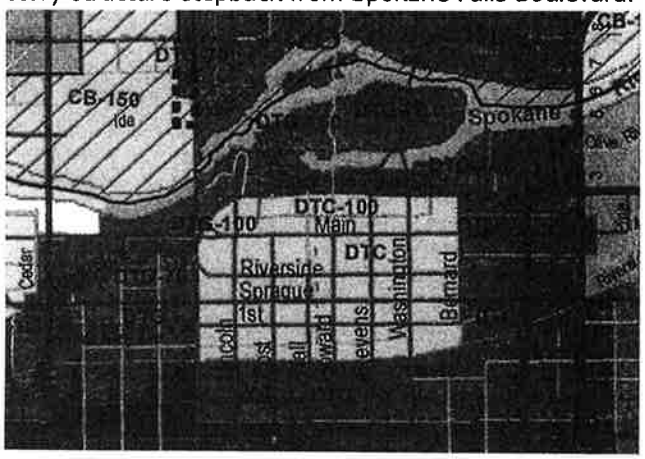

Figure 2: Current downtown zoning map

In our discussions with property owners and brokers along Spokane Falls Blvd, we learned that the height restriction and stepback requirement has already had the effect of precluding at least one development of the surface parking lots adjoining Stevens along Spokane Falls Blvd (see letter from Mr. David Peterson dated January 26, 2017, attached) . It also affects the Wheatland Bank Building, which is configured to add additional stories to the current four story building. With the Riverfront Park redevelopment effort now underway, these parcels will become that much more attractive to the mixed use development that the Downtown Plan foresees as a critical opportunity for these sites. However, the continued application of the height restriction unnecessarily precludes the height and density available at these parcels, and reduces their market value.

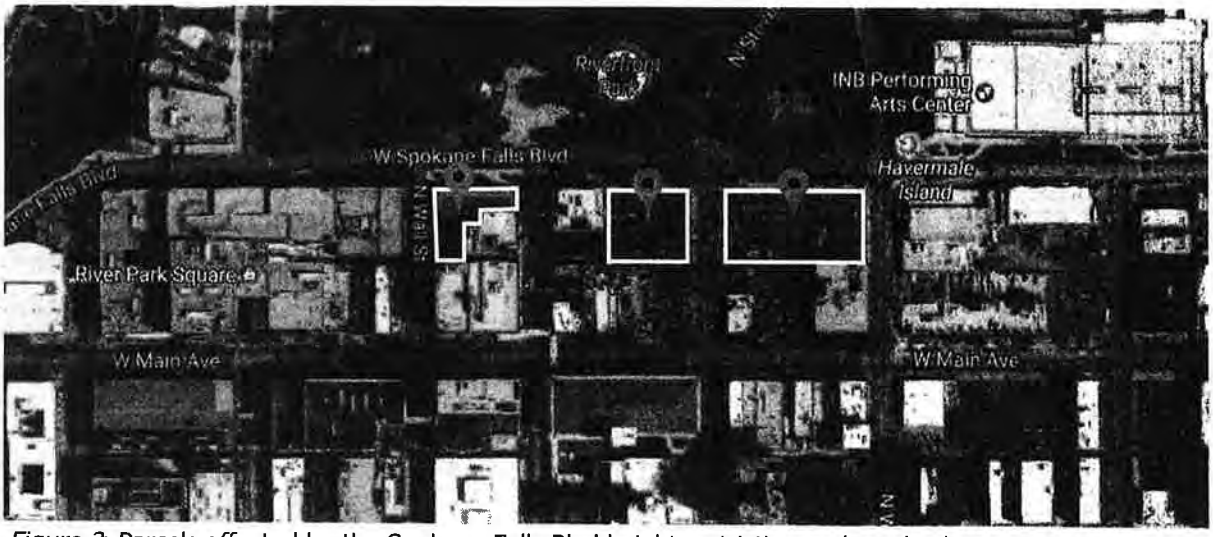

Figure 3: Parcels affected by the Spokane Falls Blvd height restriction and stepback requirement

We are conducting some additional research currently to determine shadowing impacts from 10+ story buildings along Spokane Falls Blvd and will provide that data as soon as it is ready.

The developable parcels on Spokane Falls Blvd are a crucial resource to downtown. Every effort to increase their market value (which completion of the Park will do in a major way) will serve the interests of downtown by fostering the next phase of compact, walkable, urban development, and the City by adding depth to its tax base. We believe that removing a factor which tends to hold back this potential is a relatively easy lift which we are very happy to support. Thank you for your consideration, and please contact me if you have any questions or concerns regarding this proposal.

Sincerely,

Andrew Rolwes
Downtown Spokane Partnership
Public Policy and Parking Manager
arolwes@downtownspokane.net
509-456-0580

GOODALE & BARBIERI COMPANY SINCE 1937

January 26, 2017

Spokane City Council
Attn: Ben Stuckart, Council President
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Spokane Falls Boulevard Height Restrictions

Dear Mr. Stuckart,

Goodale and Barbieri Company has provided professional real estate services in the Pacific Northwest for nearly 80 years. Our extensive experience has positioned us to provide expert advice in commercial and residential real estate development.

We are deeply concerned that current height restrictions along Spokane Falls Boulevard are hindering development and creating unintended consequences for residential housing and commercial development.

Zoning within the City of Spokane is intentionally written and interpreted to prevent uncontrollable outward growth. Since there are restrictions on how far outward development can reach, it is common sense that we are able to build upward in the Downtown Core where that type of building is commonplace.

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Respectfully,

David Peterson

David Peterson
EVP and COO
Goodale & Barbieri Company

Dp/crm

Cc: Andrew Rolwes

Return to Agenda

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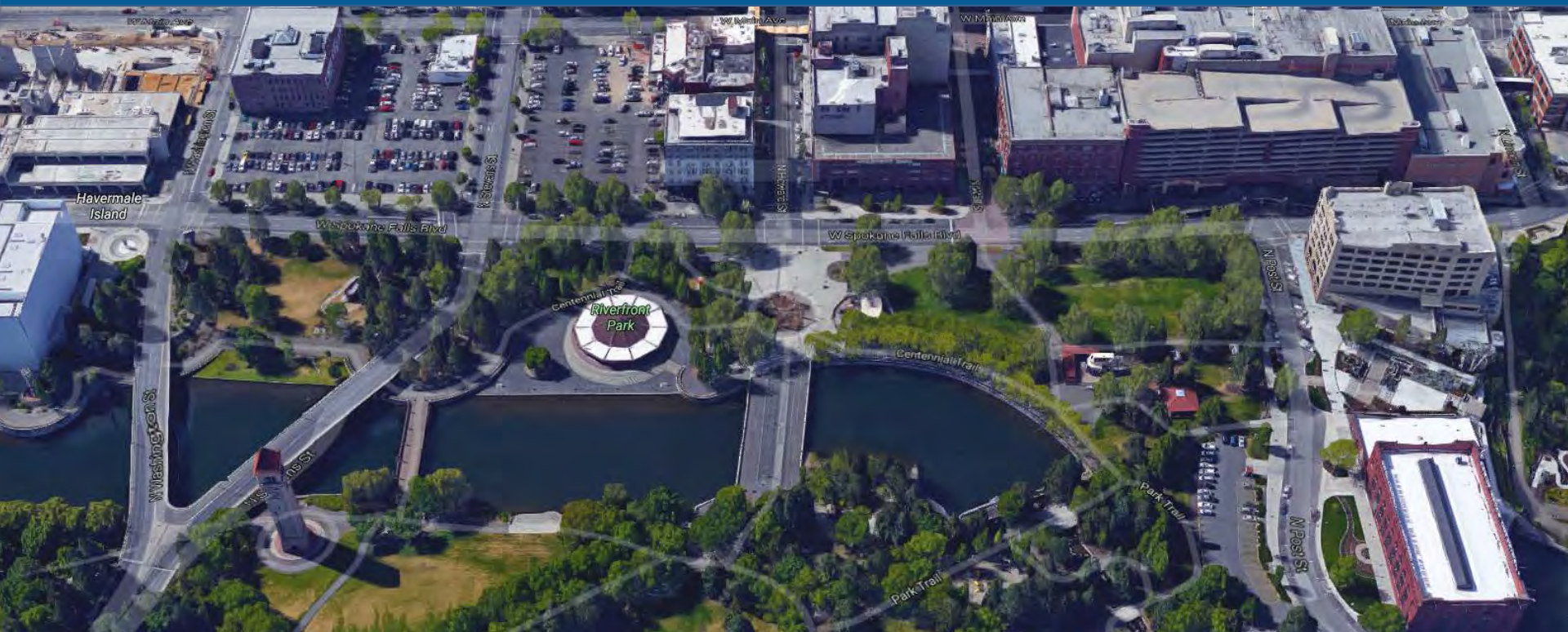
APPENDIX B

Spokane Falls Boulevard Shadow Study

City of Spokane Planning and Development Department



Analysis

Model Existing DTC-100 Maximum Height

- Washington Trust building has additional height potential. This building was raised to current maximum height limit
- Two vacant parcel areas between Howard and Washington raised to current maximum height limit

Model Hypothetical 200ft Building Height

- Same foot prints as above

Shadows calculated for specific dates and times

- Spring Equinox | March 20, 2017 (9am, 12pm, 3pm)
- Summer Solstice | June 2017 (9am, 12pm, 3pm)
- Fall Equinox | September 22, 2017 (9am, 12pm, 3pm)
- Winter Solstice | December 21, 2017 (9am, 12pm, 3pm)

Data Sources / Methodology

Data

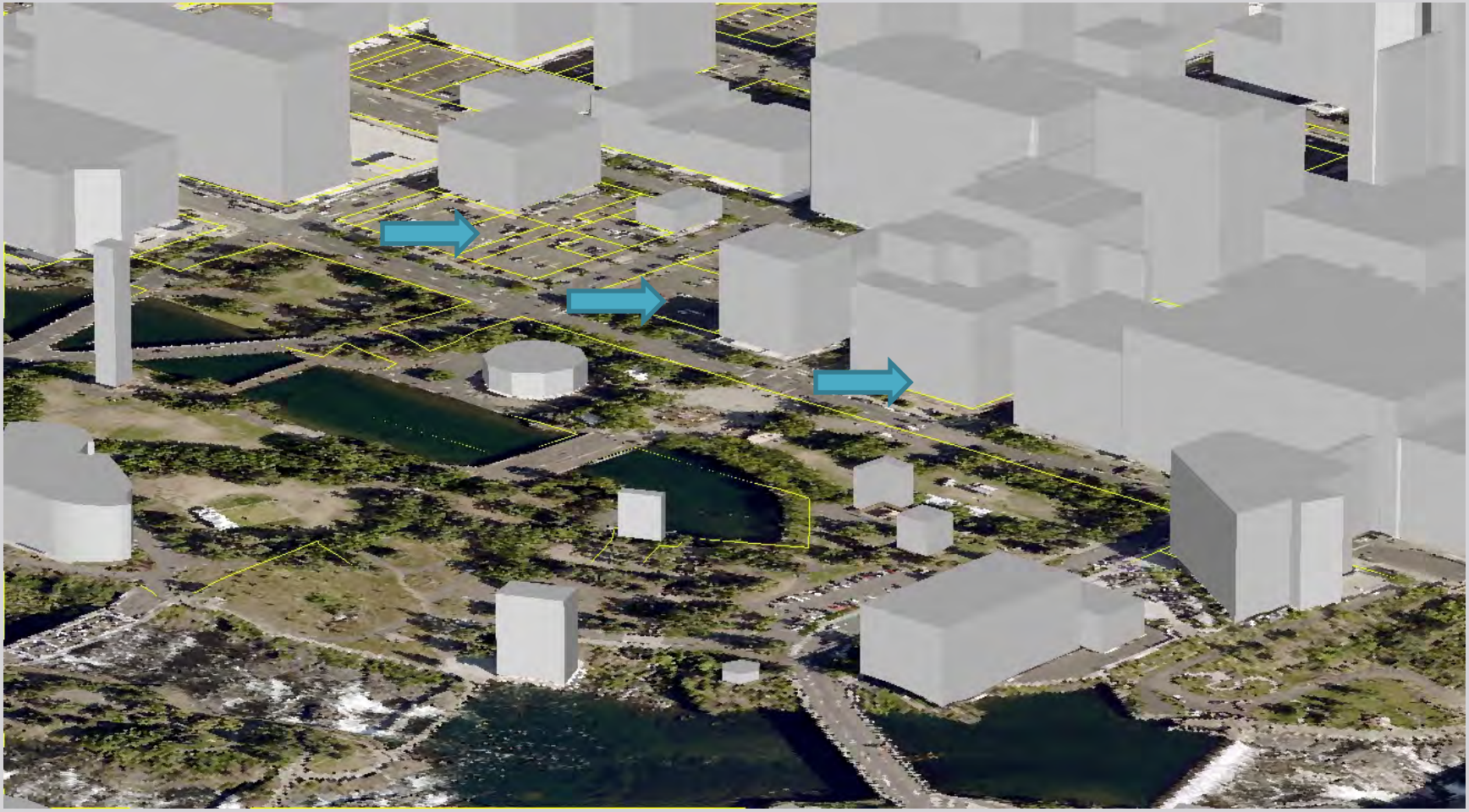
- 2016 Pictometry | Aerial Image
- Spokane's Digital Elevation Model
- Building Foot Print Layer
- Building heights in building footprint layer based on LIDAR Data

Methodology

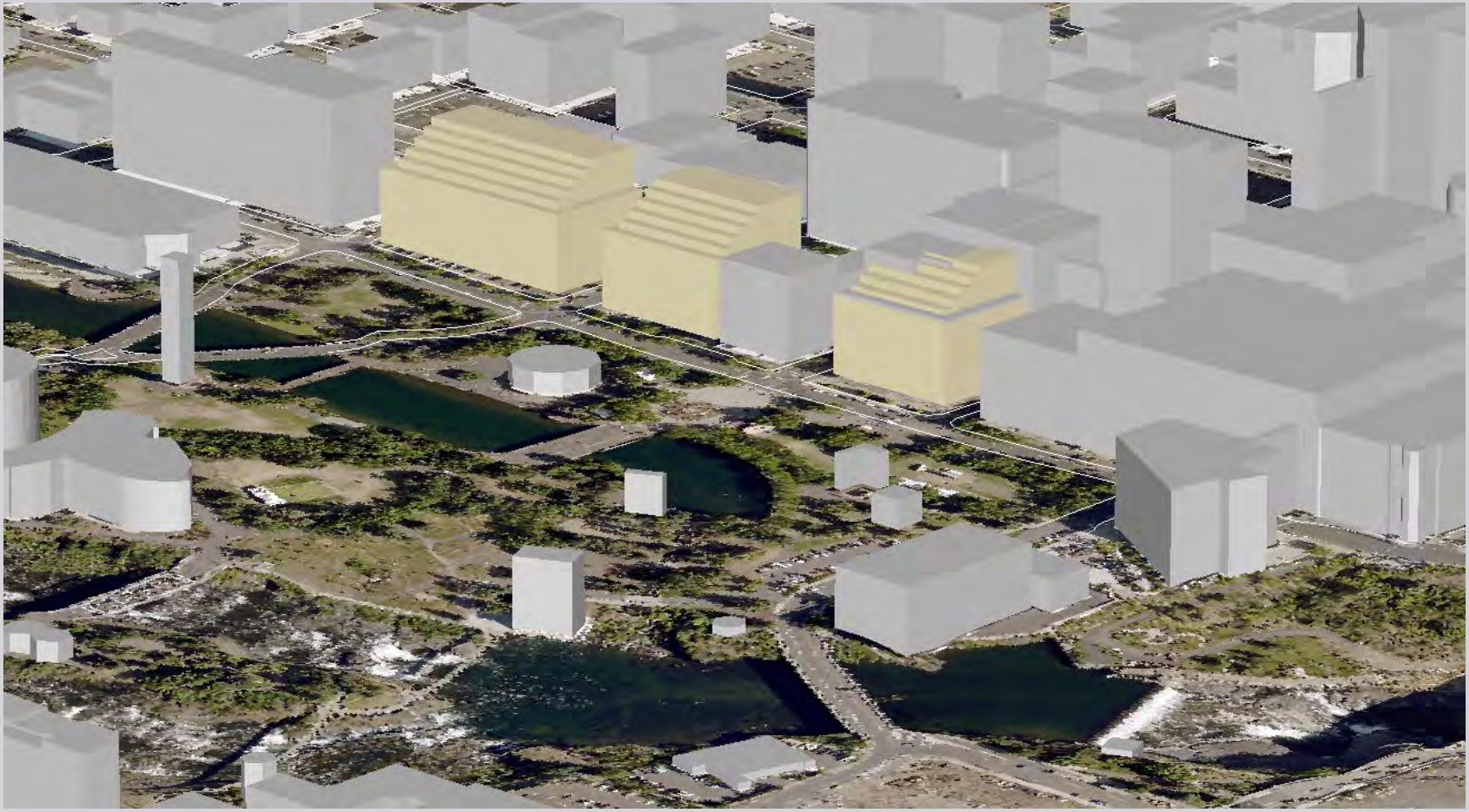
- Model shadowing effects using the ESRI 3D Analyst Shadow Volume tool.
- Aerial Photo and building footprints draped over the digital elevation model

Context / Study Sites

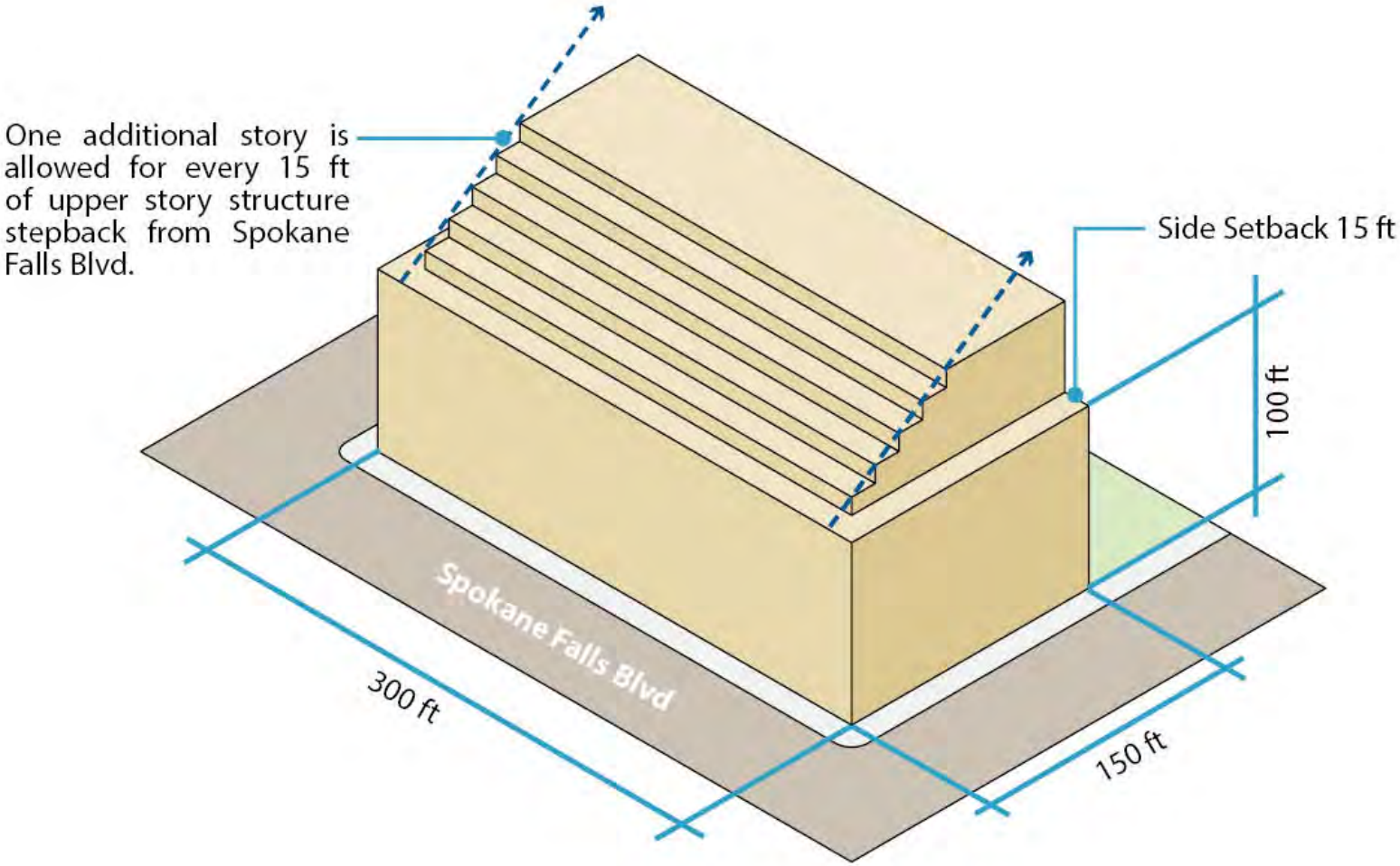
Study Sites



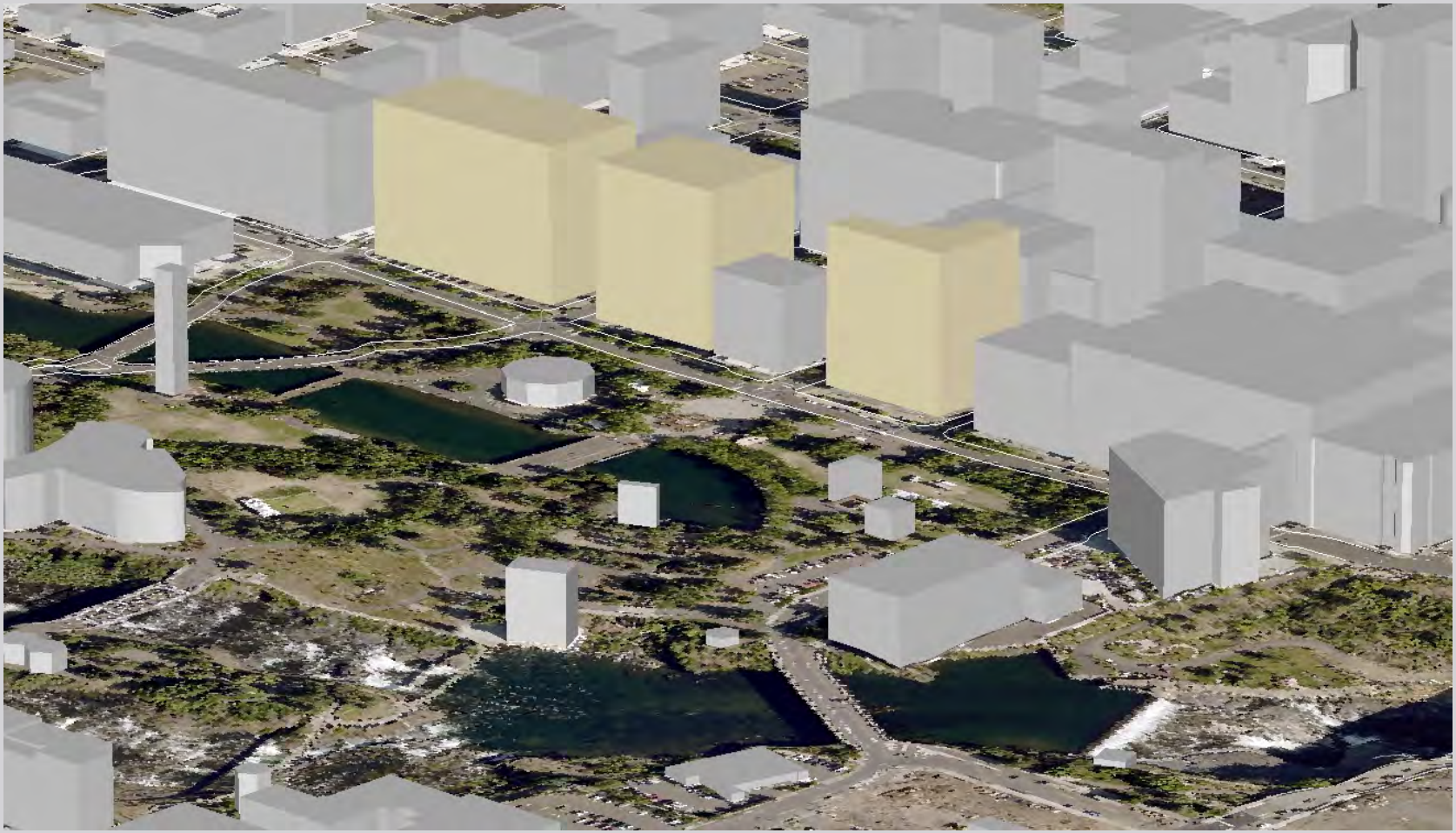
Existing Height Limit DTC-100



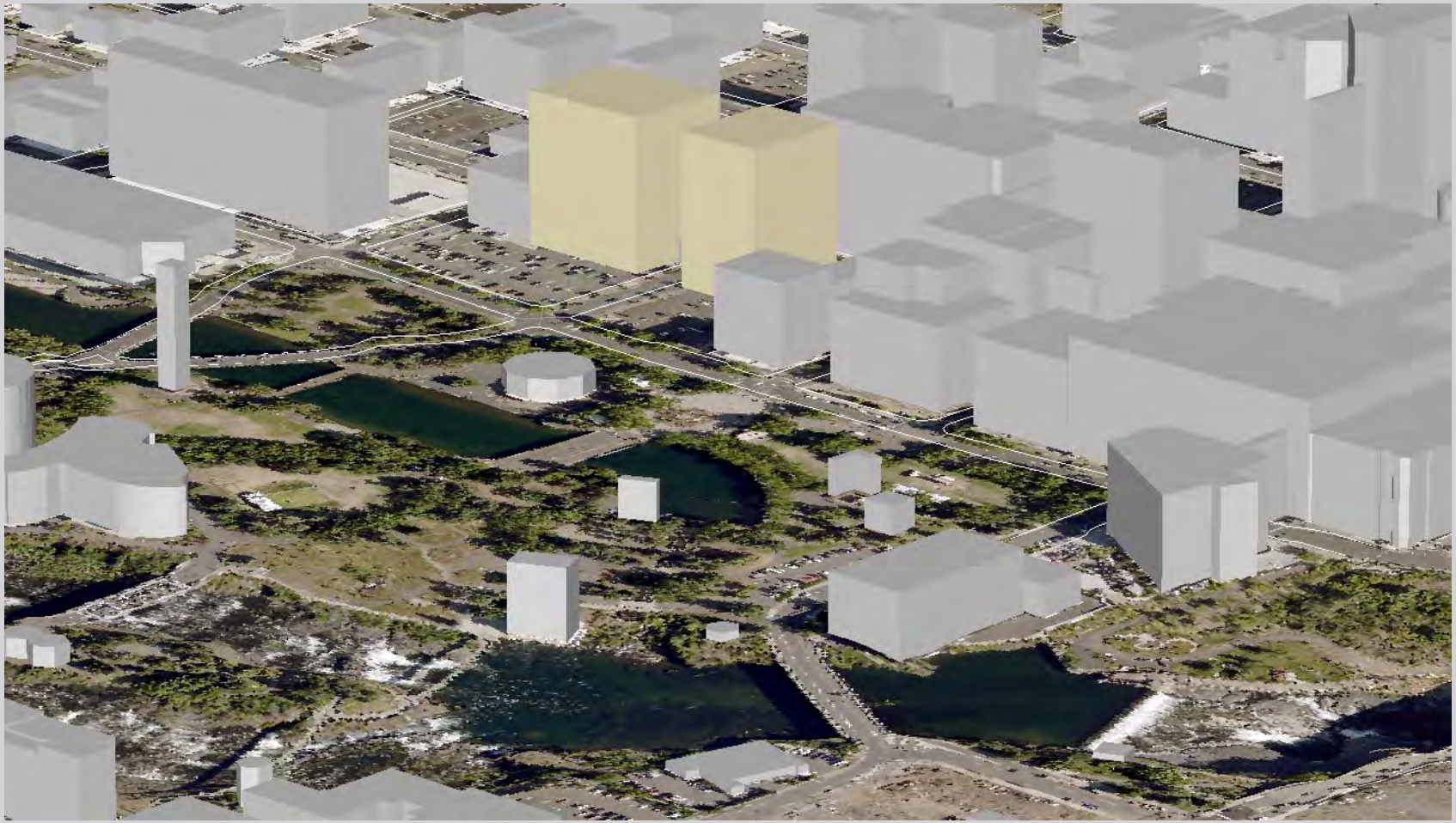
Existing Height Limit DTC-100



200 ft. Building Height



200 ft. South Building Height



Spring Equinox 9AM | Current

Spring Equinox 9AM | Existing Max Hgt.

