



Spokane Plan Commission Agenda

Wednesday, April 13, 2022

2:00 PM

Hybrid

Council Chambers

808 W Spokane Falls Blvd, Spokane, WA 99201

Virtual Meeting Link- See Below For Information

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 – 2:30

1. Approve [3/23/2022](#) meeting minutes
2. City Council Report
3. Community Assembly Liaison Report
4. President Report
5. Transportation Sub-Committee Report
6. Secretary Report
7. Approval of current agenda
8. Tentative upcoming agenda items

All
CM Lori Kinnear
Mary Winkes
Todd Beyreuther
Clifford Winger
Spencer Gardner
Plan Commission
Plan Commission

Workshops:

2:30 – 3:00

3:00 – 3:55

1. [2023-2028 Six-year Comp. Street Program draft: new projects and comp plan consistency](#)
2. [Continued Phase 1- Residential Development Code Changes – Return to ADUs](#)

Kevin Picanco

Nate Gwinn & Amanda Beck

Hearings:

4:00 – 4:30

4:30 – 5:00

1. [Transit Oriented Development Framework](#)
2. [Design Guidelines Update, City Wide, Skywalks, Public Projects](#)
- [Click link to view draft design guidelines booklets](#)

Colin Quinn-Hurst

Dean Gunderson & Taylor Berberich

Adjournment: The next PC meeting will be held on Wednesday, April 27, 2022

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 Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or msteinolfson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

Plan Commission Meeting Information

Wednesday, April 13, 2022

In order to comply with public health measures and Governor Inslee's *Stay Home, Stay Safe* order, the Plan Commission meeting will be held on-line.

Members of the general public are encouraged to join the on-line meeting using the following information:

Meeting Password: PlanCommission	Join Webex Meeting Online: JOIN MEETING
Meeting Number (access code): 146 205 9622	Tap to join from a mobile device (attendees only): +1-408-418-9388,,1462059622## +tel:%2B1-408-418-9388,,*01*1462059622%23%23*01* United States Toll Join by phone: +1-408-418-9388 United States Toll Global call-in numbers: https://spokanecity.webex.com/spokanecity/globalcallin.php?MTID=m514c2d4fc1d4af7864559443420dee7b Join from a video system or application: Dial sip:1462059622@spokanecity.webex.com You can also dial 173.243.2.68 and enter your meeting number. Join using Microsoft Lync or Microsoft Skype for Business Dial: sip:1462059622.spokanecity@lync.webex.com

How to participate in virtual public testimony:

Sign up to give testimony by clicking on the button below. This will take you to an online google form where you can select the hearing item on which you wish to give testimony.

[SIGN UP](#)

The form will be **open until 1:00 p.m.** on April 13, 2022. Hearings begin at 4:00 p.m. When it is your turn to testify, Plan Commission President will call your name and you can begin your testimony.

Please note that public comments will be taken during the meeting, but the public is encouraged to continue to submit their comments or questions in writing to:

plancommission@spokanecity.org

The audio proceedings of the Plan Commission meetings will be recorded, with digital copies made available upon request.

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Spokane Plan Commission - Draft Minutes

March 23, 2022

Hybrid

Meeting Minutes: Meeting called to order at 2:00 PM by Todd Beyreuther

Attendance:

- Board Members Present: Todd Beyreuther (President), Greg Francis (Vice President), Michael Baker, Jesse Bank, Kris Neely, Ryan Patterson, Carole Shook, Tim Williams, Clifford Winger
- Board Members Not Present:
- Non-Voting Members Present: Mary Winkes (Community Assembly Liaison), Council Member Lori Kinnear,
- *Quorum Present: yes*
- Staff Members Present: Spencer Gardner, Tirrell Black, Jackie Churchill, Amanda Beck, Nate Gwinn, Colin Quinn-Hurst, Giacobbe Byrd, Steve MacDonald, Kirstin Davis, Donna Debit, Tate Andrie, CM Betsy Wilkerson, James Richman, Maren Murphy, Mark Carlos

Public Comment: Citizens are invited to address the Plan Commission on any topic not on the agenda. 3 Minutes each.

Minutes:

Briefing Session:

1. City Council Liaison Report - Lori Kinnear

- Council Member Kinnear reported that she and Planning Director Spencer Gardner have been establishing a process for selecting locations for target locations for subarea planning using ARPA money. They will align with New Market tax credit eligible census tracts and other community indicators that identify under-served and distressed areas of the city. Then consultants will be hired to work on the plan. She is also working on a drought response plan that would codify simple summertime use expectations, which include water use in the summer.

2. Community Assembly Liaison Report - Mary Winkes

- none

3. Commission President Report - Todd Beyreuther

- Mr. Beyreuther mentioned additional items that will be included in the Plan Commission agenda moving forward, including approval of the current meeting agenda.

4. Transportation Subcommittee Report - Clifford Winger

- Mr. Winger reported that the PCTS wants to further discuss how land use and transportation interact, and to discuss Chapter 4 (Transportation) of the Comprehensive Plan. Shauna Harshman will be acting as the Citizen Transportation Advisory Board (CTAB) representative to the PCTS moving forward.

5. Secretary Report - Spencer Gardner

- Mr. Gardner reported that the Comprehensive Plan amendment docketing process went before Council and all proposed private amendments were moved forward with full land expansions, and city sponsored amendments also moved forward. The Plan Commission initiated amendments on L.U. 1.3 and 1.4 are moving forward but will be following a different process than the other proposed amendments. Workshops on amendments will begin in June and there are 8 scheduled.
- Mr. Gardner also mentioned that Plan Commission meetings will be held in a hybrid format with an in-person component moving forward.

Workshop(s):

1. Shaping Spokane Housing

- Presentation provided by Nate Gwinn and Amanda Beck
- Questions asked and answered
- Discussion ensued

2. Transit Oriented Development regulatory framework - final draft review

- Presentation provided by Colin Quinn-Hurst
- Questions asked and answered
- Discussion ensued

Meeting Adjourned at 4:14 PM

Next Plan Commission Meeting scheduled for Wednesday, April 13, 2022

BRIEFING PAPER
Plan Commission
Integrated Capital Management
April 13, 2022

Subject

2023 - 2028 Six-year Comprehensive Street Program

Background

In support of the State Growth Management Act and the City of Spokane's Comprehensive Plan, the City must maintain 6-year capital financing plans for certain providers of public facilities and services. Accordingly, the City must maintain a 6-year capital financing plan for its capital street program. Pursuant to RCW 35.77.010 the capital street program must be adopted before July 1 of each year, and filed with the Secretary of Transportation not later than 30 days after adoption. To determine the plan's consistency with the Comprehensive Plan, it is scrutinized by the City Plan Commission. The Plan Commission then makes a recommendation to the City Council as to the program's consistency with the Comprehensive Plan. The City Council then accepts or modifies the plan accordingly.

Each new project to the 6-Year Program is assessed for compliance with the Comprehensive Plan by verifying fulfillment of the Transportation goals and policies (TR's). Staff have prepared an assessment, and seek recommendation to the City Council regarding program compliance.

Impact

Staff will present a draft assessment of new projects being brought into the 2023 – 2028 6-Year Comprehensive Street Program. The assessment includes a review of each project for consistency with the comprehensive plan, particularly the transportation chapter. This assessment has been reviewed by the Plan Commission Transportation Subcommittee.

Action

None, this is a workshop with the Plan Commission regarding 6-Year Capital Street Program compliance with the Comprehensive Plan.

Any recommendations that result from this workshop will be considered for inclusion into the draft program which will then be brought to the Plan Commission for a Hearing to make an official recommendation to the City Council. The Hearing is tentatively scheduled to be held on May 11th.

STREET PROGRAM RECONCILIATION SHEET

(Comparing 2023-28 against 2022-27 6yr. Program)

New Projects Added to Six-Year Program (2023-2028)

Section/ Funds/ CN Year	Project Name	Project Description	Purpose Statement	Cost Estimate
Bridge 2024	Maple St. Bridge Deck Repair	Repair the bridge deck and joints on the Maple St. Bridge	Repair the bridge deck to extend the life of the bridge.	\$4.5M
Bridge 2025	Washington St., Stevens St. Bridges Deck Repair	Repair the bridge decks and bridge joints on the three Washington/Stevens bridges over the Spokane River.	Repair the bridge deck to extend the life of the bridge.	\$5.0M
Pedestrian & Bikeways 2023	Greene-Carlisle PHB & Sidewalk	Install a Pedestrian Hybrid Beacon at the Greene/Carlisle intesection. Install a shared use path along Carlisle from Greene to Ralph; install a sidewalk on both sides of Carlisle from Ralph to Freya.	Improve pedestrian and bike safety. Provide pedestrian facilites improving pedestrian mobility and access and connections to adjacent bike/ped facilities; improve transit access.	\$1.4M
Pedestrian & Bikeways 2023	Nevada-Joseph PHB	Install a Pedestrian Hybrid Beacon at the Nevada/Joseph intersection.	Improve safety for students and pedestrians crossings of Nevada St.	\$570k
Pedestrian & Bikeways 2023	Bemiss Elem Walk Route (Safe Routes to School)	Install sidewalk along Liberty Ave. for school walk routes for Bemiss Elementary. Install a Rectangular Rapid-Flashing Beacon (RRFB) at the Crestline/Courtland intersection.	Improve safety for student and pedestrian crossings of Crestline St. Provide sidewalks along school walk routes.	\$844k
Pedestrian & Bikeways 2023	Haven St. Sidewalk - Heroy to Rockwell	Install sidewalk along Haven St. from Heroy Ave. to Rockwell Ave.	Improve pedestrian facilities and access to transit.	\$300k
Pedestrian & Bikeways 2023	Pacific Ave. Greenway - Sherman St. to Ben Burr Trail - STUDY	A study to examine the feasibility, alignment and type of bike and pedestrian oriented improvements along Pacific Ave., east of Sherman to Sprague Way connecting to the Ben Burr Trail.	Provide a bike and pedestrian oriented route from the planned Pacific Ave. Greenway at Sherman east to connect to the Ben Burr Trail.	\$150k
Capital Improvements 2023	Market / Monroe / 29th - Grind & Overlay	Pavement rehabilitation and preservation. Asphalt grind and overaly, pavement repair and ADA ramps.	Rehabilitate the asphalt pavement surface and extend the life of the pavement structural section.	\$4.6M
Capital Improvements 2023	29th / Washington / Monroe - Grind & Overlay	Pavement rehabilitation and preservation. Asphalt grind and overaly, pavement repair and ADA ramps.	Rehabilitate the asphalt pavement surface and extend the life of the pavement structural section.	\$6.2M
Capital Improvements 2023	Haven St. Grind & Overlay - Market to Market	Pavement rehabilitation and preservation. Asphalt grind and overaly, pavement repair and ADA ramps.	Rehabilitate the asphalt pavement surface and extend the life of the pavement structural section.	\$1.4M
Capital Improvements 2023	Maple / Ash Chip Seal - Northwest Blvd. to Rowan	Pavement preservation via chip seal coat.	Preserve and extned the life of the pavement surface.	\$1.0M
Capital Improvements 2022/23	Illinois Ave. Grind/Overlay & Shared Use Path - Perry St. to Market St.	Pavement rehabilitation and preservation. Asphalt grind and overaly, pavement repair and ADA ramps. Reconfigure the roadway and striping to construct a protected shared use pathway.	Rehabilitate the asphalt pavement surface and extend the life of the pavement structural section. Improve bike/pedestrian infrastructure.	\$2.3M
Pedestrian & Bikeways 2023	Pacific Ave. Greenway - Howard to Sherman	Install traffic signals at the Division/Pacific and Browne/Pacific interections. Stripe bike lanes between Browne and Division. Install wayfinding signage and marking. Install bumpouts at select intersections and improve lighting.	Provide a safe walking and cycling route, south of the railroad tracks, from Howard to Sherman, from the downtown core into the University District.	\$3.9M
Pedestrian & Bikeways 2023	Cook St. Greenway - Illinois to Francis	The project includes common Neighborhood Greenway improvements such as crosswalk enhancements at arterials, wayfinding signage, traffic calming devices and possible traffic diverting elements. Crosswalk improvements will be installed at Wellesley, Euclid and Illinois.	Provide a safe walking and cycling route, south of the railroad tracks, from Howard to Sherman, from the downtown core into the University District.	\$2.2M

Projects Completed or Removed from Six-Year Program

Section	Project Name	Comment	Status	
Pedestrian & Bikeways	North River Dr. Sidewalk		Complete	
Pedestrian & Bikeways	Centennial Trail, Summit Gap		Complete	
Capital Improvements	Howard St., Sprague to Riverside	STA CCL Project	Remove	
Capital Improvements	Maple-Wellesley Intersection		Complete	
Capital Improvements	NSC - Ermina & Greene Signal Changes		Complete	
Capital Improvements	Sprague Ave. Investment Phase II - Browne to Scott		Complete	

**STREET PROGRAM
RECONCILIATION SHEET
New Projects Added to Six-Year
Program (2023-2028)**

Comprehensive Plan Chapter 4 Policies TR:

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Transportation Network for All Users	Transportation Supporting Land Use	Transportation Level of Service	Transportation Demand Management Strategies	Active Transportation	Commercial Center Access	Neighborhood Access	Moving Freight	Promote Economic Opportunity	Transportation System Efficiency & Innovation	Transit Operational Efficiency	Prioritize and Integrate Investments	Infrastructure Design	Traffic Calming	Activation	Right-Of-Way Maintenance	Paving Existing Unpaved Streets	Parking	Plan Collaboratively	Bicycle/Pedestrian Coordination	Safe & Healthy Community Education & Promotion Campaign	Law Enforcement & Emergency Management	Effective and Enhanced Public Outreach
Maple St. Bridge Deck Repair						X	X	X		X		X				X			X				X
Washington St., Stevens St. Bridges Deck Repair						X	X	X		X		X				X			X				X
Greene-Carlisle PHB & Sidewalk	X			X	X					X			X	X	X				X	X			X
Nevada-Joseph PHB	X			X	X					X			X		X				X	X			X
Bemiss Elem Walk Route (Safe Routes to School)	X			X	X					X			X	X	X				X	X			X
Haven St. Sidewalk - Heroy to Rockwell	X			X	X					X			X		X				X	X			X
Pacific Ave. Greenway - Sherman St. to Ben Burr Trail - STUDY	X			X	X					X			X	X	X				X	X			X
Market / Monroe / 29th - Grind & Overlay	X	X			X	X	X	X		X						X			X	X			X
29th / Washington / Monroe - Grind & Overlay	X	X			X	X	X	X		X						X			X	X			X
Haven St. Grind & Overlay - Market to Market	X	X			X	X	X	X		X						X			X	X			X
Maple / Ash Chip Seal - Northwest Blvd. to Rowan	X	X		X	X	X	X	X		X					X	X			X	X			X
Illinois Ave. Grind/Overlay & Shared Use Path - Perry St. to Market St.	X	X		X	X		X	X		X			X	X	X	X			X	X			X
Pacific Ave. Greenway - Howard to Sherman	X			X	X					X			X	X	X				X	X			X
Cook St. Greenway - Illinois to Francis	X			X	X					X			X	X	X				X	X			X

BRIEFING PAPER
Plan Commission Workshop
Shaping Spokane Housing, Development Code Amendments
April 13, 2022

Subject

The City is initiating a series of code amendments to the Unified Development Code (UDC) to encourage the development of more housing. This Plan Commission workshop follows the presentation from previous workshops on development standards in the code affecting subjects for new residential development:

- Accessory Dwelling Units: Revisions in the attached draft would change regulations to support new residential development of accessory dwelling units (Chapter 17C.300). These were previously presented to the Plan Commission on February 23 and March 23, 2022 with some revisions indicated in text and graphics with **grayed background** in the attached draft. Regulations prohibiting an ADU on a lot with a home occupation have been struck following discussion at the March 23 workshop. Additionally, staff amended new Section 17C.300.110(B) to permit full conversion of a basement or an attic for an internal ADU. The flat roof ADU graphic has been updated to allow for a 4-foot wall height exception, which is called out in 17C.300.130(B)(1)(d).
- Short Plats: The attached draft text was presented to the Plan Commission at its workshop on January 12, 2022 (Chapters 17G.060 and 17G.080 SMC).
- Lot Size Transitions: The attached draft text was presented to Plan Commission at its workshop on February 23, 2022 (Section 17C.110.200). Following discussion at the workshop that suggested removing this requirement, staff removed Draft Options 2 and 3 in favor of Draft Option 1.

Background

The City's Comprehensive Plan provides a vision of affordable housing that is safe, clean, healthy, and attainable for all residents. Approved in July 2021, the City adopted its [Housing Action Plan](#) (HAP) to guide implementation of Comprehensive Plan policies by identifying strategies to achieve our community's housing needs and objectives. The HAP identifies actions that the city can enact to encourage more housing options that create more homes for more people. To implement the work of the HAP, the city is pursuing several residential development code amendments. These proposed changes are also guided by Mayor Woodward's [July 26, 2021 Housing Emergency Proclamation](#) and the City Council's HAP [Implementation Plan](#).

Find more information on the project webpage: ShapingSpokaneHousing.com

Impact

Given the housing shortage locally, the proposed code amendments correspond with action items from the Housing Action Plan that are flagged for short- or mid-term timelines and focus on increasing housing units and the diversity of housing types. These code amendments focus on the following HAP strategies:

- A1, "Explore and expand allowed housing types to encourage missing middle housing throughout Spokane's neighborhoods."
- A3, "Continue to streamline and simplify changes to the City's permit process, as necessary."
- A5, "Revise Accessory Dwelling Unit standards to allow for additional flexibility."

Phase 1 amendments will explore attached houses (townhouses), accessory dwellings, duplexes, and streamlining permit processes that could further encourage construction of housing. Future Phase 2 code amendments may require Comprehensive Plan changes, exploring opportunities for increasing the number of homes allowed per acre of land, and permitting for a wider variety of housing types generally.

The table below shows where the draft text appears in the attached ADU draft document. The numbered items in the list correspond with the January 26 Plan Commission Workshop presentation by the City's consultant, MAKERS, and subsequent presentation by City staff at the February 23 and March 23 Plan Commission workshops. The presentation at the workshop March 23 revisited draft code for ADUs with an emphasis and additional information to support continued discussion on recommendations ADU-1, ADU-3, and ADU-4. The April 13 workshop will continue the discussion on an increased size for detached ADUs (ADU-1) and alternatives proposed by Plan Commission, as well as changes to bulk and massing regulations (ADU-3).

Recommendation	Section
ADU-1. Increase allowed size for detached ADUs to 800 sf	17C.300.110(B)
ADU-2. Remove minimum lot size for new ADUs	17C.300.110(A)
ADU-3. Provide a FAR bonus for ADUs	17C.300.110(B)
ADU-4. Integrate strategic adjustments to setbacks & wall/roof height	17C.300.130(B)
ADU-5 Remove ADU owner occupancy requirement in RTF, RMF, and RHD	17C.110.310(F)
ADU-6 Modify owner-occupancy requirement in RSF zones	17C.110.205(B)
ADU-7 Relax parking requirement for ADUs	17C.110.305(C)

Attachment: Redlined Draft Text

DRAFT Chapter 17C.300 SMC Accessory Dwelling Units

Section __. That SMC 17C.300.010 is amended to read as follows:

17C.300.010 Purpose

This chapter establishes the standards for the location and development of accessory dwelling units in residential zones. The purpose of accessory dwelling units is to create new housing units while respecting the look and scale of single-dwelling development. They can increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives. Accessory dwelling units allow more efficient use of existing housing stock and infrastructure and provide a mix of housing that responds to changing family needs and smaller households. They provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and provide a broader range of accessible and more affordable housing.

Section __. That SMC 17C.300.100 is amended to read as follows:

17C.300.100 General Regulations

A. Where the Regulations Apply.

Attached and detached accessory dwelling units are permitted in the RA through RHD zones, including planned unit developments, subject to the limitations of subsection (B) of this section.

B. Limitation.

~~((1. One ADU is allowed per lot as an accessory use in conjunction with a detached single family residence.))~~

Note: This subsection (1) is deleted and combined with the text in new subsection (2) below.

~~((2.))~~ 1. A detached ADU must either be combined with a garage or shall be the only detached structure in the rear yard setback area. As an exception, accessory structures of a size that do not require a building permit, such as garden sheds and gazebos, are permitted to be detached from the ADU in the rear yard setback area.

