

STANDING COMMITTEE MINUTES
City of Spokane
Urban Experience Committee
8/13/2018 – FINAL MINUTES

Attendance

Gavin Cooley, Rick Romero, Gary Kaesemeyer, Ron Howerton, Clark Harris, Kevin Freibott, Heather Trautman, April Gunderson, Ali Brast, Anna Everano, Andrew Worlock, Chris Green, Greg Francis, Paul Krupp, Ed Lukas, Lori Kinnear, Elise Kuterbach, CM Kate Burke, CP Ben Stuckart, Adam McDaniel, CM Breenan Beggs, CM Candace Mumm, Jake Fraley, Kelly Keenan, Stratton, Shauna Harshman, Nate Gwinn, Kandace Watkins, Jason Anderson, Mark Serbousek, Skyler Oberst, Mark Serbousek

Non-City Employees:

Mike Tressler- STA, Fran- Audubon Neighborhood Council Chair, Lars Gilbert- U District PDA, Jessica Kirk-GSI, Dave, Andrew-plan commission board

The meeting started at 1:16p.m.

Approval of Minutes:

The meeting minutes for July were approved.

Agenda Items:

1. U District Strategic Master Plan- Andrew Worlock

Lars presented on target areas, timeline, and community engagement. Discussion followed.

2. Post St Bridge Project Update- Mark

Project update and discussion.

3. Building Heights and Massing in the DTC- Kevin Freibott

Plan commission update, proposed amendment, discussion followed.

4. Downtown Central- Kevin Freibott

Downtown plan update and discussion.

5. Economic Update – Gavin Cooley

Briefed the committee regarding this item. Power BI invite available.

Consent Items:

All consent items were approved and moved forward.

Executive Session:

There was no Executive Session at this meeting.

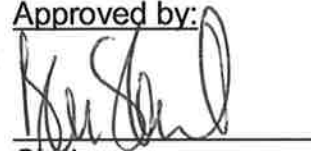
Adjournment

The meeting was adjourned at 2:26 p.m.

Prepared by:

Danielle Norman

Approved by:

A handwritten signature in black ink, appearing to be "H. S. O.", written over a horizontal line.

Chair

For further information contact: Danielle Norman, 625-6195

**URBAN EXPERIENCE COMMITTEE MEETING
FINAL AGENDA FOR
August 13, 2018
1:15 p.m. – City Council Briefing Center**

The Spokane City Council's Urban Development Committee meeting will be held at **1:15 p.m. on August 13, 2018** in City Council Briefing Center –Lower Level City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington.

The meeting will be conducted in a standing committee format. Because a quorum of the City Council may be present, the standing committee meeting will be conducted as a committee of the whole council.

The meeting will be open to the public, with the possibility of moving or reconvening into executive session only with the members of the City Council and the appropriate staff. No legislative action will be taken. No public testimony will be taken and discussion will be limited to appropriate officials and staff.

AGENDA

I. Call to Order

II. Approval of Minutes

III. Consent Items

- Next Level of Treatment- GMP 7- Lonnie Moon/Mike Taylor
- Sand and Gravel- Ron Howerton
- MFTE Conditional Contract- Ali Brast
- Street Lighting Upgrade- Gary Kaesemeyer
- Long Term Property Lease- Dave Steele

IV. Discussion Items

A. Council Request

B. Staff Requests

- University District Strategic Master Plan Update- Andrew Worlock (15 minutes)
- Post St. Bridge Project Update- Mark Serbousek (15 minutes)
- Building Heights and Massing in the DTC-100 Zone- Kevin Freibott (15 minutes)
- Downtown Central- Downtown Plan Update- Kevin Freibott (15 minutes)

C. Business Reports

V. Strategic Plan Session

A. Economic Update – Cooley (10 minutes)

VI. Adjournment:

Next Urban Development Committee meeting will be on Monday, September 10, 2018.

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 Spokane

City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through 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.