Spring Equinox 9AM | 200 FT

Spring Equinox 9AM | South 200 FT

Spring Equinox 12PM | Current

Spring Equinox 12PM | Existing Max Hgt.

Spring Equinox 12PM | 200 FT

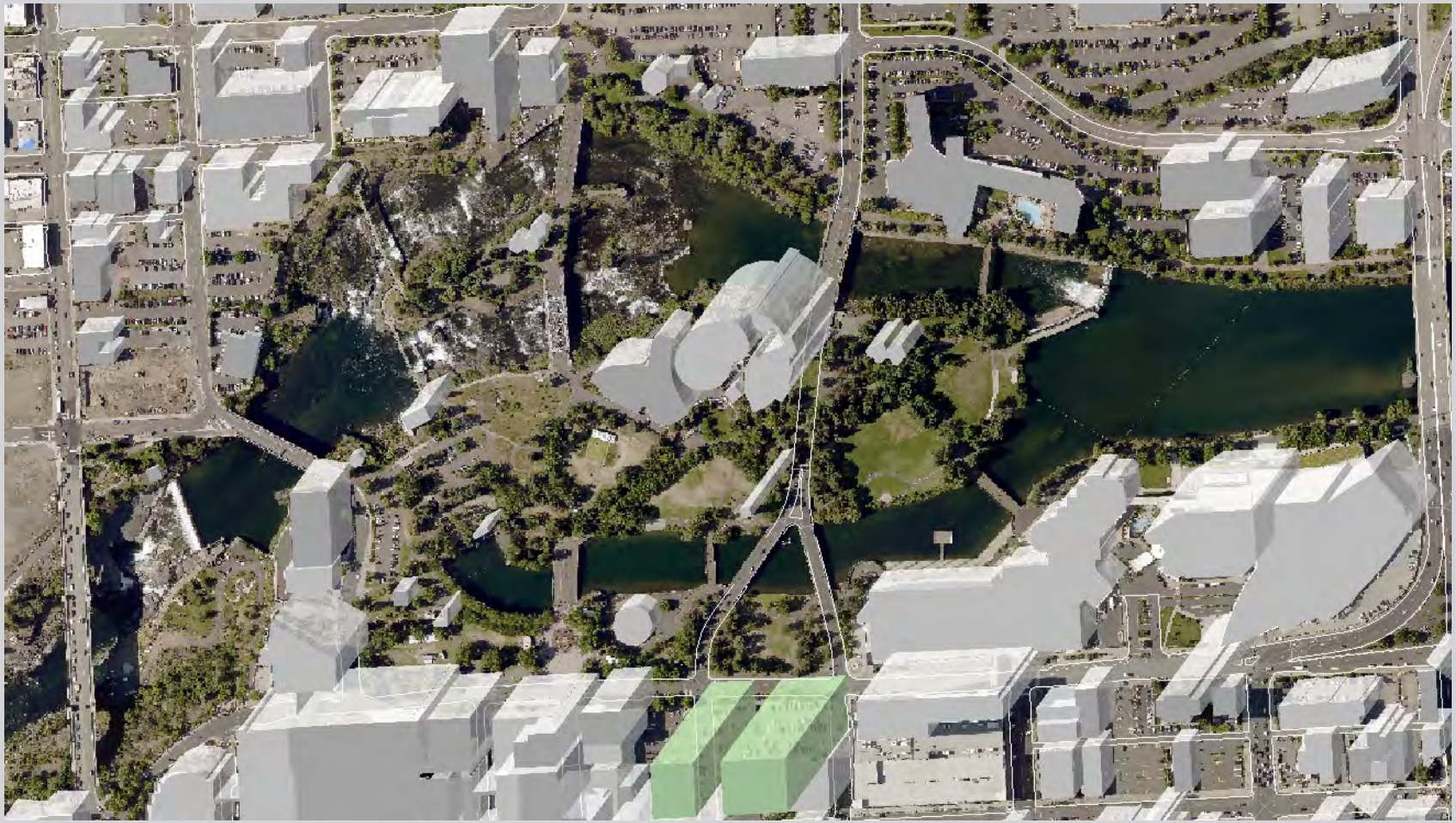
Spring Equinox 12PM | South 200 FT

Spring Equinox 3PM | Current

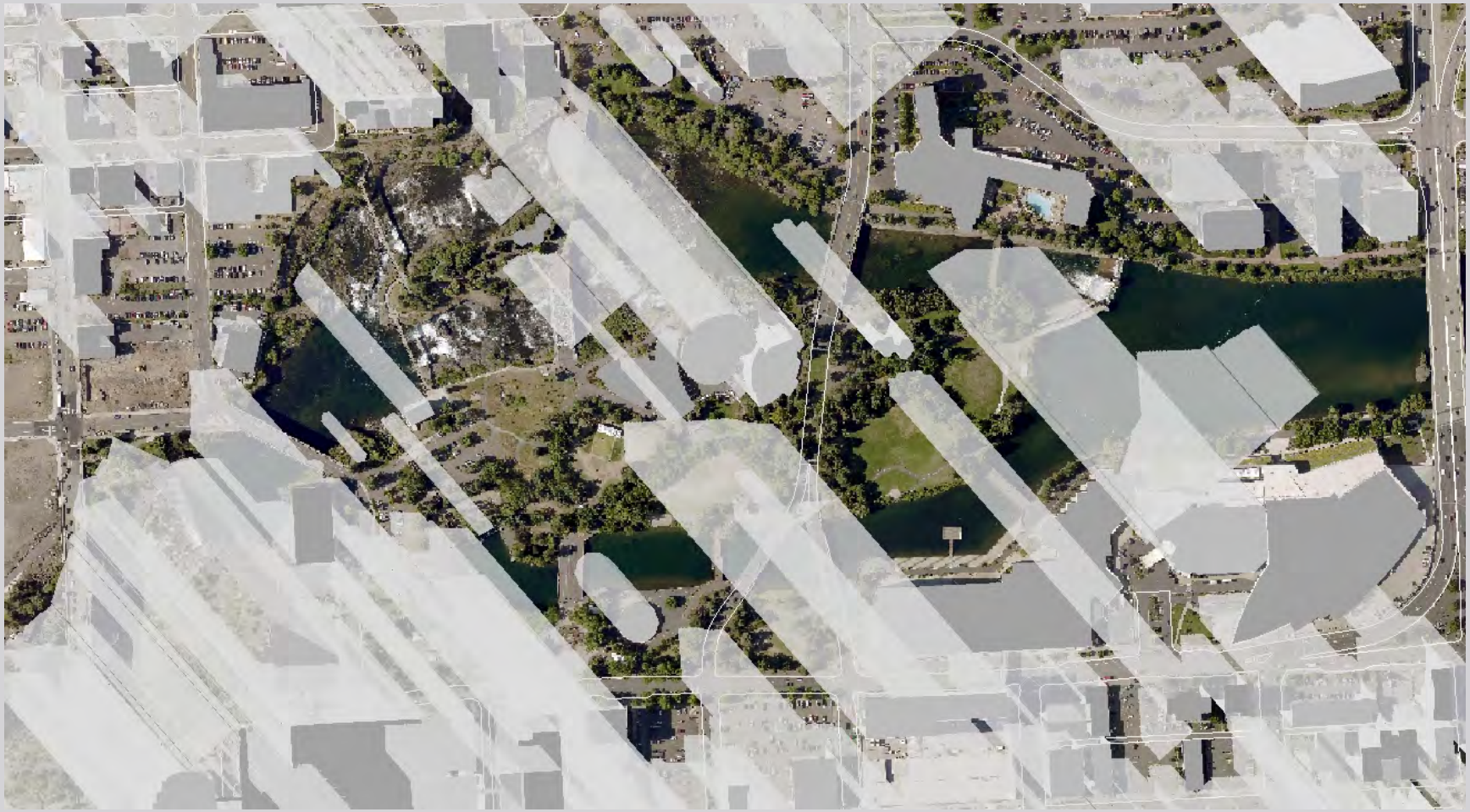
Spring Equinox 3PM | Existing Max Hgt.

Spring Equinox 3PM | 200 FT

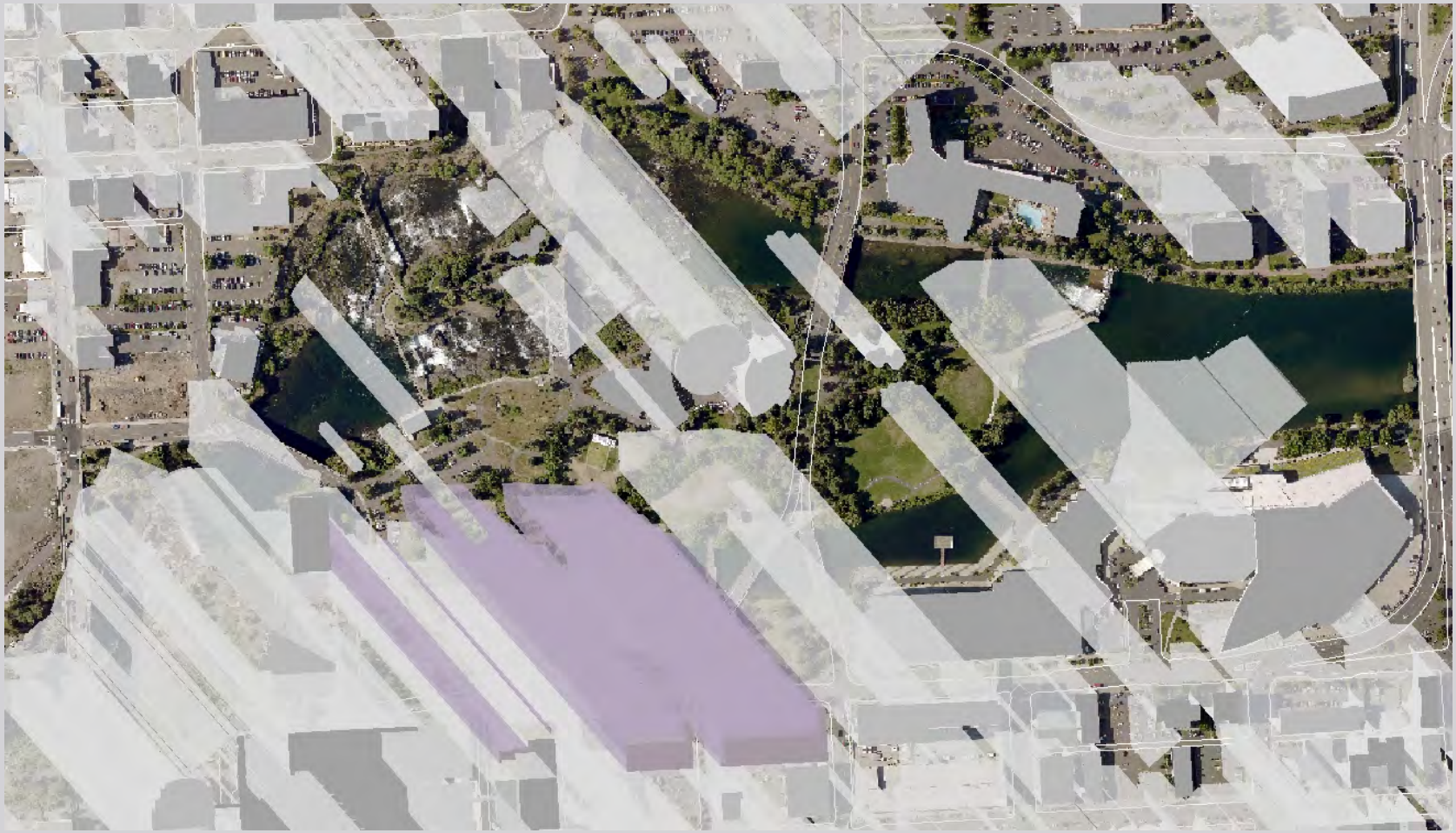
Spring Equinox 3PM | South 200 FT



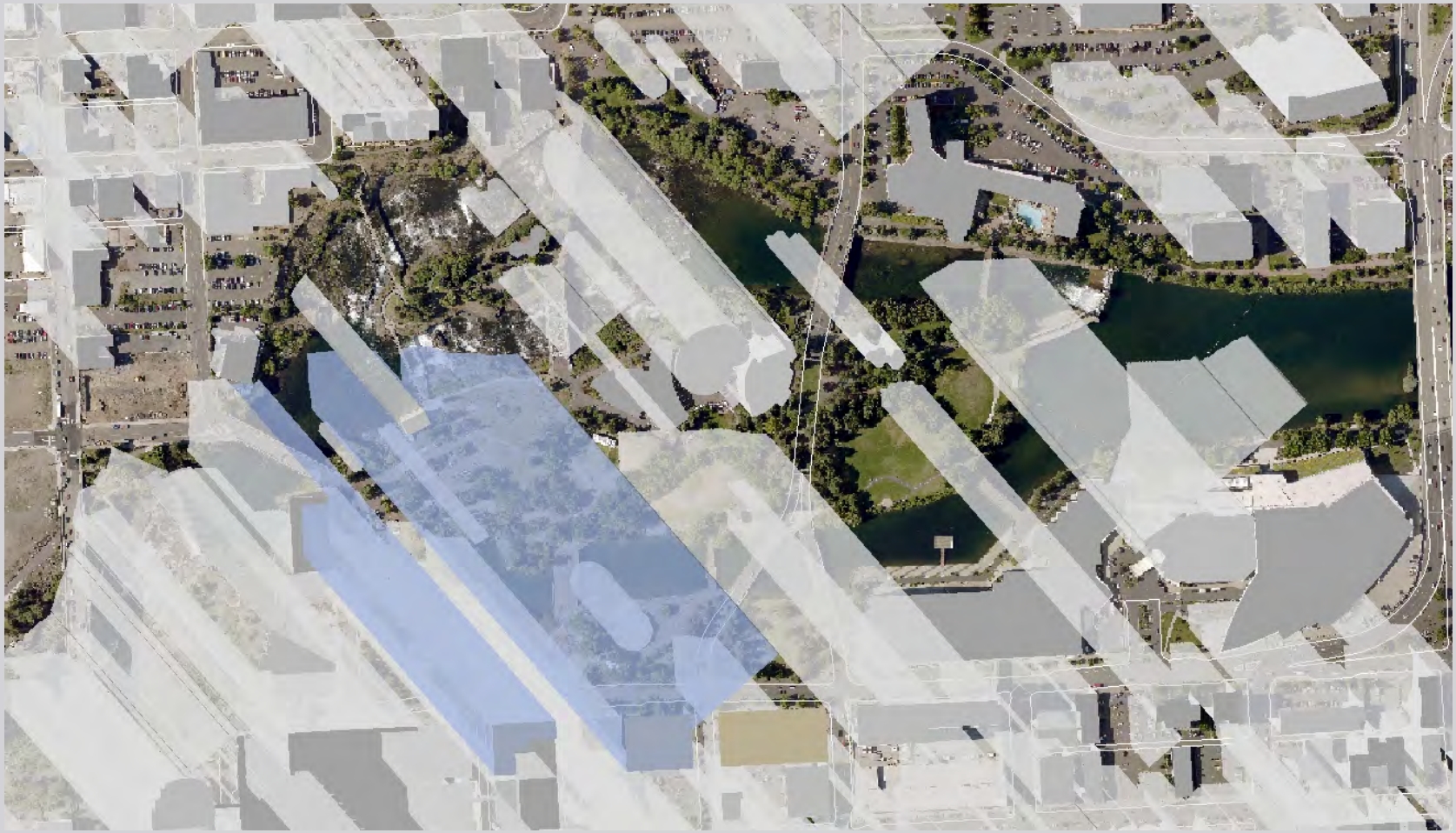
Winter Solstice 9AM | Current



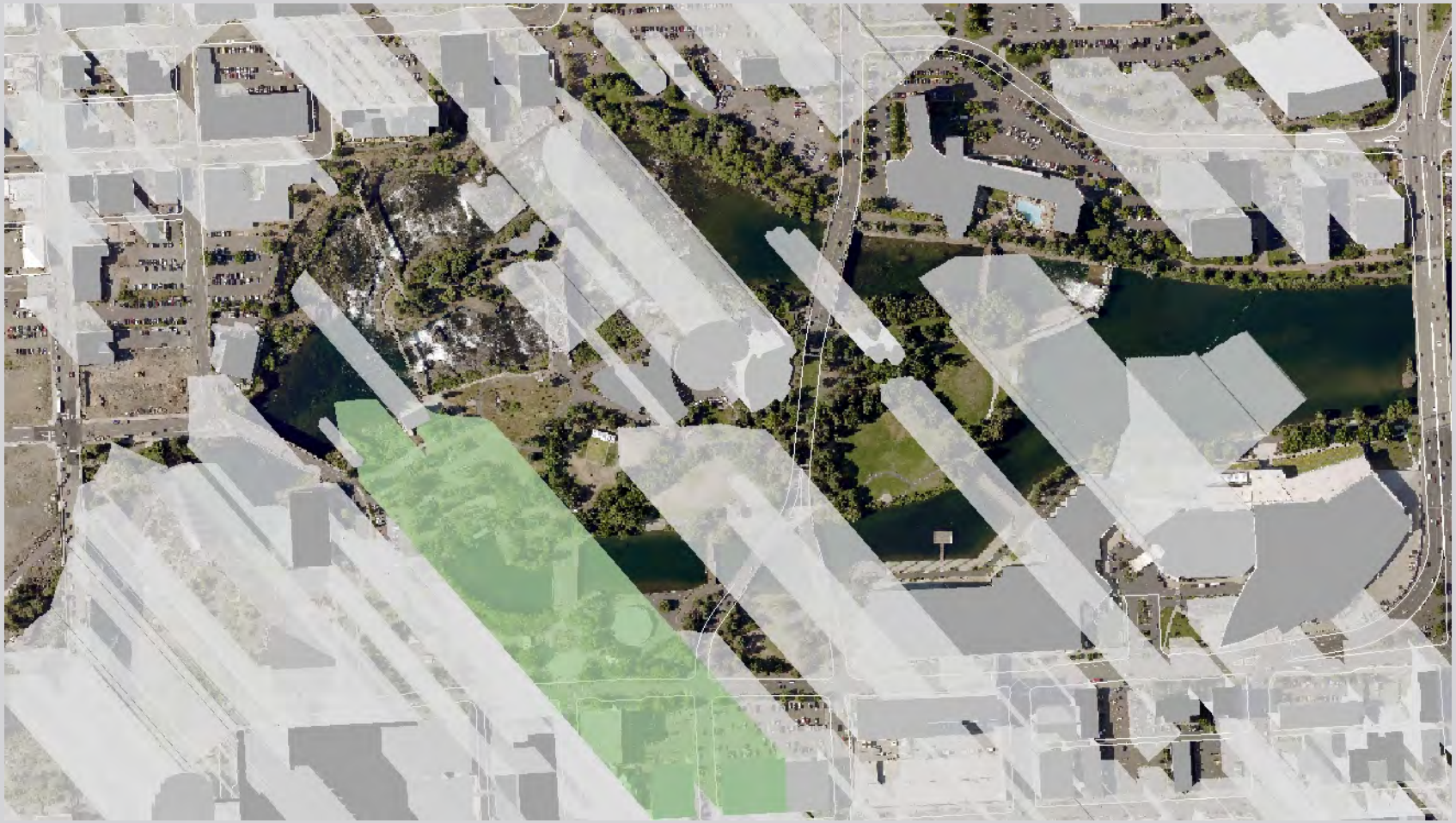
Winter Solstice 9AM | Existing Max Hgt.



Winter Solstice 9AM | 200 FT



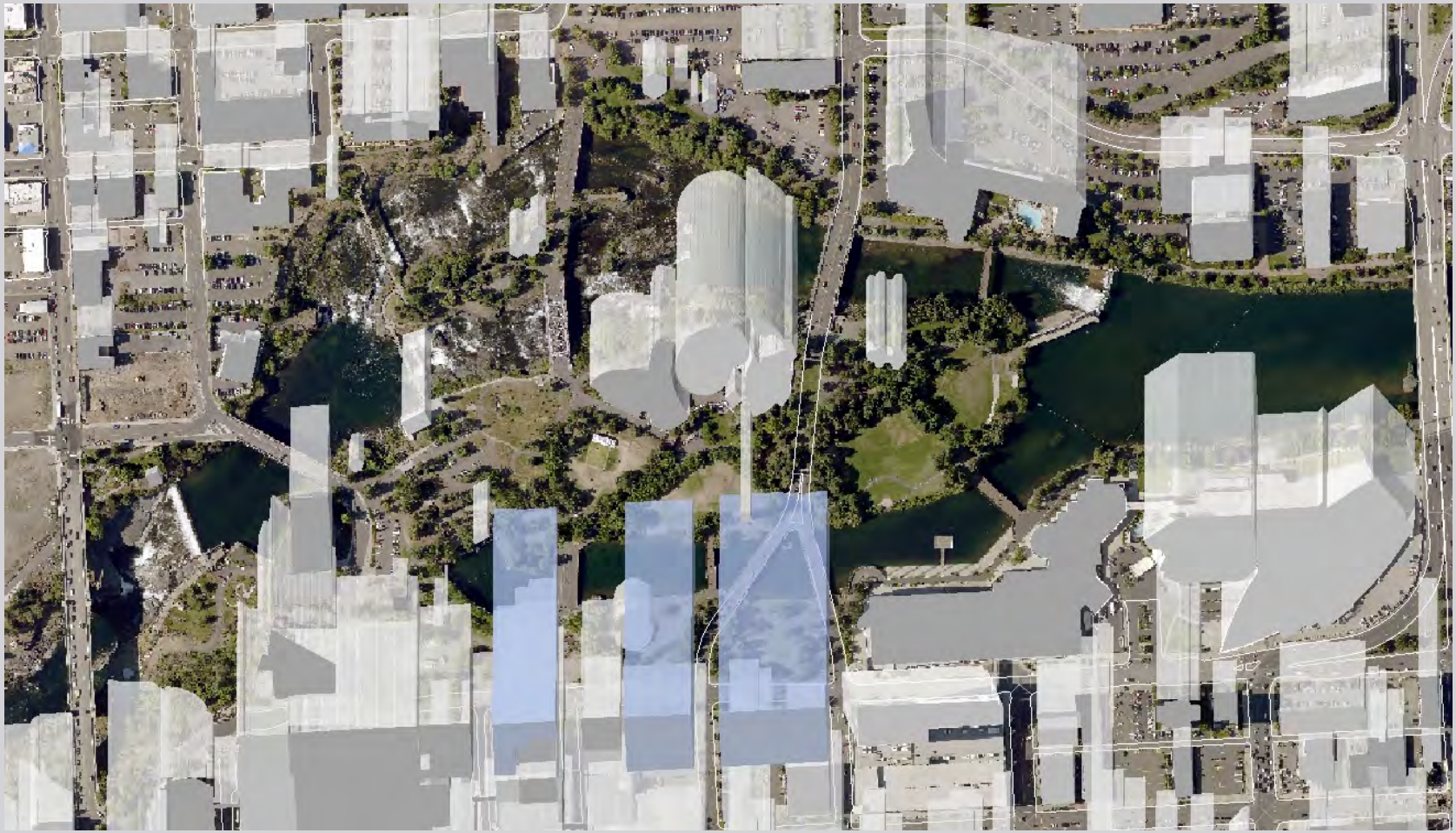
Winter Solstice 9AM | South 200 FT



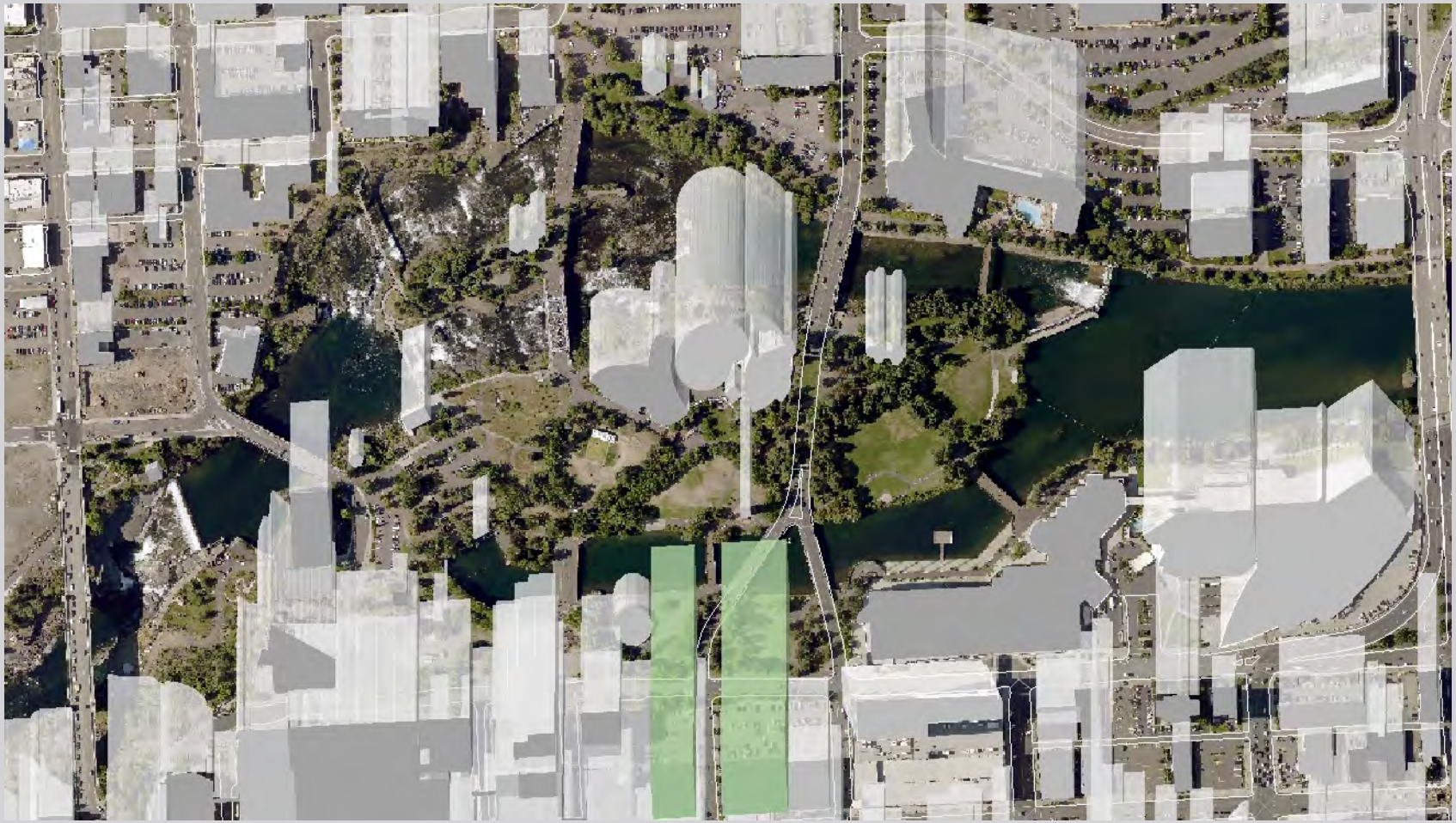
Winter Solstice 12PM | Current

Winter Solstice 12PM | Existing Max Hgt.