~~((3.))~~ 2. ~~((Detached))~~ One accessory dwelling ~~((units are))~~ is allowed per lot in the RA, RSF, RTF, RMF, and RHD zones subject to the development standards of the underlying zoning district.

Note: Multi-dwelling structures are also currently permitted in RMF, RHD, and commercial zones, offering similar possibilities for more than one dwelling on a lot.

Section __. That SMC 17C.300.110 is amended to read as follows:

17C.300.110 Criteria

~~((A. — Minimum Lot Size.~~

~~The minimum lot size for ADU is five thousand square feet.))~~

Note: Removing this text would let the other development standards (setbacks, building coverage, FAR) sufficiently control for the ADU on small sites

~~((B.)) A.~~ ~~((ADU Minimum and))~~ Maximum Size.

1. Internal ADU.

Before the establishment of an internal ADU the ~~((footprint))~~ floor area of the principal structure, excluding an attached garage, must be not less than eight hundred square feet.

a. ~~The ((size)) internal ADU shall contain no more than two bedrooms and the floor area of the internal ADU must be ((not less than two hundred fifty square feet and))~~ not more than eight hundred square feet, excluding any related garage area.

b. The conversion of an existing interior basement or attic space of a principal structure into an ADU may exceed the maximum floor area.

Note: Using the defined term “floor area” would allow an internal ADU to be as large as an entire basement. As defined in SMC 17A.020.060, floor area does not include “areas where the elevation of the floor is four feet or more below the elevation of an adjacent right-of-way.”

- *The limitation on bedrooms maintains an accessory size and coordinates with other aspects of the use, such as parking.*
- *Following the March 23, 2022 workshop, staff have added language for ADUs in attics the same allowance to use the full space. Similar to basement conversions, using the full space eliminates awkward leftover square footage which otherwise couldn't be devoted to the internal ADU.*

2. Detached ADU.

A detached ADU shall not exceed ~~((six))~~ eight hundred square feet of floor area.

Note: Changing a detached ADU to 800 sq. ft. of floor area would match the internal ADU size.

An alternative option would be to increase the detached ADU size to 864 square feet (24 feet by 36 feet) to better align with prefabricated construction materials to help reduce construction costs and waste.

3. FAR.

- a. ~~The square footage floor area~~ of an ADU, excluding any garage, is counted as part of the floor area ratio (FAR). ~~((Internal ADUs may not exceed fifty percent of the total square footage of the principal structure's building footprint.))~~
- b. ~~To offer greater flexibility in integrating an ADU on smaller lots, the maximum allowable FAR may be increased to 0.6 on lots smaller than seven thousand two hundred square feet in area, with an ADU, and to 0.7 on lots smaller than five thousand square feet in area with an ADU.~~

DRAFT OPTION 110.C.1: REMOVE OWNER OCCUPANCY COMPLETELY

~~((C. Occupancy.~~

~~One of the dwelling units in the structure or on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

- ~~1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;~~
- ~~2. re-occupy the structure; or~~
- ~~3. remove the accessory dwelling unit.))~~

Note: Recommendations differ for changing this provision. Overall ADU production will likely increase under any draft option, but would increase most under Draft Option 110.C.1.

- *The Proclamation Addressing the Housing Emergency recommends completely eliminating this occupancy requirement, allowing the owner to live off-site and rent both units from construction. (Proclamation Addressing Housing Emergency 2.g.)*

DRAFT OPTION 110.C.2: REMOVE OWNER OCCUPANCY IN ALL R-ZONES, EXCEPT SHORT-TERM RENTALS

~~((C-))~~ B. Occupancy for Short-Term Rentals.
Where a lot with an ADU also has a Short-Term Rental under chapter 17C.316 SMC, ~~((One))~~ one
of the dwelling units ~~((in the structure or))~~ on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:

1. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
2. re-occupy the structure; or
3. remove the accessory dwelling unit.

Note:

Draft Option 110.C.2 would remove the owner occupancy unless there is both an ADU and short-term rental on the property.

Recommendations differ for changing this provision. Overall ADU production will likely increase under any draft option, but would increase most under Draft Option 110.C.1.

DRAFT OPTION 110.C.3: RETAIN 3-YEAR OWNER OCCUPANCY IN RA & RSF ZONES

~~((C-))~~ B. Occupancy.

1. In the RTF, RMF, and RHD zones, the owner is not required to live in one of the dwelling units on the lot.
2. In the RA, RSF, and RSF-C zones, for three years following the certificate of occupancy of the ADU, or for as long as any structure on the lot contains a Short-Term Rental under chapter 17C.316 SMC, if applicable, ~~((One))~~ one of the dwelling units in the structure or on the lot shall be occupied by one or more owners of the property as the owner's permanent and principal residence. Ownership may change during the three-year period, so long as the current owner continues to occupy one of the dwelling units in the structure or on the lot. After three years, if there is no Short-Term Rental, the owner is not required to maintain residence on the lot. The owner-occupant must occupy the owner-occupied dwelling unit for more than six months of each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling unit. If a complaint that an owner has violated these requirements is filed, the owner shall:
 - ~~((4))~~ a. submit evidence to the director showing good cause, such as a job dislocation, sabbatical leave, education or illness, for waiver of this requirement for up to one year absence from the property. Upon such showing the director may waive the requirement;
 - ~~((2))~~ b. re-occupy the structure; or
 - ~~((3))~~ c. remove the accessory dwelling unit.

Note: Recommendations differ for changing this provision. Overall ADU production will likely increase under either Draft Option 110.C1 or 110.C2, but would increase most under Draft Option 110.C.1.

- *Maintaining a three-year period of owner-occupancy is suggested by the HAP Implementation Plan, Strategy III.2. The edits shown in 110.C.3 do not include a following suggested restriction on sale until after seven years, because that would add a new requirement to track.*
- *Option 110.C.3 is not preferred because it continues to require tracking and enforcement, an administrative responsibility.*

Section __. That SMC 17C.300.120 is amended to read as follows:

17C.300.120 Application Procedures

A. Application.

Any property owner seeking to establish an ADU must obtain a building permit and a certificate of occupancy from the building services department.

B. Covenants.

A covenant and deed restriction identifying the ADU and limitations of occupancy and ownership is required to be recorded and filed with the Spokane county auditor's office. A copy of the recorded covenant must be provided to the City of Spokane planning services department prior to the issuance of a building permit or safety inspection.

Note: Item 2(g) of the Proclamation Addressing the Housing Emergency recommends removing the requirement to file a covenant, permanently or on an interim basis.

If the owner-occupancy is completely removed (Draft Option 110.C.1 above), then there is no longer a need for a covenant.

Section __. That SMC 17C.300.130 is amended to read as follows:

17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house or manufactured home; or
- d. Constructing a new house, attached house or manufactured home with an internal or detached accessory dwelling unit.

2. Number of Residents.

The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

~~((3. Other Uses.~~

~~An accessory dwelling unit is prohibited
may be allowed on a site with a home
occupation.))~~

New amendment responds to the suggestion discussed at Plan Commission workshop on March 23, 2022 to allow an ADU on a site with a home occupation.

~~((4.))~~ 3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the house, attached house or manufactured home facing the street, unless the house, attached house or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

DRAFT OPTION 130.A5.1: REMOVE ALL PARKING REQUIREMENTS

~~((5. Parking.~~

~~One additional off-street parking space is required for the accessory dwelling unit. Existing required parking for the house, attached house or manufactured home must be maintained or replaced on-site.))~~

Option to permanently or on an interim basis, reduce parking requirements from 1 stall per ADU to none. Proclamation Addressing Housing Emergency 2.g.

DRAFT OPTION 130.A5.2: REMOVE SOME PARKING REQUIREMENTS

~~((5.))~~ 4. Parking.

a. Studio and one-bedroom ADUs require no additional parking. One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the house, attached house or manufactured home must be maintained ~~((or replaced on-site))~~.

b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter-mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at

Option 130.A5.2 retains a parking space for 2-bedroom units for most areas, see exception under subsection (b).

Additional text has been added which anticipates multiple bedrooms where detached ADUs are allowed to be larger than 800 square feet. This mirrors residential parking requirements contained in Table 17C.230-1

Note: Within ¼-mile of bus stops served by frequent transit, RCW 36.70A.698 currently prohibits minimum parking requirements for ADUs.

least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.

DRAFT OPTION 130.A6.1: REMOVE EXTERIOR MATERIALS REQUIREMENT

~~((6. Exterior Finish Materials.
The exterior finish material must be the same or visually match in type, size, and placement the exterior finish material of the house, attached house or manufactured home.))~~

Note: Option 130.A6.1 would remove the exterior materials requirement altogether. Option 130.A6.2 from the February 23, 2022 Plan Commission workshop draft would have continued the exterior materials requirement for corner lots only, where ADUs may be more visible from the street. The discussion at the February 23 workshop suggested removing that option for the March 23 workshop.

DRAFT OPTION 130. A7.1: REMOVE ROOF PITCH REQUIREMENT

~~((7. Roof Pitch.
The roof pitch must be the same as the predominant roof pitch of the house, attached house or manufactured home.))~~

Note: Draft Option 130.A7.1 would remove the roof pitch requirement altogether. Provisions later in this draft would regulate the location and roof form through height and setback rules.

Draft Option 130.A7.2 from the February 23, 2022 Plan Commission workshop draft would have continued the roof pitch requirement for corner lots only. The discussion at Plan Commission suggested removing Draft Option 130.A7.2 for the March 23, 2022 workshop, instead allowing the setback plane and increased height to control the roof form. These changes are shaded in gray below in Subsection B, Figure 17C.300-A.

~~((8. Trim.
Trim must be the same in type, size and location as the trim used on the house, attached house or manufactured home.~~

~~9. Windows.
Windows must match those in the house, attached house or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical). This standard does not apply when it conflicts with building code regulations.))~~

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

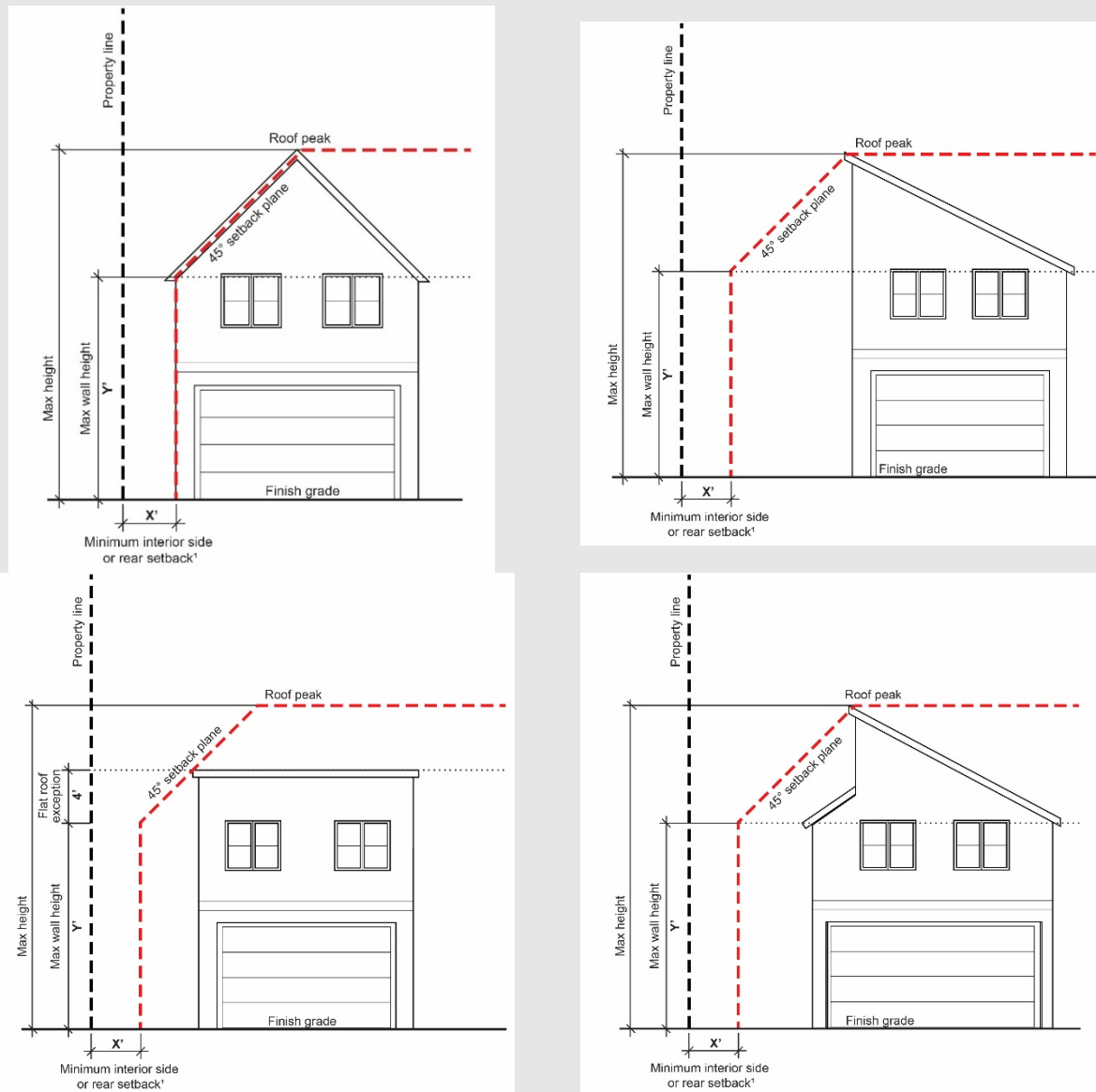
~~((The))~~ Except for conversion of existing accessory structures, the accessory dwelling unit must be at least:

- a. sixty feet from the front lot line; or
- b. six feet behind the house, attached house or manufactured home;
- c. as specified for rear and side yard setbacks in Table 17C.110-3 for ~~((primary structures for attached ADUs and))~~ accessory structures ~~((for detached ADUs.))~~; and

d. in conformance with the following setback plane: From the maximum wall height listed in Table 17C.300-1 at the minimum interior side lot line setback, and rear setback without an alley, in Table 17C.110-3 for accessory structures, the minimum setback plane increases at a 45-degree angle away from the interior side lot line, and rear lot line without an alley, up to the maximum roof height in Table 17C.300-1. No portion of the accessory dwelling unit may project beyond the setback plane except for the roof structure and minor extensions allowed by SMC 17C.110.220(C)(1). A detached ADU over a detached accessory structure with flat or terraced roof forms with slopes of less than 3:12 that conform to the 45-degree setback plane may be granted a wall height exception up to four feet. See Figure 17C.300-A for examples.

Note: The shaded text and graphics below contain changes from the February 23, 2022 Plan Commission workshop draft version. This shaded text and the following four graphics show examples of maximum wall height, roof height, and the setback plane.

Figure 17C.300-A. Setback Plane [1]



[Note: Add the four graphics above.]

[1] The setback plane does not apply on side setbacks or rear setbacks measured from alley lot lines or street lot lines.

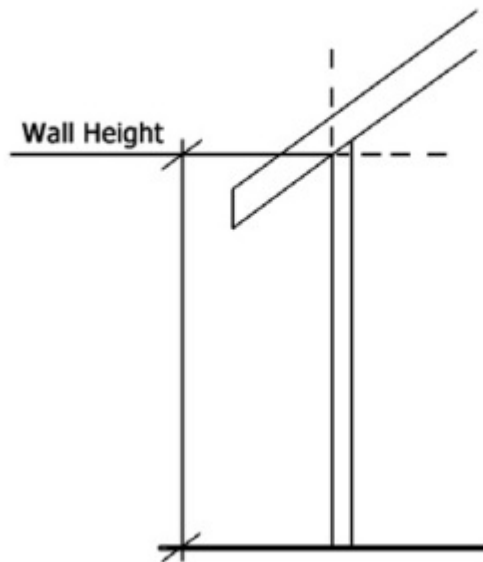
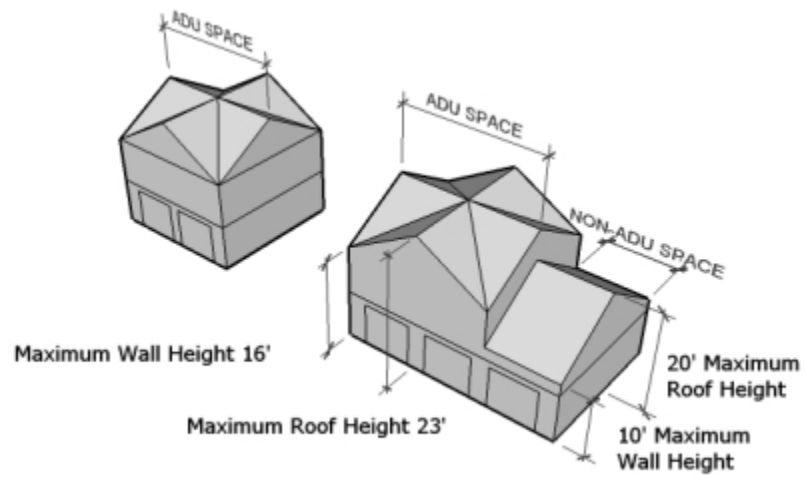
2. Height.

The maximum height allowed for a detached accessory dwelling unit is shown in Table 17C.300-1.

TABLE 17C.300-1 MAXIMUM ROOF AND WALL HEIGHT		
	Maximum Height – Detached Accessory Building Attached to an ADU or Detached ADU [1]	Maximum Height – Detached ADU Over a Detached Accessory Structure
Maximum Wall Height [2]	10 ft.	((16)) <u>17</u> ft.
Maximum Roof Height [3]	20 ft.	((23)) <u>25</u> ft.
<p>[1] Detached accessory structures cannot include living area, nor any storage areas with a ceiling height of six-feet eight-inches or greater.</p> <p>[2] The height of the lowest point of the roof structure intersects with the outside plane of the wall.</p> <p>[3] The height of the ridge of the roof. <u>Exceptions of up to 18 inches above the height stated in the table can be granted for steep roof styles.</u></p> <p>See “Figure ((A)) <u>17C.300-B</u>” below.</p>		

Note: Additional height is often desired when a detached ADU is constructed over a garage that has an 8-ft. ceiling. The edits add flexibility to dimensional standards. Housing Action Plan Strategy A3; Proclamation Addressing Housing Emergency 2.g.

Figure ((A)) 17C.300-B



3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the house, attached house or manufactured home.

a. ~~((The))~~ On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.

b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

Note: This works with the proposed increase in detached accessory dwelling unit size and decrease in minimum lot size. With the proposed changes, a single-story, 800 sq. ft. ADU would require about 18% building coverage on a 4,350 sq. ft. lot.

4. Conversion of Existing Detached Accessory Structures.

- a. In RA through RTF zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
- b. In RMF through RHD zones, conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.110-3](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.110.220](#), Setbacks, and [SMC 17C.110.225](#), Accessory Structures.
- c. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (A)(6) through (9) and (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- d. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and the existing detached accessory structure does not meet the standards of subsections (A)(6) through (9) of this section, the structure is exempt from those standards. If any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the standards of subsections (A)(6) through (9) of this section and the underlying zoning development standards.

- C. Utilities and Addressing.
The ADU must utilize those municipal utilities and address established for the principal dwelling unit.
- D. Code Compliance.
The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

Section __. That SMC 17C.300.140 is amended to read as follows:

17C.300.140 ADU Expiration

- A. Transfer.
An ADU permit is not transferable to any other property or any other person except to the new owner of the subject property when the property will be owner occupied.
- B. Expiration.
Approval of an ADU expires when the:
 - 1. accessory dwelling unit is altered and is thus no longer in conformance with the plans approved by the building services department; or
 - 2. property ceases to maintain the required off-street parking spaces for the ~~((accessory and))~~ principal dwelling ~~((units))~~ unit; or
 - 3. legal titleholder of the property ceases to own and reside in either the principal or the accessory dwelling unit before the three-year period following certificate of occupancy, required under SMC 17C.300.110.

17G.060.100 Notice of Application

Within fourteen days of the issuance of a determination of a complete application, a notice of application shall be provided for Type I, II and III project permit applications in accordance with this section (RCW 36.70B.110.2), except short subdivision applications that create only two lots and are categorically exempt from chapter 43.21C RCW (SEPA). The notice of application shall follow the public notice requirements contained in SMC 17G.060.110 through 17G.060.120. The notice of application may be combined with the notice of public hearing, if a hearing has been scheduled by notice of application. The date, time, place and type of hearing, SEPA determination and SEPA appeal deadline (using the optional DNS process) are required to be added to the notice of application if this provision is used (RCW 36.70B.110(2)(f)).