Briefing Paper

Finance & Administration Committee

Division & Department:	Integrated Capital Management
Subject:	Next Level of Treatment – GMP 7
Date:	August 1, 2018
Author (email & phone):	Mike Taylor (pmtaylor@spokanecity.org) (x6307)
City Council Sponsor:	Breean Beggs
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	Urban Experience, PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Continuation of work at the Wastewater Treatment Facility to implement the Integrated Clean Water Plan and meet regulatory requirements for phosphorous removal. In alignment with current City-Wide Capital Program, comprehensive priorities and Public Works budget.
Strategic Initiative:	
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of GMP 7 for Next Level of Treatment Membrane Facility construction.
Background/History: <i>This is the final component of the 7 GMP amendments for the development of the final Guaranteed Maximum Price, thus finalizing the contract value for the construction of the Next Level of Treatment Membrane Facility and related projects.</i>	
Executive Summary: <ul style="list-style-type: none"> • GMP 7 Scope of Work includes <ul style="list-style-type: none"> ○ Completion of construction on Phase 2 Membrane Facility: ground floor deck, walls, and roof ○ NLT Phase 2 Balance of Plant Electrical, instrumentation and controls ○ NLT Phase 2 Balance of Plant including civil, structural, miscellaneous architectural, and process mechanical • Total Cost of GMP 7: \$75,546,866.16 <ul style="list-style-type: none"> ○ Authorized to Contractor: \$73,346,472 ○ Administrative Reserve (3%): \$2,200,394.16 • Work is scheduled to be completed in August of 2021, so an additional 273 days will be added. • Change Orders for GMP #2 closeout and GMP #3 savings will provide \$1,225,195.80 in funds for GMP #7 • Funding for the GMP 7 change order is comprised of the following: <ul style="list-style-type: none"> ○ Available budget of \$72,621,670.36. ○ Transfer of previously authorized administrative reserve from GMP 4 (\$700,000), GMP 5 (\$477,651), and GMP 6 (\$522,349) ○ Transfer of GMP 2 (\$642,005.19) and GMP 3 (\$583,190.61) cost of work and remaining administrative reserve at component close out 	
Budget Impact: Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: N/A Other budget impacts: (revenue generating, match requirements, etc.) <i>As addressed in PIES Committee on 7/23, 2019 Capital Program reflects required budget adjustments (\$6M) for industry pricing impacts due to steel and concrete inflation.</i>	
Operations Impact: Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: N/A Known challenges/barriers: N/A	

Briefing Paper (UEAIR)

Division & Department:	Street
Subject:	Sand and gravel
Date:	7/26/2018
Contact (email & phone):	rhowerton@spokanecity.org / 625-7741
City Council Sponsor:	
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget , Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Infrastructure
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	
<u>Background/History:</u> This material is used by Street Department, Sewer Department, Water Department and Parks Department. The estimated annual cost is \$165,000 and a 5 year total of \$825,000. The City of Spokane Purchasing Department requested a 5 year bid from the major sand and gravel producers in the region.	
<u>Executive Summary:</u> Impact <ul style="list-style-type: none"> The total cost to all City Departments noted above will be approximately \$165,000 annually. Action <ul style="list-style-type: none"> Approval of the 5 year Value Blanket Order for Sand and Gravel with Shamrock Paving, Action Materials and Central Pre-Mix, all local companies. Funding <ul style="list-style-type: none"> Funding for this is included in the 2018 Street Operation and Maintenance Budget. 	
<u>Budget Impact:</u> Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
<u>Operations Impact:</u> Consistent with current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	