Winter Solstice 12PM | 200 FT

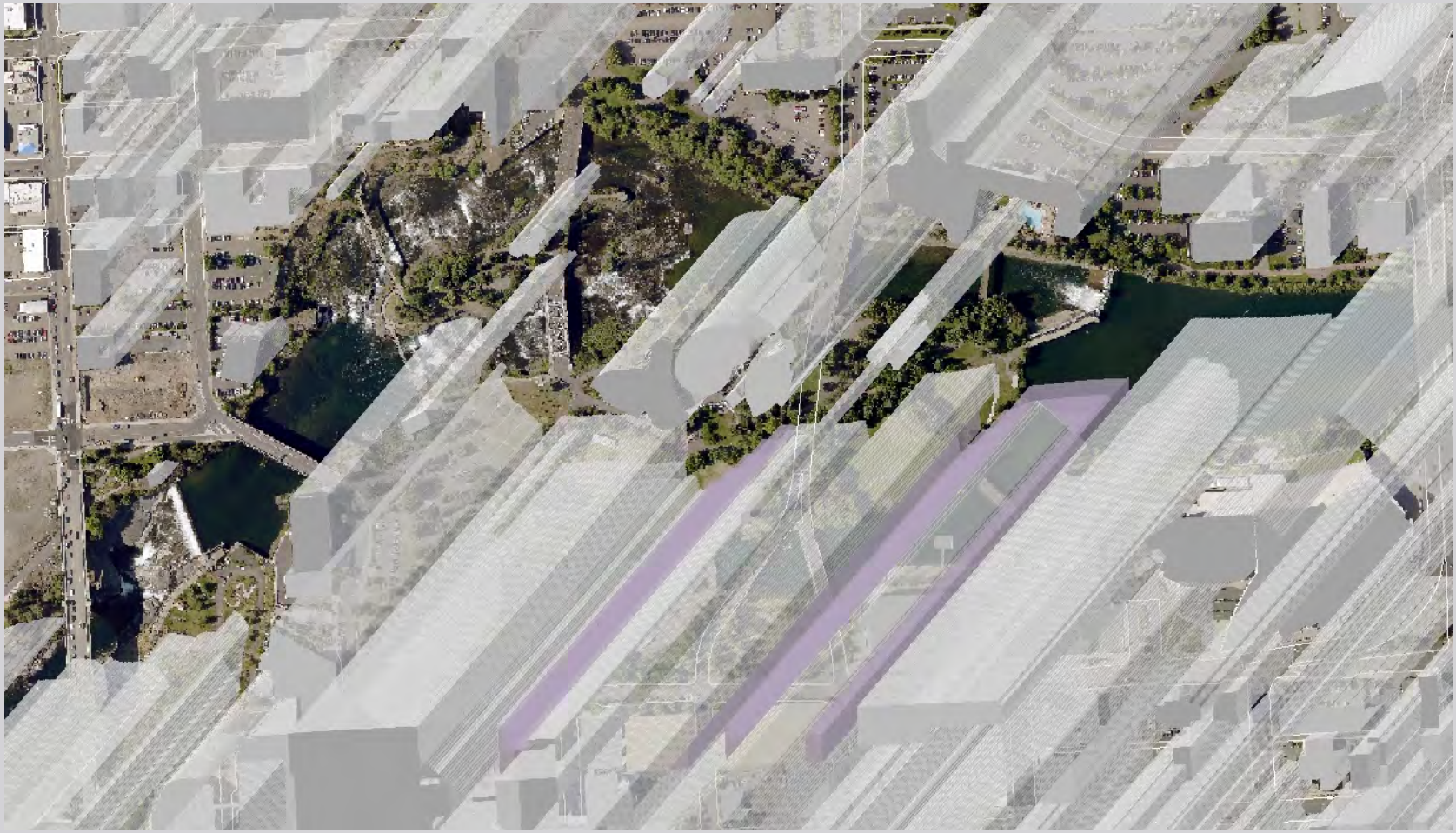


Winter Solstice 12PM | South 200 FT

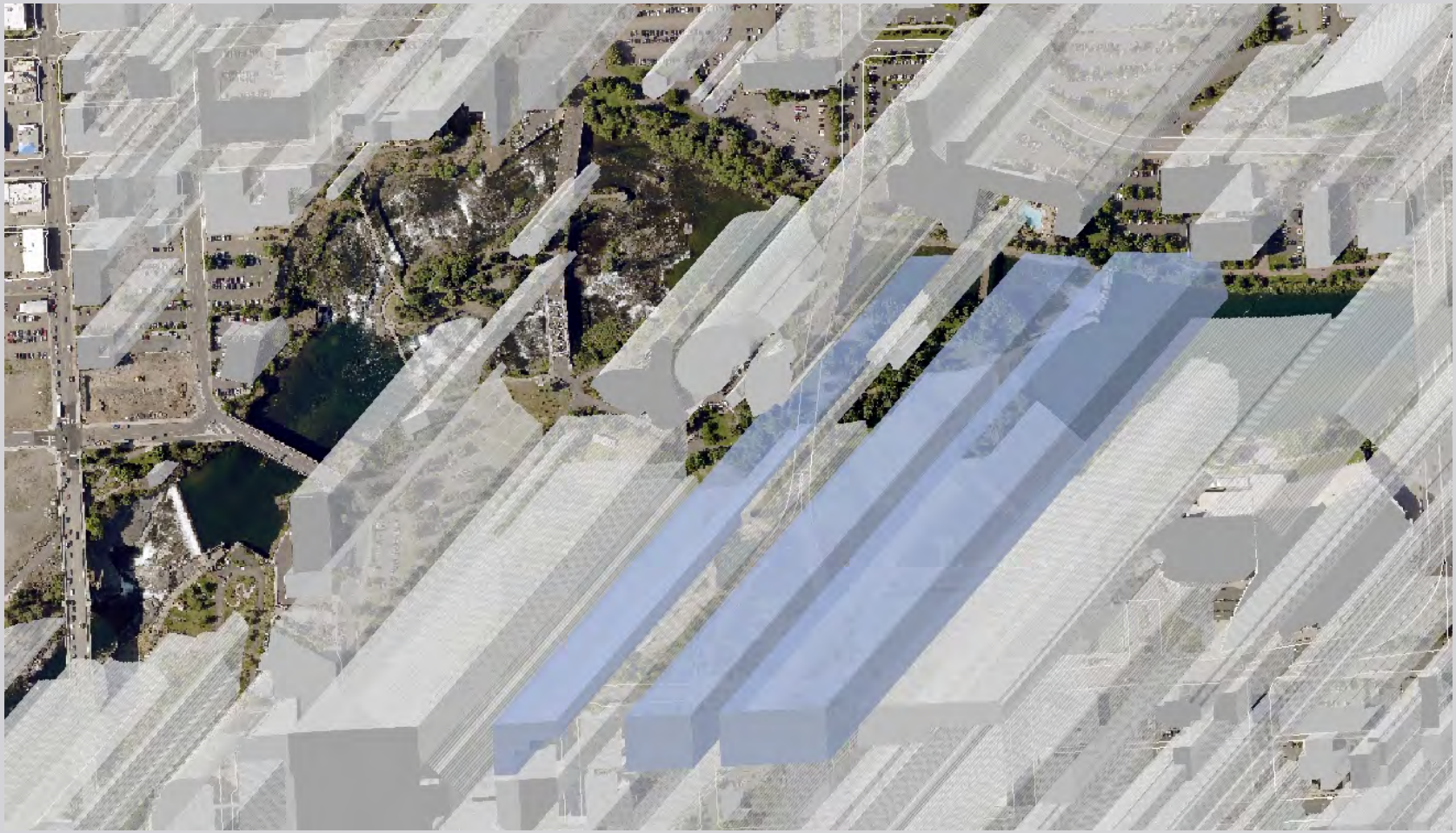


Winter Solstice 3PM | Current

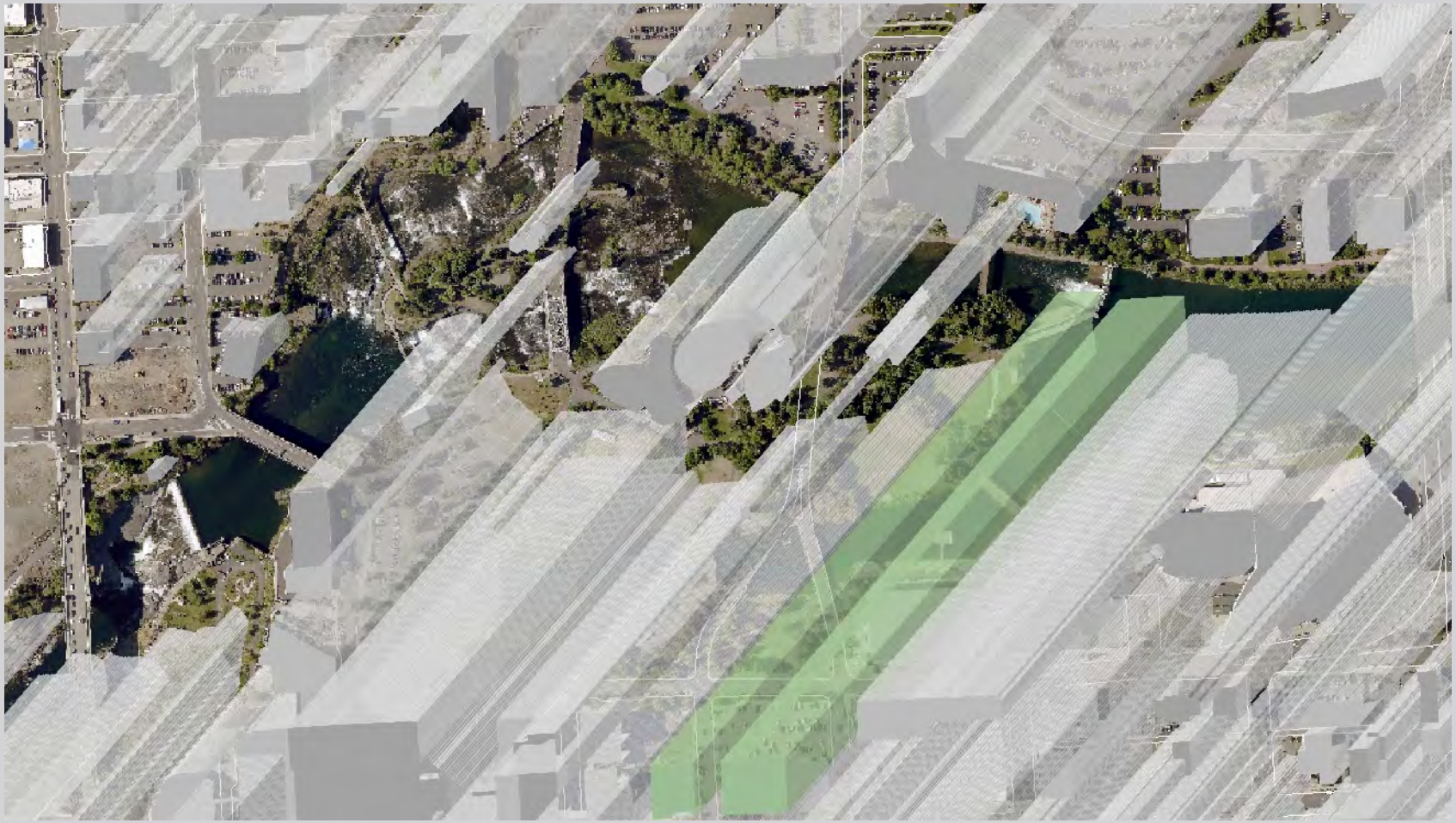
Winter Solstice 3PM | Existing Max Hgt.



Winter Solstice 3PM | 200 FT



Winter Solstice 3PM | South 200 FT



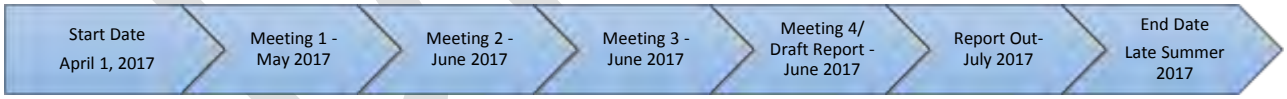
APPENDIX C

CITY OF SPOKANE – PLANNING DEPARTMENT

PROJECT CHARTER, Study Spokane Falls Blvd Bldg. Height Limits

DRAFT For Plan Commission Consideration - April 12, 2017

Project Title:	Spokane Falls Blvd Building Heights, DTC-100 zoning
Project Sponsor(s):	Ben Stuckart, City Council President
Project Manager:	Lisa Key, Planning Director
Project Purpose:	To determine a recommended approach to address concerns from property owners/developers that the requirements of Spokane Municipal Code (SMC) 17C.124.220 as it relates to heights of buildings on the south side of Spokane Falls Boulevard.
High-Level Requirements:	• Convene a Stakeholder Working Group – Discuss project purpose and explore possible solutions to stated issues. • Final Report summarizing issue background, summary of findings from working group, and recommendations for possible code amendment, possible changes to policy as part of a planned Downtown Plan update, or through a possible Comprehensive Plan policy amendment. • Presentations on findings to Plan Commission and possibly City Council.
Risks:	• This project was recently added to the Plan Commission work program and may delay work on other projects. • This project has the potential to be highly controversial which may delay the completion and final deliverables.
Constraints:	• Scope needs to be limited to make efficient use of stakeholders' time, limited budget, and staff resources. • Outcome will be a potential recommendation on future action not a direct change to policy or code. • Limited effect (# of affected parcels); these sites have been identified as key sites in the Downtown Plan.
Project Timeline:	Completion of report and recommendations by late summer.



Staff Technical Assistance Team

Project Role	Name	Job Title
Project Sponsor	Ben Stuckart	City Council President
Project Manager	Lisa Key	Planning Director
Project Coordinator	Tirrell Black	Associate Planner
Project Team Member	Kevin Freibott	Assistant Planner
Project Team Member	Omar Akkari	Urban Designer
Urban Design Consultant	Mark Hinshaw	Urban Designer, Walker Macy

ADDITIONAL INFORMATION:

Topic/Goal: To determine a recommended approach to addressing stated concerns from property owners/developers that the requirements of Spokane Municipal Code (SMC) 17C.124.220 as it relates to heights of buildings on the south side of Spokane Falls Boulevard.

Directive: Form a working group and study potential alternatives to the SMC provision and report back to the Plan Commission, per Plan Commission directive at the workshop on March 22, 2017.

Budget/Funding Source: Planning Department, Consultant Services Budget, not to exceed $9800. (Budget does not include in-kind costs.)

Workgroup Members (13 + Staff):

- Plan Commissioners (3)
- Community Assembly Representative (1)
- Parks Board Members (2)
- Parks Staff (1 + 1 Alternate)
- Planning Staff (1)
- Downtown Spokane Partnership (1 + 1 Alternate)
- Owner Representative (1)
- Citizen-at-Large Representative (1)
- Riverside Neighborhood Representative (1)
- Industry Representative (2)

Final Outcome/Deliverable: Final report (approx. 10 pages) giving limited background, summary of findings, and recommendation.

Meeting Plan: Four workgroup meetings, bi-weekly or monthly, with the following goals:

- Meeting 1 – Discuss background and project goals, walk length of project to familiarize group with topic.
- Meeting 2 – Review alternative designs possible consistent with existing Comprehensive Plan and Downtown Plan policy, that could be addressed through code amendment. Discuss possible refinements to policy that could be contemplated as part of the Downtown Plan Update, or through a possible Comprehensive Plan Amendment.
- Meeting 3 – Continue to refine topics discussed in Meeting 2. Develop draft recommendations for further refinement in Meeting 4.
- Meeting 4 – Summarize findings of analysis and compile final recommendations for report.

Possible Consultant Assistance: Consider using Mark Hinshaw (Walker-Macy) under current Personal Services Agreement. Mr. Hinshaw would likely help develop possible design alternatives within the current code and to facilitate discussion.

DRAFT

Report: Following the meetings, Planning Department staff will create the final product, in consultation with the working group chair, and report back to Plan Commission with the final findings. The report will include the following:

- Review of existing policy, code, and design standards (Comprehensive Plan, Downtown Plan, SMC).
- Review of previous and updated shading studies and the effect of shading on the park/public uses.
- Design examples that fit the current policy.
- Potential code modifications/clarification that can be developed immediately (SMC), consistent with existing policy.
- Potential update/amendment to policy established in the Downtown Plan for possible consideration during 2018 Downtown Plan Update.
- Recommendations for additional/updated policy, code, and design standard guidance.

Following preparation of the report and circulation to the Plan Commission, Staff will present the findings at a Plan Commission workshop.

DRAFT

Plan Commission Working Group
Spokane Falls Blvd Heights, DTC-100 zone standards
Participants (May 2017)

name	affiliation
Todd Beyreuther	Spokane Plan Commissioner
Mike Baker	Spokane Plan Commissioner (alternate)
Chris Batten	Spokane Plan Commissioner
Christy Jeffers	Spokane Plan Commissioner
Greg Francis	Community Assembly
Chris Wright	Spokane Parks Board
Mark Richard	Downtown Spokane Partnership
Andrew Rolwes	Downtown Spokane Partnership (alternate)
Jim Price	Citizen Representative
Jim Kolva	Riverside Neighborhood Representative
Lisa Key	Spokane Planning Director
Leroy Eadie	Spokane Parks Director
Gary Bernardo	Bernardo Wills Architects
Ann Martin	Heylman Martin Architects
David Peterson	Goodale & Barbieri

Working Group Responsibilities

The Stakeholder Working Group is comprised of a range of stakeholders. Working Group responsibilities include:

- Attending all the meetings if possible.
- Assigning an alternate if unable to attend all meetings.
- As a subcommittee of the Plan Commission, meetings will be held in a manner that conforms to the spirit of the Open Public Meetings Act. Meetings will be noticed and open to public attendance.

If approached by a media outlet, Working Group members will speak on behalf of themselves and not on behalf of the Working Group as a whole. Members may refer media inquiries to Julie Happy, Communications Manager, Business and Developer Services with the City of Spokane (jhappy@spokanecity.org or 509.625.7773).

Meeting Guidelines

The stakeholder working group will adhere to the following discussion guidelines:

- Listen when others are speaking.
- Seek to understand before seeking to be understood.
- Let the facilitator know if you feel like another participant is behaving disrespectfully or preventing you from speaking up.
- Focus on constructive problem-solving, not personalities.
- It's okay to disagree.

Working Principles

Draft: 5/17/2017 for discussion at Meeting #2, June 6, 2017

Presentations on May 16 led to a robust discussion that followed. There seemed to be general agreement on many issues. To formalize this, we have drafted a number of key principles that can inform further discussions and help shape an eventual approach. These are not in any order of importance; they are equally important.

Unique Place

Create a positive, highly identifiable environment in the area bounded by Main Street, the Spokane River and Riverfront Park, Lincoln Street, and Washington Street that will draw people to a wide range of public and private destinations.

Integrated Development

Guide the redevelopment of properties along the south side of Spokane Fall Boulevard in order to result in a seamless integration with the enhanced park, so that entire area is a lively and ever-changing part of downtown.

Active Streetscapes

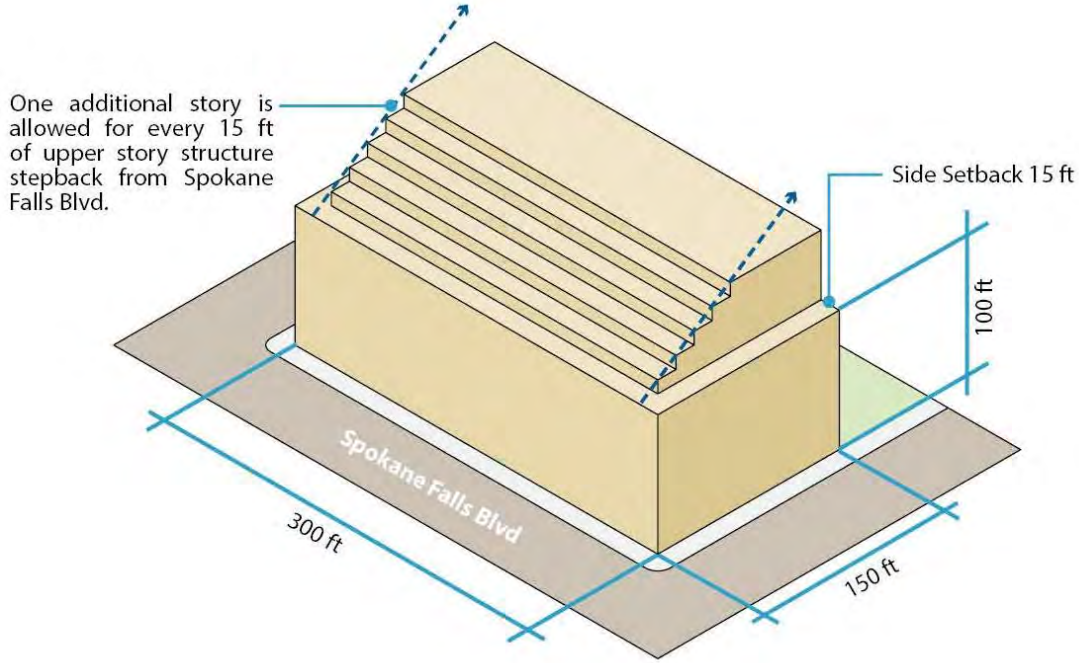
Ensure a lively and activated streetscape through both management of public spaces and activation by commercial uses that embrace the public realm.

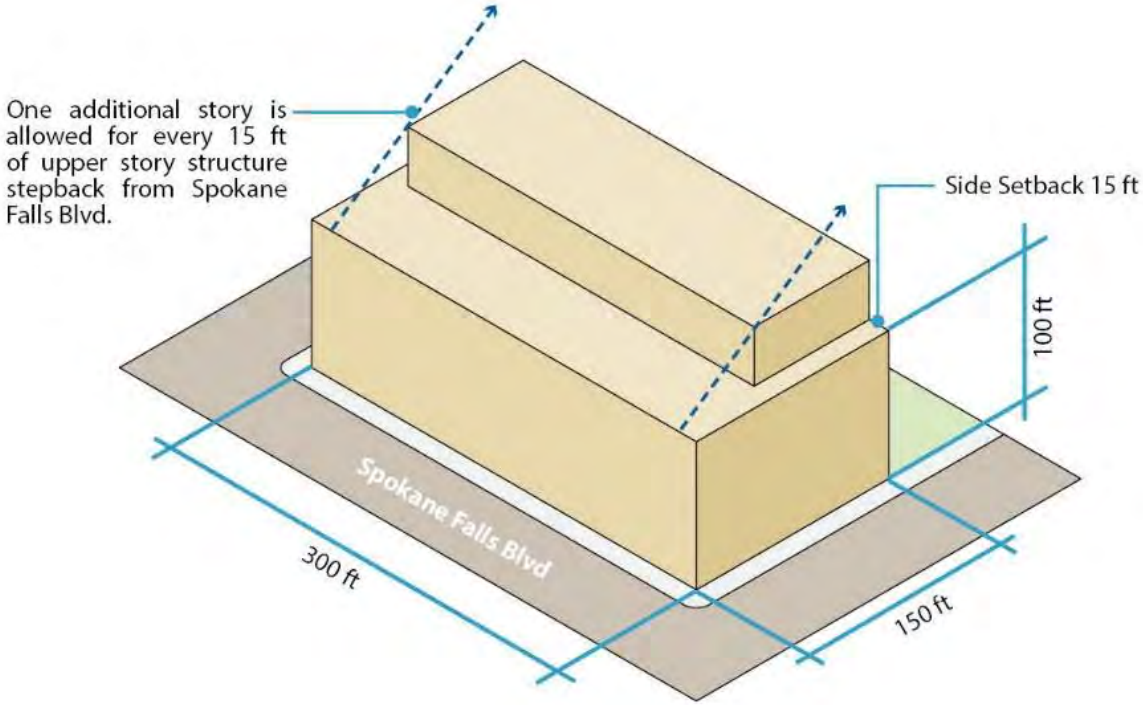
Varied Building Forms

Promote flexibility in building location, form, height, and massing. Avoid creating a continuous "wall" effect fronting the park.