17G.060.110 Public Notice – General

The types of notice for various categories of permit applications and actions are listed in Table 17G.060-3. The specified types of notice are used for community meeting, notice of application, notice of public hearing, notice of decision and notice of appeals, as applicable. It is the responsibility of the applicant to provide public notice and file a statutory declaration as evidence of compliance.

17G.060T.003 Table 17G.060-3 Type of Public Notice Required / Project Permit Review Process

TABLE 17G.060-3 TYPE OF PUBLIC NOTICE REQUIRED / PROJECT PERMIT REVIEW PROCESS (Click here to view PDF)						
Project Permit Type	Notice of Community Meeting	Notice of Application	Notice of Public Hearing	Review Official	City Council Review	Expiration of Permit [1]
Building and Code Enforcement – Type I Application						
Building Permit	No	No	No	Building Official	No	180 days
Grading Permit	No	No	No	Building Official	No	180 days
Demolition Permit	No	No [5]	No [2]	Building Official	No	180 days
Building Permit with SEPA	No	Posted / Legal	No	Building Official	No	180 days
Grading Permit with SEPA	No	Posted / Legal	No	Building Official	No	180 days

Demolition Permit with SEPA	No	Posted / Legal [5]	No	Building Official	No	180 days
Planning Services – Type I Application						
Floodplain with SEPA	Posted / Individual	Posted / Individual	No	Planning Director	No	180 days
Planning Services – Type II Application						
Binding Site Plan	No	Posted / Individual	No	Planning Director	No	5 years
Certificate of Compliance	No	Posted / Individual	No	Planning Director	No	None
Conditional Use Permit	No [3]	Posted / Individual	No	Planning Director	No	3 years
Plans-in-lieu	No	Posted / Individual	No	Planning Director	No	3 years
Shoreline SDP	No	Posted / Individual	No	Planning Director	No	Must Comply with WAC 173-27-90
Short Plat with SEPA	No	Posted / Individual	No	Planning Director	No	5 years
<u>Short Plat, 2 Lots only</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Planning Director</u>	<u>No</u>	<u>5 years</u>
<u>Short Plat, 3 Lots or More</u>	<u>No</u>	<u>Individual</u>	<u>No</u>	<u>Planning Director</u>	<u>No</u>	<u>5 years</u>
Planning Services – Type III Application (Hearing Required)						
Certificate of Compliance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	None
Conditional Use Permit	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
Floodplain Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
Long Plat	Posted / Individual	Posted / Individual	Newspaper / Posted / Individual	Hearing Examiner	No	5 years
Plans-in-lieu	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years
PUD	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	5 years [4]
Rezone	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	3 years

Shoreline CUP	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Shoreline Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	Must Comply with WAC 173-27-90
Skywalk	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	Yes	2 years
Variance	Posted / Individual	Posted / Individual	Posted / Individual	Hearing Examiner	No	3 years

Notes:

[1] Approval expires after the specified time if no permit to develop the project is issued by the City of Spokane or building permit expires without completion of the improvements.

[2] Public Hearing is required if the structure is on the National Historic Register.

[3] Conditional Use Permits required under SMC 17C.110.110, Limited Use Standards for Religious Institutions and Schools, will complete posted/individual notification requirements for a Community Meeting.

[4] If a PUD is approved together with a preliminary plat, the expiration date for the PUD shall be the same as the expiration date of the preliminary plat.

[5] Applications for demolition permits for the demolition of an entire building or structure shall, in addition to any applicable requirements under chapter 43.21C RCW, be subject to a ten day review and comment period. This review and comment period shall run concurrently with any other applicable notice and comment period. Following receipt of such applications, copies shall be forwarded to the individual(s) designated pursuant to SMC 4.27.010(D) to receive written notice on behalf of the neighborhood council in which the building or structure is located, at the address for such neighborhood council designee(s) that is on file with the department. Any comments submitted to the department by the neighborhood council during this review and comment period shall be provided to the applicant prior to issuing the demolition permit.

Staff note: The additions to the table above change the notice requirements for some short plats.

This would reduce cost and time, supporting a more efficient and user-friendly process for customers creating new lots, as suggested by HAP Strategy A3, and HAP Implementation Plan, Strategy I.6.

17G.060.130 Public Comment Period

- A. The public comment period for Type I, II, and III applications is fifteen days, except short subdivision applications creating only two lots and categorically exempt from chapter 43.21C RCW (SEPA) shall have no public comment period.
- B. The public comment period for a shoreline substantial development permit, shoreline conditional use, or shoreline variance shall be thirty days.
- C. The public comment period for a shoreline substantial development permit for limited utility extensions and bulkheads shall be twenty days (WAC 173-27-120).
- D. The longest public comment period shall prevail.

Staff note: This change would reduce the time period for the decision on some short plats, without changing review time and comments for agencies/neighborhoods or other aspects of the review process.

17G.080.040 Short Subdivisions

- A. Predevelopment Meeting
- A predevelopment meeting is required if the proposal is located in the central business district, unless waived by the director, and is recommended for all other proposals prior to submittal of the application. The purpose of a predevelopment meeting is to acquaint the applicant with the applicable provisions of this chapter, minimum submission requirements and other plans or regulations, which may impact the proposal.
- B. Preliminary Short Plat Application and Map Requirements
1. Applications for approval of a preliminary short subdivision shall be filed with the director. All applications shall be submitted on forms provided for such purpose by the department. The director may waive specific submittal requirements determined to be unnecessary for review of the application. The application shall include the following:
 - a. The general application.
 - b. The supplemental application.
 - c. The environmental checklist, if required under chapter 17E.050 SMC.
 - d. Title report no older than thirty days from issuance from the title company.
 - e. The filing fees as required under chapter 8.02 SMC.
 - f. The required number of documents, plans or maps drawn to a minimum scale of one inch equals one hundred feet, on a sheet twenty-four by thirty-six inches, as set forth in the application checklist.

- g. A written narrative identifying consistency with the applicable policies, regulations and criteria for approval of the permit requested; and
 - h. Additional application information which may be requested by the permitting department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, critical area studies, noise studies, air quality studies, visual analysis and transportation impact studies.
 - i. One copy of the predevelopment conference notes (if applicable); and
 - j. One copy of the notification district map.
- 2. Contents of Preliminary Short Plat Map
The preliminary short plat shall be prepared by a land surveyor and shall show the following:
 - a. Plat name and the name of any subdivision to be replatted.
 - b. The name, mailing address and phone number of the owner and the person with whom official contact should be made regarding the application.
 - c. Surveyor's name, mailing address and phone number.
 - d. Legal description.
 - e. Section, township and range.
 - f. Vicinity map.
 - g. North arrow, scale and date.
 - h. Datum plane.
 - i. Acreage.
 - j. Number of lots and proposed density.
 - k. Zoning designation.
 - l. The boundary lines of the proposed subdivision.
 - m. City limits and section lines.
 - n. Park or open space (if proposed).
 - o. Existing topography at two-foot maximum interval.
 - p. The boundaries and approximate dimensions of all blocks and lots, together with the numbers proposed to be assigned each lot and block, and the dimensions, square footage and acreage of all proposed lots and tracts.
 - q. Proposed names of streets.
 - r. The location and widths of streets, alleys, rights-of-way, easements (both public and private), turn around and emergency access, parks and open spaces.

- s. Conditions of adjacent property, platted or unplatted, and if platted, giving the name of the subdivision. If the proposed short plat is the subdivision of a portion of an existing plat, the approximate lines of the existing plat are to be shown along with any and all recorded covenants and easements.
- t. The names and address of the record owners and taxpayers of each parcel adjoining the subdivision.
- u. Indicate any street grades in excess of eight percent.
- v. The location and, where ascertainable, sizes of all permanent buildings, wells, wellhead protection areas, sewage disposal systems, water courses, bodies of water, flood zones, culverts, bridges, structures, overhead and underground utilities, railroad lines, and other features existing upon, over or under the land proposed to be subdivided, and identifying any which are to be retained or removed.
- w. Proposed one-foot strips for right-of-way conveyed to the City, in cases where a proposed public street or alley abuts unplatted land.
- x. If a body of water forms the boundary of the plat, the ordinary high water mark as defined in chapter 90.58 RCW.
- y. Critical areas as defined in chapters 17E.020, 17E.030, 17E.070 and 17G.030 SMC.
- z. Significant historic, cultural or archaeological resources; and
- aa. If the proposal is located in an irrigation district, the irrigation district name.

C. Review of Preliminary Short Plat

The application shall be reviewed in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except a SEPA-exempt application creating only two lots shall be excluded from the public notice requirements contained in SMC 17G.060.110 through 17G.060.120 and public comment period under SMC 17G.060.130.

Staff note: This edit clarifies the process change proposed in Table 17G.060-3.

D. Public Notice

All public notice of the application shall be given in accordance with the procedures set forth in chapter 17G.060 SMC for a Type II application, except a short plat creating only two lots and exempt from SEPA shall not require a notice of application.

Staff note: This edit clarifies the process change proposed in Table 17G.060-3.

E. Preliminary Short Plat Approval Criteria

Prior to approval of a short plat application, the director shall find the application to be in the public use and interest, conform to applicable land use controls and the comprehensive plan of the City, and the approval criteria set forth in chapter 17G.060 SMC. The director has the authority to approve or disapprove a proposed preliminary short plat under the provisions of this chapter, subject to appeal as provided in chapters 17F.050 and 17G.060 SMC.

F. Final Short Plat Review Procedure

1. The subdivider shall submit to the director for review the following:
 - a. A final short plat, prepared by a registered land surveyor licensed in the state of Washington, consistent with the approved preliminary short plat.
 - b. A title report less than thirty days old confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
 - c. Covenants, conditions and restrictions, if applicable; and
 - d. Fees pursuant to chapter 8.02 SMC.
2. Within thirty days, unless the applicant has consented to a longer period of time, of receipt of a proposed final short plat, the director shall review the plat for conformance with all conditions of the preliminary short plat approval, the requirements of this chapter and that arrangements have been made to insure the construction of required improvements. If all such conditions are met, the director shall approve the final short plat and authorize the recording of the plat. If all conditions are not met, the director shall provide the applicant in writing a statement of the necessary changes to bring the final short plat into conformance with the conditions.
 - a. If the final short plat is required to be resubmitted, the subdivider is required to provide the following:
 - b. A cover letter addressing the corrections, additions or modifications required.
 - c. Title report no older than thirty days from issuance of a title company conforming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication; and
 - d. The required number of copies of the corrected final short plat map.
3. If the final short plat is approved, the surveyor causes the plat to be signed by the Spokane county treasurer and file of record with the Spokane county auditor. The surveyor is required to file the appropriate number of mylar and bond copies of the recorded short plat with the director.

G. Final Short Plat Map Requirements

The subdivider shall submit to the director a final short plat in the same form and with the same content as the preliminary short plat, as provided in subsections (B)(1) and (2) of this section, with the following exceptions or additional requirements:

1. A final short plat shall contain all the information required of the preliminary plat, except the following:
 - a. Show existing buildings.
 - b. Show existing utility lines and underground structures.
 - c. Show the topographical elevations; or
 - d. Contain the names and addresses of adjoining landowners.
2. The final short plat shall include the following:
 - a. Surveyor's certificate, stamp, date and signature, as follows:

The following land surveyor's certificate to be shown on each sheet of the plat: "I, _____ registered land surveyor, hereby certify the plat of _____, as shown hereon, is based upon actual field survey of the land described and that all angles, distances, and courses are correctly shown and that all non fronting lot corners are set as shown on the plat. Monuments and fronting lot corners shall be set upon completion of the utility and street improvements.

Signed _____(Seal)"
 - b. A certification by the city treasurer, as applicable:
 - i. "I hereby certify that the land described by this plat, as of the date of this certification, is not subject to any local improvement assessments. Examined and approved, this _____ day of _____, 20__.
 - _____
 - City of Spokane Treasurer"
 - ii. "I hereby certify that the land described by this plat, as of the date of this certificate, is not subject to any delinquent local improvement assessment. Future installments, if any, shall remain due and payable and it shall be the responsibility of the owners to initiate the segregation of the LID assessment. Examined and approved, this _____ day of _____, 20__.
 - _____
 - City of Spokane Treasurer"
 - iii. "A preliminary local improvement assessment exists against this property. It shall be the responsibility of the owner's to initiate the segregation of the LID assessment. After this

assessment is finalized, it shall be due and payable.
Examined and approved this _____ day of _____, 20__.

City of Spokane Treasurer”

- c. The certification by the planning director, as follows:

“This plat has been reviewed on this _____ day of _____, 20__
and is found to be in full compliance with all the conditions of
approval stipulated in the Hearing Examiner’s/Planning Director’s
approval of the preliminary plat # - PP/SP.

City of Spokane Planning Director”

- d. The certification by the city engineer, as follows:

“Approved as to compliance with the survey data, the design of
public works and provisions made for constructing the
improvements and permanent control monuments this _____ day of
_____, 20__.

City of Spokane Engineer”

- e. The certification by the Spokane county treasurer, as follows:

“I hereby certify that the land described in this plat, as of the date of
this certification, is not subject to any outstanding fees or
assessments. Examined and approved _____ day of _____, 20__.

Spokane County Treasurer”

- f. The certification by the Spokane county auditor on each page of the
final short plat including the time, date, book and page number of
the recording of the final mylar.

- g. Signature of every owner certifying that:

- i. the plat is made with the free consent and in accordance
with the desires of the owners of the land;
- ii. the owners are the owners of the property and the only
parties having interest in the land and is not encumbered by
any delinquent taxes or assessments;
- iii. the owners adopt the plan of lots, blocks and streets shown;
- iv. owner dedicates to the City and the City’s permittees the
easements shown for utilities and cable television purposes;
- v. owner dedicates to the City the streets, alleys and other
public places, including slope and construction easements
and waives all claims for damages against any governmental
authority including, without limitation, the City which may be

occasioned to the adjacent land by the establishment, construction, drainage and maintenance of any public way so dedicated; and

- vi. owner conveys to the City as general City property the buffer strips adjoining unplatted property.

h. The drawing shall:

- i. be a legibly drawn, printed or reproduced permanent map;
- ii. if more than one sheet is required, each sheet shall show sheet numbers for the total sheets;
- iii. have margins that comply with the standards of the Spokane county auditor;
- iv. show in dashed lines the existing plat being replatted, if applicable;
- v. show monuments in accordance with SMC 17G.080.020(H)(1);
- vi. include any other information required by the conditions of approval; and
- vii. include any special statements of approval required from governmental agencies, including those pertaining to flood hazard areas, shorelines, critical areas and connections to adjacent state highways.

H. Filing.

Once the final plat has been reviewed, approved and signed by the applicable departments, the applicant shall file the final short plat with the county auditor within ten days of approval. No permits shall be issued for a proposed lot until the required conformed copies of the short plat have been submitted to the planning services department.

I. Redivision.

No land within the boundaries of a short subdivision may be further divided in any manner which will create additional lots within a period of five years except by subdivision in accordance with SMC 17G.080.050.

Section 17C.110.200 Lot Size

A. Purpose.

The standards of this section allow for development on lots, but do not legitimize lots that were divided in violation of [chapter 17G.080 SMC](#), Subdivisions. The required minimum lot size, lot depth, lot width and frontage requirements for new lots ensure that development will, in most cases, be able to comply with all site development standards. The standards also prevent the creation of very small lots that are difficult to develop at their full density potential. Finally, the standards also allow development on lots that were reduced by condemnation or required dedications for right-of-way.

B. Existing Lot Size.

1. Development is prohibited on lots that are not of sufficient area, dimension and frontage to meet minimum zoning requirements in the base zone. Except:
 - a. one single-family residence may be developed on a lot that was legally created under the provisions of chapter 58.17 RCW, Plats – Subdivisions – Dedications, or applicable platting statutes;
 - b. a PUD lot may be less than the minimum size of the base zone, if such lot is delineated on a PUD plan, which has been approved by the hearing examiner. All use and development standards of the zone wherein such lot is located, shall be complied with, unless modified through the PUD process by the hearing examiner. A PUD shall comply with the requirements of subsection (C) of this section.
2. No lot in any zone may be reduced so that the dimension, minimum lot area, frontage or area per dwelling unit is less than that required by this chapter, except as modified through the PUD process by the hearing examiner.
3. Lots Reduced by Condemnation or Required Dedication for Right-of-way. Development that meets the standards of this chapter is permitted on lots, or combinations of lots, that were legally created and met the minimum size requirements at the time of subdivision, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Land Division.

1. All new lots created through subdivision must comply with the standards for the base zone listed in Table 17C.110-3.

~~((1. — Transition Requirement.~~

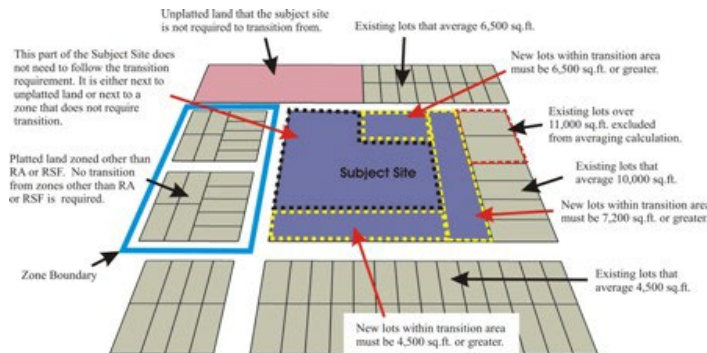
~~For sites two acres or greater, transition lot sizes are required to be included as a buffer between existing platted land and new subdivision subject to the requirements of this~~

Staff note: Subsection 17C.110.200(C)(1) is proposed to be repealed, removing the lot transition requirement following direction from Plan Commission at the February

~~section. The purpose of this section is to transition lot sizes between the proposed and existing residential developments in order to facilitate compatible development and a consistent development pattern. In the RA and RSF zones, the minimum lot size is subject to transitioning of lots sizes. Lots proposed within the initial eighty feet of the subject property are required to transition lot sizes based on averaging under the following formulas:~~

23 workshop.
17C.110.200(C) would remain to reinforce that newly created lots would be required to comply with the base zone requirements listed in this section in Table 17C.110-3 Development Standards.

- ~~a. Transitioning is only required of properties adjacent to or across the right of way from existing residential development. "Existing residential development" in this section shall mean existing lots created through subdivision or short plat.~~
- ~~b. Lot size in the transition area is based on the average of the existing lot size in subdivisions adjacent to, or across the street from, the subject property. Lots greater than eleven thousand square feet are not counted in the averaging.~~
- ~~c. If the existing average lot size is greater than seven thousand two hundred square feet, then the lot size in the transition area can be no less than seven thousand two hundred square feet.~~
- ~~d. If the existing average lot size is less than seven thousand two hundred square feet, then the lot size in the transition area can be equal to or greater than the average.~~
- ~~e. If the subject site shares boundaries with more than one subdivision, the minimum lot size in the transition area shall be based on the average lot sizes along each boundary. When two boundaries meet, the lot size shall be based on the larger of the two boundaries. See example below; and~~



[Note: Delete graphic above.]

- ~~f. If the subject site shares a boundary with property zoned other than RA or RSF, then there are no transition requirements along that boundary.~~
 - ~~g. After the first set of lots in the transition area, lot sizes may be developed to the minimum lot size of the base zone, i.e., four thousand three hundred fifty square feet in the RSF zone.))~~
 - 2. Planned unit developments, combined with a subdivision, may reduce the minimum lot size, lot width, lot depth and frontage requirements in the RA and RSF zones pursuant to SMC 17G.070.030(C)(1) (~~(, except in the transition area required by subsection (C)(1) of this section))~~).
- D. Ownership of Multiple Lots.
- Where more than one adjoining lot is in the same ownership, the ownership may be separated as follows:
- 1. If all requirements of this chapter will be met after the separation, including lot size, density and parking, the ownership may be separated through either a boundary line adjustment (BLA) or plat, as specified under [chapter 17G.080 SMC](#), Subdivisions.
 - 2. If one or more of the lots does not meet the lot size standards in this section, the ownership may be separated along the original plat lot lines through a boundary line adjustment (BLA).
- E. New Development on Standard Lots. New development on lots that comply with the lot size standards in this section are allowed subject to the development standards and density requirements of the base zone as required under Table 17C.110-3.
- F. Lot Frontage. All residential lots shall front onto a public street and meet the minimum lot frontage requirements of Table 17C.110-3. Except, that frontage on a public street is not required for lots created through alternative residential subdivision under SMC 17G.080.065, and lots approved in a planned unit development or a manufactured home park may have lots or spaces fronting onto private streets, subject to the decision criteria of [SMC 17H.010.090](#).