Howard Street Corridor

Preserve significant amounts of sunlight throughout the year on the highly important Howard Street corridor through the park.


One additional story is allowed for every 15 ft of upper story structure stepback from Spokane Falls Blvd.
Side Setback 15 ft
100 ft
Spokane Falls Blvd
300 ft
150 ft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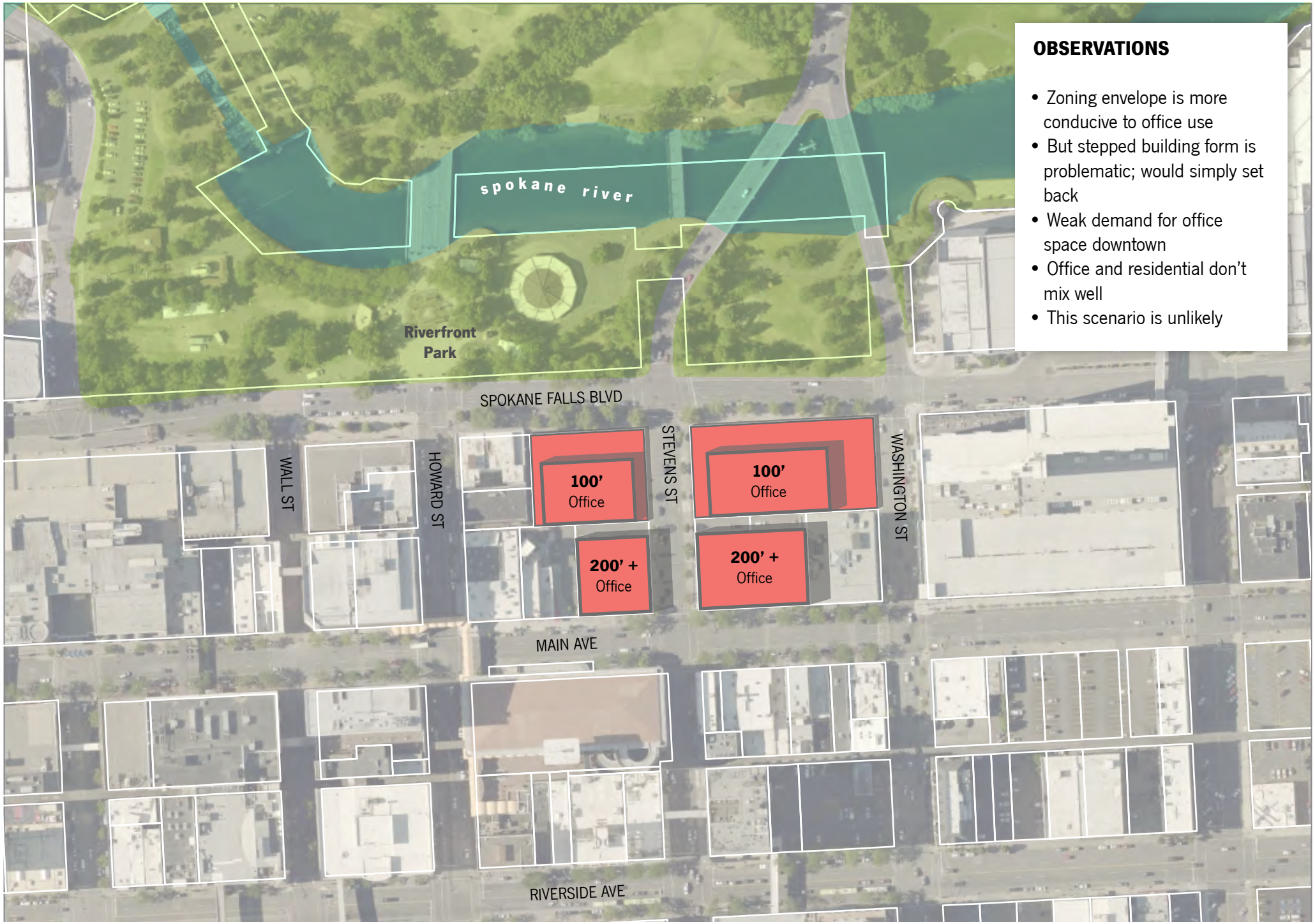


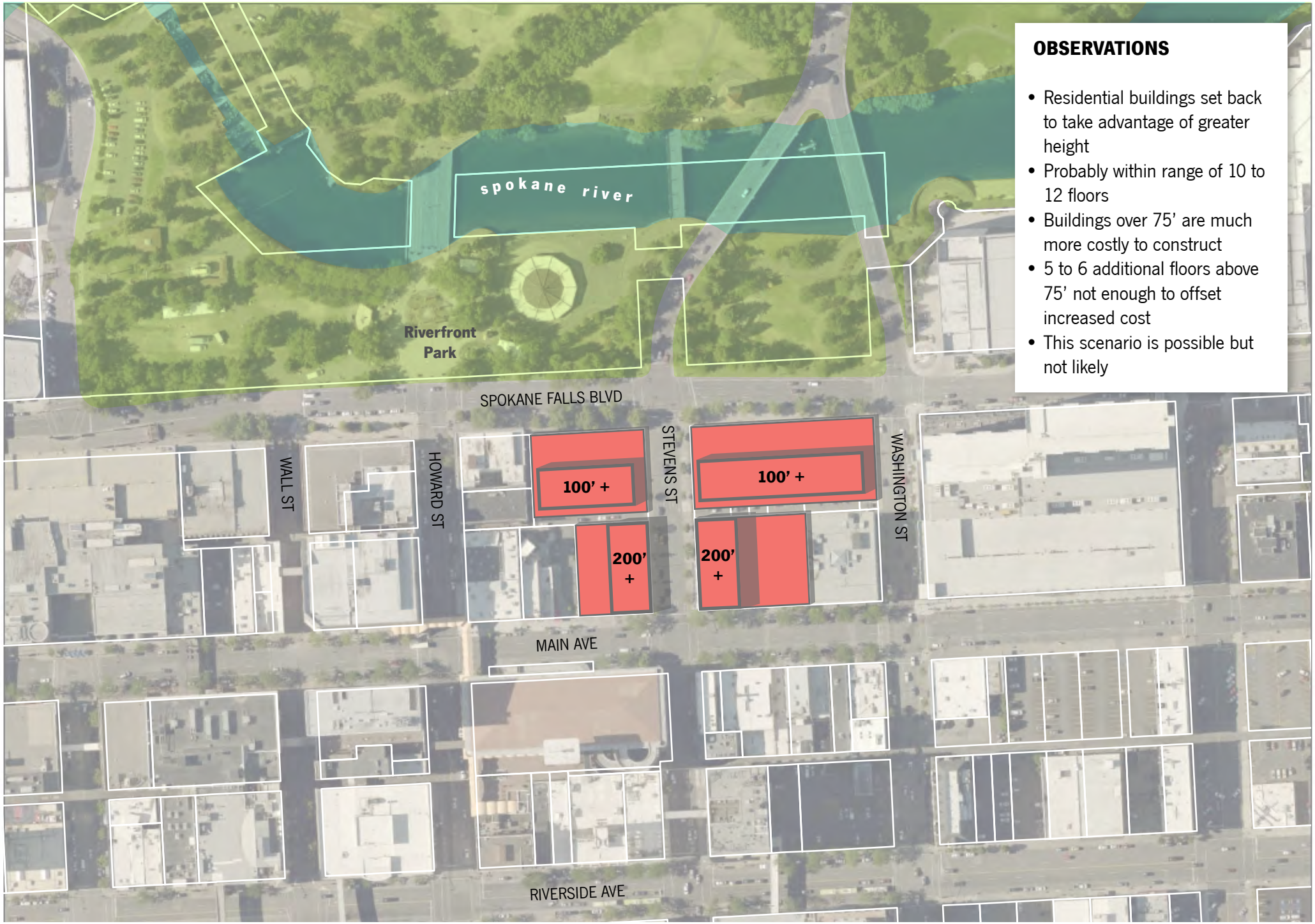
OBSERVATIONS

- Zoning envelope is more conducive to office use
- But stepped building form is problematic; would simply set back
- Weak demand for office space downtown
- Office and residential don't mix well
- This scenario is unlikely

Spokane Falls Blvd Building Height Limits

Alternative A - Office (Current Regulations)

0' 100' 200' N



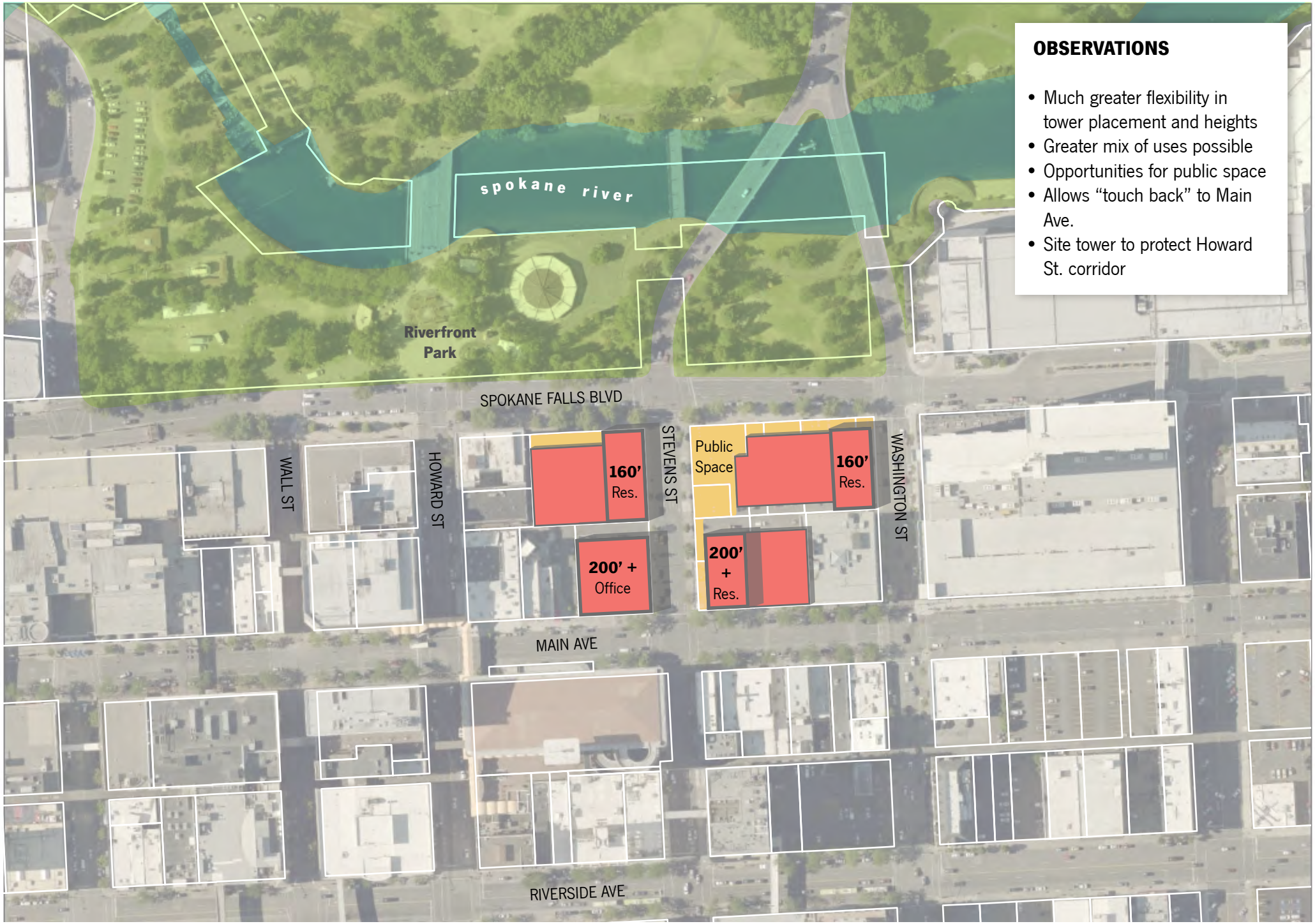
OBSERVATIONS

- Residential buildings set back to take advantage of greater height
- Probably within range of 10 to 12 floors
- Buildings over 75' are much more costly to construct
- 5 to 6 additional floors above 75' not enough to offset increased cost
- This scenario is possible but not likely

Spokane Falls Blvd Building Height Limits

Alternative B - Residential or Hotel (Current Regulations)

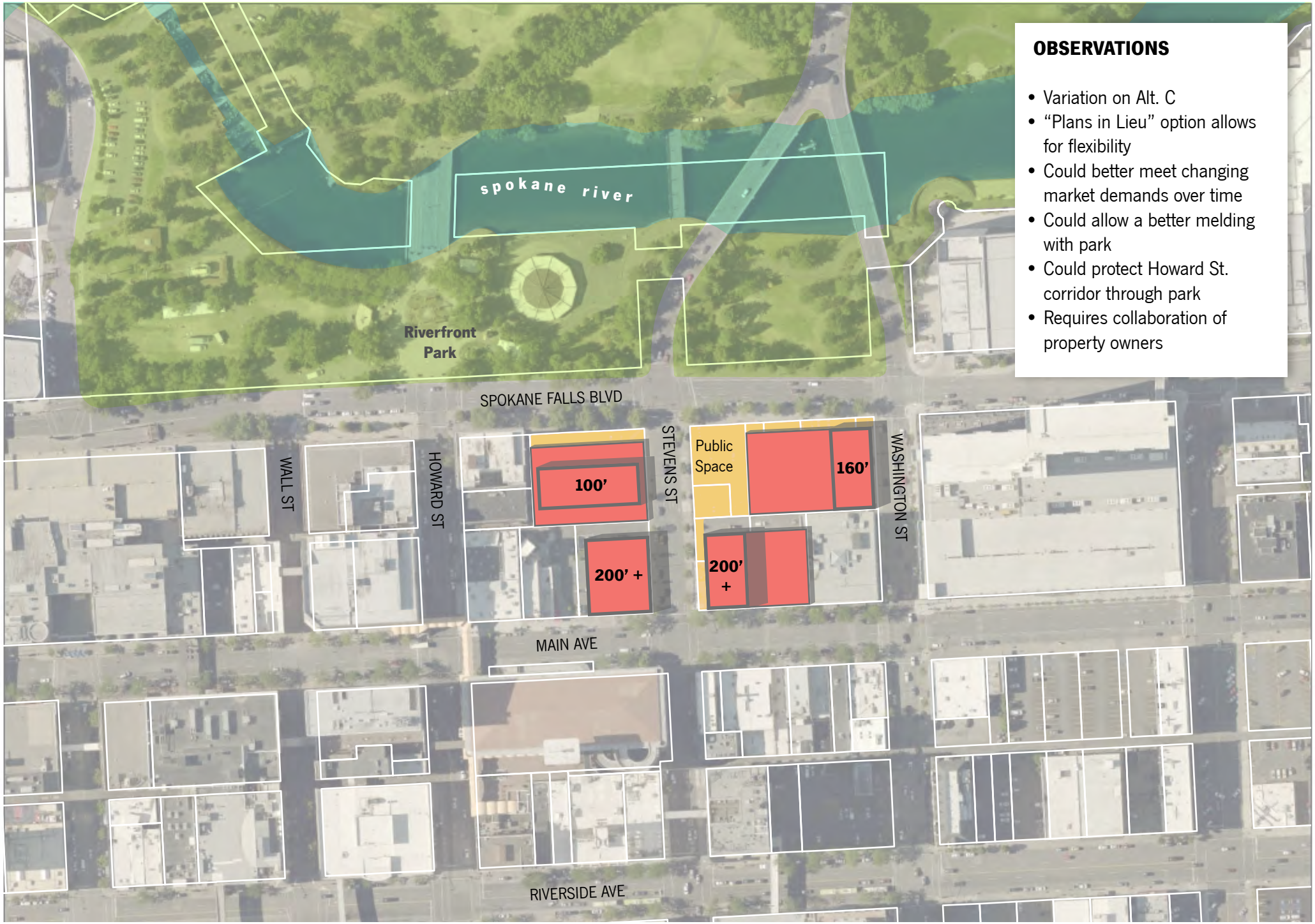
0' 100' 200' N



Spokane Falls Blvd Building Height Limits

Alternative C - Using the "Plans in Lieu" Option

0' 100' 200' N



OBSERVATIONS

- Variation on Alt. C
- "Plans in Lieu" option allows for flexibility
- Could better meet changing market demands over time
- Could allow a better melding with park
- Could protect Howard St. corridor through park
- Requires collaboration of property owners

Spokane Falls Blvd Building Height Limits

Alternative D - Using the "Plans in Lieu" Option

0' 100' 200' N

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Summer Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Summer Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Summer Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Summer Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Summer Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Winter Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Winter Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Winter Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Winter Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Winter Solstice

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Autumn Equinox

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Autumn Equinox

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Autumn Equinox

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Autumn Equinox

Spokane Falls Blvd Building Height Limits

Alternative C - Shadow Study, Autumn Equinox

GOODALE & BARBIERI COMPANY SINCE 1937

May 16, 2017

Members of the Spokane Falls Boulevard Building Height Working Group
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Spokane Falls Boulevard Height Restrictions

Dear Members of the Spokane Falls Boulevard Building Height Working Group,

Thank you for allowing me to be part of this group and voice the ideas and concerns of Spokane developers and businesses. The concept of removing the Height Restriction along Spokane Falls Boulevard is important and worth consideration.

Prior to 2009, all properties along Spokane Falls Boulevard were in the unlimited height zone. This height restriction has created unintended consequences for new development. To date, already led to a loss of sizeable development along Spokane Falls Boulevard.

It created a hardship for developer Walt Worthy in developing the Davenport Grand Hotel however the City of Spokane recognized the constraints and took action to resolve. The city stated the intent of this title was to provide flexibility, adaptability, and reasonableness when special conditions exist and the strict application of the standard/procedure would not serve a public purpose. Ultimately, the development was allowed to move forward and the 100 foot height limitation was approved to accommodate a 165 foot building. The City of Spokane stated the project would add to the vitality of our Downtown Core.

The problem with the current zoning DTC-100 is that it creates an unrealistic height limit. Collectively, we need to create opportunities that will draw people to downtown and allow Spokane to grow and be more competitive. We believe Spokane Falls Boulevard properties are key for development that will help transform Spokane to an area that will attract business.

The future of Downtown Spokane will be anchored by young professionals that will want to live, work and play in an energetic community. Vibrant downtowns create healthy cities. Competition is fierce among cities to attract young professionals and new business. If Spokane fails to create this opportunity, we risk the economic benefits of job creation.

We need to continue the resurgence of our downtown and add to the momentum already generated by properties including the Michael Building, Davenport Grant Hotel, Chronicle Apartments, The M, and soon to be Ridpath Club Apartments.

We need to attract new downtown development and continue to develop residential, office, and retail opportunities for everyone. A vibrant downtown benefits everyone in many of the following ways:

- Enhance transit ridership
- Bring day-to-day activity and density closer to the park and central core
- Pride of community and regional name recognition
- Increased foot traffic in Riverfront Park
- New construction jobs
- New and improved tax base
- New jobs created by businesses occupying office space
- New livable apartments bringing residents downtown and generating business for retail shops and restaurants
- Increase developer probability of success

I would ask that we collaboratively work together to find a creative solution to remove the current Spokane Falls Boulevard Height Restriction.

Respectfully,

David Peterson

David Peterson
Executive Vice President and COO
Goodale & Barbieri Company

Dp/crm

Cc: Mark Richard

Spokane Falls Blvd Height Restriction

Plan Commission Working Group

May 16, 2017

Problem statement:

Current Spokane Municipal Code and correlating Zoning restrictions have played a significant role in preventing catalytic private investment on several key parcels identified as an "opportunity" location in the Downtown Plan.

Background:

Dating back to approximately 2009, provisions were put in place in municipal code and zoning regulations that require significant setbacks and/or stair stepping of any structure placed on 4 parcels immediately adjacent to the south of Riverfront Park, under the auspices of reducing shade that could be cast on the public park as caused by vertical development.

As a result, the sites are limited to improvements above approximately 140 feet in height, causing the loss of significant air space that could otherwise enable a mixed use housing or commercial office project to perform on these locations. The adverse impact of the regulations are evidenced directly by the loss of at least one multi-million dollar development.

The Growth Management Act, Comprehensive Plan and Downtown Plan all call for high density infill development to occur in the downtown core. In fact, counter to these mandates and policies to reduce shadows in the Park, these affected parcels are identified as Opportunity Sites in the adopted Downtown Plan. Refer to Chapters 3 and 4 of the adopted Downtown Plan.

Chapter 3

2.2 Encourage increased density and smaller building footprints (especially within Downtown Core and along railroad viaduct)

2.3 Reduce the supply of off-street surface parking through higher and better uses of available land

Chapter 4

pg 72; majority of properties impacted by the shadow restrictions are identified as Catalytic Opportunity Sites 1 and 2

Pg 80 "The tallest and most intensive new development within Spokane should be concentrated within Downtown"

pg 85 Map 4.3; a significant portion of the effected sites are identified as "catalytic opportunity sites in

The level of detail and subsequent limitations placed on these "catalytic opportunity sites" as referenced on pages 81-85 of the Downtown Plan and corresponding City Code are inconsistent with the market's ability to sustain anything remotely catalytic, and cannot be underestimated in their impact on curtailing development at all over the past 10 years.

Further, the ordinance does not achieve the "desired outcome" of reducing shadows on the Park. Physical structures of 300' or more could be built on the south, or Main street side of the block, that would cast greater shadows on the Park than that which is presently allowed adjacent to the Park. The unintended consequences of existing regulations has deterred development in this area, primarily due to loss of projected return on investment and the related inability to fully capture the attributes of park-side development. What arguable are the most desirable locations to develop in the Downtown Core has been rendered much less desirable.

The Central City Line mass transit project proposed by Spokane Transit Authority identifies these parcels as "Opportunity Sites" that are used in STA's calculating an estimated $175,000,000 economic impact (https://www.spokanetransit.com/files/content/CCL-Economic-Impact-Study-12-2014.pdf) along the route as compelling data in arguing the need for a federal Small Starts Grant. If this return is to be fully realized, restrictions on these parcels need to be removed to allow for development to occur.

Taxpayers in the City voted to have over $60,000,000 invested into renovating the iconic Riverfront Park, and yet, this investment is insufficient to catalyze either commercial our mixed use residential development in what is one of the strongest markets Spokane has experienced in 20 years or more. It is our professional opinion this is in large part due to the restrictions imposed on these parcels.

Economic development (Rejuvenation of the core area of downtown, as well as the generation of tax dollars to the city and job creation that would result) was one of the top messaging points used in promoting the passage of the 2014 Riverfront Park Bond Proposition 2 to voters. This campaign decision was driven by polling data gathered by Moore Information on August 6-7 of 2014, which showed 71% of surveyed voters were more likely to vote for the measure if the aforementioned was true. The rational for support among surveyed voters was true across all Party lines. *see attachment A

Demand to live and work adjacent to parks is such that higher density development on these parcels would allow Spokane City Parks to better realize this claim of economic and tax revenue return. A 2001 study conducted by John Crompton from the Department of Recreation, Park and Tourism Sciences out of Texas A&M (http://www.actrees.org/files/Research/parks_on_property_values.pdf) concluded after researching 30 independent analyses including one analysis done by none other than Frederick Law Olmsted's, that the values of residential property are directly and positively impacted by their proximity to parks (up to 20%) and that tax revenues generated by additional values created. Olmsted's study of New York's Central Park concluded that "when aggregated, it is sufficient to pay the annual debt charges required to retire the bonds used to acquire and develop the park". Though much of Riverfront Park is already improved for government and public uses, we believe it to be irrefutable that enhanced values would drive significant increases in taxes generated by the Park, if this restriction were to be lifted. In fact, it was Mr. Olmsted himself, the study cites, who first proposed this theory. This study opined that it was his "proximate principle" that was responsible for convincing key decision makers to fund New York's Central Park; and he went on to prove his theory with empirical data as can be read in the research paper. This documentary evidence, the study finds, resulted in this Proximate Principle

being adopted as conventional wisdom by planners and park advocates and has resulted in subsequent studies and successful development around countless parks since.

The same assertion is held by the American Planning Association as can be reviewed in this briefing paper: (https://www.planning.org/cityparks/briefingpapers/economicdevelopment.htm). It quotes results from several case studies including Centennial Olympic Park in Atlanta "**Atlanta:** After Centennial Olympic Park was built, adjacent condominium prices rose from $115 to $250 a square foot." As noted on the Centennial Olympic Park website, "Thousands of people who have made the move to downtown Atlanta have chosen Centennial Olympic Park as their front yard." www.centennialpark.com.

Parks surrounded by high rise commercial and residential development exist across the world. The reasoning for this is likely the same; people want to live adjacent to parks and open spaces. This demand creates significant private investment and the tax revenues that follow.

Having windows and/or balconies overlooking Riverfront Park will improve the overall safety of the park. Just as is the case with good planning that calls for mixed use street level spaces**, "eyes on the street policing"** derived from dense high-rise development will deter crime and nuisance behaviors because people anticipate they are being watched. Conversely, restricting these parcels in such a way that they continue to be utilized as surface parking lots or parking garages will have the opposite effect. This concept is proven best practices theory for CPTED design.

Finally, the public right of way adjacent to these parcels is wider than most, if not all, in the Downtown Core. With **Sidewalks spanning up to 40 feet** in width, we contend our forefathers already addressed visual setback and shading on Riverfront Park by redeveloping the south side of the park to include abnormally wide sidewalks.

Conclusion:

In order to counter national retail trends, to attract outside companies and bright successful minds, to maximize the public investment in Riverfront Park and to catalyze economic development in the Downtown Core, it is necessary to remove shadow policies that currently restrict some of the most desirable real estate in the City along the southern border of Riverfront Park from development.

Respectfully,

Mark Richard
President and CEO; Downtown Spokane Partnership
509-456-0580

Working Outline Draft 6/13/17

Mechanism for Allowing Greater Flexibility in Building Heights

I. Options for Implementation

A. Existing "Plans in Lieu" Method
B. Newly-created Special District
C. Amend existing code for DTC-100 zone

II. Desired Outcomes

A. Replace surface parking lots with a mixture of uses
B. Put a activity on the street
C. Create relationships with the enhanced park

III. Principles

A. Unique Place
Create a positive, highly identifiable environment in the area bounded by Main Street, the Spokane River and Riverfront Park, Lincoln Street, and Washington Street that will draw people to a wide range of public and private destinations.

B. Integrated Development
Guide the redevelopment of properties along the south side of Spokane Fall Boulevard in order to result in a seamless integration with the enhanced park, so that entire area is a lively and ever-changing part of downtown.

C. Active Streetscapes
Ensure a lively and activated streetscape through both management of public spaces and activation by commercial uses that embrace the public realm.

D. Varied Building Forms
Promote flexibility in building location, form, height, and massing. Avoid creating a continuous "wall" effect fronting the park.

E. Economic Development
Attract types of development and uses that can reinforce activities and spaces associated with the park and residents who can monitor and populate the area.

F. Howard Street Corridor
Preserve significant amounts of sunlight throughout the year on the highly important Howard Street corridor through the park

IV. Development Standards

A. Floors occupied exclusively by residential use may be allowed to extend above the underlying height limit under certain conditions as indicated below.

B. Floor plates above 100 feet shall be no larger than 14,000 sf

C. The long dimension of building floors above 100 feet shall be perpendicular to Spokane Falls Blvd.

D. Towers above 100 feet shall be spaced apart no less than 70 feet (roughly the same as a north/south street cross section).

E. Active retail uses (shops, personal services, and food services) shall occupy no less than 60% of the street frontage. Corporate offices, banks, and financial institutions do not qualify as retail. Such uses shall have entrances directly on the public sidewalk.

V. Design Review & Guidelines

Because this a departure from the original intent of the underlying zone and due to the proximity of Riverside Park, development in this area should receive extra attention through the City's design review process. In this review, a number of expectations will need to be demonstrated by proposed buildings:

A. Architectural detail at the ground level that supports people walking, lingering, eating, and socializing. This should include elements such as moveable tables and chairs, pedestrian-scaled lighting, pedestrian-scaled signs, generous windows that open out to the park with possibly roll-up or sliding sections, canopies, and artwork.

B. Enhancements to the existing sidewalk areas to ensure that they feel welcoming, usable, visually interesting, and usable to all members of the public. Ways of extending character-giving aspects of the park should be provided in this wide sidewalk area. For example, places for live music and temporary art could be provided.

C. Upper stories of buildings should be articulated with architectural "sculpting" such as decks, balconies, projecting bays, recesses, offsets, changes in materials and color, roof gardens, upper levels setbacks. Flat, featureless, rectilinear forms are to be avoided.

D. In order to reflect the importance of a gateway effect, the corners of buildings should be given special treatment such as public spaces, distinctive architectural expressions, major entrances, dramatic lighting, and unique landscape design.

E. At the initial stage of review, the Design Review Board should express its priorities and not merely react to already-designed proposals. The process between the DRB and the applicant shall be a collaborative one. Adherence to the principles listed previously shall inform the review.

Working Outline Draft 6/20/2017

The following document was originally discussed at the third meeting of the Working Group on June 13. Additional edits, shown in tracked changes, have been made by staff in response to discussion at that meeting and after additional research into the topic.

Mechanism for Allowing Greater Flexibility in Building Heights

I. Options for Implementation

A. Existing "Plans in Lieu" Method.
B. Newly-created Special District.
C. Amend existing code for DTC-100 zone.

The working group feels that Option C is the most effective solution available. Amendments to the DTC-100 zone would be need to be consistent with the Downtown Plan, which identifies properties within the DTC-100 as catalytic opportunity sites.

II. Desired Outcomes

A. Create opportunities within the DTC-100 zone for mixed-use redevelopment and incentives for residential development to occur in an economically viable manner.
B. Put activity on the street.
C. Create relationships with the enhanced park.
D. Consider and mitigate development impacts to light, air, vistas and shade to the park, especially along the Howard Street Promenade within Riverfront Park, while allowing more flexibility in development standards.

Deleted: Replace surface parking lots with a mixture of uses

Deleted: the

Deleted: of surface parking lots across from Spokane Falls Blvd

Deleted: Minimize

Deleted: impacts

III. Principles

A. Unique Place
Create a positive, highly identifiable environment in the area bounded by Main Street, the Spokane River and Riverfront Park, Lincoln Street, and Washington Street that will draw people to a wide range of public and private destinations.

B. Integrated Development
Guide the redevelopment of properties along the south side of Spokane Falls Boulevard in order to result in a seamless integration with the enhanced park, so that the entire area is a lively and ever-changing part of downtown.

C. Active Streetscapes
Ensure a lively and activated streetscape through both management of public spaces and activation by commercial and residential uses that embrace the public realm.

D. Varied Building Forms
Promote flexibility in building location, form, height, and massing. Avoid creating a continuous "wall" effect fronting the park.

E. Economic Development
Attract types of development and uses that can reinforce activities and spaces associated with the park and residents who can monitor and populate the area.

F. Howard Street Corridor
Preserve significant amounts of sunlight throughout the year on the highly important Howard Street corridor through the park.

IV. Development Standards (Conceptual)[1]

The following development standards would necessitate code amendments to SMC 17C.124.220.

A. Floors occupied exclusively by residential, live/work, and/or hotel uses may be allowed as a bonus to extend above the underlying height limit under certain conditions as indicated below.

B. If residential and hotel uses are located in the 100 foot building base, an equal area of non-residential uses may be permitted above 100 ft, provided all other requirements of the bonus height provisions have been met.

C. Floor plates above 100 feet shall be no larger than 14,000 sf (or as may be determined from the subsequent public process).

D. The long dimension of building floors above 100 feet shall be perpendicular to Spokane Falls Blvd.

E. Towers above 100 feet shall be spaced apart no less than 50 to 70 feet (roughly the same as a north/south street cross section) or as may be determined from the subsequent public process.

F. Active retail (shops, personal services, and food services) or residential uses shall occupy no less than 50% of the street frontage. Corporate offices, banks, and financial institutions do not qualify as retail. Such uses shall have entrances directly on the public sidewalk.

V. Design Review & Guidelines

Because of the relationship of properties in the DTC-100 Zone to significant public open spaces, such as Riverfront Park, development should receive extra attention through the

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Commented [A1]: The Working Group discussed the floor plate standards applicable to the north bank (145 feet maximum diagonal) but on further calculation that standard was found to be more restrictive than this original number. Thus, no change has been made here.

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Deleted: 60

Deleted: this a departure from the original intent of the underlying zone and due to the proximity of Riverside

Deleted: in this areaof these catalytic opportunity sites

[1] All numbers included in these standards are conceptual in nature and subject to future study and discussion.

City's design review process. In this review, a number of expectations will need to be demonstrated by proposed buildings:

A. Architectural detail at the ground level that supports people walking, lingering, eating, and socializing. This should include elements such as moveable tables and chairs, pedestrian-scaled lighting, pedestrian-scaled signs, generous windows that open out to the park with possibly roll-up or sliding sections, canopies, and artwork.

B. Enhancements to the existing sidewalk areas to ensure that they feel welcoming, usable, visually interesting, and usable to all members of the public. Ways of extending character-giving aspects of the park should be provided in this wide sidewalk area. For example, places for live music and temporary art could be provided.

C. Upper stories of buildings should be articulated with architectural "sculpting" such as decks, balconies, projecting bays, recesses, offsets, changes in materials and color, roof gardens, upper levels setbacks. Flat, featureless, rectilinear forms are to be avoided.

D. In order to reflect the importance of a gateway effect, the corners of buildings should be given special treatment such as public spaces, distinctive architectural expressions, major entrances, dramatic lighting, and unique landscape design.

E. At the initial stage of review, the Design Review Board should express its priorities and not merely react to already-designed proposals. The process between the DRB and the applicant shall be a collaborative one. Adherence to the principles listed previously shall inform the review.

F. Any towers above 100 feet should be placed so as to give consideration to sunlight, air, views, and vistas, especially on the Howard Street Promenade within Riverfront Park.

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VI. Additional Code Recommendations

A. Replace the existing image in SMC 17C.124.220.E.1 with the updated image presented to the working group.

B. Correct noted inconsistencies in the language in SMC 17C.124.220.

VII. Recommendation for Future Action[2]

A. Plan for coordinated streetscape improvements along Spokane Falls Boulevard.

B. Consider the elimination of the DTC-100 zone within the scope of the Downtown Plan Update.

[2] Outside the scope of the Working Group discussion.

C. Review of Downtown Design Standards and Guidelines, including a study of height and massing standards, as part of the Downtown Plan Update scope, or as a subsequent strategic action , assuming adequate budget and time.

Deleted: Study of height and massing as part of Downtown Plan Update

Deleted: <#>Additional items from Working Group . . .

APPENDIX D

BUILDING HEIGHTS ALONG SPOKANE FALLS BOULEVARD

Plan Commission Working Group

Agenda: Meeting 1

Tuesday, May 16, 2017, 1:00 PM to 3:00 PM

Welcome	Todd Beyreuther	1:00 – 1:05
Working Group Member Introductions	All	1:05 – 1:15
Project Goals	Lisa Key	1:15 – 1:20
Riverfront Park Now	Chris Wright or Garrett Jones	1:20 – 1:30
Fast Forward Spokane: Downtown Plan Policy Review & Development Standards (Spokane Municipal Code 17C.124)	Lisa Key	1:30 – 1:45
Shading Models	Lisa Key / Planning Staff	2:00 – 2:10
Working Group Discussion	Todd Beyreuther	2:10 – 2:45
Public Comment	Attendees	2:45 – 2:50
Site Visit – Walking Tour	Todd Beyreuther	2:50 Depart
Adjourn	All	3:30

Members of the public are invited to attend the meeting, but public discussion is limited to three minutes per person and at the time indicated in the agenda above.

Project Webpage:
https://my.spokanecity.org/projects/building-heights-on-spokane-falls-boulevard/

Project Contact:
Tirrell Black, Associate Planner
tblack@spokanecity.org
509.625.6185

BUILDING HEIGHTS ALONG SPOKANE FALLS BOULEVARD

Plan Commission Working Group

Agenda: Meeting 2

Tuesday, June 6, 2017, 1:00 PM to 3:00 PM, City Hall, Conference Room 5A

Welcome	Todd Beyreuther	1:00 – 1:05
Working Group Member Introductions	All	1:05 – 1:15
Project Goals, Recap Last Meeting	Lisa Key	1:15 – 1:20
Draft Principles	Mark Hinshaw, Walker Macy	1:20 – 1:30
Alternatives Analysis	Mark Hinshaw, Walker Macy	1:30 – 2:00
Property Owner – Alternatives for Building Placement and Use(s)	David Peterson, G&B Mark Richard, DSP	2:00 – 2:30
Working Group Discussion Goals to add? Questions to investigate?	Todd Beyreuther	2:30 – 3:00
Adjourn	All	3:00

Members of the public are invited to attend the meeting, but discussion is limited to members of the working group.

Project Webpage:
https://my.spokanecity.org/projects/building-heights-on-spokane-falls-boulevard/

Project Contact:
Tirrell Black, Associate Planner
tblack@spokanecity.org
509.625.6185

BUILDING HEIGHTS ALONG SPOKANE FALLS BOULEVARD

Plan Commission Working Group

Agenda: Meeting 3

Tuesday, June 13, 2017, 1:00 PM to 3:00 PM, City Hall, Conference Room 5A

Welcome	Todd Beyreuther	1:00 – 1:05
Project Goals, Meeting 2 Recap	Lisa Key	1:05 – 1:15
Conceptual Direction / Discussion	Mark Hinshaw, Walker Macy	1:15 – 2:55
Public Comment	Todd Beyreuther	2:55 -3:00
Adjourn	All	3:00

Members of the public are invited to attend the meeting, but public discussion is limited to three minutes per person and at the time indicated in the agenda above.

Project Webpage:
https://my.spokanecity.org/projects/building-heights-on-spokane-falls-boulevard/

Project Contact:
Tirrell Black, Associate Planner
tblack@spokanecity.org
509.625.6185

BUILDING HEIGHTS ALONG SPOKANE FALLS BOULEVARD

Plan Commission Working Group

Agenda: Meeting 4

Tuesday, June 27, 2017, 1:00 PM to 3:00 PM, City Hall, Conference Room 5A

Welcome	Chris Batten	1:00 – 1:05
Project Goals, Recap of process to date	Lisa Key	1:05 – 1:15
Review Outline "Allowing Flexibility in Building Height" / Discussion	Chris Batten / All	1:15 – 2:45
Additional Policies for Consideration in Downtown Plan Update / Discussion	Chris Batten / All	2:45 – 2:55
Public Comment	Chris Batten	2:55 -3:00
Adjourn	All	3:00

Members of the public are invited to attend the meeting, but public discussion is limited to three minutes per person and at the time indicated in the agenda above.

Project Webpage:
https://my.spokanecity.org/projects/building-heights-on-spokane-falls-boulevard/

Project Contact:
Tirrell Black, Associate Planner
tblack@spokanecity.org
509.625.6185

Return to Agenda

Briefing Paper
City of Spokane
Finance/
CIP Consistency Review Workshop Template Presentation

Subject:
Provide explanation of template PowerPoint presentation provided to the City of Spokane's Plan Commission.

Background:
During the Consistency Review Workshop, Department staff present new projects added to the Six-Year Capital Improvement Program (CIP) in the current year. Plan Commissions reviews the new projects for consistency with the City's Comprehensive Plan.

In an effort to standardize the presentation material from each Department and facilitate a more efficient review process for Plan Commission, a template presentation format has been developed and provided for review.

During the CIP update at the August 9th Plan Commission Meeting, we are asking for any feedback, input, or request for changes the Plan Commission would like to see made to the template presentation format.

Financial Impact:
None

Return to Agenda

Plan Commission Consistency Review Workshop

PARKS & RECREATION

GARRETT JONES

Safer Sidewalks to Schools & Bus Stops

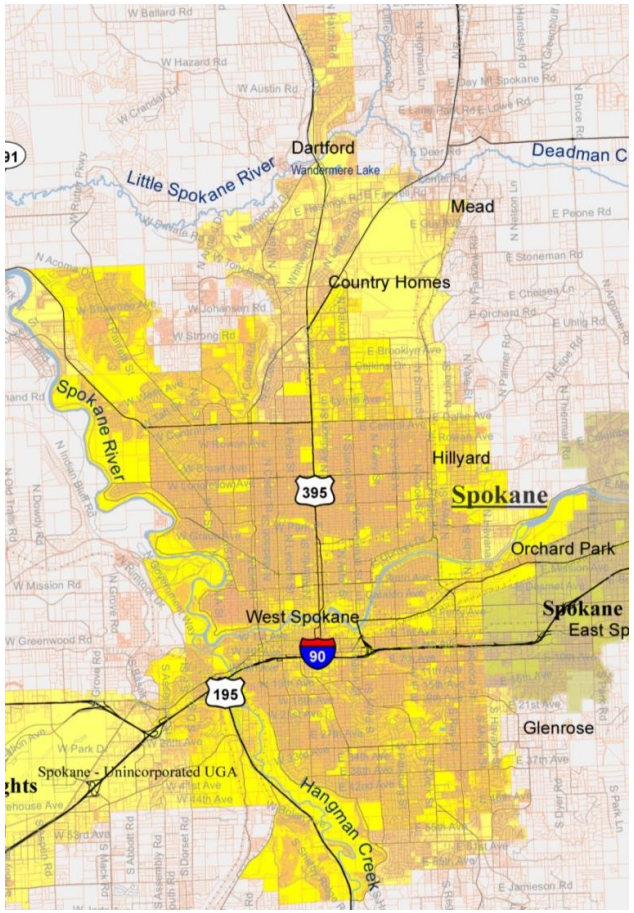
- RECENT IMPROVEMENTS LACK CONNECTION TO PATHWAYS
- DISTRICT 81 'SAFE ROUTES' DEAD-END INTO PARKS
- OPPORTUNITY TO CONNECT EXISTING IMPROVEMENTS & IMPROVE ACCESS THROUGH PARKS

REPAIR ASSESSMENT RESULTS

- PROPOSED WALK REPAIR FOR:
  - **13** PARKS IN **9** NEIGHBORHOODS

Safer Sidewalks to Schools & Bus Stops

- REPAIR THE WORST, FIRST
- DISTRIBUTE REPAIRS AS WIDESPREAD AS POSSIBLE
- REPAIR ONLY AS NEEDED, NOT COMPLETE REBUILDS
- REPAIR ALL WALKS WITH HAZARDOUS, SIGNIFICANT, AND MODERATE DAMAGE



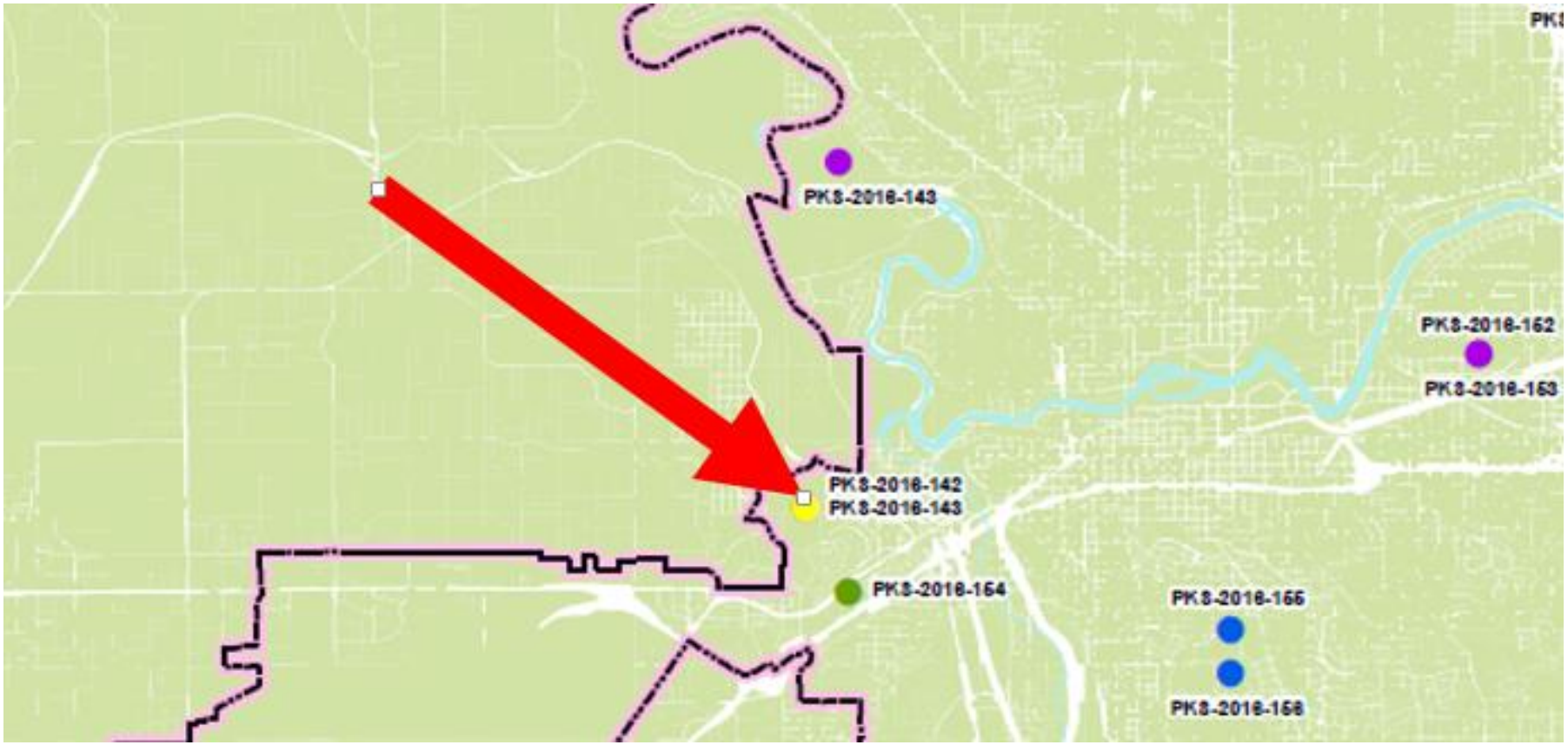
Indian Canyon Irrigation Upgrades

Manual & Inconsistent Irrigation

Irrigating During Daylight Hours

No Computer Control

Indian Canyon Irrigation Upgrades Location



How this Aligns with the City of Spokane's Comprehensive Plan!

GOALS	Safe Sidewalks	Indian Canyon
PRS1: **PRESERVATION AND CONSERVATION**		1.1
PRS2: **PARK AND OPEN SPACE SYSTEM**	2.1, 2.2, 2.4	2.3, 2.4
PRS3: **BICYCLE AND PEDESTRIAN CIRCULATION**	3.1, 3.2	
PRS4: **PARK PREVENTATIVE MAINTENANCE PROGRAM**	4.2	4.1
PRS5: **RECREATION PROGRAM**	5.1	5.7
PRS6: **AGENCY COORDINATION AND COOPERATION**	6.2	6.2
PRS7: **PARKS SERVICE QUALITY**	7.1, 7.6, 7.7	7.1, 7.2
CFU1: **ADEQUATE PUBLIC FACILITIES AND SERVICES**	1.8	1.2, 1.3, 1.5
CFU3: **COORDINATION**	3.5	3.2, 3.3
CFU5: **ENVIRONMENTAL CONCERNS**	5.3	5.2

QUESTIONS?

Return to Agenda

BRIEFING PAPER
City of Spokane
Neighborhood & Business Services
Plan Commission
August 2, 2017

Subject

Update on the progress of the Housing Quality Definitions and Standards (HQDS) recommendation that was developed by the Mayor's Housing Quality Task Force in 2016.

Background

The Mayor's Housing Quality Task Force (MHQT) was briefed at the Plan Commission meeting on September 28, 2016 an overview of the process was presented to the commission. The final priority recommendations and the Findings of Facts, Conclusions & Recommendations of the MHQT was presented at the January 11, 2017 Commission meeting.

At the conclusion of the Mayor's Housing Quality Task Force in 2016 there were 19 priority recommendations. One of the recommendations was to define and establish a minimum definition and a set of standards for housing quality in Spokane. Since that time a Housing Quality Definition & Standards (HQDS) Project Team was convened, they have concluded their work and a HQDS Advisory Committee has been assembled.

The HQDS Project Team consisted of twelve (12) members including two (2) City Council members, Councilmember Waldref and Councilmember Stratton. The remaining committee members included representation from the Landlords Association, Tenants Union, residential developer, Spokane Housing Ventures, Spokane Regional Health District, Spokane Home Builders, neighborhood/Community Assembly representative and City Code Enforcement staff.

The objective of the HQDS Project Team was to lead the work effort in identifying a minimum definition and set of standards for housing quality. The Project Team also recommended incentives and incentive programs aimed at improving housing quality. The minimum housing quality definition and standards would apply to all existing housing in the City of Spokane. The effort included a community engagement component which involved three community meetings, an online survey and a blog that allowed for community input, feedback and buy-

in. Furthermore, educational materials were distributed at the Title 18 Housing Forum on June 29, 2018.

As part of the process the Project Team reviewed several codes in order to develop the definition and set of standards, those codes included;

- Housing and Urban Development (HUD) Housing Quality Standard (HQS 24 CFR 982): HUD and other Public Housing Authorities (PHAs) use this code in order to provide decent, safe and sanitary housing at an affordable cost to low-income families. The standards establish a minimum quality criteria necessary for the health and safety of occupants.
- National Healthy Housing Standard (NHHS): This code was created by the National Center for Healthy Housing and the American Public Health Association. NHHS was developed to inform and deliver housing policy that reflects the connections between housing conditions and health.
- International Property Maintenance Code (IPMC) from the International Code Council (ICC): The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings.

Together the codes and definitions were used to define what housing quality is and develop the set of standards in draft form. In addition, the project team identified several incentives for property owners to utilize in order to improve overall housing quality. The incentives were drafted into business cases that will be presented to the HQDS Advisory Committee for further consideration and modification if necessary.

The recommended incentives include;

- Health Home Repair Program; Provide incentives for home owners and landlords to choose healthier practices when renovating or cleaning homes
- Lead Abatement Financial Incentive Program; Educated banking, lending, mortgage industries about ambitious public goals and funding needed for lead poisoning elimination. Suggest best practices and strategies for private financing of healthy home improvements.
- Lead Abatement Program; Provide incentive for home owners and landlords to choose healthier practices when renovating or cleaning homes.
- Radon Program; Educational information for homeowners on the risks associated with radon. Establish an incentive for homeowners to text their residences for radon which include the provision of access to free radon test kits.
- Bed Bug; Remediation and education.

The Project Team has concluded their work in drafting the housing quality definition and standards and recommending the incentive/incentive programs. An

Advisory Committee has been established to complete this process as outlined below.

The Advisory Committee is made up of City staff whose departments may be impacted by the adoption of the code. The committee consists of seven (7) members from the departments of Code Enforcement, Fire, Planning, and the Development Services Center.

The purpose of the Advisory Committee is to;

1. Review minimum definition and standards, identify correlations between current codes and the drafted standards, and edit code language by adding to and/or removing language as necessary.
    a. Determine whether to adopt code, consider a phased approach.
    b. Determine how to enforce codes, if adopted,
    c. Determine changes to city practices including any costs for staffing and enforcement, if adopted.
        i. Public process will be integrated into the adoption of housing quality definition and standards.
2. Determine funding needs for incentives and/or incentive program(s),
3. Determine a tracking system for measuring improved housing quality, set goals and benchmarks.