BRIEFING PAPER
Plan Commission Hearing
Transit-Oriented Development Framework Study
April 13, 2022

Subject

Planning Services worked with consultant Center-Based Planning + Urban Design, other city departments, partner agencies and public stakeholders to develop a Transit-Oriented Development Planning Framework focused on the City Line, the Spokane Transit Authority's new Bus Rapid Transit route. The Action Plan final draft review is now published online at the project website [Here](https://my.spokanecity.org/projects/transit-oriented-development-study/).

<https://my.spokanecity.org/projects/transit-oriented-development-study/>

The Action Plan identifies strategies to foster transit-supportive development as well as a process to conduct this type of assessment for future high-frequency transit investments. Recommendations address infrastructure and accessibility improvements as well as land use policy and zoning changes, including a Transit Overlay Zone focused on City Line transit station areas through the Gonzaga University campus and the Chief Garry Park Neighborhood.

Background

The impetus for this study is the City Line, the six-mile, corridor-based Bus Rapid Transit line running from Browne's Addition, through Downtown and the University District to the Logan and Chief Garry Neighborhoods. Scheduled to open in 2023, this \$92 million investment creates a premium transit service estimated to host more than 1 million rides per year. The potential to positively impact adjacent land use and redevelopment through Transit-Oriented Development, or TOD, played a central role in the City Line's development and advancement. This project builds on recommendations from past assessments such as the 2014 "Economic and Land Use Impacts of the Spokane Central City Line" report and the 2016 "City Line Strategic Overlay" study.

Impact

This project recommends specific land use policy and zoning changes in the project area for future adoption, identifies recommended infrastructure investments and accessibility improvements, and specifies areas at the Athletic Center Station and Mission Avenue for future subarea planning efforts, and will be brought forward for recognition via City Council resolution in spring of 2022.

Find more information on the project webpage:

<https://my.spokanecity.org/projects/transit-oriented-development-study/>



TOD Framework Study

Final Report and Action Plan

Transit-Oriented Development Framework Study
City of Spokane Plan Commission – Public Hearing
Wednesday April 13, 2022

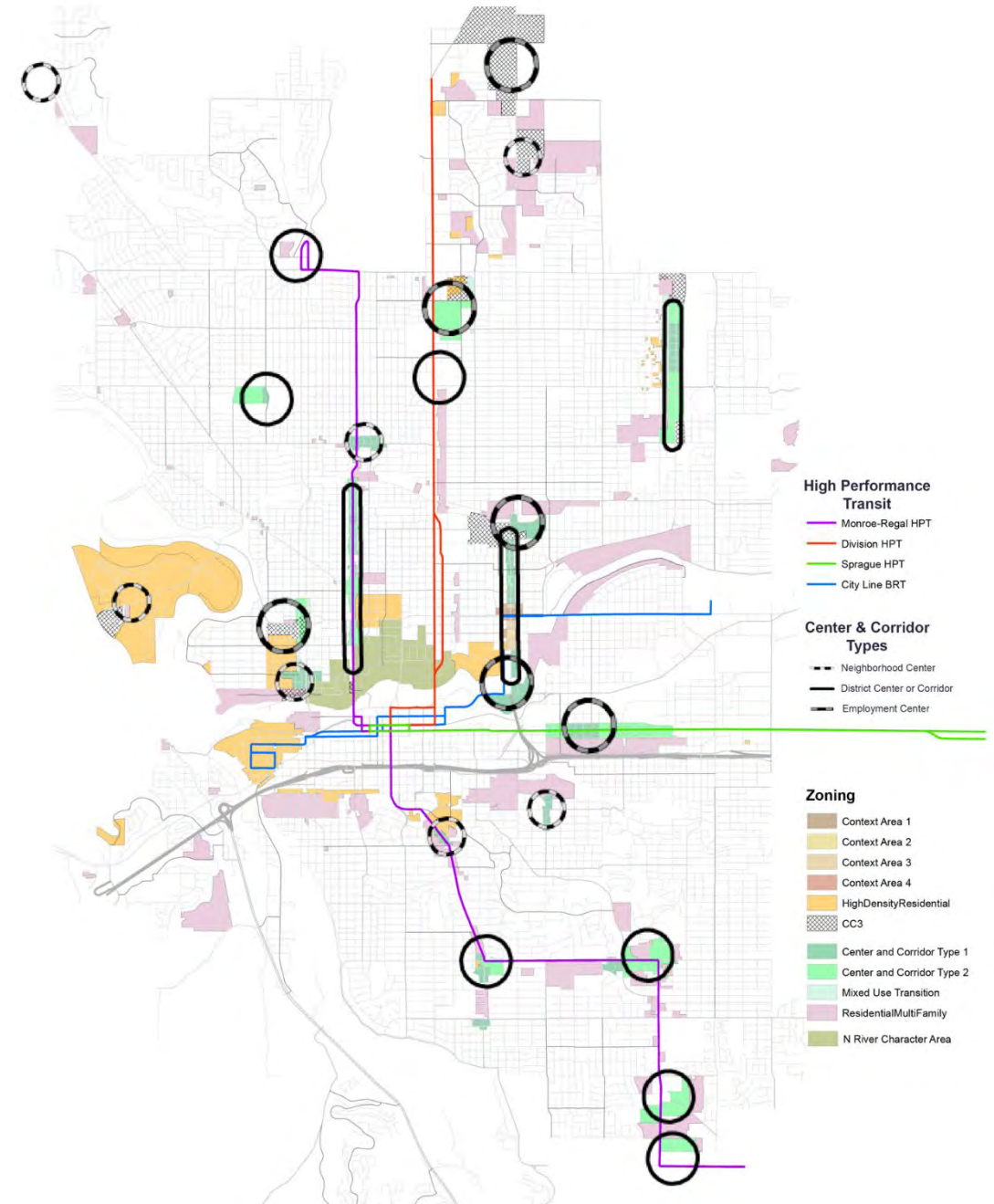


The City of Choice

PURPOSE

Provide Spokane with guidance to:

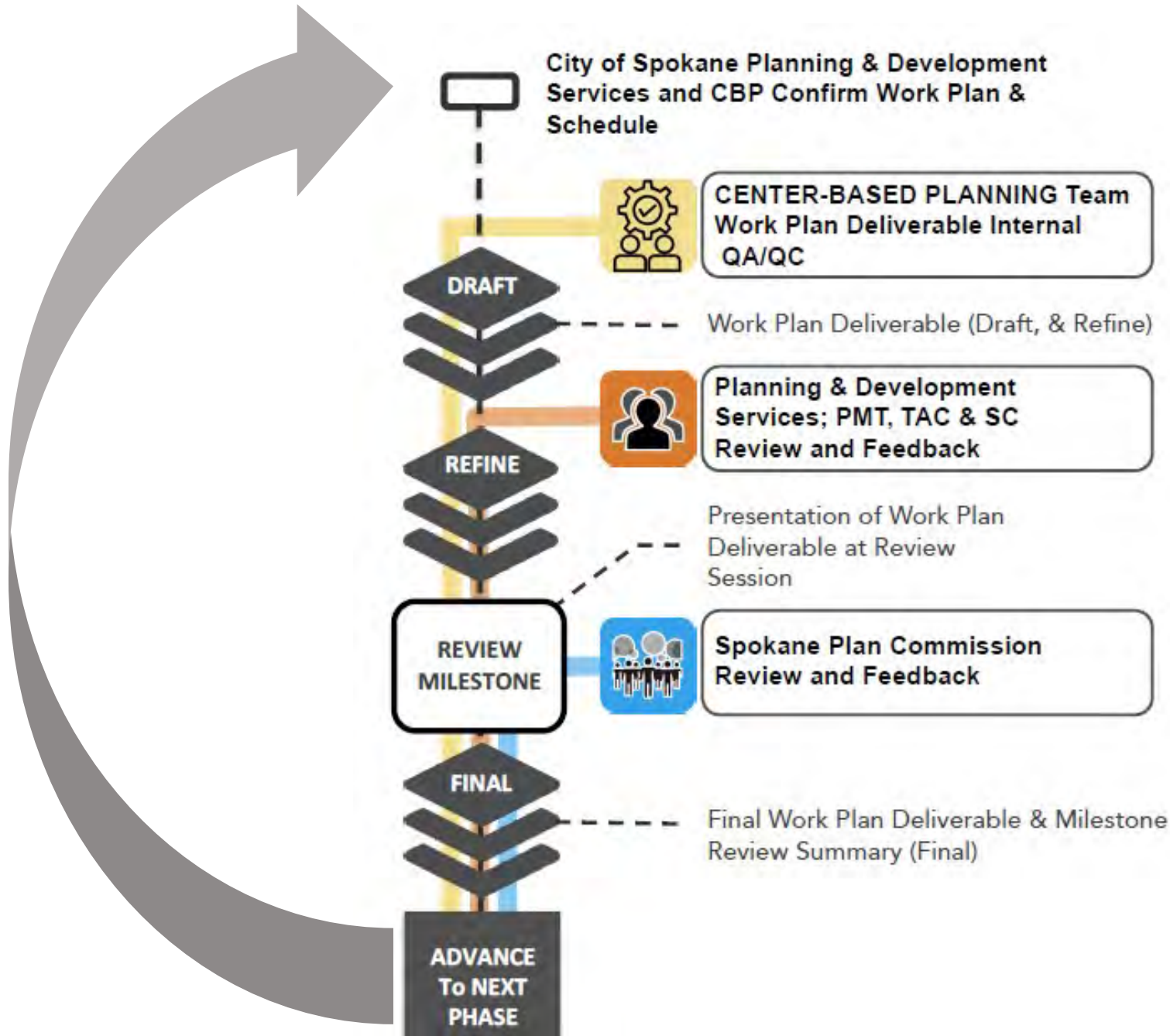
1. Integrate Transit-Oriented Development with accessibility improvements
2. Align regulations and investments
3. Test in a specific study area

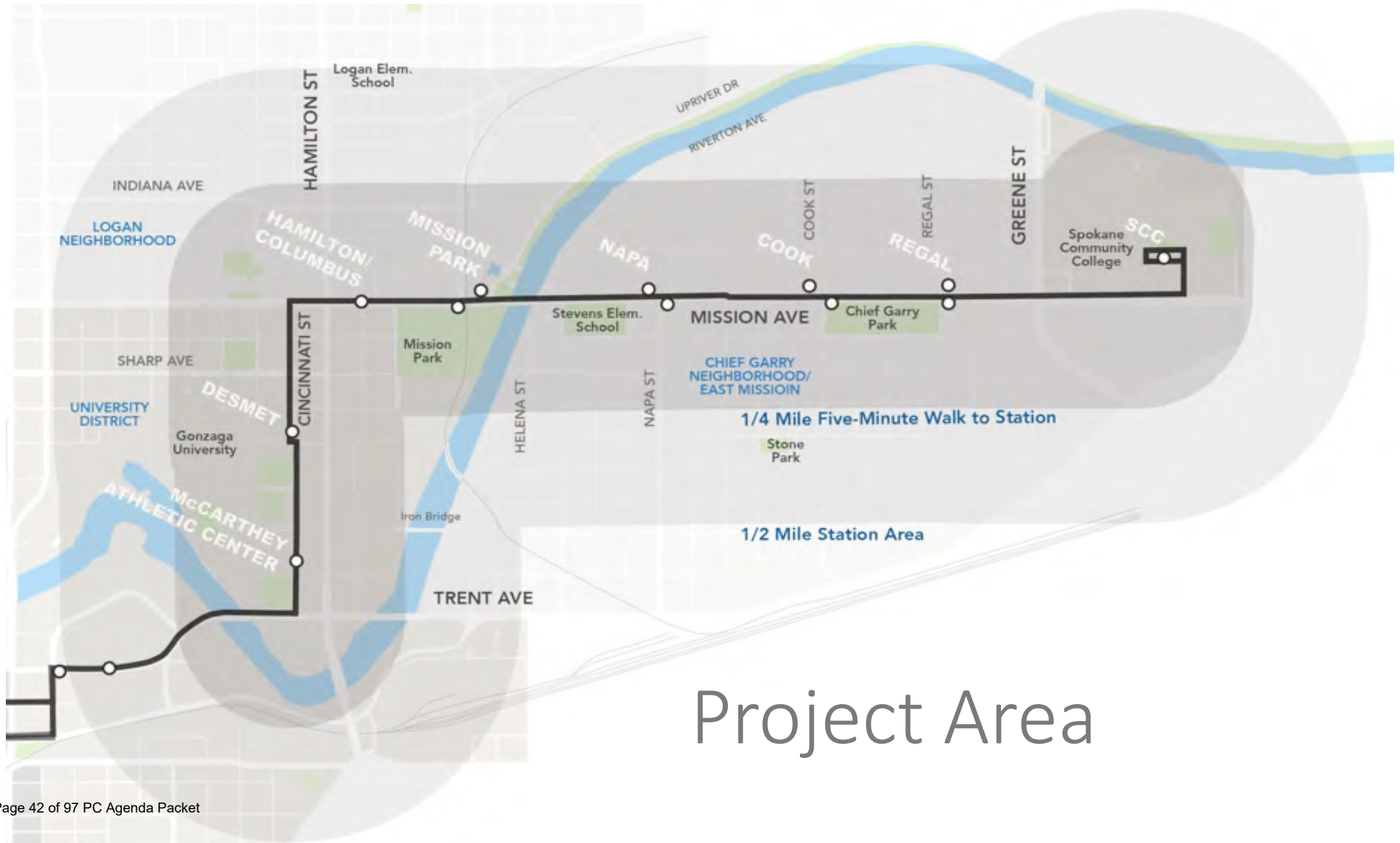


ORGANIZATION



PROCESS





Guiding Principles



Safety is a priority with activity at the station & well-defined crossings



Direct and continuous walk & bike network links stations to destinations



Density and mix of station & pedestrian-oriented housing, and businesses



Allow a mix of uses, higher densities, & pedestrian-oriented standards with multi-modal streets

Equitable TOD - ETOD

“...equitable transit-oriented development is a **driver of positive transformation that may be enjoyed by all residents, and in particular low-income communities and residents of color who stand to gain the most from greater prosperity and connectivity.**”

Elevated Chicago



AFFORDABILITY: Equity-focused policy ensures affordable housing options near transit, low-cost transit fares and tenant protection.



DENSITY: Compact development connects people to jobs and commerce, and supports transit infrastructure.



TRANSIT: Transit contributes to equitable development by expanding access to opportunities and providing convenient, reliable transportation services.



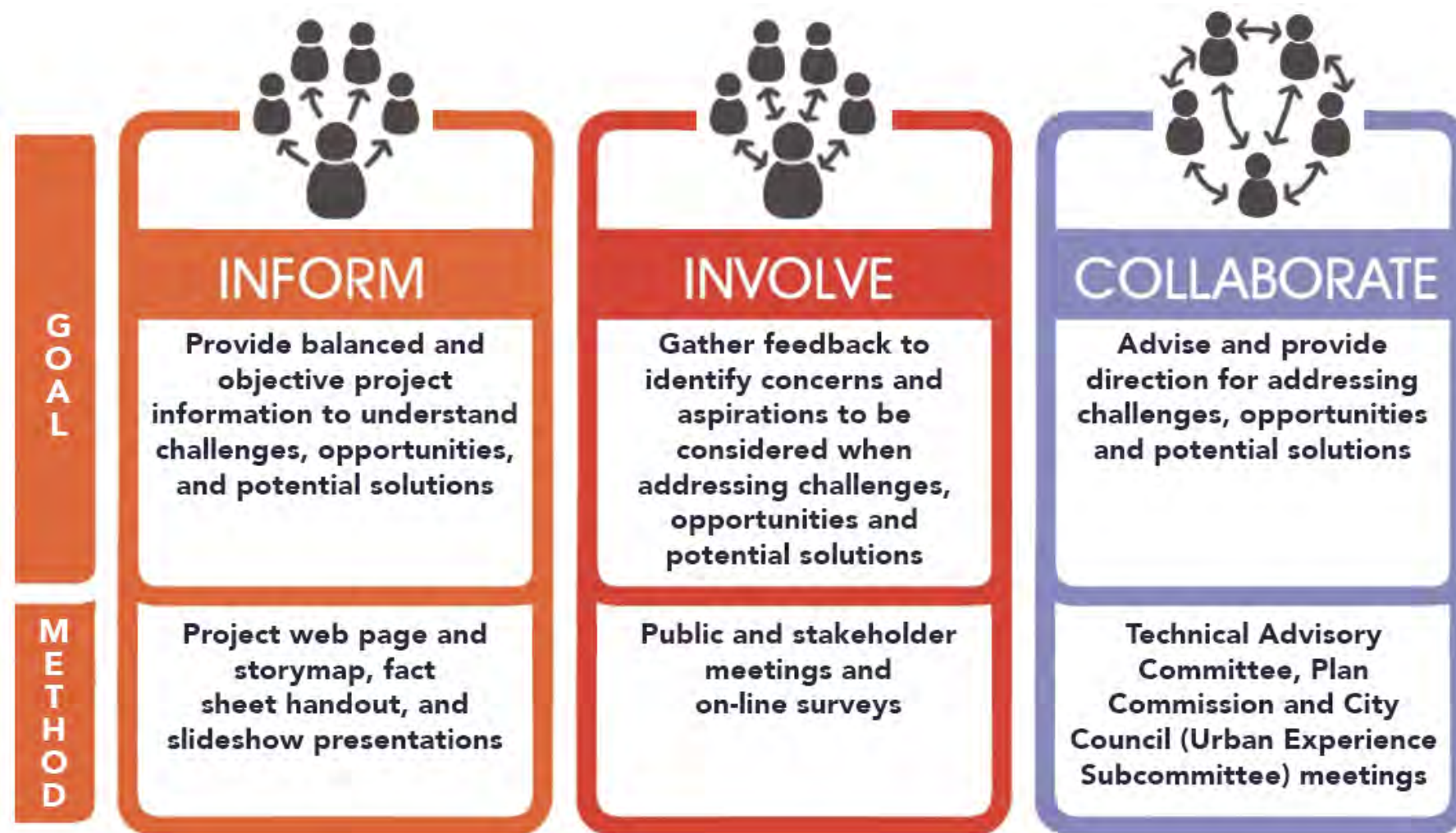
WALKABILITY: Pedestrian-friendly elements create vibrant and active spaces, which lead to health, environmental and economic benefits.



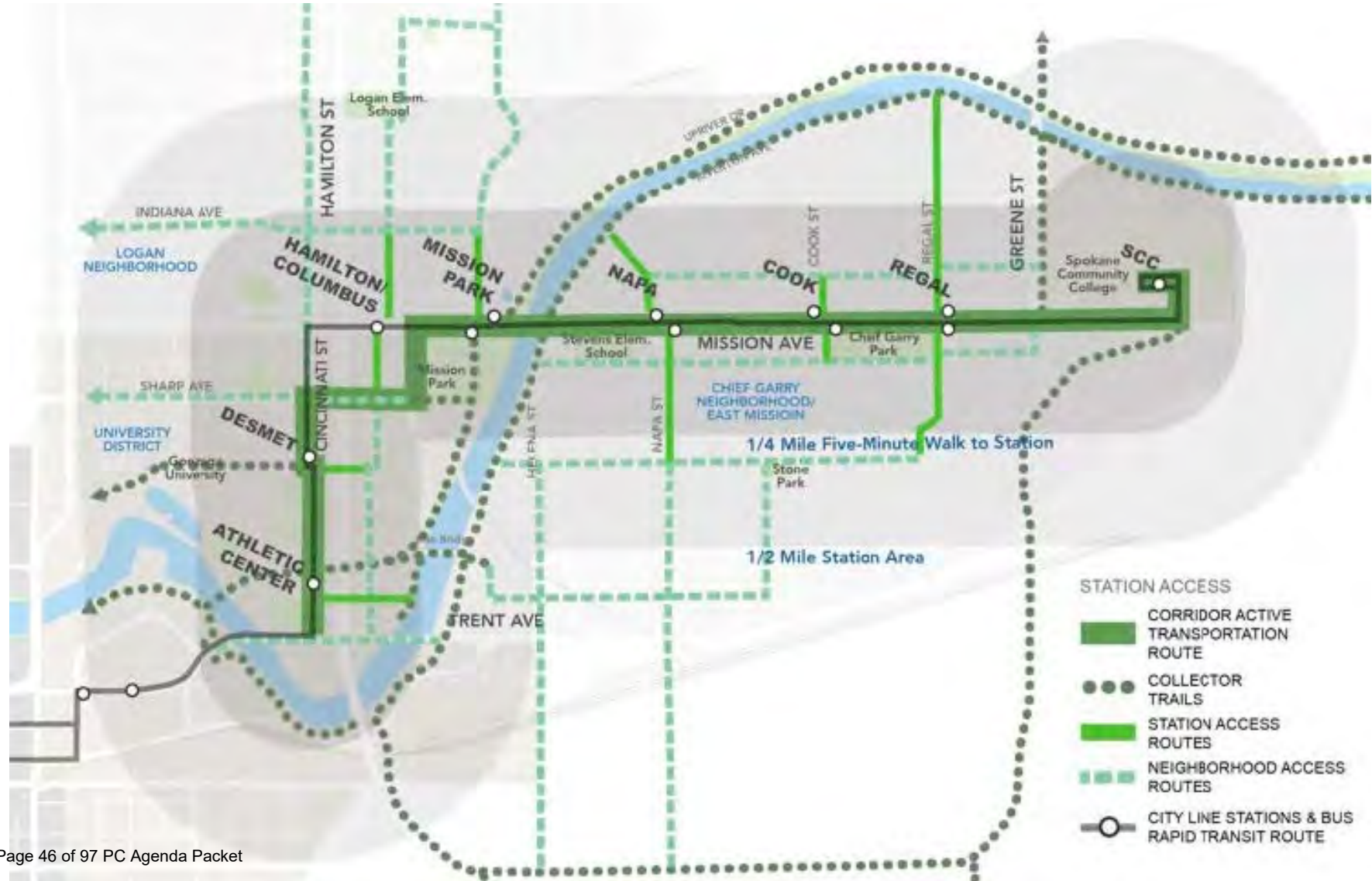
MIXED USE: A mix of land uses within a building, block or neighborhood encourages fewer car trips and creates dynamic spaces.

Adapted from Regional Transportation Authority

PROCESS

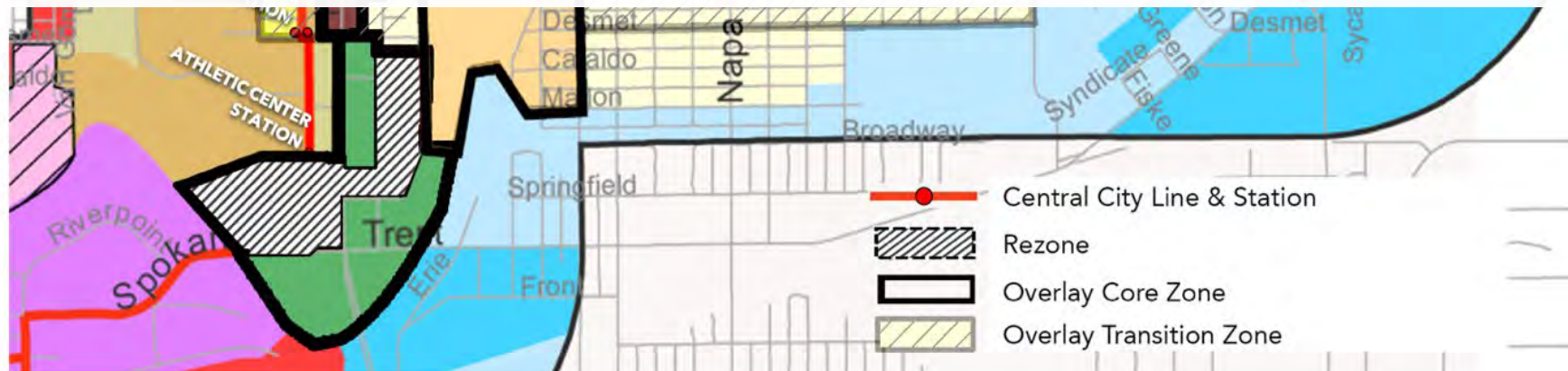


STATION AREA ACCESS ROUTES



Regulatory Recommendations

- 1. Modify TOD-Supportive zones to more directly promote TOD**
- 2. Create an Overlay Zone to apply modifications**
- 3. Rezone selected TOD opportunity areas**
- 4. Conduct targeted plans and studies at key locations**



1. Modify TOD-Supportive Base Zones to more directly promote TOD

Center and Corridor

Form-based Code

Neighborhood Retail

Residential Multi-Family

Residential High-Density

Neighborhood Mixed-Use



2. Create an Overlay Zone to apply base modifications along City Line

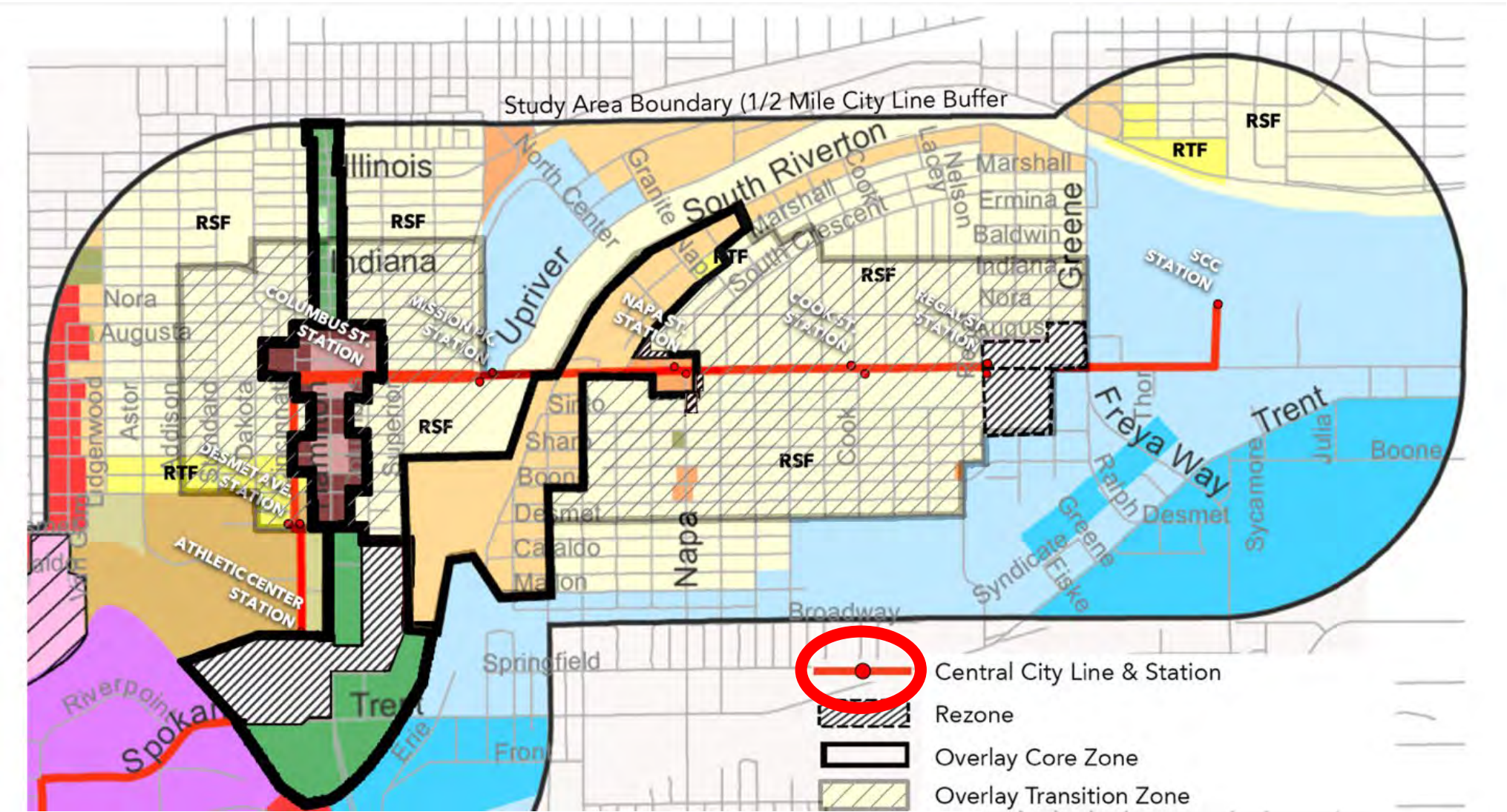
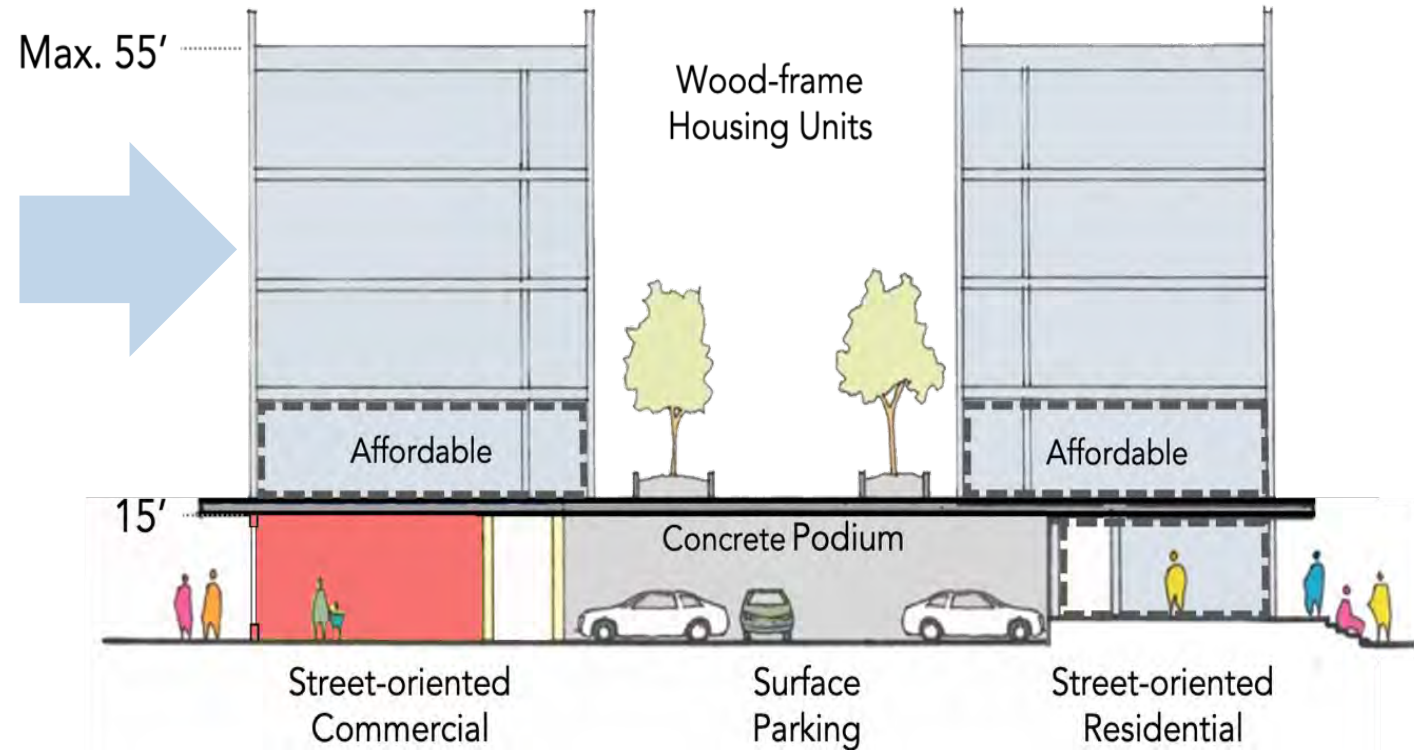
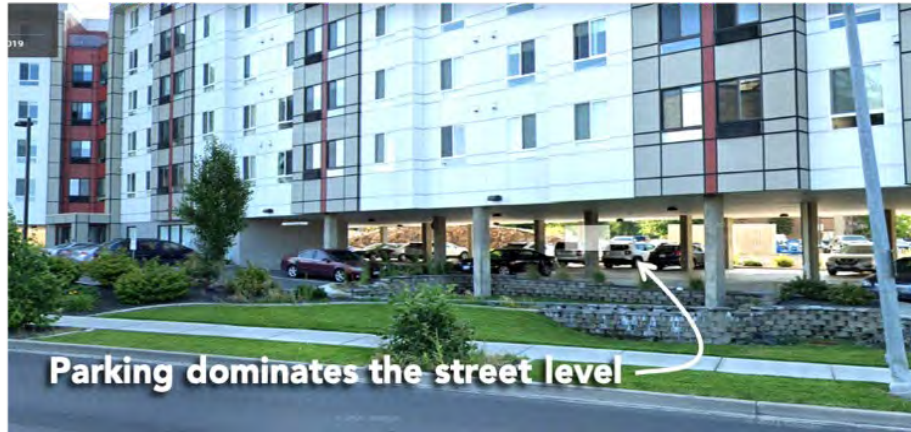


Figure 36: TOD Overlay Zone & Rezoning

Address the Role Parking and Building Heights Play in Limiting TOD



Maximize Incentives and Allowances to Promote Affordable Housing and Pedestrian Amenities



Figure 34: Middle Housing- SE Division Street, Portland OR

Standards to promote safe and active street environments

- **design** - form, massing, scale and materials
- **orientation** - front windows and doors facing the street
- **access** - window transparency and primary entries from street adjacent sidewalks—not parking lots
- **frontage** - percent of building façade along the front lot



3. Rezone opportunity areas at McCarthey Athletic Center and Regal

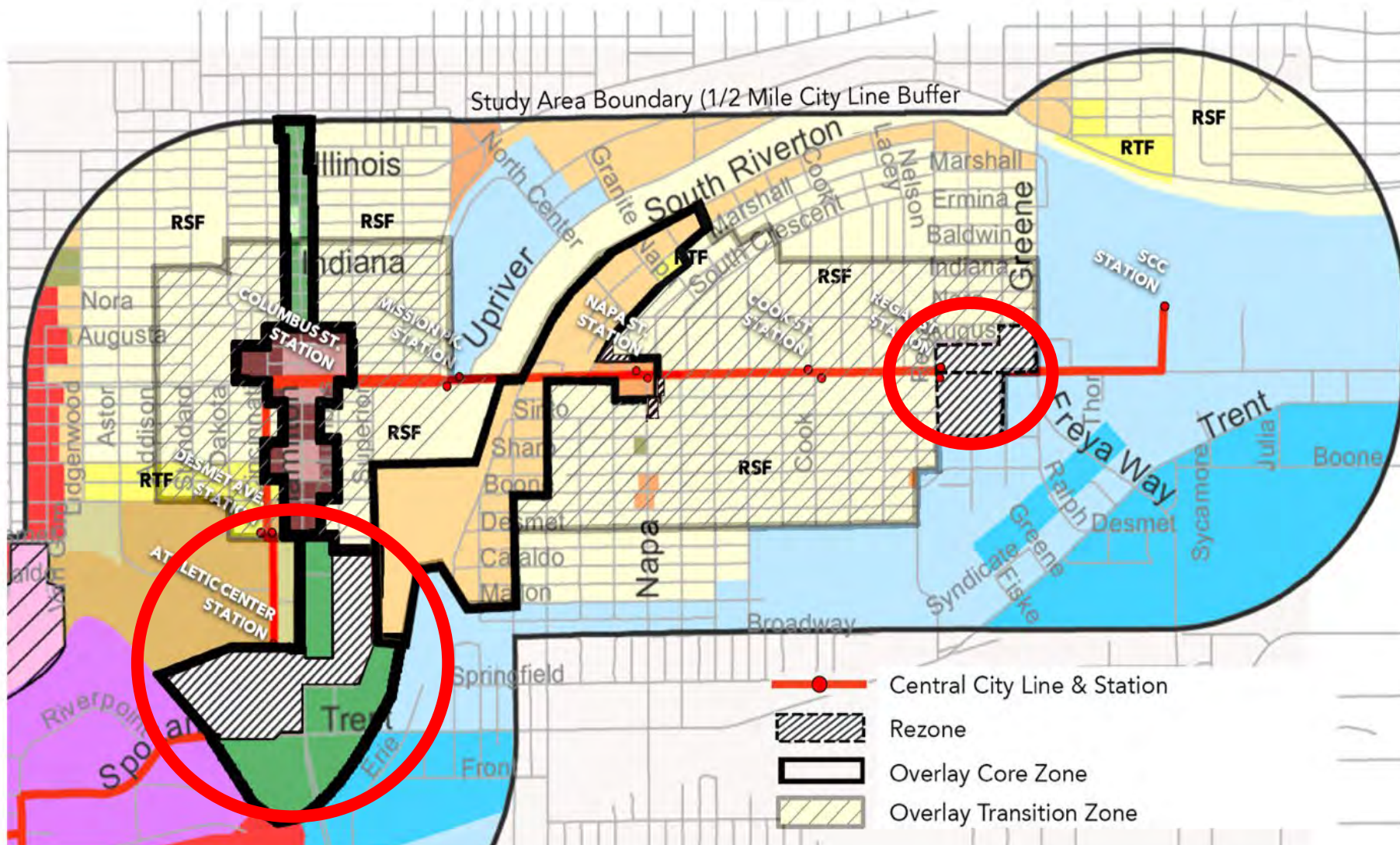


Figure 36: TOD Overlay Zone & Rezoning

4. Carry out focused plans and studies at key locations

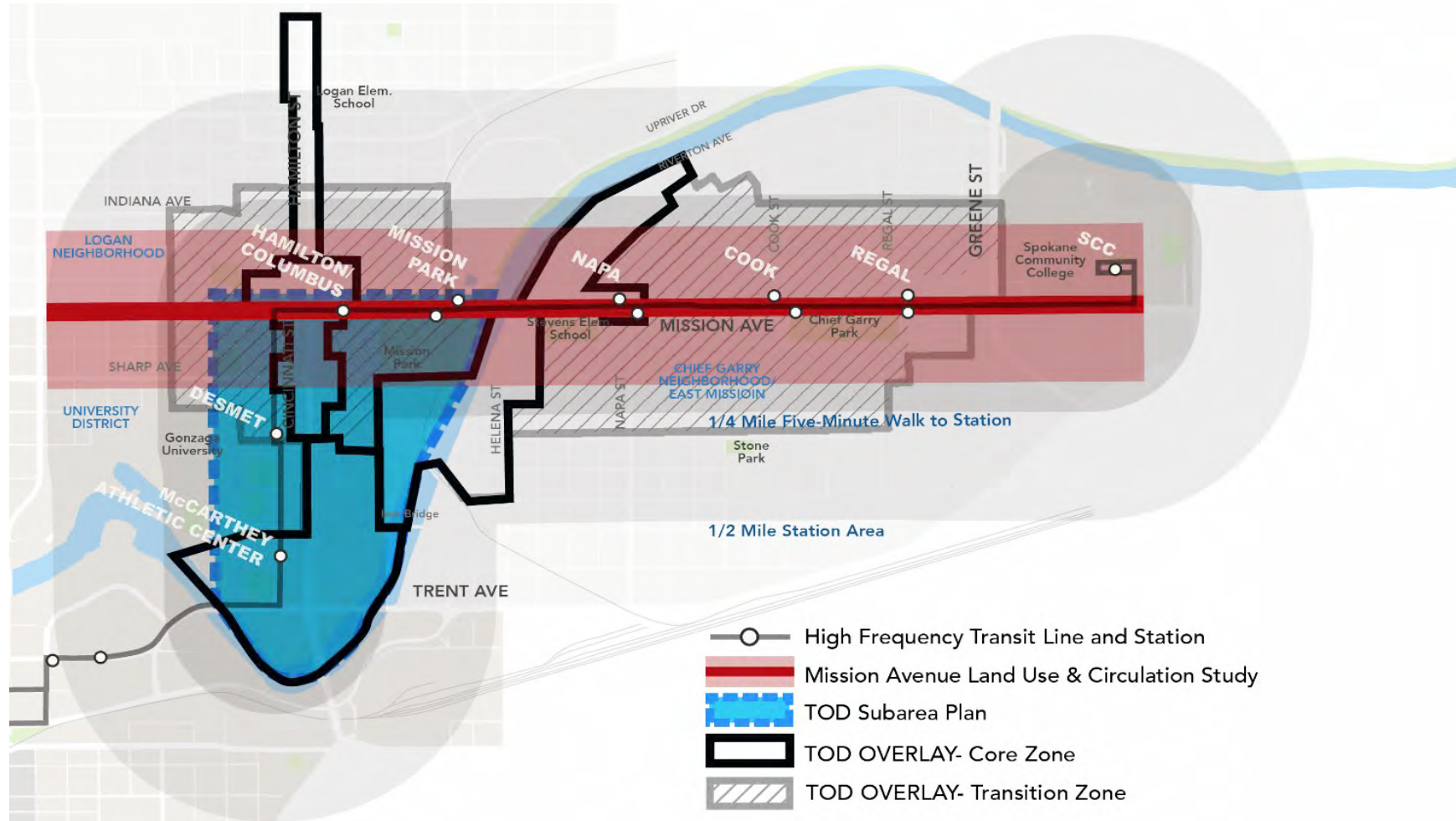


Figure 9: Action Plan Projects

ACTION PLAN

Available online at:

[TOD Framework Study Website](https://my.spokanecity.org/projects/transit-oriented-development-study/)

- Summarizes guiding principles,
- Reviews analysis and study process, and
- Reviews recommendations and next steps

<https://my.spokanecity.org/projects/transit-oriented-development-study/>



NEXT STEPS

May 2022

City Council

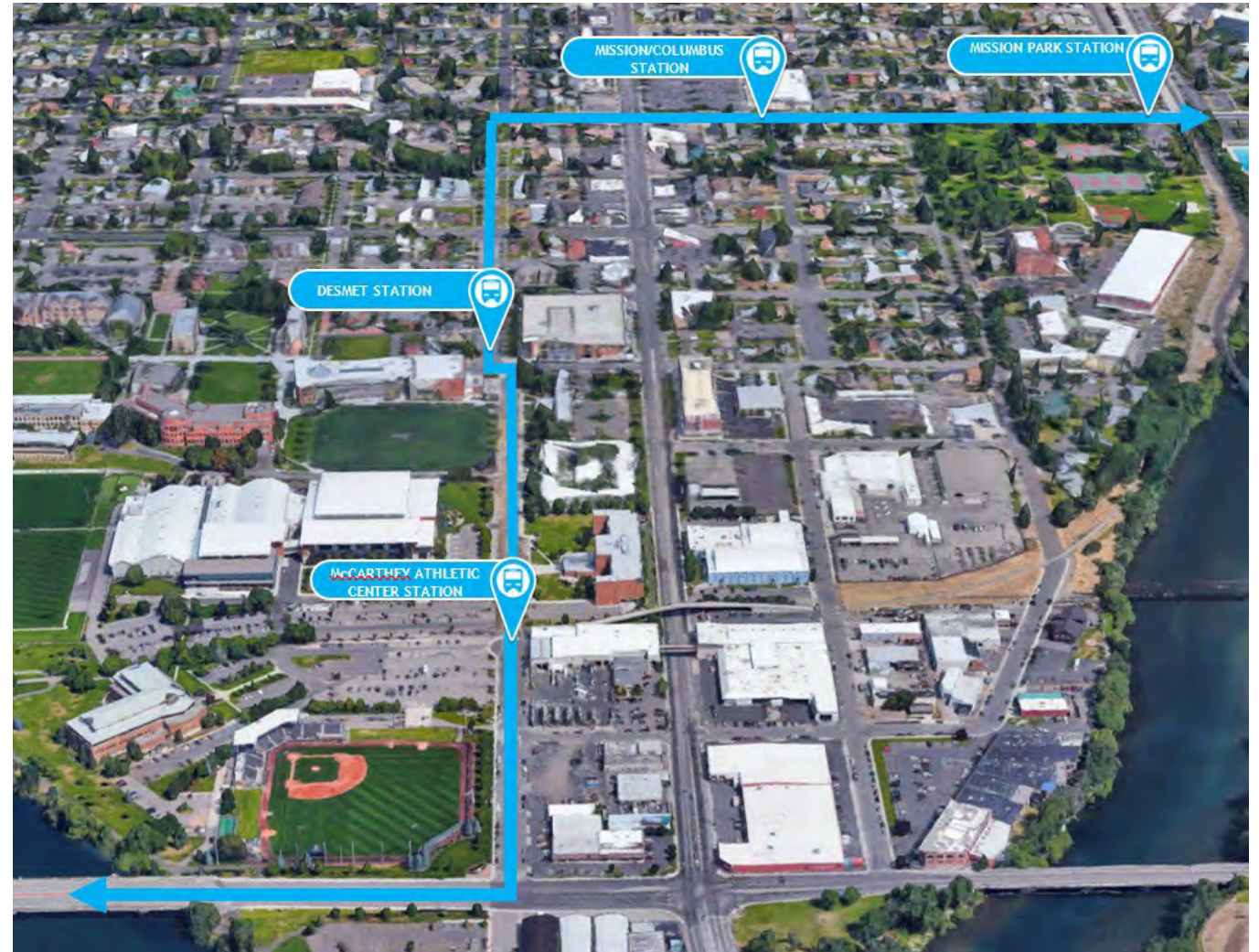
Resolution recognizing recommendations

2022 / 2023

South Logan TOD Project:

TODI Implementation Grant

- McCarthy Athletic Center Station Area
- Desmet Station Area
- Mission/Columbus Station Area





STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission
Subject:	Spokane New Design Guidelines & Associated Code Amendments
Staff Contact:	Dean Gunderson, Senior Urban Designer (509) 625-6082 dgunderson@spokanecity.org
Report Date:	April 6, 2022
Hearing Date:	April 13, 2022
Recommendation:	Approve

I. SUMMARY

Planning and Economic Development Services Department staff working with recommendations provided by its consultant, Urbsworks, have developed design guidelines and associated code amendments to provide clarity and transparency to the design review process. The new Spokane Design Guidelines will be a component of the existing Unified Development Code, as they will be adopted by ordinance.

II. BACKGROUND

DESIGN REVIEW-CURRENT

The City of Spokane has had some form of design review since 1994. In 2010, the process was reformed, and the former Design Review Committee was upgraded to the Design Review Board. Consistent with that change, procedures were put into place to normalize application procedures, review criteria, and recommendation formats.

The primary tool used to conduct design review are the Design Guidelines. Such guidelines provide detailed policy guidance regarding the community's preferred composition for the public realm design elements for project subject to design review.

Currently, the City of Spokane has adopted only two sets of guidelines: those used to evaluate mini-storage facilities (effective July 26, 2000) and those used to evaluate projects in the downtown (effective December 14, 2009).

For the majority of projects subject to Design Review, neither applicants nor the public (or urban design staff or the Design Review Board) have the benefit of design guidelines. Such reviews have relied on the best professional judgement of staff and the board, resulting in a lack of predictability and continuity.

RECENT PLANNING EFFORTS

The city retained Urbsworks (an urban design consultant) to conduct research in the state of the design review practice in three cities with similar design review authority as Spokane: Seattle Washington, Boise Idaho, and Portland Oregon. Additionally, the consultant assisted urban design staff in conducting public outreach, key stakeholder interviews, and existing design review code evaluation. This work concluded with a memo identifying recommended code amendments and an outline for new design guidelines for public projects and structures, skywalks, and citywide (a set of guidelines that would be used to conduct design review for any project which would not normally have design guidelines).

Urban design staff have continued working with the Design Review Board, stakeholders, and members of the technical review team to craft the new design guidelines and associated code amendments.

III. PROCESS

UNIFIED DEVELOPMENT CODE AMENDMENT PROCEDURE

ROLE OF THE CITY PLAN COMMISSION

The proposed Unified Development Code amendment requires a review process set forth in chapter 17G.025 of the Spokane Municipal Code (SMC). The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

COMMUNITY ENGAGEMENT

The project team hosted a number of community outreach events and online surveys to gather initial input on the project scope of work. Additionally, the project was subject to the following review meetings and outreach efforts:

City Council

- August 2019: Urban Experience
- September 2021: Review of draft Design Guidelines
- April 2022: Workshop on Design Guidelines and Code Revisions

Plan Commission

- October 2020: Status update
- September 2021: Review of Design Guidelines drafts
- March 2022: Final Workshop on Design Guidelines and Code Revisions
- April 2022: Recommendation Hearing

Design Review Board

- October 2020 (review consultant's work)
- November 2021 (review of outlines for design guidelines)
- December 2021 (review of design guideline drafts)

Stakeholders

- March 2020 (Interviews with Key Stakeholders)
- June 2021: Review of Design Guideline outlines
- November 2021: Review of Design Guideline drafts

Technical Team

- May/June 2020 (online presentations with Q&A)
- June 2021 (review of draft design guidelines)
- January/February 2022 (review of draft code revisions)

PUBLIC NOTIFICATION AND SEPA REVIEW

- A Notice of Intent to Adopt was filed with Washington Department of Commerce on March 1, 2022.
- A SEPA Determination of Nonsignificance (DNS) was issued on March 28, 2022. The comment period will end on April 11, 2022.
- Notice of Application, Notice of SEPA Determination, and Notice of Plan Commission Hearing was emailed, posted at the Spokane Library's virtual Public Notices webpage, and published in the Spokesman-Review on March 30, 2022. The notice was published again in the Spokesman-Review on April 6, 2022.
- Hearing date is scheduled with the Plan Commission for April 13, 2022.

COMMENTS RECEIVED

Written and emailed comments received will be provided to the Plan Commission prior to the public hearing.

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as Exhibit 8.

IV. ANALYSIS

PROPOSAL DESCRIPTION

The City of Spokane Planning is proposing the passage of three distinct ordinances.

The first ordinance relates to the adoption of the three new sets of design guidelines and amendments to SMC 17G.040.020. See Exhibit 1 for the wording of the full ordinance and Exhibits 4-6 for the design guideline booklets.

The second ordinance relates to the adoption of a new Land Use Standards chapter governing skywalks (SMC chapter 17C.255), amendments to SMC sections 12.02.0405, 12.02.0410, 12.02.0424, 12.02.0452, 12.02.0464, 12.02.0470, and 12.02.0476, and repealing SMC sections 12.02.0450, 12.02.0460, 12.02.0462 AND 2.02.0474. These amendments clarify the design criteria for skywalks. See Exhibit 2 for the wording of the full ordinance.

The third ordinance improves the clarity and transparency of the design review process by amending SMC sections 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170. These amendments update outdated terms, clarify design departures, clarify application requirements, and correct decision criteria. See Exhibit 3 for the wording of the full ordinance.

The full list of proposed code changes and the purpose of the changes can be found in the table below:

Code Amendments for the Adoption of the Design Guidelines (see Exhibit 1)	
SMC 17G.040.020	Development and Applications Subject to Design Review
	<ul style="list-style-type: none"> Adds a reference to the specific Design Guidelines (existing and new) to their respective project types. This is where the new Design Guidelines for Public Projects and Structures (Exhibit 4), Skywalks (Exhibit 5), and Citywide (Exhibit 6) are added by reference – as well as the existing sets of Design Guidelines for the Downtown (adopted in 2010) and Mini-storage Facilities (adopted in 2000). Deletes Shoreline conditional use permits as a project subject to design review. This brings this section into compliance with the latest shoreline code amendments adopted in 2021. Adds clarification that projects seeking a Design Departure that do not already have a set of Design Guidelines shall be conducted using the Citywide Design Guidelines. Adds clarification that design review for sidewalk encroachments for private use that do not already have a set of Design Guidelines shall be conducted using the Citywide Design Guidelines. Adds clarification that design deviation requests in Centers & Corridors shall be conducted using the Citywide Design Guidelines. Adds clarification that projects that are subject to design review by call-out anywhere in the Unified Development Code that do not already have a set

	<p>of Design Guidelines, that review shall be conducted using the Citywide Design Guidelines.</p> <ul style="list-style-type: none"> Clarifies that for any development proposal either the Planning Director or the Hearing Examiner may request the board's advice pertaining to any design element. Clarifies that for any planning study either the Plan Commission or Planning Director may request the board's advice pertaining to any design element.
Code Revisions Related to Skywalks (see Exhibit 2)	
SMC 12.02.0405.C	City Council Finding
	<ul style="list-style-type: none"> Clarifies that City Council may evaluate skywalk proposals anywhere in the city, not just the "major shopping center of the core of the city" as skywalks over public rights-of-way are found throughout the city.
SMC 12.02.0410.B(2)	Policy Purpose
	<ul style="list-style-type: none"> Expands upon the correction proposed in SMC 12.02.0405.C, by stating the purpose of a skywalk located anywhere in the city.
SMC 12.02.0424	Evaluation by Hearing Examiner
	<ul style="list-style-type: none"> Corrects an outdated reference to the portion of code that refers to the Office of the Hearing Examiner. Adds reference to the proposed chapter of code to which will be relocated the design standards governing skywalks.
SMC 12.02.0450	Design
	<ul style="list-style-type: none"> Delete, in total. All development and design criteria are to be relocated to a new code chapter (SMC 17C.255), governing skywalk development and design standards. <p>Note: All portions of standards governing the granting of permission to construct skywalks within a public right-of-way (terms and conditions of such agreements, obligations of parties to such agreements, etc.) will remain in SMC 12.02 Article III – Skywalks. Only Development and Design Standards will be consolidated in SMC 17C.255</p>
SMC 12.02.0425.C	Further Specifications
	<ul style="list-style-type: none"> Delete this section, as criteria for glazing and framing are to be relocated to SMC 17C.255
SMC 12.02.0460	Dimensions – Angulation – Slope
	<ul style="list-style-type: none"> Delete this section, as dimensional, angulation, and slope criteria are to be relocated to SMC 17C.255

SMC 12.02.0462	Arch – Vertical Clearance
	<ul style="list-style-type: none"> Delete this section, as all arch and vertical clearance criteria are relocated to SMC 17C.255.
SMC 12.02.0464.A	Ramps – Malls and Walkways
	<ul style="list-style-type: none"> Delete the section referring to ramps and steps, as this language is to be moved to SMC 17C.255.
SMC 12.02.0470	Signs – Lighting
	<ul style="list-style-type: none"> Adds clarifying language that skywalk wayfinding signage is a permitted type of signage. Removed reference to “inconspicuous external lighting” as what is considered conspicuous/inconspicuous is clarified in the Skywalks Design Guidelines (in both text and pictures). Deletes reference to the “plan commission” having a role in reviewing signage applications on skywalks. Removed a reference to standardized and uniform wayfinding signage needing to occur only in the downtown area. Clarified that “skywalk owners” are the parties responsible for signage maintenance costs (not just “property owners”). Adds clarifying language that permits the hearing examiner to prepare and adopt “project-specific” guidelines for the placement of wayfinding signage.
SMC 12.02.0474	Street Access
	<ul style="list-style-type: none"> Delete this section, as all criteria related to street access are to be relocated to SMC 17C.255.
SMC 12.02.0476	Limitation on Permits
	<ul style="list-style-type: none"> Amended language to substitute design review board for “plan commission” as the plan commission plays no role in the evaluation of skywalk applications.
SMC 17C.255	Skywalks
	<ul style="list-style-type: none"> Provides the Title for the new chapter
SMC 17C.255.010	Purpose
	<ul style="list-style-type: none"> Provides purpose statement. Provides non-discretionary development standards for: street clearances, circulation, street access, glazing, and stormwater drainage.

SMC 17C.255.015	Design Standards Administration
	<ul style="list-style-type: none"> Provides language for the administration of the R/P/C implantation criteria. Includes language permitting deviations for the design standards through the standard design review process without the need to submit a Design Departure application (to ensure continuity with existing review process).
SMC 17C.255.500	Design Standards Implementation
	<ul style="list-style-type: none"> Provides language for implementing the design standards. Makes references to the Skywalk Design Guidelines and the Design Review Application Handbook.
SMC 17C.255.510	Windows – Building Design
	<ul style="list-style-type: none"> Provides language for windows purpose and implementation criteria.
SMC 17C.255.515	Enclosure – Building Design
	<ul style="list-style-type: none"> Provides language for enclosure purpose and implementation criteria.
SMC 17C.255.520	Articulation – Building Design
	<ul style="list-style-type: none"> Provides language for articulation purpose and implementation criteria.
SMC 17C.255.525	Angulation and Slope
	<ul style="list-style-type: none"> Provides language for angulation and slope purpose and implementation criteria.
SMC 17C.255.530	Dimensions
	<ul style="list-style-type: none"> Provides language for dimensions (widths and height) purpose and implementation criteria.
Code Amendments for Clarifying the Design Review Process (see Exhibit 3)	
SMC 08.02.0665	Design Review Fee Terminology
	<ul style="list-style-type: none"> Corrects references to design review conducted by urban design staff (Abbreviated), design review conducted by the Design Review Board (Standard), and correctly refers to the design review code.
SMC 17G.030.020	Design Departures
	<ul style="list-style-type: none"> Clarifies that all Design Standards written in an R/P/C format are eligible for Design Departures. Brings this section of code into compliance with all Design Standards Administration and Design Standards Implementation code sections found in SMC 17C.

SMC 17G.060.070	Application Requirements
	<ul style="list-style-type: none"> • Corrects code reference to for PUD site plan compliance. • Adds two additional application requirements for Skywalk applications – indicating compliance with final design review recommendations, and the locations and design of all wayfinding signage.
SMC 17G.060.170	Decision Criteria
	<ul style="list-style-type: none"> • Removes requirement that PUDs be subject to design review at such an application's preliminary plat stage. • Clarifies that criteria for air rights permits for skywalks can be found in SMC 12.02 Article III, and notes that the design criteria for skywalk land use permits can be found in the new Land Use Standards chapter for Skywalks.

FINAL REVIEW CRITERIA

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission as well as the approval criteria outlined in the Code. The applicable criteria are shown below in ***bold italic*** with staff analysis following each criteria.

A. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

The proposed text amendment is internally consistent with applicable supporting documents of the Comprehensive Plan as follows:

The following policies found in Chapter 8: Urban Design and Historic Preservation:

DP 1.1 Landmark Structures, Buildings, and Sites, DP 1.2 New Development in Established Neighborhoods, DP 1.3 Significant Views and Vistas, DP 1.4 Gateway Identification, DP 2.1 Definition of Urban Design, DP 2.2 Design Guidelines and Regulations, DP 2.3 Design Standards for Public Projects and Structures, DP 2.4 Design Flexibility for Neighborhood Facilities, DP 2.5 Character of the Public Realm, DP 2.6 Building and Site Design, DP 2.7 Historic District and Sub-Area Design Guidelines, DP 2.8 Design Review Process, DP 2.9 Permit Process, DP 2.10 Business Entrance Orientation, DP 2.11 Improvements Program, DP 2.12 Infill Development, DP 2.13 Parking Facilities Design, DP 2.14 Town Squares and Plazas, DP 2.15 Urban Trees and Landscape Areas, DP 2.16 On-Premises Advertising, DP 2.17 Billboards, DP 2.18 Bus Benches and Shelters Advertising, DP 2.19 Off-Premises Advertising, DP 2.20 Telecommunication Facilities, DP 2.21 Lighting

Staff Analysis: The proposed guidelines and code amendments work to fully implement the above listed policies found in the Comprehensive Plan.

B. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

Staff Analysis: The proposed code amendments directly relate to protecting public health, improving public safety and welfare, while affording protection of the environment. Further, these amendments comply with SMC section 04.13.015 in that they improve communication and participation among developers, neighbors, and the city early in the design and siting of new development subject to design review. They ensure that all projects subject to design review have related adopted design guidelines. They advocate for the aesthetic quality of Spokane's public realm, they ensure design and site planning respond to context, enhance pedestrian characteristics, consider sustainable design practices, and help make Spokane a desirable place to live, work, and visit. They preserve flexibility in the application of design standards through a clear and understandable design standard departure process. Finally, they ensure that public facilities and projects within the city's right-of-way wisely allocate the city's resources while serving as models of design quality.

V. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the requested code amendments (which include the new design guidelines) satisfy the applicable criteria for approval as set forth in SMC Section [17G.020.030](#).

VI. RECOMMENDED ACTION

Staff recommends that the Plan Commission adopt the facts and findings of the staff report and recommend that the City Council approve the three ordinances.

EXHIBITS

1. Ordinance for the Adoption of the Design Guidelines
2. Ordinance for the Adoption of a New Land Use Standards Chapter Governing Skywalks
3. Ordinance for Clarifying the Design Review Process
4. Public Projects and Structures Design Guidelines
5. Skywalks Design Guidelines
6. Citywide Design Guidelines
7. SEPA Determination of Non-Significance
8. Public Comments

EXHIBIT 1 – ORDINANCE FOR THE ADOPTION OF THE DESIGN GUIDELINES

ORDINANCE NO. _____

AN ORDINANCE RELATING TO DESIGN GUIDELINES; AMENDING SMC SECTION 17G.040.020; AND ADOPTING NEW DESIGN GUIDELINES.