The timeline for work of the Advisory Committee is from end of July 2017 to January 2018. If codes are adopted then they will be presented to the Plan Commission and City Council through the normal administrative procedure, the timeframe for this will be determined at a later date.

Impact

The impacts of this code change are not determined at this time until the decision to adopt or not has been made. Costs related to incentives and incentive programs will be determined by the end of the Advisory Committee process.

Funding

There is no funding needed at this time, this is only an update.

Return to Agenda

Mayor's Housing Quality Task Force

Housing Quality Definition & Standards

Alicia Ayars

PLAN COMMISSION – AUGUST 9, 2017

Overview
Past- Plan Commission Mtgs.

- **September 28, 2016**
  - Mayor's Housing Quality Task Force Process & Timeline Overview
  - Alignment with Comprehensive Plan.
  - Overlapping Themes of Infill & MHQT Recommendations:
    - Housing Diversity
    - Information/Education
    - Incentives & Partnerships
- **January 11, 2017**
  - 19 Priority Recommendations
  - Findings of Facts, Conclusions & Recommendations

Integrated Housing Quality & Infill – June 2017

EDUCATION				
Infill Recommendation	**MHQT Recommendation**	**Related Project** *(Presenter)*	**Status**	**Progress Notes, Avail. Reports**
Development Factors Map • Developable lands inventory and map.	**Inventory for Lands for Infill** • Create an inventory or registry of available lands for infill with incentives in place for development.	*Omar Akkari*		*Beta on Infill Project Webpage spokanecity.org/projects*
Education Campaign and Communication Plan • To increase awareness and understanding of benefits of development on vacant lots.	**Education for Homeowners/buyers** • Educate home buyers and developers. Partner with organizations to provide an annual program to educate homeowners and potential homebuyers on purchasing, maintenance, rehabilitation programs	*Nathan Gwinn* *Omar Akkari* *Shauna Harshman*		*Training Series Draft Education Campaign Plan*
DEVELOPMENT CODE REVISION AND COMPLIANCE				
Infill Recommendation	**MHQT Recommendation**	**Related Project** *(Presenter)*	**Status**	**Progress Notes, Avail. Reports**
Priority 1 – Structural Transitions. • Cottage Housing, Separate Ownership, and Transit-Oriented Parking Reductions.		*Nathan Gwinn* *Omar Akkari*		*Priority #1-2017 #2-not scheduled*
Priority 2 – Use Transitions. • Design Standards, Form-Based Standards, and Manufactured Housing.				

Housing Quality Definition & Standards Recommendation

- City should define and establish a minimum housing quality definition & standard.
  - Standard should apply to owner and renter occupied housing.
  - Include baseline, goals and benchmarks.
  - Include enforcement and incentives

Mayor's Housing Quality Task Force
Task Force Report & Recommendation

November 22, 2016

Priority Recommendation Matrix

FEASIBILITY	IMPACT: LOW	IMPACT: HIGH
HIGH	**Quick wins:** "Low Hanging Fruit" with relatively small demands that may be worth pursuing	**No Brainer** – biggest bang for your buck
LOW	**To be avoided:** Difficult to implement with little impact, rarely worth pursuing	**Tough**, but worthwhile

Evaluation of impact and feasibility made use of the matrix above and the criteria described under the Goals and Evaluation Criteria section, above.

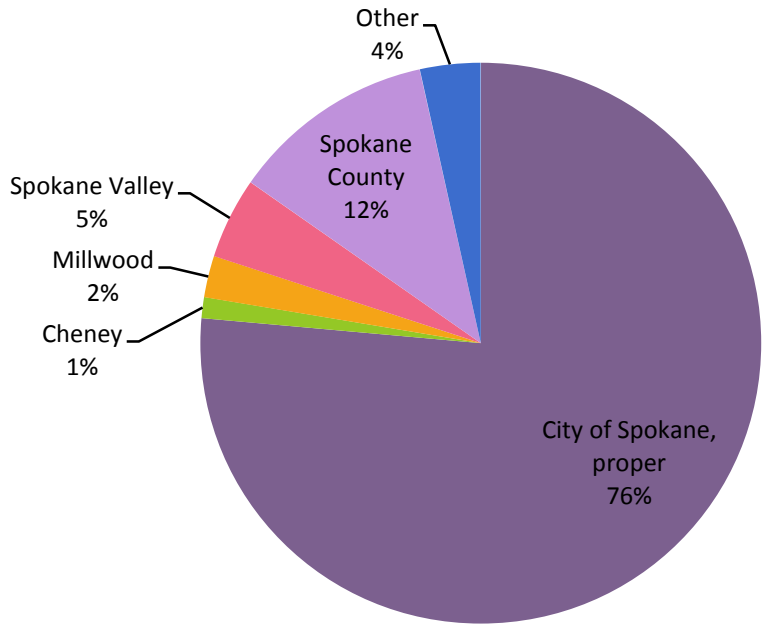
Recommendation	Recommendation Elements & Notes	Addressed Housing Area Substandard Housing Abandoned Homes Homes in Foreclosure Chronic Nuisance Properties Vacant Residential Lots Affordable Housing	HQT Evaluation: Impact Does the recommendation give us the desired impact?	HQT Evaluation: Feasibility How likely is the recommendation to be implemented?
Estimated Implementation: 0-1 years				
City should define and establish a minimum housing quality standard.	**Recommendation Elements** - Standard should apply to owner and renter occupied housing. - Include baseline, goals and benchmarks. - Include enforcement and incentives.	Substandard Housing Abandoned Homes Homes in Foreclosure Chronic Nuisance Properties	High	Low
City to identify city owned property that is not in use or is underused to be liquidated. The property could be transferred with condition to develop affordable housing.	**Recommendation Elements** - Inventory the current amenities on the property and include information such as location that would factor into whether it makes it more affordable. Require an affordable housing component to developing the property. - The city would market the property for sale; provide incentives to the developer for the development of affordable housing. - The City could investigate options to providing a program where the property could be transferred to new ownership rather than selling the property, this would still include development of affordable housing.	Affordable housing, Vacant Residential Lots	High	High
Partner with local real estate organizations to identify vacant, abandoned, and substandard homes.	**Recommendation Elements** - N/A	Abandoned Homes, Substandard homes & Homes in Foreclosure	Low	High
Partner with organizations to provide an annual program to educate homeowners and potential homebuyers on purchasing, maintenance, rehabilitation programs available.	**Recommendation Elements** - Better coordination between agencies is needed for implementation.	Substandard Housing Abandoned Homes Homes in Foreclosure Chronic Nuisance Properties Affordable housing	Low-Moderate	High
The City should re-evaluate the Multi-Family Tax Exemption (MFTE) incentive for all aspects of the incentive.	**Recommendation Elements** - Revisit how the MFTE works and see if it works in today's market. Through this process identify what needs to be removed from the incentive, what needs to be added, identify barriers as to why developers are not using this incentive and identify challenges to achieving the incentive. - Make the MFTE less restrictive. - Reevaluate the renewal process. **Notes:** Encourages multifamily development and redevelopment in compact mixed-use areas where housing and affordable housing options are deficient. Through the MFTE a jurisdiction can incentivize dense and diverse housing options in urban areas lacking in housing choices or affordable units. MFTE can apply to rehabilitating the existing properties and redeveloping vacant or underused properties. Cities planning under the Growth Management Act (RCW 36.70a) that have designated urban centers with a deficiency of housing opportunities are eligible to implement this tool. Cities must designate eligible areas that contain urban centers. Urban Centers – in the context of MFTE enabling legislation – have a particular meaning. Based on state law, designated districts are commercial or business districts with some mix of uses.	Abandoned Homes, Chronic Nuisance Properties, Substandard Properties & Affordable Housing	Low	High
Re-evaluate/amend the existing Discrimination Ordiance.	**Recommendation Elements** - Re-evaluate what exists currently. - Re-evaluate how to enforce o Rental assistance o Nondiscrimination against tenants with criminal history. o identify funding to have a proactive enforcement program o Review/audit group homes ordinance in the city. - Identify funding to have a proactive enforcement program. o HUD provides funding for enforcement of this program and it should be investigated. - Add nondiscrimination against Section 8 Voucher holders and/or other subsidized ways to pay for relocation and nondiscrimination against tenants with a criminal history.	Affordable Housing	Moderate-High	High

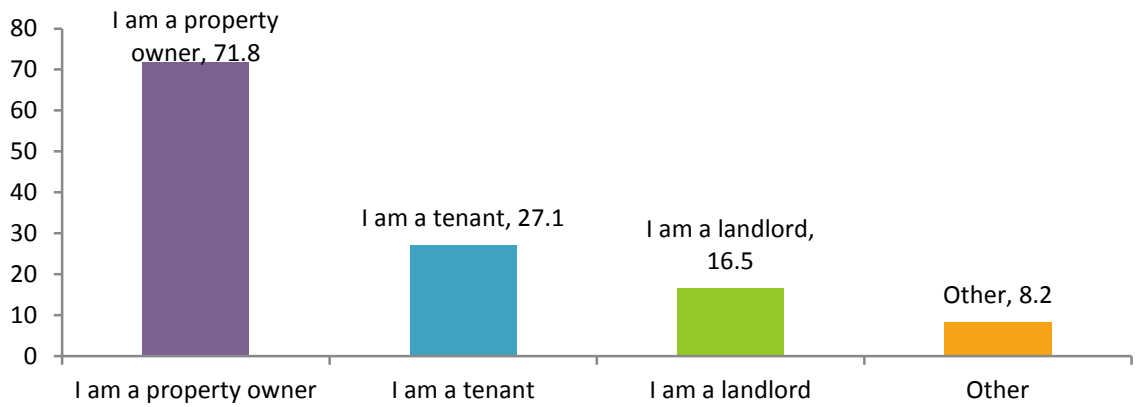
HQDS Project Team

Objectives:

- Produce draft of minimum definition and standards for housing quality.
- Recommend incentives & incentive programs.

Community Engagement





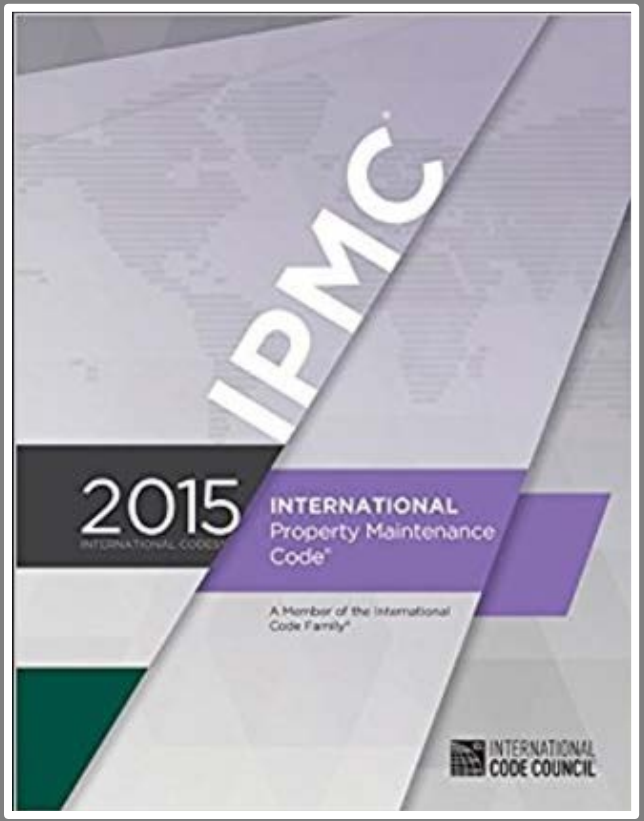
Codes Reviewed

Housing and Urban Development (HUD) Housing Quality Standard (HQS 24 CFT 982)

- Code aimed at creating decent, safe and sanitary housing at an affordable cost to low-income families.
- Minimum quality necessary for health and safety

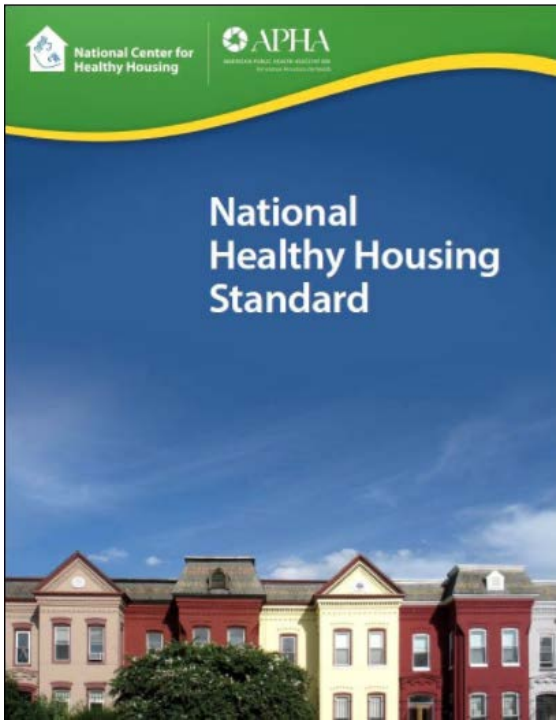
International Property Maintenance Code:

- Model code that regulates the minimum maintenance requirements for existing buildings



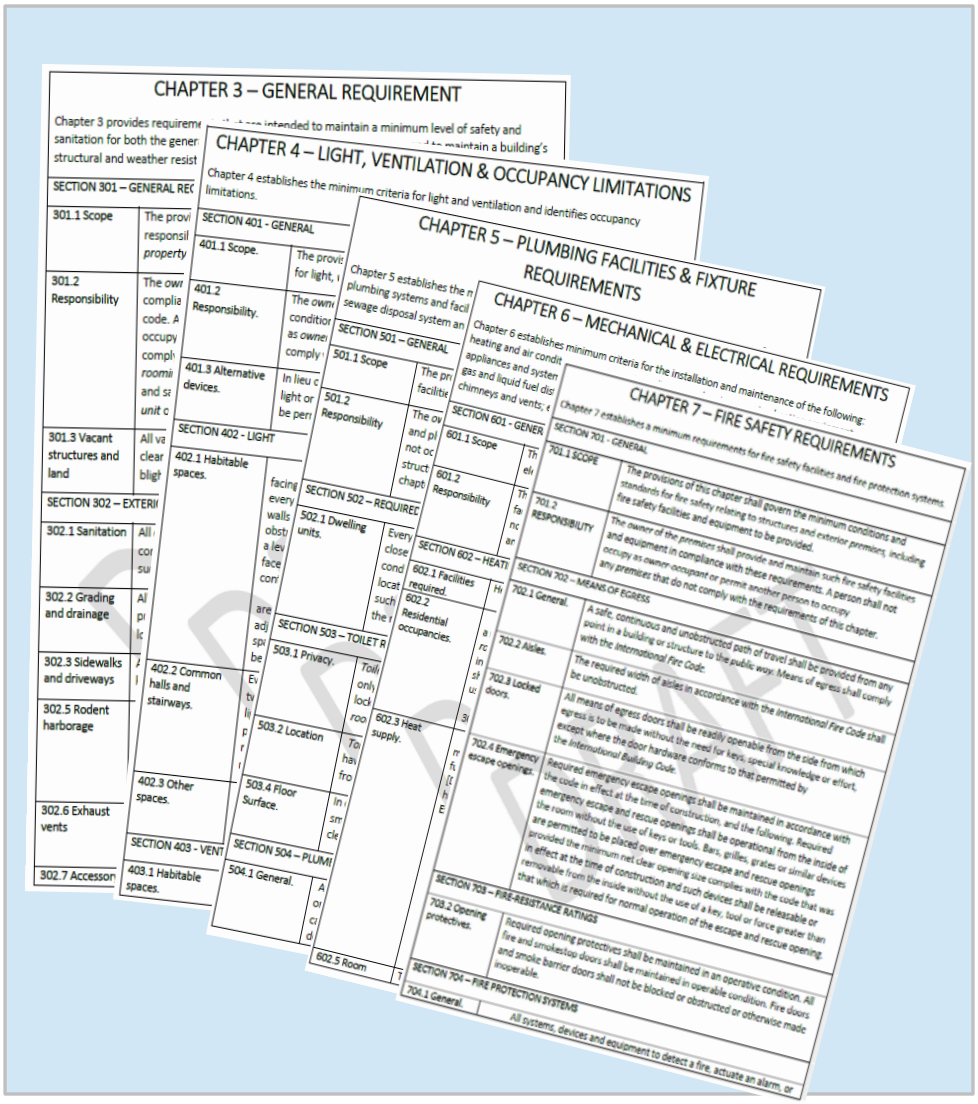
National Healthy Housing Standard:

- National Center for Healthy Housing, American Public Health Association
- Inform & deliver housing policy, reflects connection between housing condition and health



HOUSING QUALITY STANDARDS, *draft*

1. Scope & Administration
2. Definitions
3. General Requirements
   - *Maintain minimum level of safety & sanitation*
4. Light, Ventilation & Occupancy Limitations
   - *Minimum criteria for light and ventilation*
5. Plumbing Facilities & Fixture Requirements
   - *Minimum criteria for installation/ maintenance and location of plumbing systems & facilities*
6. Mechanical & Electrical Requirements
   - *Minimum criteria for installation/maintenance of mechanical/electrical equipment*
7. Fire Safety Requirements
   - *Minimum requirement's for fire safety facilities & protection systems*



Health Home Repair Program;

- Provide incentives for home owners and landlords to choose healthier practices when renovating or cleaning homes

Lead Abatement Financial Incentive Program;

- Educated banking, lending, mortgage industries about ambitious public goals and funding needed for lead poisoning elimination. Suggest best practices and strategies for private financing of healthy home improvements.

Lead Abatement Program;

- Provide incentive for home owners and landlords to choose healthier practices when renovating or cleaning homes.

Radon Program;

- Educational information for homeowners on the risks associated with radon. Establish an incentive for homeowners to text their residences for radon which include the provision of access to free radon test kits.

Bed Bug;

- Remediation and education.

HQDS Advisory Committee

Committee Members:

- Code Enforcement
- Fire
- Planning
- Development Service Center
- City Council
- Project Team

Objectives:

1. Review minimum definition and standards provided by HQDS Project Team;
   - Identify correlations between current codes and the drafted standards
   - Edit code language by adding to and/or removing language as necessary,
   - Determine code adoption, consider a phased approach for enforcement,
   - Determine changes to city practices including any costs for staffing and enforcement,
     - Public process will be integrated into the adoption of housing quality definition and standards.
2. Determine a tracking system for measuring improved housing quality, set goals and benchmarks.
3. Determine funding needs for incentives and/or incentive program(s),

Timeline

Housing Quality Definition & Standards Timeline	
2017	**Work**
March – July	Project Team convened *Draft HQDS*
July – November	Advisory Committee convened *Produce final HQDS*
October – December	Adopt Codes *Plan Commission updates* *City Council approval*
2018 – January – July	Education to Public & Implementation Plan for Enforcement

BRIEFING PAPER
City of Spokane
Plan Commission Workshop, August 9, 2017
City Council Hearing, August 21, 2017

Subject

The proposal is to update the way that annual amendment proposals to the Comprehensive Plan and non-City requests to amend the Unified Development Code are reviewed. This proposal would add a threshold determination or a "docketing" step. SMC Chapters 17G.020 and 17G.025 govern these procedures.

Background

Amendments to the Comprehensive Plan can be Land Use Plan Map amendments or text amendments. Annual Amendment proposals or proposals to amend the Unified Development Code may be initiated by anyone. Currently, requests to amend the City's Comprehensive Plan and Unified Development Code proceed to the Plan Commission and then to City Council for legislative consideration following initial staff and agency review.

In order to better handle the work load for staff, Plan Commission and the City Council, this proposed amendment would add a process of threshold review prior to full review. As a part of threshold review, applications that are not moved to the Comprehensive Plan Annual Amendment Work Program ("the docket") may alternatively be placed on the ongoing work program or referred to the Comprehensive Plan Periodic Update, which occurs every eight years.

It is anticipated that this early review step will benefit applicants who, without early threshold review, may wastefully spend considerable time and resources on proposed amendments during a long legislative review. Once the docket is established, full review would begin for those projects on the docket. Outside the docket procedure, this proposal does not make substantial changes to the full review process now followed.

Key Concepts in this code update:

- An "early threshold review" procedure, which would be used to establish the Annual Comprehensive Amendment Work Program ("the docket" for short), has been added to the draft ordinance. The Plan Commission considered several alternative procedures for conducting this threshold review at their workshops. Following the Plan Commission Public Hearing on this matter, the Plan Commission and City Council, at their joint study session on July 13, 2017, agreed to language that will create a city council ad hoc committee consisting of three City Council Members and three Plan Commission Members. (This is discussed in specifics in Item #1 below).

- A new proposed code section, 17G.020.026, Threshold Review Decision Criteria, has been added. Decision Criteria for non-city unified development code proposals would be added to SMC 17G.025.010(C) as well.

- This proposal would incorporate any non-city amendments proposed to the Unified Development Code (Title 17) into the docket procedure.

- The limitation on accepting "inconsistent amendments" only every other year has been removed. Now inconsistent amendments could potentially be considered every year.

- A $500 fee currently designated as "pre-application fee" would be re-purposed as the "docket consideration fee". If an application moves on to full review, the amendment base fee of $5,000 would be required with a credit for the previous $500 paid. (SMC 8.02.692).

Plan Commission Action and Additional Changes:

At the Plan Commission Public Hearing held June 14, 2017, the Plan Commission voted (6-2) against recommending approval of the proposal to City Council. Following this hearing, the Plan Commission and City Council held a joint study session on July 13, 2017 and additional changes were discussed at that study session. The most significant change from this discussion was to establish a city council ad hoc committee to review the threshold review applications and make a recommendation to City Council for the docket (see #1 below).

Changes to the draft ordinance since the Plan Commission hearing on June 14, 2017:

1. Additional text was proposed for new section 17G.020.025(A)(1)(a)(i) to include language about establishing an ad hoc committee of three City Council members and three Plan Commission members to review and send recommendation to City Council. This change is from PC/CC Study Session on July 13, 2017.

2. Adding language was proposed for 17G.020.060(A)(2), Process for Application, Review and Decision, Threshold Review, which would add that neighborhood council engagement be encouraged early in the process, prior to application. This suggestion comes from Council Member Beggs. It reads:

   In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

3. Staff revision is proposed for section 17G.020.026, Threshold Review Criteria, to delete section D. Staff feel this is already addressed in SMC 17G.020.030(K) (Demonstration of Need) and is more appropriately addressed during final review.

   "D" in the draft before Plan Commission read: "The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, "significantly changed conditions" requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and"

4. In 17G.020.026(G), addition of the word "or" to clarify that decision criteria H is not required and is thus no longer included in the proposed code update. This is in response to a comment from Plan Commissioner during the hearing on June 14, 2017.

5. Staff proposes a clerical change to the numbering in SMC 17G.020.026 from A-G for review steps, to A(1-3) for Threshold Review steps and B(1-12) for Final Review steps.

Project Timeline
January 25, 2017 – Concept workshop with Plan Commission
March 22, 2017 – Workshop with Plan Commission
April 26, 2017 – PC Workshop with draft language
May 4, 2017 - Outreach to Community Assembly
May 10, 2017 – Plan Commission Workshop, continued draft review
June 14, 2017 – Plan Commission Public Hearing
June 22, 2017 – City Council Study Session
July 13, 2017 - Plan Commission/City Council Joint Study Session
August 9, 2017 – Plan Commission Workshop - report back on Study Session recommendations
August 14, 2017 – City Council Briefing & 1st Reading Ordinance
August 21, 2017 – City Council Public Hearing, Action on Ordinance

Additional information: Completed 2015/2016 Annual Amendments and the current process. Annual amendments for 2017 are suspended while the city adopts the periodic update to the Comprehensive Plan.

ORDINANCE NO. C-_____

AN ORDINANCE ADOPTING A THRESHOLD DOCKETING PROCESS FOR DECIDING WHEN COMPREHENSIVE PLAN AMENDMENT PROPOSALS WILL BE ADDED TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM OR ALTERNATIVELY TO AN ONGOING WORK PROGRAM OR PERIODIC UPDATE; AMENDING SECTIONS 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 AND 08.02.010; ADOPTING NEW SECTIONS 17G.020.25 AND 17G.020.26 TO CHAPTER 17G.020 OF THE SPOKANE MUNICIPAL CODE

Whereas, pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion;

Whereas, pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC");

Whereas, the City wishes to add efficiencies to the annual Comprehensive Plan amendment process by establishing a threshold process that will be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program ("Threshold Review Process"). The Threshold Review Process will also be used to identify amendment proposals which may be added to other ongoing work programs, or included in the City's next required periodic update. The purpose of this threshold review process is to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. It is anticipated that this early threshold review step will also potentially benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments;

Whereas, the Threshold Review Process is consistent with the practices of local jurisdictions across Washington, and is consistent with the GMA and the City of Spokane Comprehensive Plan;

Whereas, the Threshold Review Process will provide interested applicants with fully adequate forum and process for proposed applications, and is fully consistent with GMA's public notice and participation requirements;

Whereas, the Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017;

Whereas, on or about April 26, 2017, the Washington State Department of Commerce was given the required 60-day notice before adoption of proposed changes to the Development Code. An acknowledgement letter from the Department of Commerce was received by the City on April 26, 2017;

Whereas, on or about June 14, 2017, the Plan Commission held a public hearing and received testimony regarding the proposal;

Whereas, this Ordinance is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19); -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17G.020.010 is amended to read as follows:

17G.020.010 ((~~Comprehensive Plan Amendment Purpose~~)) Purpose and Guiding Principles

A. This chapter ((~~provides the process~~)) establishes the procedure and decision criteria that the City will use to review and amend ((~~for amending~~)) the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ((~~annual~~)) amendment process are legislative actions. These actions include amendments to the land use plan map ((~~or~~)) and/or text of the comprehensive plan.

B. The guiding principles of the annual amendment process ((~~for comprehensive plan amendments~~)) are as follows:

1. Keep the comprehensive plan alive and responsive to the community.

2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.

3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.

4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.

5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

6. ((~~The proposed changes~~)) Amendments to the comprehensive plan must result in a net benefit to the general public.

C. Scope of Amendments. A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;

2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;

3. Administrative and regulatory procedures that implement the comprehensive plan; or

4. The comprehensive plan or its implementation measures, as necessitated by annexation action.

5. Proposed amendments may not include amendments to the urban growth area boundary.

Section 2. That SMC section 17G.020.020 is amended to read as follows:

17G.020.020 ((~~Timing~~)) Amendment Process

((~~A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, 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~~.))

~~B.~~ ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((~~an area-wide or~~)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((~~application requirements of SMC 17G.060.070~~)) procedures set forth in chapter 17G.060 SMC.

Section 3. That there is adopted a new section 17G.020.025 to chapter 17G.020 SMC to read as follows:

17G.020.025 Initiation of Amendment Proposals

A. Amendment proposals initiated by the public or persons or entities other than the City.

1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as "the public") may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:

    a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

        i. Review by Ad Hoc Committee. Pursuant to the procedural provisions of this chapter, complete applications proposing an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by an ad hoc committee comprised of three city council members and three plan commission members. This ad hoc committee will conduct a public meeting and make a recommendation to the City Council using the criteria set forth in SMC 17G.020.026, as to which amendment proposals should be included in the Annual Comprehensive Plan Amendment Work Program.

        ii. Consideration of Geographic Scope. The ad hoc committee shall review the geographic scope of any proposed amendments. The committee may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.

        iii. City Council Review. The City Council will hold a public hearing and will review the committee's recommendation and the criteria set forth in section 17G.020.026, and determine which amendment proposals will be included in the Annual Comprehensive Plan Amendment Work Program, and their geographic scope. Those proposals included in the Annual Comprehensive Plan Amendment Work Program will then be referred back to staff and to the Plan Commission for the Final Review process.

iv. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.

b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.

i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.

ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.

2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.

a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.

b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority

of the total members of the City Council is required to initiate consideration of an amendment.

b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

   a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.

   b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

Section 4. That there is adopted a new section 17G.020.026 to chapter 17G.020 SMC to read as follows:

17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and

B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and

C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

D. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

E. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and

F. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or

G. State law required, or a decision of a court or administrative agency has directed such a change.

Section 5. That SMC section 17G.020.030 is amended to read as follows:

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ((~~and~~)) by the plan commission and by the city council in ((~~determining whether a criterion for approval has been met~~)) making a decision on the proposal.

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.

B. GMA.
The change must be consistent with the goals and purposes of the state 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.

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.

E. Internal Consistency.

1. 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.

2. If a proposed amendment is significantly inconsistent with current policy within 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.

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.

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.

1. 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.

2. 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.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

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).

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.

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.

K. ((~~Consistent Amendments~~)) Demonstration of Need.

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.

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.);

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

c. The map amendment implements applicable comprehensive plan policies <u>and subarea plans</u> better than the current map 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.

~~((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.~~

~~2. Adequate Documentation of Need for Change.~~
~~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:~~

~~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. transportation and/or other capital improvements are not being made as expected;~~

~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~

~~g. assumptions upon which the plan is based are found to be invalid; or~~

~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~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.~~))

Section 6. That SMC section 17G.020.040 is amended to read as follows:

17G.020.040 Amendment ((~~Exceptions~~)) Frequency

((~~The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation~~.)) The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:

A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan,

redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ((~~Also, future annexations will require an amendment to the land use plan map.~~))

B. Adoption or amendment of ((~~a~~)) the shoreline master program.

C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.

D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

F. Changes necessary to address 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.

G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.

H. Technical corrections that would remove typographical errors or resolve a mapping error.

I. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

Section 7. That SMC section 17G.020.050 is amended to read as follows:

17G.020.050 Amendment Applications

((~~A. Scope of Amendments.~~

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~

~~2. regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~

~~3. administrative and regulatory procedures that implement the comprehensive plan; or~~

~~4. the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.~~))

((~~C~~))A.((~~Pre-application~~)) Threshold Review Application.

Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ((~~by submitting the following :~~)). The following shall be submitted prior to scheduling the predevelopment conference:

1. ((~~Pre-application~~)) Threshold review application form, including a general summary of the nature of the ((~~desired change~~)) proposed amendment.

2. The ((~~pre-application~~)) threshold review fee as specified in chapter 8.02 SMC.

((~~D~~))B.Final Review Application ((~~Components~~)).

A private applicant for a comprehensive plan amendment must submit the following documents and fees:

1. A general application.

2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:

   a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((~~or inconsistent~~)) with the current comprehensive plan, and whether the applicant

believes any ((~~specific suggested changes~~)) additional amendments to the plan ((~~or~~)) and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ((~~The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.~~))

b. Statement of how the amendment request is consistent with all of the ((~~decision criteria~~)) guiding principles and final review criteria.

3. A completed SEPA checklist. A non-project supplement ((~~is~~)) will be required since all comprehensive plan amendments are considered non-project proposals.

4. A notification district map.

5. ((~~Full~~)) Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ((pre-application)) threshold review fee that has already been paid.

a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.

b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 8. That SMC section 17G.020.060 is amended to read as follows:

17G.020.060 Process for Application, Review and Decision

A. Threshold Review ((~~Pre-application Form. Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.~~))

((~~B~~))1. Pre-application Conference.
A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ((~~desired change~~)) proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ((~~concern~~)) proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to

advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

2. Map Amendments.
In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).

((~~C~~))3. ((~~Deadline for Consideration~~)) Threshold Review Application Deadline.
((~~Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.~~)) Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.

4. Determination of Completeness.
Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application ((~~will~~)) shall not move ahead for ((~~further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal~~)) final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

((~~D. Application Certification, Docketing.~~
~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are~~

~~missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.)~~))

((~~E~~))2. ((~~Full Review – SEPA~~)) Review by City Staff and Agencies.
((~~Full~~)) Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((~~begins December 1st for those proposals certified complete by November 30th~~)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((~~Priority of proposal~~)) Timely review is ((~~based~~)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((~~and provision of requested studies~~)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

((~~F~~))3. Notice of Application/SEPA.
((~~Within fourteen days of the completion of the review required~~)) When the review described in subsection ((~~(E)~~)) (C) above is complete, staff sends ((~~the~~)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((~~sixty~~)) thirty days of the date the notice of application is ((~~sent by staff to the applicant~~)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

((~~G~~))4. Public Comment Period.
The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((~~H~~))5. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ((~~and hold public open houses~~)) during this time.

((~~I~~))6. SEPA Determination.

((~~Within ten days of~~)) Following the end of the public comment period, staff will complete the SEPA threshold determination ((~~, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty~~)) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications 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).

((~~J~~))7. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published ((~~within seventeen days of the end of the public comment period, and~~)) fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

((~~K~~))8. Staff Report.

((~~Once the SEPA appeal period ends,~~)) Prior to the Plan Commission hearing, ((~~the~~)) staff prepares its final report, which address((~~es both~~)) SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ((~~mailed~~)) provided to the applicant as well as ((~~the~~)) plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ((~~office of community, trade and economic development~~)) department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620((~~, and subsection (I)(9) of this section~~)).

((~~L~~))9. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ((~~appeal period has expired~~)) decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

((~~M~~))10. Plan Commission Recommendation.

The plan commission bases its recommendation on the ((~~review guidelines and required decision~~)) guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ((~~and conclusions regarding its recommendation~~)) conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

((~~1~~))a. Approval based on support for the proposal and recognition that it is ((~~either~~)) consistent with the comprehensive plan ((~~and/or that enough evidence was presented to justify the need for the change~~)) applicable guiding principles, and amendment review criteria.

((~~a~~))i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

((~~2~~))b. Denial for the following reason(s):

((~~a~~))i. The proposal ((~~does not comply with the review guidelines or decision criteria~~)) is not consistent with applicable guiding principles and/or amendment review criteria.

((~~b~~))ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

((~~c~~))iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ((~~This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.~~))

((~~N~~))11.City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ((~~amendment~~)) recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget.

The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ((~~may~~)) shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ((~~However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.~~))

((~~O~~))12.Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 9. That SMC section 17G.020.070 is amended to read as follows:

17G.020.070 Notification

A. Application Deadline.

As a courtesy, the city will publish a reminder notice once ((~~in early January and again~~)) in early ((~~September~~)) August regarding each year's amendment application deadlines.

B. Private Applicant.

A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.

C. Text Changes.

Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of

publishing/posting/mailing are provided to the planning department by the applicant.

D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.

E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.

F. City Council Decisions.
City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.
Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.
At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ((~~as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,~~)) for their review and comment. In addition, copies of

adopted amendments must be transmitted to ((~~CTED~~)) Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

Section 10. That SMC section 17G.025.010 is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

A. Initiation.
((~~Text amendments to this code~~)) Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
   1. Property owner(s) or their representatives;
   2. Any citizen, agency, neighborhood council, or other party; or
   3. A ((~~City~~)) city department, the plan commission, or the city council.

B. Applications. ((~~Applications shall be made on~~)) Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

   1. ((~~After submittal of an applicant-initiated application, the application~~)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((~~a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC~~)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:

      a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and

      b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and

      c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

      d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and

e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or

f. State law required, or a decision of a court or administrative agency has directed such a change.

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2. ((~~After submittal,~~)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((~~shall~~)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

((~~D~~)) E. Notice of Public Hearing.

Amendments to ((this code)) Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
b. A statement of how the proposal would change the affected provision;
c. The date, time, and place of the public hearing;
d. A statement of the availability of the official file; and
e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.
Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.
The City may approve amendments to this code if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.
Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. ((~~By a majority vote, the city council shall~~)) The city council may:

1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.
At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy

of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.
This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

Section 11. That SMC section 08.02.069 is amended to read as follows:

08.02.069 Comprehensive Plan and Land Use Code Amendments

A. A ((~~pre-application)~~) threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).

B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.

C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.

D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

ADOPTED BY THE CITY COUNCIL ON _____.

(Delivered to the Mayor on the _____ day of _____)

_____
Council President

Attest:

_____
City Clerk

_____
Mayor

Approved as to form:

_____
Assistant City Attorney

_____
Date

_____
Effective Date

The Plan Commission Findings of Fact and version of the Draft Ordinance considered at the June 14, 2017 Plan Commission Public Hearing follow this page.

Return to Agenda

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020, Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the Unified Development Code, and; Section 08.02.069, Comprehensive Plan and Land Use Code Amendments

A recommendation from the City Plan Commission to the City Council to DENY proposed amendments to the Spokane Municipal Code. These proposed changes would amend the procedures for annual Comprehensive Plan Amendments processing as well as amend the procedures for private-applications to amend the Unified Development Code. This proposal would add a threshold determination or a "docketing" step; SMC Chapters 17G.020 and 17G.025 currently govern these procedure. Proposed new sections 17G.020.025 and 17G.020.026 describe the proposed threshold procedure and threshold decision criteria.

Findings of Fact:

A. Pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion.

B. Pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC").

C. The stated purpose of the proposed amendment was to add efficiencies to the City's annual Comprehensive Plan amendment process by establishing a threshold review process that would be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program. The threshold review process proposed to add efficiencies to the City's annual amendment process by identifying amendment proposals which may be more appropriately addressed as part of other ongoing work programs, or included in the City's next periodic update. The proposed threshold review process also sought to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. The proposed early threshold review was also intended to benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments.

D. The proposed threshold review process has been adopted in many local jurisdictions around the State and is consistent with the GMA.

E. The Community Assembly received a presentation on this proposal at their meeting of May 4, 2017.

F. The Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017.

G. On April 26, 2017, the City notified the Washington State Department of Commerce of its intent to adopt the proposed threshold review process. The City received an acknowledgement letter from the Department of Commerce on April 26, 2017.

H. Notice of these proposed amendments to SMC and announcement of the Plan Commission's June 14, 2017 hearing was published in the Spokesman Review on May 31, 2017 and June 7, 2017.

I. This proposed change is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19).

J. The City Plan Commission held a public hearing on June 14, 2017 to obtain public comments on the proposed amendments; deliberations followed.

Public Comment:

A. The Plan Commission received one written comment in opposition to the proposed amendment, dated June 14, 2017, from Dwight Hume. His letter expressed concerns regarding the use of public hearings during the docketing process to allow public comment on whether or not the application "qualifies for consideration; and, the potential of Plan Commission and/or City Council to direct the action for consideration to another Planning process, which is an unreliable option due to staffing and budget considerations. He states that the applicant has a right to "due process". His letter also indicated that if it was a matter of excessive staff time, the provision of hourly rates for extraordinary staff time in the City's fee schedule should be assessed, but it would need to be assessed both against the applicant and the neighborhood or other opposition groups.

B. At their hearing on June 14, 2017, the Plan Commission heard testimony from two individuals, Dwight Hume and Jim Frank, in opposition to the proposed amendment. Dwight Hume's testimony reiterated the points in his letter (described in paragraph A, above). Jim Frank also testified, stating that last year's Comprehensive Plan amendment in the North Indian Trails neighborhood would not have been considered unreasonable by any rational person based upon the language in the Comprehensive Plan. He indicated that the neighborhood doesn't like the Comprehensive Plan because it is a suburban neighborhood and we are trying to impose an urban plan on a suburban neighborhood. He further stated that the proposed amendment would throw cold water on investment in the City, and that the amendment was ill-conceived.

C. No other testimony was heard.

Discussion:

During deliberations on June 14, 2017, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010. The Plan Commission indicated in deliberations that they did not believe that the proposal would encourage business investment or promote a good business climate in the City. Instead, the Plan Commission found that the current process (i) provides greater opportunity for public notice and participation for all applications received by the City; (ii) provides a more equitable process that meets the needs

of the entire community, including the applicants; and (iii) provides a meaningful opportunity for applicants to make adjustments to otherwise objectionable applications based on feedback received from staff, the public, the Plan Commission, and ultimately the City Council during the longer process.

The Plan Commission also indicated that they not believe that the proposed amendments would result in significant improvements in the efficiencies of managing Plan Commission, City Council, and/or staff workloads and suggested that there are better ways to address work load and resource concerns, including increased application processing fees. The Plan Commission indicated that they support providing all applicants with more process than is envisioned by the proposed threshold review process.

Conclusions:

With regard to the Proposed Text Amendment to Spokane Municipal Code Chapter 17G.020, Comprehensive Plan Amendment Procedure; 17G.025, Text Amendments to the Unified Development Code, and; Section 08.02.069, Comprehensive Plan and Land Use Code Amendments , based on the foregoing findings, public comments and testimony heard on the proposed amendment, and discussion during deliberations, the Plan Commission concluded that:

A. The proposed amendments are not consistent the applicable goals and policies of the City's Comprehensive Plan.

B. The proposed amendments do not bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of **6** to **2,** the Plan Commission voted against recommending approval of the proposal to add the threshold review process to the City's annual Comprehensive Plan Amendment process.

Dennis Dellwo, President
Spokane Plan Commission
June 28, 2017

DRAFT ORDINANCE NO. _____
Prepared for Plan Commission Hearing, June 14, 2017

Chapter 17G.020
Comprehensive Plan Amendment Procedure

17G.020.010 ((~~Comprehensive Plan Amendment Purpose~~)) Purpose and Guiding Principles

A. This chapter ((~~provides the process~~)) establishes the procedure and decision criteria that the City will use to review and amend ((~~for amending~~)) the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ((~~annual~~)) amendment process are legislative actions. These actions include amendments to the land use plan map ((~~or~~)) and/or text of the comprehensive plan.

B. The guiding principles of the annual amendment process ((~~for comprehensive plan amendments~~)) are as follows:

1. Keep the comprehensive plan alive and responsive to the community.

2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.

3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.

4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.

5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

6. ((~~The proposed changes~~)) Amendments to the comprehensive plan must result in a net benefit to the general public.

C. Scope of Amendments
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;

2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;

3. Administrative and regulatory procedures that implement the comprehensive plan; or

4. The comprehensive plan or its implementation measures, as necessitated by annexation action.

5. Proposed amendments may not include amendments to the urban growth area boundary.

17G.020.020 ((~~Timing~~)) Amendment Process

((~~A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, 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~~.))

~~B.~~ ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((~~an area-wide or~~)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((~~application requirements of SMC 17G.060.070~~)) procedures set forth in chapter 17G.060 SMC.

New Section:

Section 17G.020.025 Initiation of Amendment Proposals

A. Amendment proposals initiated by the public or persons or entities other than the City.

1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:

a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

i. City Council Review. Pursuant to the applicable procedural provisions of this chapter, complete applications to propose an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by the City Council. The City Council will hold a public hearing and, using the criteria set forth in SMC 17G.020.026, determine which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.

ii. Consideration of Geographic Scope. Prior to the hearing, the City Council shall review the geographic scope of any proposed amendments. The City Council may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.

iii. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.

b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.

i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.

ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.

2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.

a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.

b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

   a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.

   b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

   a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.

   b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

A new Section 17G.020.026 is added as follows:

Section 17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and

B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and

C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

D. The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and

E. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

F. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and

G. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated;

H. State law required, or a decision of a court or administrative agency has directed such a change.

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ((~~and~~)) by the plan commission and by the city council in ((~~determining whether a criterion for approval has been met~~)) making a decision on the proposal.

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.

B. GMA.
The change must be consistent with the goals and purposes of the state 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.

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.

E. Internal Consistency.

1. 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.

2. If a proposed amendment is significantly inconsistent with current policy within 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.

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.

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.

1. 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.
2. 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.

H. SEPA.

SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.

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).

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.

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.

K. ((~~Consistent Amendments~~)) Demonstration of Need.

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.

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.);

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

c. The map amendment implements applicable comprehensive plan policies <u>and subarea plans</u> better than the current map 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.

~~((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.~~

~~2. Adequate Documentation of Need for Change.~~

~~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:~~

~~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. transportation and/or other capital improvements are not being made as expected;~~

~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~

~~g. assumptions upon which the plan is based are found to be invalid; or~~

~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~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.~~))

17G.020.040 Amendment ((~~Exceptions~~)) <u>Frequency</u>

((~~The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation~~.)) <u>The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:</u>

A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive

plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ((~~Also, future annexations will require an amendment to the land use plan map.~~))

B. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

((~~B~~))C.Adoption or amendment of ((~~a~~)) the shoreline master program.

((~~C~~))D. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.

((~~D~~))E.Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

((~~E~~))F. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

((~~F~~))G.Changes necessary to address 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.

((~~G~~))H. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.

((~~H~~))I. Technical corrections that would remove typographical errors or resolve a mapping error.

17G.020.050 Amendment Applications

((~~A. Scope of Amendments.~~

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~

~~2. regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~

~~3. administrative and regulatory procedures that implement the comprehensive plan; or~~

~~4. the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~
~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.~~))

((~~C~~))A.((~~Pre-application~~)) Threshold Review Application.
Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ((~~by submitting the following :~~)). The following shall be submitted prior to scheduling the predevelopment conference:

1. ((~~Pre-application~~)) Threshold review application form, including a general summary of the nature of the ((~~desired change~~)) proposed amendment.

2. The ((~~pre-application~~)) threshold review fee as specified in chapter 8.02 SMC.

((~~D~~))B.Final Review Application ((~~Components~~)).
A private applicant for a comprehensive plan amendment must submit the following documents and fees:

1. A general application.

2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:

   a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((~~or inconsistent~~)) with the current comprehensive plan, and whether the applicant believes any ((~~specific suggested changes~~)) additional amendments to the plan ((~~or~~)) and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ((~~The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.~~))

b. Statement of how the amendment request is consistent with all of the ((~~decision criteria~~)) guiding principles and final review criteria.

3. A completed SEPA checklist. A non-project supplement ((~~is~~)) will be required since all comprehensive plan amendments are considered non-project proposals.

4. A notification district map.

5. ((~~Full~~)) Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ((pre-application)) threshold review fee that has already been paid.

   a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.

   b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 17G.020.060 is amended as follows:

17G.020.060 Process for Application, Review and Decision

((~~A. Pre-application Form.~~
~~Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.~~))

((B))A. Pre-application Conference.
A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ((~~desired change~~)) proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ((~~concern~~)) proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

((~~C~~))B.((~~Deadline for Consideration~~)) Application Deadline.
((~~Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.~~)) Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to

be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete. An application ((~~will~~)) shall not move ahead for ((~~further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal~~)) final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

((~~D. Application Certification, Docketing.~~
~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one-hundred-twenty-day review requirements of chapter 36.70B RCW.)~~)))

((~~E~~))C.((~~Full Review – SEPA~~)) Review by City Staff and Agencies.
((~~Full~~)) Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((~~begins December 1st for those proposals certified complete by November 30th~~)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((~~Priority of proposal~~)) Timely review is ((~~based~~)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((~~and provision of requested studies~~)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.

((~~F~~))D. Notice of Application/SEPA.

((~~Within fourteen days of the completion of the review required~~)) When the review described in subsection ((~~(E)~~)) (C) above is complete, staff sends ((~~the~~)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((~~sixty~~)) thirty days of the date the notice of application is ((~~sent by staff to the applicant~~)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.

((~~G~~))E. Public Comment Period.

The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.

((~~H~~))F. Plan Commission Consideration.

Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ((~~and hold public open houses~~)) during this time.

((~~I~~))G. SEPA Determination.

((~~Within ten days of~~)) Following the end of the public comment period, staff will complete the SEPA threshold determination ((~~, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty~~)) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications 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).

((~~J~~))H. Notice of SEPA and Hearing.

The combined notice of SEPA determination and notice of plan commission hearing must be published ((~~within seventeen days of the end of the public comment period, and~~)) fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.

((~~K~~))I. Staff Report.

((~~Once the SEPA appeal period ends,~~)) Prior to the Plan Commission hearing, ((~~the~~)) staff prepares its final report, which address((~~es both~~)) SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ((~~mailed~~)) provided to the applicant as well as ((~~the~~)) plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ((~~office of community, trade and economic development~~)) department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620((~~, and subsection (I)(9) of this section~~)).

((~~L~~))J. Plan Commission Hearing.

The plan commission's public hearing takes place after the SEPA ((~~appeal period has expired~~)) decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.

((~~M~~))K. Plan Commission Recommendation.

The plan commission bases its recommendation on the ((~~review guidelines and required decision~~)) guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ((~~and conclusions regarding its recommendation~~)) conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:

1. Approval based on support for the proposal and recognition that it is ((~~either~~)) consistent with the comprehensive plan ((~~and/or that enough evidence was presented to justify the need for the change~~)) applicable guiding principles, and amendment review criteria.

    a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

2. Denial for the following reason(s):

a. The proposal ((~~does not comply with the review guidelines or decision criteria~~)) is not consistent with applicable guiding principles and/or amendment review criteria.

b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).

c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ((~~This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.~~))

((~~N~~))L. City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ((~~amendment~~)) recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ((~~may~~)) shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ((~~However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.~~))

((~~O~~))M. Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive

plan amendments over the years, and such list will be included as part of the comprehensive plan.

17G.020.070 Notification

A. Application Deadline.
As a courtesy, the city will publish a reminder notice once ((~~in early January and again~~)) in early ((~~September~~)) August regarding each year's amendment application deadlines.

B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.

C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/mailing are provided to the planning department by the applicant.

D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.

E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.

F. City Council Decisions.

City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the *Official Gazette*. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.

G. Duration, Content of Notice.
Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.

H. Transmittal to State, Notice of Intent to Adopt.
At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ((office of community, trade and economic development (CTED))) department of commerce (Commerce) ((~~as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,~~)) for their review and comment. In addition, copies of adopted amendments must be transmitted to ((~~CTED~~)) Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

No changes proposed, included for reference will not go in final ordinance:

17G.020.075 Supplemental Notice

A. Purpose.
In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:

1. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

2. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and

3. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

B. Who to Notify.
Depending on the nature of particular applications, the plan commission may decide to require additional notice procedures that are reasonably calculated to

provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:

1. Property owners, residents and building occupants.

2. Other affected and interested individuals.

3. Tribes.

4. Government agencies.

5. Businesses.

6. School districts; and

7. Organizations.

Section 10. That there is adopted a new section 17G.020.080 to chapter 17G.020 of the Municipal Code to read as follows:

No changes proposed, included for reference will not go in final ordinance:

17G.020.080 Public Participation Program

A. Roles
All complete applications for amendment to the comprehensive plan are considered and reviewed by the plan commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.

B. Goals.
Various public meetings, forums, presentations and outreach may be conducted in order to ensure:

1. broad dissemination of proposals and alternatives;

2. opportunity for written comments;
3. public meetings after effective notice;

4. provision for open discussion;

5. communication programs;

6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.
In addition to plan commission and city council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:

1. efforts to involve the broadest cross-section of the community;

2. a series of public meetings or workshops should be held at various locations;

3. opportunity to make written comment;

4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;

5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;

6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;

7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.
Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.
All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

end

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DRAFT ORDINANCE

Amending SMC Section 8.02.699 Comprehensive Plan and Land Use Code Amendments

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.069 Comprehensive Plan and Land Use Code Amendments

A. A ((~~pre-application)~~) threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).

B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.

C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.

D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Section 17G.025.010 Text Amendments to the Unified Development Code

A. Initiation.
((~~Text amendments to this code~~)) Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
   1. Property owner(s) or their representatives;
   2. Any citizen, agency, neighborhood council, or other party; or
   3. A ((~~City~~)) city department, the plan commission, or the city council.

B. Applications. ((~~Applications shall be made on~~)) Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are

specified in chapter 8.02 SMC.

C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.

1. ((After submittal of an applicant-initiated application, the application)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((~~a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC~~)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:

   a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and

   b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and

   c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

   d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and

   e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or

   f. State law required, or a decision of a court or administrative agency has directed such a change.

.

2. ((~~After submittal,~~)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((~~shall~~)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and

SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

((~~D~~)) E. Notice of Public Hearing.

Amendments to ((this code)) Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

   A notice of public hearing shall include the following:

   a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
   b. A statement of how the proposal would change the affected provision;
   c. The date, time, and place of the public hearing;
   d. A statement of the availability of the official file; and
   e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and
   f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

   The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city

council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.
The City may approve amendments to this code if it finds that:
1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

H. City Council Action.
Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the *Official Gazette*. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. ((~~By a majority vote, the city council shall~~)) The city council may:
1. Approve the application;
2. Disapprove the application;
3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
4. Refer the proposal back to the plan commission for further consideration.

I. Transmittal to the State of Washington.
At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.
This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be

submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

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BRIEFING PAPER
City of Spokane
Plan Commission Hearing, August 9, 2017

Subject
A proposed ordinance to allow parklets and streateries to be installed in the City, by permit, between April 1 and October 31 of each year. This would be a permanent program to replace the current pilot program.