WHEREAS, through Chapter 04.13 of the Spokane Municipal Code, the City has established a Design Review Board to ensure that development projects subject to design review are consistent with adopted design guidelines and help to implement the City's Comprehensive Plan; and

WHEREAS, the City of Spokane has adopted three types of development review criteria that guide development of the built environment – (i) Development Standards, (ii) Design Standards, and (iii) Design Guidelines; and

WHEREAS, the focus of the Design Review Board is on ensuring the projects are consistent with Design Guidelines, whereas Development Standards and Design Standards are generally administered by development services staff, department directors, or the hearing examiner, depending on the permit application type; and

WHEREAS, the City has yet to adopt Design Guidelines for a number of project types that trigger the Design Review Process, including skywalks located above public ways, public projects or structures, and any other project subject to design review as required by code; and

WHEREAS, the City finds that it necessary to update its design review regulations to provide the Design Review Board with the necessary tools to (i) improve communication and participation among developers, neighbors, and the City early in the design and siting of new development projects subject to design review, (ii) ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan, (iii) advocate for the aesthetic quality of Spokane's public realm, (iv) encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit, and (v) provide flexibility in the application of development standards as allowed through development standard departures; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance; therefore

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That Title 17 SMC is amended to include new design guidelines for the following project types currently subject to design review.

- A. Public Projects and Structures.
 - 1. See Exhibit A
- B. Skywalks.
 - 1. See Exhibit B
- C. Citywide
 - 1. See Exhibit C

Section 2. That section 17G.040.020 is amended as follows:

Section 17G.040.020 Development and Applications Subject to Design Review

Development Applications Subject to Design Review. The board shall review the design elements of the following developments and/or project permit applications:

A. All public projects or structures. Such design reviews shall be conducted using the Public Projects and Structures Design Guidelines.

~~((B. Shoreline conditional use permit applications.))~~

~~((C.))~~ B. Skywalks ~~((applications))~~ over a public right-of-way. Such design reviews shall be conducted using the Skywalks Design Guidelines.

~~((D.))~~ C. Projects seeking a design departure per chapter 17G.030 SMC, Design Departures, SMC 17G.030.030, Review Process. Unless such projects would otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the Citywide Design Guidelines.

~~((E.))~~ D. Within downtown zones. Such design reviews within the downtown zones shall be conducted using the Downtown Design Guidelines:

1. Within the central area identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. New buildings and structures greater than twenty-five thousand square feet.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.
2. Within the perimeter area identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. New buildings and structures greater than fifty thousand square feet.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.
3. Within the gateway areas identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. All new buildings and structures.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade fronting on a designated gateway street or within one hundred feet of an intersection with a gateway street.
4. Sidewalk encroachment by private use. Unless such projects would otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the Citywide Design Guidelines.

~~((F.))~~ E. Within Centers & Corridors zones, ~~((application))~~ requests for ((Design Departures)) design deviations from the Design Standards and Guidelines for Centers and Corridors. Such design reviews shall be conducted using the Citywide Design Guidelines.

F. Mini-storage Facilities, when required under SMC 17C.350.040. Such design reviews shall be conducted using the Mini-Storage Design Guidelines.

~~((H))~~ G. Other developments or projects listed within the Unified Development Code that require design review. Unless such projects would otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the Citywide Design Guidelines.

H. Any development proposal about which the planning director or hearing examiner requests to have the board's advice pertaining to any design elements.

~~((G))~~ I. Any ~~((other development proposal or))~~ planning study about which the plan commission, or planning director ~~((, or hearing examiner))~~ requests to have the board's advice pertaining to any design elements.

Section 3. Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this ordinance.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 2 – ORDINANCE FOR THE ADOPTION OF A NEW LAND USE STANDARDS CHAPTER GOVERNING SKYWALKS

ORDINANCE NO. _____

AN ORDINANCE RELATING TO STANDARDS FOR SKYWALKS; AMENDING SMC SECTIONS 12.02.0405, 12.02.0410, 12.02.0424, 12.02.0452, 12.02.0464, 12.02.0470, AND 12.02.0476, ; REPEALING SMC SECTIONS 12.02.0450, 12.02.0460, 12.02.0462 AND 12.02.0474; AND ADDING CHAPTER 17C.255 SMC.

WHEREAS, through Chapter 04.13 of the Spokane Municipal Code, the City has established a Design Review Board to ensure that development projects subject to design review are consistent with adopted design guidelines and help to implement the City's Comprehensive Plan; and

WHEREAS, the City of Spokane has adopted three types of development review criteria that guide development of the built environment – (i) Development Standards, (ii) Design Standards, and (iii) Design Guidelines; and

WHEREAS, the focus of the Design Review Board is on ensuring the projects are consistent with Design Guidelines, whereas Development Standards and Design Standards are generally administered by development services staff, department directors, or the hearing examiner, depending on the permit application type; and

WHEREAS, the City has yet to adopt Design Guidelines for a number of project types that trigger the Design Review Process, including skywalks located above public ways, public projects or structures, and any other project subject to design review as required by code; and

WHEREAS, the City finds that it necessary to update its design review regulations to provide the Design Review Board with the necessary tools to (i) improve communication and participation among developers, neighbors, and the City early in the design and siting of new development projects subject to design review, (ii) ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan, (iii) advocate for the aesthetic quality of Spokane's public realm, (iv) encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit, and (v) provide flexibility in the application of development standards as allowed through development standard departures; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance; therefore

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That the following sections of the Spokane Municipal Code are repealed: SMC section 12.02.0450 entitled "Design"; SMC section 12.02.0460 entitled "Dimensions – Angulation – Slope"; SMC section 12.02.0462 entitled "Arch – Vertical Clearance"; and SMC section 12.02.0474 entitled "Street Access".

Section 2. That SMC section 12.02.0405 is amended as follows:

Section 12.02.0405 Findings

The city council finds as follows:

- A. The City, as a city of the first class, has the power to regulate and control the use of streets and avenues within the corporate limits of the City.
- B. The free circulation of pedestrian and vehicle traffic through the City is necessary to the health, safety, and general welfare of the citizens of the City.
- C. The construction of overhead pedestrian skywalks will facilitate movement of pedestrian traffic, especially ~~((within the major shopping center of the core area of the City, and reduce the volume of pedestrian traffic on the existing sidewalks and streets, all of which is))~~ within portions of the community where the reduction of pedestrian traffic congestion on the existing skywalks and streets appears warranted, may be to the general benefit of the citizens of the City.
- D. The placement of overhead pedestrian skywalks in the airspace across the streets and alleys in the city will not interfere with the use of the surface of the street as a public right-of-way.
- E. The issuance of a permit granting the right to use the public airspace to build a pedestrian skywalk or which permits a property owner to obtain access to the pedestrian skywalk system should not carry with it the right for the permittee to prohibit another property owner from joining the skywalk system or from obtaining access to any of its tributaries.

Section 3. That SMC section 12.02.0410 is amended as follows:

Section 12.02.0410 Policy - Purpose

- A. The city council, finding overhead pedestrian skywalks to promise improvement of pedestrian and vehicular traffic in congested areas of the City, declares that it is the policy of the City to approve, in principal, the construction of pedestrian skywalks over City streets and alleys. Said construction is in the interest of the public health, safety and welfare.
- B. The purpose of this article is to guide future development of:
 - 1. individual pedestrian skywalks to be situated within the City; and
 - 2. a system of pedestrian skywalks and connecting walkways, generally at the second floor level~~((, supplementing the street level pedestrian sidewalk system in the central business district (Census Tracts 34 and 35). Such pedestrian skywalks are intended to augment pedestrian movement, reduce pedestrian-vehicular conflict, and permit expansion of retail shop and mall areas within convenient reach of the public, particularly in congested areas such as the central business district (CBD).))~~ Such pedestrian skywalks are intended to augment pedestrian movement, reduce pedestrian-vehicular conflict, and permit expansion of desirable land uses within convenient reach of the public.
- C. Skywalks are intended and reserved for the movement of pedestrians over and across the public streets and alleys of the city. As used herein "skywalks" refers to pedestrian skywalks. Permits for the use of air rights for the movement of goods or the conduct of business may be granted or denied by the city council under such other policy as the council may adopt.

Section 4. That SMC section 12.02.0424 is amended as follows:

Section 12.02.0424 Evaluation by Hearing Examiner

The application is evaluated by the hearing examiner in accord with standards and criteria set forth in this article and ~~((chapter 11.02 SMC))~~ chapter 17G.060 SMC. The hearing examiner may impose such additional conditions or grant such exceptions to this article as the examiner deems appropriate, consistent with the policy and purpose of this article. However, if exceptions to the ~~((standards set forth in this article are granted by the hearing examiner, they may be granted only pursuant to recommendations made by the design review board.))~~ design standards set forth in SMC 17C.255.500 through SMC 17C.255.530 are granted by the hearing examiner, they may be granted only pursuant to recommendations made by the design review board.

Section 5. That SMC section 12.02.0452 is amended as follows:

Section 12.02.0452 Further Specifications

- A. The construction of skywalks shall be in accordance with the plans and specifications filed with the City, and shall comply with the City building code, so as to provide necessary fire protection between the pedestrian skywalk structure and the buildings to which it is connected, as well as necessary fire protection between properties within the tributary malls and walkways.
- B. Skywalks must be designed and constructed so as to bear solely upon privately owned land and be removable without affecting the structural integrity of the buildings situated on private land.
- C. ~~All glazing within the skywalk structure shall be not less than one-quarter inch thick tempered glass set in metal frames. Skywalks must have internal, controlled, year-round drainage to adjoining building systems or to the storm sewer, constructed and maintained to the satisfaction of the City of Spokane.~~

Section 6. That section 12.02.0464 is amended as follows:

Section 12.02.0464 ((Ramps)) Obstructions – Malls and Walkways

- A. ~~((Ramps within the skywalk structure should be distributed continuously, uniformly, and symmetrically at an incline not exceeding one foot vertically for every twelve feet of horizontal distance (approximately eight and three-tenths percent). There should be no steps within a skywalk structure or in walkways associated with skywalks.))~~
- ((B)) A. Malls and walkways continuing from skywalks through buildings shall be maintained reasonably clear of obstructions so as to permit the skywalk system to effectively function in accordance with its purpose, to move pedestrian traffic rapidly within congested areas of the City.

Section 7. That section 12.02.0470 is amended as follows:

Section 12.02.0470 Signs - Lighting

- A. No advertising, readerboards, or other signs, except City traffic signs and skywalk wayfinding signage, shall be permitted on the internal or external portions of the skywalk structures. Distinct internal directional signs designating routes within the skywalk system may be permitted, and such signing indicating routes to street access shall be provided at all vertical accesses. Decorations for holiday, seasonal, and civic events may be placed on skywalk structures, on a temporary basis, subject to the prior written approval of the director of engineering services.
- B. Skywalks must have ~~((inconspicuous,))~~ nonglare, internal lighting, and where necessary for pedestrian safety and convenience ~~((, inconspicuous external lighting))~~.
- C. Signs located on or facing on the sidewalk indicating the direction to and location of skywalk entrances shall conform to guidelines established by the City ~~((plan commission))~~ and shall meet the following criteria:
 - 1. Skywalk entrance direction signs on sidewalks or placed on a structure fronting on the sidewalk should be reasonably standardized and uniform ~~((throughout the downtown area))~~.
 - 2. The signs should not be a safety hazard or unduly restrict pedestrian movement.
 - 3. The signs should be aesthetically pleasing and complementary with existing street furniture.
 - 4. Signs should be simple, readable, and contain no advertising.
 - 5. The costs of the sign and associated maintenance shall be borne by the ~~((property))~~ skywalk owners.

- D. The hearing examiner administers skywalk sign proposals submitted as a part of a skywalk application as well as those proposed separately from and not a part of a skywalk application. The hearing examiner may prepare and adopt project-specific signage guidelines that reflect the above criteria to assist in the administration of applications for placement of sidewalk entrance signs.

Section 8. That section 12.02.0476 is amended as follows:

Section 12.02.0476 Limitation on Permits

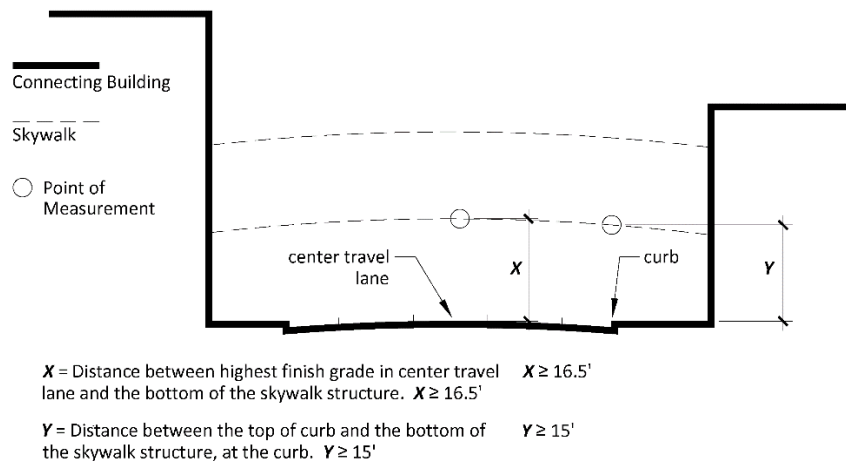
- A. No more than one permit for a pedestrian skywalk should be granted in any one block of street frontage. In cases of unusually long blocks, or unusual property or physical problems, two standard second-floor-level skywalks may be permitted so long as their combined width does not exceed ten percent of the length of the block.
- B. Structures other than skywalks spanning public streets shall not preclude a pedestrian skywalk in the same block and such structures shall not be calculated in the ten percent limitation set forth hereinabove. In each case, the ~~((plan commission))~~ design review board shall carefully evaluate the need for an additional structure across such street and the location of the proposed pedestrian skywalk in relation to the existing structure with the intent of keeping the structures spanning the street to the minimum number necessary for a successful pedestrian skywalk system.

Section 9. That a new chapter is added to the Title 17 of the Spokane Municipal Code as follows:

Chapter 17C.255 Skywalks

Section 17C.255.010 Purpose

- A. Purpose. To ensure public safety and a consistent development of skywalk structures in the public right of way, the following development standards must be met.
- B. Skywalk Development Standards
1. Street Clearance
 - a. Skywalks must have a minimum of sixteen and one-half feet clearance above the existing street grade in the center lane, and must have a minimum of fifteen feet clearance above the street pavement at the curb and over alleys.



2. Circulation

- a. Ramps within the skywalk structure should be distributed continuously, uniformly, and symmetrically at an incline not exceeding one foot vertically for every twelve feet of horizontal distance (approximately eight and three-tenths percent).
- b. There should be no steps within a skywalk structure or in walkways associated with skywalks.

3. Street Access

- a. Skywalks must have adequate pedestrian access to and from the street level, such access to be available at, at least, one of the termini points of each skywalk.
- b. Each one-block area should have at least one street level pedestrian access point for every two skywalks that enter the subject block. This street level pedestrian access may be through stairways or by mechanical means and such access may be internal or external to the structure.
- c. In the case of existing structures into which a skywalk is built, existing access systems at the property perimeter may be counted for this access to and from the street if it is well marked, accessible, and within fifty feet of the skywalk terminus.
- d. Skywalks outside the central business district shall be provided with such street level pedestrian access as deemed warranted by the city council, acting with the advice and recommendation of the design review board.

4. Glazing

- a. For impact resistance, all exterior glazing in the skywalk structure shall be not less than one-quarter inch thickness tempered glass set in metal frames.
- b. The use of double-paned insulated glazing and of metal frames with thermal breaks is encouraged.

5. Drainage

- a. Skywalks must have internal, controlled, year-round drainage to adjoining building systems or to the storm sewer, constructed and maintained to the satisfaction of the City of Spokane.

Section 17C.255.015 Design Standards Administration

All projects must address the pertinent design standards. A determination of consistency with the design standards will be made by the planning director following an administrative review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each design standard. For design standards that are designated Requirement (R) an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.

A. Requirements (R).

Requirements are mandatory in that they contain language that is not discretionary, such as “shall,” “must,” and “will.” Requirements must be satisfied by any plan prior to building permit approval. Requirements are listed with an (R) after the standard.

B. Presumptions (P).

Presumptions are standards that are meant to be applied, but with some flexibility. Presumptions indicate that the City is open to design features that are equal to, or better than, that stated – so long as the purpose is satisfied. A submitted plan is incomplete and will be rejected if it does not demonstrate that the presumptive elements have been in some way incorporated or overcome. Presumptions are listed with a (P) after the standard.

1. Overcoming a Presumption.

A presumption that may be unsuitable for a given project may be waived if an applicant can demonstrate to the planning director that there is a good reason why the presumption is inappropriate. The director may approve an alternative that achieves the intent of the presumption. At the discretion of the applicant, or in rare cases the director, may refer the permit to the design review board. A referral from the director would be in those cases where the complexity of the project and/or the cumulative impacts of deviations result in the project no longer meeting the overall intent of the design standard and the comprehensive plan.

2. Appropriate ways to overcome a presumption include:

- a. demonstrating that for a specific project the underlying design principle will not be furthered by the application of the presumption;
- b. showing that another design principle is enhanced by not applying the presumption;
- c. demonstrating an alternative method for achieving the intent of the presumption;
- d. explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage, or characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

Note: Increases in the cost of development will not be an acceptable reason to waive a standard or determine that a standard is inappropriate.

C. Considerations (C).

Design standards listed as considerations are features and concepts that an applicant should consider in preparing a plan. Their omission is not grounds for rejecting a plan, but their inclusion or recognition is encouraged and may assist in overcoming certain presumptions and in gaining acceptance for a plan. Considerations are listed with a (C) after the standard.

Section 17C.255.500 Design Standards Implementation

The design standards found in SMC 17C.255.500 through SMC 17C.255.530 follow SMC 17C.255.015, Design Standards Administration. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). An applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040. All skywalks are subject to design review and are subject to a design review process and shall follow the skywalk design guidelines.

Skywalks must meet the design standards found in SMC 17C.255.500 through SMC 17C.124.530 and follow the skywalk design guidelines. To allow new development to better respond to the unique character of its surroundings, the design review board's recommendations to the planning director may include flexibility from the design standards if the board determines that the proposal meets the intent of the design standards and the skywalk design guidelines. See the Skywalk Design Guidelines and the Design Review Application Handbook for an outline of the design review process.