Background
Parklets and streateries have emerged as a way for cities to provide additional public gathering spaces in urban areas and, in the case of streateries, provide for additional service space and restaurant revenue during the warmer months of the year – in exchange for the use of street parking, loading areas, and/or shoulders. Parklets have been utilized successfully by many cities throughout the United States, including the Cities of Seattle, San Francisco, and Boise. The City of Spokane has successfully run two pilot projects (for a total of two years) authorizing parklets and streateries in the downtown core.

Through their installation and use, parklets and streateries have been implemented with success in multiple municipalities and have been proven to increase the vibrancy of the public realm, generate pedestrian activity, and activate new uses for streets.

During the last six months, a working group made up of staff from many departments as well as Councilmember Lori Kinnear and Council Attorney Brian McClatchey has worked to develop the proposed ordinance and the design guidelines. Significant public outreach has been undertaken, including presentations to the Community Assembly, Downtown Spokane Partnership, the Parking Advisory Committee, the Business Improvement District, and via the web and social media.

Impact
Each installed parklet or streatery would have the most immediate effect on the street and city block in which they are placed. They allow for greater pedestrian amenities – accommodating small events and other public interest features while serving as a creative focus for nearby businesses and residences. Streateries have a private component during the day that provides for greater service area for the restaurant or café that installs it and similar benefits to a parklet during those times that they are not for private use.

Negative impacts could include loss of parking revenue, obstructions to street traffic, and visibility issues. The proposed ordinance and associated materials such as the proposed Design Standards seek to minimize those negative impacts to the greatest extent practical. Parking revenue would be recompensed through the permitting process as well.

Action
City staff is presenting a draft Ordinance, design standards, and associated information for the consideration of the Plan Commission. Staff asks that the Plan Commission render a recommendation concerning the eventual adoption of this ordinance by the City Council, to be heard by Council at a future date, as yet to be determined but expected in late summer 2017.

Funding
Not applicable – parklets and streateries are installed by private entities, not the City.

ORDINANCE NO. C-_____

An ordinance creating a licensing program for parklets and streateries in Spokane and establishing the fee structure for such licenses; enacting a new chapter 10.55 and a new section 08.02.0235 of the Spokane Municipal Code.

WHEREAS, for the past two summers, downtown Spokane has been the location of a successful pilot program for parklets; and

WHEREAS, parklets and streateries help to activate and improve the public realm, by allowing greater opportunities for people to socialize and interact with others and to activate the streetscape, leading to decreases in crime and an enhanced sense of public safety; and

WHEREAS, restauranteurs and bar owners have successfully implemented sidewalk cafes in downtown Spokane in recent years, and the desire exists to extend, in the appropriate situations and locations, sidewalk cafés into an adjacent parking space(s) (known as "streateries") in Spokane; and

WHEREAS, parklets and streateries have been used in many cities of all sizes throughout North America and are proven methods to increase the vibrancy and activity of a streetscape; and

WHEREAS, the City Council intends to establish a licensing program for parklets and streateries in order to build on the successful pilot programs of the past two summers in downtown Spokane and improve the quality of life in Spokane.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That there is enacted a new chapter 10.55 of the Spokane Municipal Code to read as follows:

Chapter 10.55 Parklets and Streateries
Section 10.55.005 Definitions

A. "Parklet" means a small public gathering space, occupying up to two parking stalls or a loading zone, as applicable, on a public street, and treated in all respects as a public sidewalk, but the facilities of which are privately owned and maintained.
B. "Streatery" means up to two parking stalls or a loading zone, as applicable, used either as an extension of, or a stand-alone sidewalk café, connected visually to, and for use by patrons of, a nearby restaurant or bar and service at which is subject to all the terms and conditions of the nearby restaurant or bar's food service permits and alcohol licenses.

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Section 10.55.010 License Required

It is unlawful to install or operate a parklet or streatery without a written license to do so from the city engineer as provided in this chapter and SMC 08.02.0220. All licenses issued under this chapter and SMC 08.02.0220 are temporary and personal licenses, revocable by the City at any time.

Section 10.55.020 License Class

Parklet and streatery licenses are Class IIIE licenses and are subject to SMC Chapter 04.04.

Section 10.55.030 Construction

By enactment of this chapter, the City Council deems the licensing of parklets and streateries in Spokane to be in the best interest of the people of the City and the provisions of this chapter shall be reasonably construed by the City to balance the needs of the license applicant with the protection of public safety.

Section 10.5.5.040 Application

A. In addition to the information required by SMC 10.55.060, an application for a parklet or streatery license shall state:
    1. The anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays and holidays; and
    2. Whether any liquor as defined in RCW 66.04.010 will be sold or consumed in the area to be covered by the license.
B. At the time of application the city engineer shall set a time for an administrative hearing before which the public may offer objections to the issuance of the license.

Section 10.55.050 Notice to Adjacent Property Owners and Users

A. The applicant shall mail or serve a notice stating the:
    1. Nature of the application;
    2. The parklet or streatery area sought to be used; and
    3. Date, time and place at which the city engineer will consider such application

at least ten days prior thereto, upon the owners, building managers and street-level tenants of the properties on the block face on which would be located the proposed parklet or streatery and the block face across the street from the proposed parklet or streatery, as well as any parking meters or loading zones to be impacted and shall file with the city engineer a copy of the notice mailed and a list of the persons to whom it was sent.

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B. The city engineer shall prepare notices containing the license application details and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.

Section 10.55.060 Parklet Terms and Conditions

A. The City Engineer shall issue a license for the use of a parking stall(s) as a parklet upon such terms and conditions as the City Engineer, in the exercise of his/her professional discretion, may deem appropriate, if the City Engineer determines that:
    1. The applicant is the owner or occupant of the property adjacent to the proposed parklet area;
    2. The applicant has the permission of the owner or occupant of the property adjacent to the proposed parklet area to place a parklet in the proposed location;
    3. The proposed parklet use would not unduly and unreasonably impair passage of the public on the sidewalk adjacent to the area for which the license is sought; and
    4. The design and construction of the proposed parklet meets all applicable guidelines.
B. Terms and conditions imposed by the City Engineer upon the approval of a parklet application may include, without limitation:
    1. restrictions as to the number and placement of furnishings (such as tables and chairs) and as to the hours and dates of use;
    2. a requirement that the parklet and all associated furnishing, fixtures, and equipment in the parklet area be cleared when not in use as a parklet, upon the request of the city engineer or other appropriate City officer, such as the chief of police or fire official or their authorized representatives, and that if the licensee does not clear the area, the City may clear the area with the licensee liable to the City for the cost of such work;
    3. a requirement that the parking space(s) be vacated and restored to their original condition and free from all obstructions from November 1 through April 1 of each year;
    4. that the licensee shall maintain the sidewalk adjacent to the parklet as well as the parklet itself in a clean and safe condition for pedestrian travel and use, and if the applicant fails to maintain the area that the City may, in its sole discretion, perform such maintenance, cleaning, and/or repairs as the City deems necessary with the applicant liable to the City for the cost of such maintenance, cleaning, and/or repairs;
    5. a requirement that the licensee maintain the parking stalls adjacent to the parklet area clean and free of debris;

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6. a requirement that the applicant maintain the sidewalk adjacent to the parklet as necessary to accommodate deliveries to adjacent or other nearby properties;
7. regulations upon lighting and illumination of the parklet;
8. an indemnity agreement approved by the City Attorney's Office in accordance with the provisions of this chapter;
9. a requirement that the parklet area display a sign, approved or provided by the City, stating the permitted hours of use for the parklet.

C. Unless expressly authorized by the City, no license applicant authorized to construct, maintain, and operate a parklet under this chapter shall:
   1. Break or damage any pavement or street surface;
   2. Disturb, remove, damage, or obstruct any parking meters, signs, or parking area striping;
   3. Permanently install any fixture of any kind; or
   4. Cover or obstruct any utility manholes or handholes

   in or on the parking space(s) occupied by a parklet or in or on the sidewalk area adjacent to the parklet area.

D. The terms and conditions of this section are in addition and supplemental to all other City permit requirements including, without limitation, the fire and building codes and the City's noise regulations stated in chapter 10.08D of the Spokane Municipal Code, as applicable.

Section 10.55.065 Streatery Terms and Conditions

A. The City Engineer shall issue a license for the use of a parking space(s) as a streatery upon such terms and conditions as the City Engineer, in the exercise of his/her professional discretion, may deem appropriate, if the City Engineer determines that
   1. The applicant is the owner or occupant of the adjacent property and operates a cafe or restaurant thereon;
   2. The proposed streatery is included adjacent to, near, or within a food service establishment permit issued by the Spokane City-County health district, or its representative, which has otherwise authorized such use of the area; and
   3. The proposed streatery use would not unduly and unreasonably impair passage of the public on the sidewalk adjacent to the area for which the license is sought.
B. Terms and conditions imposed by the City Engineer upon the approval of a streatery application may include, without limitation:

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1. restrictions as to the number and placement of furnishings (such as tables and chairs) and as to the hours and dates of use;
2. a requirement that the streatery and all associated furnishing, fixtures, and equipment in the streatery area be cleared when not in use as a streatery, upon the request of the city engineer or other appropriate City officer, such as the chief of police or fire official or their authorized representatives, and from November 1 through April 1 of each year, and that if the area is not cleared, the City may clear the area and charge the costs for such clearance to the licensee;
3. that the streatery be removed immediately if the applicant's food establishment or liquor permit is revoked;
4. that the licensee shall maintain the sidewalk adjacent to the streatery as well as the streatery itself in a clean and safe condition for pedestrian travel and use, and if the applicant fails to maintain the area, the City may, in its sole discretion, perform such maintenance, cleaning, and/or repairs as the City deems necessary with the applicant liable to the City for the cost of such maintenance, cleaning, and/or repairs;
5. a requirement that the licensee maintain the parking stalls adjacent to the streatery area clean and free of debris;
6. a requirement that the applicant maintain the sidewalk adjacent to the streatery as necessary to accommodate deliveries to adjacent or other nearby properties;
7. regulations upon lighting and illumination of the streatery;
8. an indemnity agreement approved by the City Attorney's Office in accordance with the provisions of this chapter;
9. a requirement that the streatery area display a sign, approved or provided by the City, stating the permitted hours of use for the streatery.

C. Unless expressly authorized by the City, no license applicant authorized to construct, maintain, and operate a streatery under this chapter shall:

1. Break or damage any pavement or street surface;
2. Disturb, remove, damage, or obstruct any parking meters, signs, or parking area striping;
3. Permanently install any fixture of any kind; or
4. Cover or obstruct any utility manholes or handholes

in or on the parking space(s) occupied by a parklet or in or on the sidewalk area adjacent to the parklet area.

D. The terms and conditions of this section are in addition and supplemental to all other City permit requirements, including, without limitation, the fire and building codes and the City's noise regulations, stated in chapter 10.08D of the Spokane Municipal Code, as applicable.

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Section 10.55.070 Liquor Use and Sale

Liquor, as defined in RCW 66.04.010, as now existing or hereafter amended, may be used and sold at a streatery when authorized in both the license provided for herein and by permit of the Washington State Liquor and Cannabis Board ("LCB"), and not otherwise. Nothing in the chapter shall be construed or deemed to modify, conflict with, or allow separate conditions for alcohol use, sale, or consumption than those provided in Title 66, RCW, specifically chapter 66.20, RCW, WAC 314-03-200, and LCB Board Interim Policy BIP 06-2011 (Aug. 10, 2011). Nothing herein shall be deemed or construed to allow liquor use or consumption on a parklet as the same is defined in this chapter.

Section 10.55.080 Insurance Required

An applicant for a parklet or streatery license shall, prior to issuance of such license, provide and maintain in full force and effect while the license is in effect, public liability insurance in the amount specified by SMC 12.02.0718 to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the use of the parking space(s) and sidewalk area adjacent thereto for parklet or streatery purposes, naming the City as an additional insured.

Section 10.55.090 Indemnity – License Revocation

A. The applicant for a parklet or streatery license shall execute and deliver to the City upon a form approved by the City Attorney's Office an agreement in writing and acknowledged by the applicant, forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such parklet or streatery.

B. In addition, such agreement shall contain a provision that the license is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the licensed use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this title, the same may be revoked and the parklet or streatery ordered removed, and if the licensee fails to remove the parklet or streatery that the City may, in its sole discretion, remove the parklet or streatery with the costs of such removal and any related storage to be charged to the licensee.

C. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by the city clerk.

Section 10.55.100 Compliance – Street and Sidewalk Condition

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The applicant shall comply with the terms and conditions of the parklet or streatery license issued, and shall maintain the parking space(s) and the sidewalk area adjacent thereto in a clean and safe condition for pedestrian travel, and shall immediately clear the parklet or streatery area when ordered to do so by the city engineer or other appropriate City officer such as the chief of police or fire official or their authorized representatives.

Section 10.55.110 Requirements not Cumulative

The requirements of SMC 7.02.070, obstruction of streets, and obstruction of sidewalks, shall not apply to a parklet or streatery validly licensed under this chapter, except as herein provided.

Section 10.55.120 Regulations and Design Guidelines

No later than 120 days after the effective date of this section, the city engineer shall publish regulations (including a reasonable license application fee) and design guidelines for parklets and streateries licensed under this chapter.

Section 2. That there is enacted a new section 08.02.0235 of the Spokane Municipal Code to read as follows:

Section 08.02.0235 Parklets and Streateries

A. An annual license fee of one hundred dollars ($100) shall be paid for operation of a parklet or streatery, as the same are defined in SMC 10.55, as long as the original approved site plan is implemented. Modifications of an approved parklet or streatery license application which extend beyond the original approved plan shall require a new review and a review fee of two hundred fifty dollars ($250).
B. The application fee for a license for a new parklet or streatery is fifty dollars ($50).
C. The review fee for an application for a new parklet or streatery license is three hundred dollars ($300).
D. License applicants shall post a refundable cash bond to secure removal of the parklet or streatery, at the time of application, in the amount of one thousand dollars ($1,000).
E. Parking meter revenue loss mitigation.

    1. Streatery license applications in locations requiring removal of parking meters shall be subject to the following fees:
        a. 2-hour meter zone: $2.09 per square foot per month
        b. 4-hour and all-day meter zones: $2.09 per square foot per month
        c. Time-restricted free parking: $1.05 per square foot per month
        d. Meter removal and replacement fee: $80.

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2. Parklet license applications in locations requiring removal of parking meters shall be subject to the following fees:
    a. 2-hour meter zone: $1.05 per square foot per month
    b. 4-hour and all-day meter zones: $1.05 per square foot per month
    c. Meter removal and replacement fee: $80.

F. In addition to the annual fee, the city shall collect from the license applicant and remit to the state department of revenue the required state leasehold excise tax, as prescribed in chapter 82.29A, RCW.

PASSED by the City Council on _____.

_____
Council President

Attest:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

_____
Mayor

_____
Date

_____
Effective Date

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Parklet and Streatery Design Standards

DRAFT Edition

General Requirements

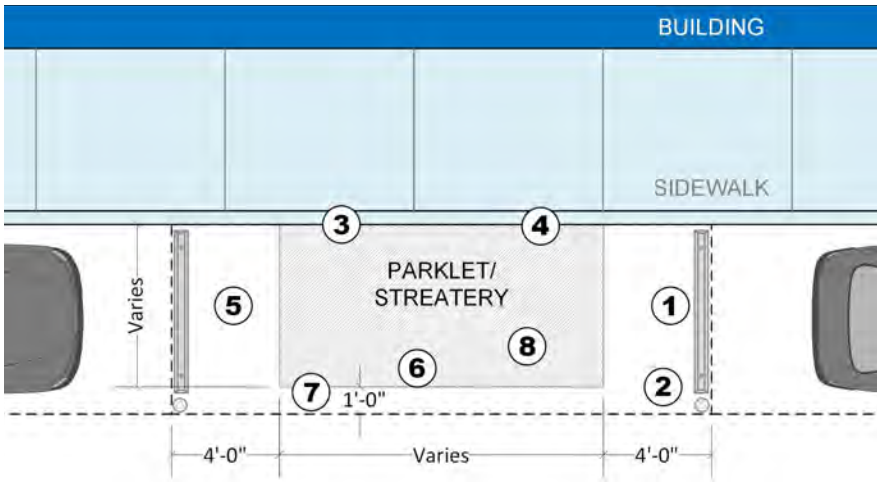
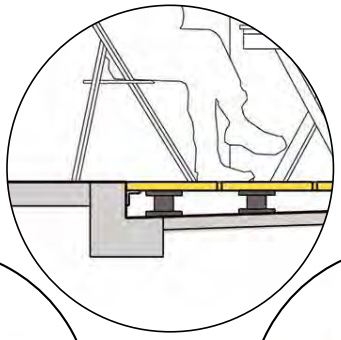


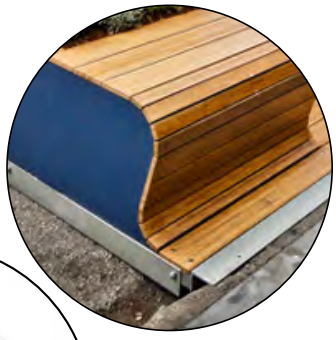
Fig. 1 - SINGLE SPACE PARKLET/STREATERY FEATURES AND DIMENSIONS

1. Wheel stops shall be installed one foot from the curbline at the edge of the parking spaces in front of and behind the parklet/streatery.
2. Safety elements (Safet-Hit® Durapost) are required at the outside corners of the parklet/streatery.
3. Maintain curbline drainage. Parklet/streateries shall not block storm water drainage, fire hydrants, transit stops, driveways, manholes, or public utility valves/covers.
4. The parklet/streatery shall be flush with the curb (no more than 1/2" gap), level with the adjacent sidewalk, and must be accessible at several locations by pedestrians.
5. Buffer zone - the parklet/streatery shall be located at least four feet from the wheel stops.
6. The outside edge and railings must not create a visual buffer.
7. There must be one foot setback from the edge of an adjacent bike lane or vehicle travel lane and shall have an edge to buffer the street. This edge can take the form of planters, railing, cabling, or some other appropriate buffer. The height and scale of the buffer required will vary depending on the context of the site.
8. The parklet/streatery frame should be a freestanding structural foundation that rests on the street surface or curb. No features or structural components may be permanently attached to the street, curb, or adjacent planting strip.
9. Parklets/streateries must be designed for ADA compliance and shall be easily removable if/when necessary.
10. Parklets/streateries shall only be installed on streets with a grade no greater than 5 percent.
11. In general, parklets/streateries should be placed at least one parking space from corners. The presence of a bulb-out, an on-street bicycle corral, or some other physical barrier may allow the City to allow placement closer than that.
12. Parklets/streateries shall be placed no closer than 15 feet from catch basins or fire hydrants.
13. In no case shall any portion of the parklet/streatery, or any furniture placed upon it, obstruct the view of a traffic control device.

Curb Interface

- Parklet/streatery design shall allow for stormwater flow and drainage along the curb.
- The maximum horizontal gap between the curb and the parklet surface shall be 1/2 inch.
- The maximum vertical gap shall be 1/4 inch.
- The parklet/streatery must have a seamless connection to the existing curb to meet ADA requirements.





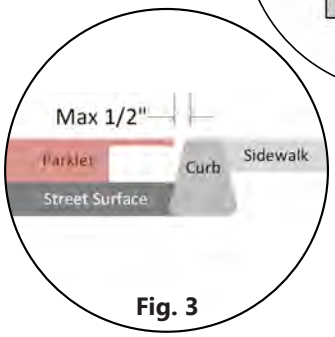


Fig. 3

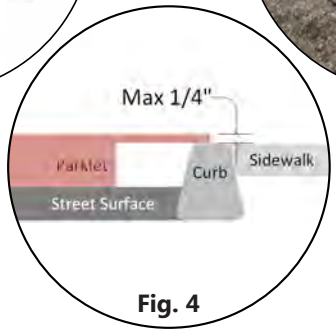
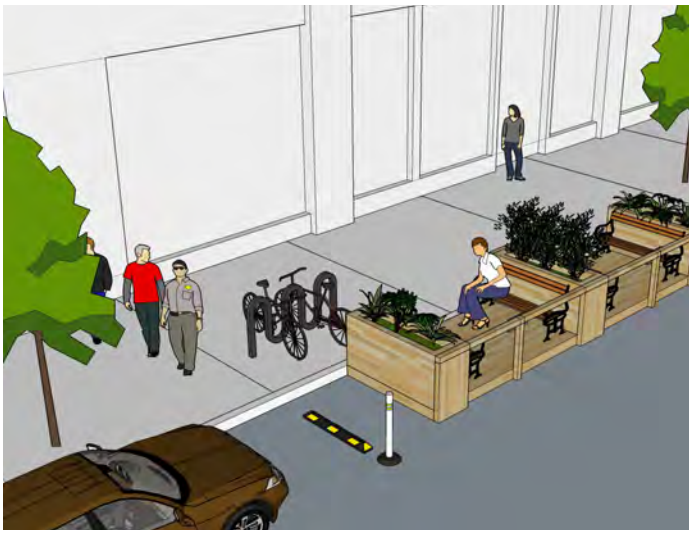


Fig. 4



Required Safety Elements

- Safety is foremost in the City's consideration. As such, all parklets and streateries must be designed so as to maintain clear sight lines both on the street and on sidewalks.
- Wheel stops must be installed at both ends of the parklet/streatery four feet from the parklet/streatery structure and one foot from the curb.
- Wheel stops shall be no less than four feet long and no greater than six feet long, mounted with three butyl pads, preferably made of recycled rubber.
- Reflective delineator posts must be placed at the outer corners of the parking space/loading zone six inches from the wheel stops.
- Delineator posts must be 36 inches tall, cylindrical, white Safe-Hit® Duraposts and must include reflective striping. Posts should follow the City of Spokane standard and be attached to the street with a butyl adhesive pad.

Sight Line Elements and Requirements

- The parklet/streatery design must ensure visibility to passing traffic and pedestrians and not create a visual barrier.
- The parklet/streatery shall maintain a visual connection to the street. Continuous opaque walls above 42" that block views into the parklet from the surrounding streetscape are prohibited. You are allowed to include columns and other vertical elements.
- A minimum overhead clearance of 96" must be provided for any parklet/streatery that includes a canopy (or similar element) in order to avoid creating a visual barrier and to provide adequate clearance for people.
- The parklet should have a notable, defined edge along the side of the parklet facing the roadway and adjacent parking stalls to protect parklet users from moving traffic. This can be accomplished via a continuous railing, planter, fence, or similar structure.

Fig. 5 - SIGHT LINE HEIGHT STANDARDS

- The height of the outside wall is dependent on the context, but should be between 30 inches minimum on the street side to a maximum of 42 inches.
- A minimum 1-foot buffer should be maintained between the parklet features and the travel lane to increase safety adjacent to moving traffic.

Parklets and Streateries in Loading Zones

If you are considering putting a parklet or streatery in a loading zone or other specialty designated space, the City recommends you first look for a nearby location to move that zone and then notify other businesses on the block of your desire to do so. Consideration will be given to removing the special zone with written acknowledgment from your block's other property managers, owners, street-level businesses, and/or residential property associations.

Parklet/Streatery Amenities

Seating

All parklets/streateries must incorporate built-in seating, which can be integrated in a variety of creative ways. These seats can be a part of the structure, planters, or creative features within the parklet/streatery. Comfortable places to sit are important to creating welcoming and inviting public spaces.

Additional movable seating is recommended as well. This seating can be removed and stored at the end of the day or locked with cables to the parklet structure.

Furnishings should be distinct from any furnishings used by the hosting business or organization. If the parklet host is a business with a sidewalk café, the tables and chairs must be a different style from the ones used in the café. It is important to remember that the parklet is a public amenity, and as such, should be easily distinguishable from nearby private property. Streateries are exempt from this requirement.

Landscaping

Your parklet/streatery must have some type of landscaping. Landscape plantings help soften the space and can serve as a pleasant buffer along the street-facing edge. Landscape elements may be incorporated as planter boxes, hanging planters, green walls, raised beds, or similar features. Drought-tolerant and native plants are good choices for ease of maintenance. Edible plants and plants with fragrance, texture, and seasonal interest are also recommended.

Signs

All parklets/streateries must feature City of Spokane provided signs indicating the space is public. In the case of Streateries, the sign must explain the hours when the Streatery is for the use of the adjacent business and when its available to the general public. These signs should be mounted to both ends of the parklet and should be visible from the adjacent sidewalk. Signs acknowledging sponsorship, logos, or designs that "brand" the parklet must comply with the City of Spokane sign code (SMC 17C.240).

Heating and Gas Power

Outdoor heaters and elements that use gas or propane fuel can help to make your parklet more comfortable throughout the year. Heating and gas-powered features are allowed in parklets/streateries but will require an additional permit.

Lighting

Lighting is allowed but may require a permit, depending on what you propose. Self-contained low-voltage systems, such as solar or battery-powered lights, are a good choice. Decorative or seasonal lighting may be allowed in street trees near the parklet, but requires an Urban Forestry Permit.

Plan Submittal - Required Elements

Plans should include sufficient detail as to allow for adequate review. The following items must be shown on the plans you submit with your permit application:

- Location on the street;
- Street and sidewalk utilities (i.e. manholes, water valves, etc.);
- Street poles and signs;
- Parking meters (including any required to be removed);
- Fire hydrants and Fire Department connections on adjacent buildings;
- Street furniture (litter cans, benches, etc.);
- Street trees, including tree surrounds;
- Sidewalk and street grade elevations;
- Bike lanes (if any);
- Parklet/streatery dimensions;
- Parklet/streatery materials and details as necessary;
- Parklet/streatery planting plan;
- Flexible delineator posts and wheel stops; and,
- Materials, design elements, or other proposed features.

Signage

All parklets must feature signs indicating the space is public. All streateries must feature signs that indicate hours of service and that the streatery is open to the public at all other times. These signs should be mounted to both ends of the parklet or streatery and should be visible from the adjacent sidewalk. Signs acknowledging sponsorship, logos, or designs that "brand" the parklet or streatery must comply with the City of Spokane sign code (SMC 17C.240).

For more information, contact City of Spokane Planning and Development Services at:

3rd Floor City Hall
808 W Spokane Falls Blvd
Spokane, WA 99201

bdsinfo@spokanecity.org

Planning & Development

509.625.6300

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