Section 17C.255.510 Windows – Building Design

- A. Purpose. A skywalk should achieve an open character to reveal pedestrian use of the structure.
- B. Windows Implementation
 - 1. A skywalk's enclosing structure should have at least seventy percent transparent glazing, excluding structural framing members. (P)
 - 2. Openings in a skywalk structure should be distributed evenly along the length of the skywalk. (P)

Section 17C.255.515 Enclosure – Building Design

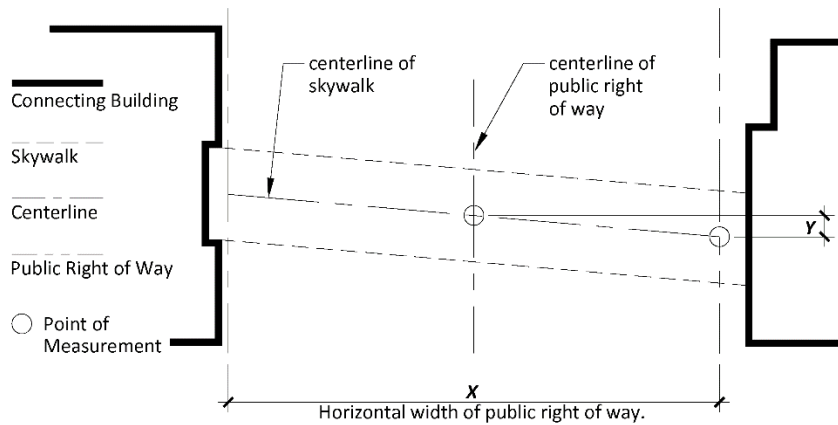
- A. Purpose. To ensure the year-round physical comfort of the pedestrian users of the skywalk.
- B. Enclosure Implementation
 - 1. A skywalk should be fully enclosed. (P)

Section 17C.255.520 Articulation – Building Design

- A. Purpose. The exteriors of skywalks will be noncompetitive with the character of the connecting buildings.
- B. Articulation Implementation
 - 1. The exterior of the skywalk structure should be contextually compatible with the connecting buildings. (P)
 - 2. The exterior of the skywalk structure should be restrained and conservative in detailing. (P)

Section 17C.255.525 Angulation and Slope

- A. Purpose. To convey a sense of structural stability to pedestrians and drivers, a skywalk structure should be as horizontal as feasible, and as orthogonal to the street grid as feasible.
- B. Angulation and Slope Implementation
 - 1. The horizontal angulation of the skywalk off the centerline of the right of way should not exceed five percent of the width of the right of way. (P)

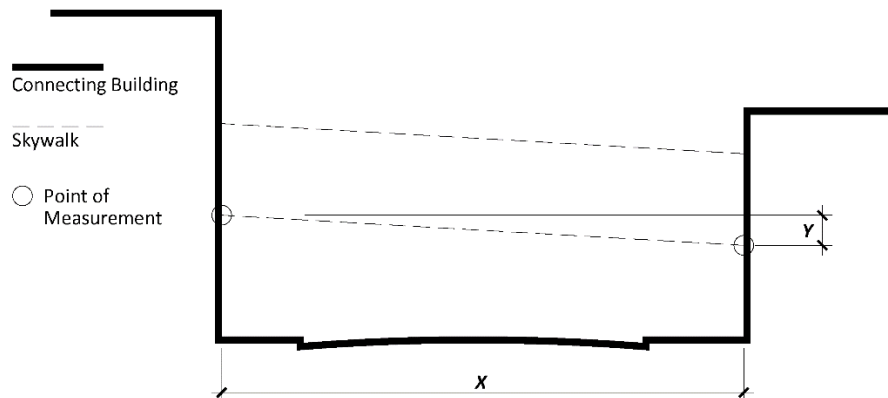


Y = The horizontal offset measured along the centerline of the skywalk, at its intersection with the centerline of the public right of way and its intersection with the edge of the public right of way.

Formula: $Y (\text{max.}) \leq X \text{ multiplied by } .05$

Example: If $X = 100'$, then Y must be equal to or less than 5'

- The vertical slope of the skywalk structure should not exceed one percent of the width between the connecting buildings' contact points. (P)



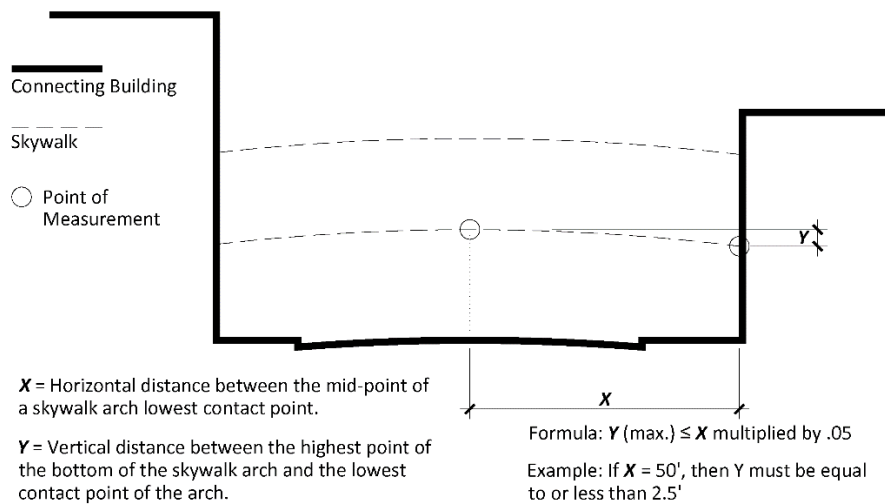
X = Horizontal distance between connecting buildings.

Formula: $Y (\text{max.}) \leq X \text{ multiplied by } .01$

Y = Vertical distance between the highest point of contact to the lowest point of contact.

Example: If $X = 120'$, then Y must be equal to or less than 1.2'

- No skywalk's structure should have an arch with a rise between the lowest end and the midpoint greater than a five percent slope. (P)



Section 17C.255.530 Dimensions

- A. Purpose. Skywalk structures must maintain adequate interior skywalk pathway dimensions, without unduly impacting the primary use of the skywalk and the liveliness of public sidewalks.
- B. Dimensions Implementation
 1. Skywalks must be no less than eight feet nor more than fourteen feet in width. (R)
 2. Skywalks must be no more than fourteen feet in height, as measured from the bottom of the skywalk structure to its top. (R)

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 3 – ORDINANCE FOR CLARIFYING THE DESIGN REVIEW PROCESS

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE DESIGN REVIEW PROCESS; AMENDING SMC SECTIONS 08.02.0665, 17G.030.020, 17G.060.070, AND 17G.060.170.

WHEREAS, through Chapter 04.13 of the Spokane Municipal Code, the City has established a Design Review Board to ensure that development projects subject to design review are consistent with adopted design guidelines and help to implement the City's Comprehensive Plan; and

WHEREAS, the City of Spokane has adopted three types of development review criteria that guide development of the built environment – (i) Development Standards, (ii) Design Standards, and (iii) Design Guidelines; and

WHEREAS, the focus of the Design Review Board is on ensuring the projects are consistent with Design Guidelines, whereas Development Standards and Design Standards are generally administered by development services staff, department directors, or the hearing examiner, depending on the permit application type; and

WHEREAS, the City has yet to adopt Design Guidelines for a number of project types that trigger the Design Review Process, including skywalks located above public ways, public projects or structures, and any other project subject to design review as required by code; and

WHEREAS, the City finds that it necessary to update its design review regulations to provide the Design Review Board with the necessary tools to (i) improve communication and participation among developers, neighbors, and the City early in the design and siting of new development projects subject to design review, (ii) ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan, (iii) advocate for the aesthetic quality of Spokane's public realm, (iv) encourage design and site planning that responds to context, enhances pedestrian characteristics, considers sustainable design practices, and helps make Spokane a desirable place to live, work, and visit, and (v) provide flexibility in the application of development standards as allowed through development standard departures; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance; therefore

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That SMC section 08.02.0665 is amended as follows:

Section 08.02.0665 Design Review

When design review is required or conducted under the provisions of chapter 4.13 SMC or ~~((chapter 11.19 SMC))~~ chapter 17G.040 SMC, fees shall be as follows:

- A. ~~((Review))~~ Abbreviated review conducted by the urban design staff: Six hundred dollars.
- B. ~~((Review))~~ Standard review conducted by the design review ~~((committee))~~ board: One thousand two hundred seventy-five dollars.

Section 2. That section 17G.030.020 is amended as follows:

Section 17G.030.020 Applicable Standards

A. Design Departures.

Design departures may be sought for design standards that are identified as Requirements (R) or Presumptions (P). Design departures are not for development standards (i.e., floor area ratio, building height, setbacks and sidewalks, etc.). The sections that allow for design departures include:

~~((1. site and building design standards (i.e., ground floor windows, base/middle/top, articulation, etc.) contained in chapter 17C.120 SMC.))~~

~~((2. the design standards found in chapter 17C.160 SMC, North River Overlay.))~~

1. Those applicable design standards found in chapter 17C.110 Residential Zones.
2. Those applicable design standards found in chapter 17C.120 Commercial Zones.
3. Those applicable design standards found in Attachment "A" of chapter 17C.122, section 17C.122.060 Center and Corridor Zones.
4. Those applicable design standards found in chapter 17C.124 Downtown Zones.
5. Those applicable design standards found in chapter 17C.130 Industrial Zones.
6. Those applicable design standards found in chapter 17C.160 North River Overlay.
7. Those applicable design standards found in chapter 17C.250 Tall Building Standards.
8. Those applicable design standards found in chapter 17G.070 Planned Unit Developments.
9. Any other design standards found in title 17 written as Requirements (R) or Presumptions (P).

Section 3. That section 17G.060.070 is amended as follows:

SMC 17G.060.070 Application Requirements

A. Application requirements for Type I, II, and III project permit applications shall contain the following:

1. Predevelopment meeting summary as provided in SMC 17G.060.050(B), if required in Table 17G.060-3.
2. Application documents provided by the department specifically including:
 - a. General application;
 - b. Supplemental application;
 - c. Environmental checklist, if required under chapter 17E.050 SMC;
 - d. Filing fees as required under chapter 8.02 SMC;
 - e. A site plan drawn to scale showing:
 - i. property dimensions;
 - ii. location and dimensions of all existing and proposed physical improvements;
 - iii. location and type of landscaping;
 - iv. walkways and pedestrian areas;

- v. off-street parking areas and access drives;
 - vi. refuse facilities; and
 - vii. significant natural features, such as slopes, trees, rock outcrops including critical areas.
 - f. Required number of documents, plans, or maps (as set forth in the application checklist);
 - g. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
 - h. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application; and
 - i. Additional application information may be requested by the permitting department and may include, but is not limited to, the following:
 - i. geotechnical studies,
 - ii. hydrologic studies,
 - iii. critical area studies,
 - iv. noise studies,
 - v. air quality studies,
 - vi. visual analysis, and
 - vii. transportation impact studies.
- B. The following Type II and III applications shall meet the requirements in this subsection in addition to the provisions of subsection (A) of this section:
- 1. Shoreline – Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.
The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.
 - c. Name, address, and phone number of the property owner, if other than the applicant.
 - d. Location of the property.
This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
 - e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
 - f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
 - h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
 - i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

- i. the boundary of the parcels(s) of land upon which the development is proposed;
- ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
- iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
- iv. a delineation of all wetland areas that will be altered or used as a part of the development;
- v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
- vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
- vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

- a. Site plan is to be prepared by a licensed surveyor; and
- b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.

3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
4. Preliminary Plat, Short Plat, and Binding Site Plan.
As provided in chapter 17G.080 SMC.
5. PUD.
 - a. Profiles of any structures more than one story, shown in relation to finished grade.
 - b. Location, dimension, and boundary of proposed open space.
 - c. Site plan demonstrating compliance with ~~((chapter 11.19 SMC))~~ title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.
6. Skywalk.
 - a. A legal description of airspace to be occupied.
 - b. Architectural and engineering plans.
 - c. Artist's rendering of the proposed skywalk; and
 - d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
 - e. Acceptance of the final design review recommendations.
 - f. Location and design of all wayfinding signage to be placed to ensure public access.
7. Floodplain – Floodplain Development Permit and Variance.
As provided in chapter 17E.030 SMC.

Section 4. That section 17G.060.170 is amended as follows:

Section 17G.060.170 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications:
 1. The proposal is allowed under the provisions of the land use codes.
 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection (C) of this section:
1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and
 - b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).
 2. Shoreline Conditional Use Permit.

The purpose of a shoreline conditional use permit is to provide a system within the shoreline master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the shoreline master program.

 - a. Uses classified or set forth in these shoreline regulations in Table 17E.060-4 as conditional uses, as well as unlisted uses, may be authorized provided the applicant can demonstrate all of the following:
 - i. The proposed use is consistent with the policies of RCW 90.58.020 and the shoreline master program.
 - ii. The proposed use will not unreasonably interfere with the normal public use of public shorelines.
 - iii. The cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.
 - iv. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the shoreline master program.
 - v. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located, and the public interest in enjoying physical and visual access suffers no substantial detrimental effect.
 - b. Consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were to be granted for other developments in the area where similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
 - c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
 - d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.

3. Shoreline Variance Permit.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in shoreline master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the shoreline master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - v. That the variance requested is the minimum necessary to afford relief.
 - vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

- e. Variances from the use regulations of the shoreline master program are prohibited.

4. PUD and Plans-in-lieu.

All of the following criteria are met:

- a. Compliance with All Applicable Standards.

The proposed development and uses comply with all applicable standards of the title, except where adjustments are being approved as part of the concept plan application, pursuant to the provisions of SMC 17G.070.200(F)(2).

- b. Architectural and Site Design.

The proposed development (~~((has completed the design review process and the design review committee/staff has found that the project))~~) demonstrates the use of innovative, aesthetic, and energy-efficient architectural and site design.

- c. Transportation System Capacity.

There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

- d. Availability of Public Services.

There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and stormwater disposal to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

- e. Protection of Designated Resources.

City-designated resources such as historic landmarks, view sheds, street trees, urban forests, critical areas, or agricultural lands are protected in compliance with the standards in this and other titles of the Spokane Municipal Code.

- f. Compatibility with Adjacent Uses.

The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned unit development and adjacent uses. There shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features, or other techniques.

- g. Mitigation of Off-site Impacts.

All potential off-site impacts including litter, noise, shading, glare, and traffic will be identified and mitigated to the extent practicable.

5. Plat, Short Plat, and Binding Site Plan.

The proposed subdivision makes appropriate (in terms of capacity and concurrence) provisions for:

- a. public health, safety and welfare;
- b. open spaces;
- c. drainage ways;
- d. streets, roads, alleys, and other public ways;

- e. transit stops;
 - f. potable water supplies;
 - g. sanitary wastes;
 - h. parks, recreation, and playgrounds;
 - i. schools and school grounds; and
 - j. sidewalks, pathways, and other features that assure safe walking conditions.
- E. The following Type II and III applications are not subject to subsections (C) and (D) of this section; they shall comply with the following decision criteria:
- 1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardship are not considered for the purposes of this section.
 - i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
 - ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.
 - d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
 - e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
 - f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.
 - 2. Certificate of Compliance.
 - a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
 - b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
 - c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.

3. Skywalk Permit and Air Rights Use Permit.
 - a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
 - b. The proposed ((skywalk or)) air rights use conforms to the standards contained in ((~~SMC 12.02.0430 through SMC 12.02.0474~~)) SMC 12.02 Article III and the skywalk conforms to the standards contained in SMC 17C.255.500 through SMC 17C.255.530, unless the design review board has approved design deviations.
 - c. The proposed skywalk or air rights use conforms to the standards contained in the development codes.
 - d. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.
 - e. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.

Section 5. Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this ordinance.

Passed by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

EXHIBIT 4 –PUBLIC PROJECTS AND STRUCTURES DESIGN GUIDELINES

Please click the following link to view the draft Public Projects and Structures Design Guidelines booklet:

<https://static.spokanecity.org/documents/projects/new-design-guidelines/march-01-2022-draft-guidelines-booklet-public-projects-2022-03-18.pdf>

EXHIBIT 5 –SKYWALKS DESIGN GUIDELINES

Please click the following link to view the draft Skywalks Design Guidelines booklet:

<https://static.spokanecity.org/documents/projects/new-design-guidelines/march-01-2022-draft-design-guidelines-booklet-skywalks.pdf>

EXHIBIT 6 – CITYWIDE DESIGN GUIDELINES

Please click the following link to view the draft Citywide Design Guidelines booklet:

<https://static.spokanecity.org/documents/projects/new-design-guidelines/march-01-2022-draft-guidelines-booklet-citywide-2022-03-18.pdf>

EXHIBIT 7 – SEPA DETERMINATION OF NON-SIGNIFICANCE

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): Spokane Design Guidelines

PROPONENT: City of Spokane Planning

DESCRIPTION OF PROPOSAL: This proposal creates design guidelines for Public Projects and Structures, Skywalks over Public Right-of-Way, and City-Wide projects supported by the following amendments to the Spokane Municipal Code (SMC): Repeal of sections 12.02.0450, 12.02.0460, 12.02.0462, and 12.02.0474 (as these development and design criteria for Skywalks will be included in the new chapter 17C.255 Skywalks). Amend sections 08.02.0665 (as this eliminates outdated terms), sections 12.02.0405, 12.02.0410, 12.02.0424, 12.02.0452, 12.02.0464, 12.02.0470, and 12.02.0476 (as these development and design criteria for Skywalks will be included in the new chapter 17C.255 Skywalks), sections 17G.030.020, 17G.040.020, 17G.060.070, and 17G.060.170 (as these remove conflicts in the Unified development Code and make proper reference to the new design guidelines and new chapter 17C.255). Add new chapter 17C.255 Skywalks, which contains the following new sections: 17C.255.010, 17C.255.015, 17C.255.500, 17C.255.510, 17C.255.515, 17C.255.520, 17C.255.525, and 17C.255.530.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: This is a city-wide non-project action within the City of Spokane boundary. Details on the project will be made available at the website: <https://my.spokanecity.org/projects/new-design-guidelines/>.

LEAD AGENCY: City of Spokane

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

- ☐ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- ☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). Comments regarding this DNS must be submitted no later than 5:00 p.m. on April 11, 2022 if they are intended to alter the DNS.

Responsible Official: Spencer Gardner

Position/Title: Director, Planning Services **Phone:** (509) 625-6500

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201

Date Issued: March

APPEAL OF THIS DETERMINATION, after it has become final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane WA 99201. The appeal deadline is 12:00 p.m. on April 18, 2022 (21 days from the date of the signing of this DNS). This appeal must be on forms provided by the Responsible Official, make specific factual objections, and be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.

EXHIBIT 8 – PUBLIC COMMENTS

SEE NEXT PAGE

Berberich, Taylor

From: Gunderson, Dean
Sent: Tuesday, March 29, 2022 1:31 PM
To: Berberich, Taylor
Subject: FW: On amending 17G.040.020

Follow Up Flag: Follow up
Flag Status: Flagged

FYI - for inclusion in the Staff Report

-----Original Message-----

From: Paul Kropp <pkropp@fastmail.fm>
Sent: Thursday, March 10, 2022 10:54 AM
To: Gunderson, Dean <dgunderson@spokanecity.org>
Subject: Re: On amending 17G.040.020

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Got it. "Odd" is too generous for that tortured sentence.

But why not simply two separated statements? Seems bloody inconstant with the sequenced distinctness of all the others. Why not clearly distinguish those two authorities? Isn't clarity the point here?

--

Paul Kropp pkropp[at]fastmail[dot]fm Spokane, WA

Gunderson, Dean wrote on 3/10/2022 10:31 AM:

> Hi Paul,

>

> Thanks for reading through these. SMC 17G.040.020.G currently reads:

>

> "Any other development proposal or planning study about which the plan commission, planning and economic development services director, or hearing examiner requests to have the board's advice pertaining to any design elements."

>

> This led to an extensive discussion in a joint PC & DRB committee in 2019 as it was thought by some to imply that the Plan Commission had the authority to selectively take a "development proposal" that would not normally be subject to design review and direct that it be taken before the Design Review Board.

>

> It was clear from both the city attorney and a close reading of other sections of the Spokane Municipal Code that this subsection grants the Plan Commission and the Planning Director the authority to ask that the design elements of a "planning study" be subject to a design review - as "development proposals" do not go before the Plan Commission. Also, the Hearing Examiner does not review "planning studies".

>

> As the odd phrasing of the original subsection G was leading to confusion, the most straightforward solution was to break the single sentence into two - where the existing authority of the Plan Commission to ask for a Board-level design review of a "planning study" rests in its own sentence, and the existing authority of action approving authorities (like the

Planning Director and Hearing Examiner) to ask for a Board-level design review of a "development proposal" rests in its own sentence.

>

> But you are right. The other subsections of this portion of code stipulate what project types would trigger design review, whereas G (now F) stipulates who has the authority to request that design review for a "development proposal" or "planning study" be carried out something that would not normally trigger such a process.

>

> I hope this helps!

> Dean

>

> Dean Gunderson, MCRP | Senior Urban Designer | City of Spokane –

> Planning and Economic Development Services

> 509.625.6082 | fax 509.625.6822 | dgunderson@spokanecity.org |

> spokanecity.org

>

>

>

>

> -----Original Message-----

> From: Paul Kropp <pkropp@fastmail.fm>

> Sent: Thursday, March 10, 2022 8:29 AM

> To: Gunderson, Dean <dgunderson@spokanecity.org>

> Subject: On amending 17G.040.020

>

> [CAUTION - EXTERNAL EMAIL - Verify Sender]

>

> Good morning, Dean.

>

> That was quite a lively PC meeting yesterday. This is going to be a different and more bold and knowing PC that any I can recall.

>

> Anyway, while you were marching through the DRB material, I had already looked at the SMC text revision and have one question.

>

> Right at the top starts a list of "shall review" statements A B C etc., each one of which is separate and distinct.

>

> Until we get to (new) F, where two separate and distinct criteria are included together. Aren't requests for a "planning study" and "advice pertaining to any design elements" different enough to be separated like all the other situations?

>

> Regards,

> --

> Paul Kropp pkropp[at]fastmail[dot]fm Spokane, WA