760-18	SHAMROCK PAVING PO BOX 19263 SPOKANE WA 99219	ACTION MATERIALS PO BOX 19425 SPOKANE WA 99219	CENTRAL PRE MIX 5111 E BROADWAY AVENUE SPOKANE WA 99212
SAND & GRAVEL			
Pick Up Locations	2605 N. Hayford Rd.	9518 S. Grove Rd., Cheney Wa 99004	Various
Delivery Radius from Spokane	10 miles	Within Spokane City Limits	none
	Delivered Picked Up Minimum	Delivered Picked Up Minimum	Delivered Picked Up Minimum
DESCRIPTION	PRICE PER TON	PRICE PER TON	PRICE PER TON
3/8" PEA GRAVEL	\$ -	\$ 26.00 \$ 14.00 15 TON DEL	\$ 9.50 100 TON/Sullivan
SAND/GRAVEL MIX	\$ -	\$ 20.50 \$ 18.50 15 TON DEL	\$ 10.50 100 TON/Sullivan
COARSE SAND	\$ -	\$ 17.50 \$ 5.50 15 TON DEL	\$ 6.50 10,000 TON/Sullivan
MEAD SAND	\$ -	\$ 28.50 \$ 16.50 15 TON DEL	\$ 16.50 1,000 TON/Crestline
3/4" ROUND GRAVEL (WASHED)	\$ -	\$ 26.00 \$ 9.00 15 TON DEL	\$ 13.50 1,000 TON/Sullivan
1 1/4" MINUS CRUSHED GRAVEL	\$ 16.00	\$ 19.50 \$ 7.50 15 TON DEL	\$ 10.75 1,000 TON/Key Rock
3/4" MINUS CRUSHED GRAVEL	\$ 16.00	\$ 19.50 \$ 7.50 15 TON DEL	\$ -
3/8" MINUS SHRUSHED GRAVEL	\$ -	\$ - \$ -	\$ -
5/8" MINUS CRUSHED GRAVEL	\$ -	\$ 19.50 \$ 7.50 15 TON DEL	\$ 10.75 1,000 TON/Key Rock
1 1/2" ROUND ROCK	\$ -	\$ 21.50 \$ 9.50 15 TON DEL	\$ -
1-1/4" - 3/4" Chips	\$ -	\$ 24.50 \$ 12.50 15 TON DEL	\$ 16.00 1,000 TON/Perry
CONCRETE SAND	\$ -	\$ - \$ -	\$ 20.00 100 TON/Sullivan
CONCRETE READY-MIX SACKS	\$ -	\$ - \$ -	\$ -
2-1/2" WSDOT State Ballast			
Crushed Rock	\$ -	\$ - \$ -	\$ 15.00 100 TON/Perry
Silica Sand	\$ -	\$ - \$ -	\$ -

Briefing Paper

Urban Experience Committee

Division & Department:	Development Services Center
Subject:	MFTE Conditional Contract
Date:	August 13 th , 2018
Contact (email & phone):	Ali Brast (abrast@spokanecity.org , 625-6638)
City Council Sponsor:	TBD
Executive Sponsor:	Dawn Kinder
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	SMC 08.15 Multi- Family Housing Property Tax Exemption
Strategic Initiative:	
Deadline:	Will file for Council consideration following committee meeting
Outcome: (deliverables, delivery duties, milestones to meet)	Approval of Conditional Multi-Family Tax Exemption contract
Background/History: Chapter 84.14 RCW authorizes the City to create a multiple family housing property tax exemption program and to certify qualified property owners for that property tax exemption. The City Council enacted Ordinance No. C-32575, which provides for the property tax exemption program for multiple housing in residential targeted areas. Pursuant to Ordinance No. C-33079, the City Council expanded the residential targeted areas. Pursuant to Ordinance No. C-35524, the regulations were revised, allowing for rental rates of up to 115% AMI. The State statute and the City ordinance require the City to approve the application regarding the tax exemption and the necessary construction requirements. This contract authorizes the appropriate city official to enter into the Multiple Family Housing Property Tax Exemption Agreement, which will ultimately result in the issuance of a final certificate of tax exemption to be filed with the Spokane County Assessor's Office.	
Executive Summary: <ul style="list-style-type: none"> Applicant applying for a conditional contract to build mixed-use building with 51 units above ground floor retail at 1309 W 1st Ave. Property is zoned Downtown General. 	
Budget Impact: Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact: Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	

Tax Abatement Information:

2018 Multi-Family Tax Exemption MFTE Property Tax Forgone & Savings Calculator	
Project Name: Parkview West	
Number of units in the project	51
*Average Property Value Exempt per unit	\$121,094
Estimated City Property Tax forgone annually per unit	\$2,656
Estimated Property Tax saved per project annually	\$83,991
Enter the number of years of MFTE (8 or 12)	12
Estimated Property Tax saved during the term of exemption	\$1,007,892
Estimated City Tax forgone during the term of exemption per unit	\$31,867
Estimated City Tax forgone during the term of exemption all units	\$382,406
<i>Once a project has met programmatic criteria the owner can expect to save approximately \$1,600 on their tax bill for every \$120,000 of Exempt Assessed Value on the housing portions of the property.</i>	
<small>*Average Property Value Exempt per unit is based upon the average of all properties currently in the MFTE Program and 2017 Property value assessments</small>	

Site Map:



Briefing Paper

Urban Experience Committee

Division & Department:	Public Works / Street Department
Subject:	Street Lighting Upgrade
Date:	August 2 nd , 2018
Author (email & phone):	Gary Kaesemeyer (gkaesemeyer@spokanecity.org 232-8810)
City Council Sponsor:	Breean Beggs
Executive Sponsor:	Scott Simmons
Committee(s) Impacted:	PIES
Type of Agenda item:	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Strategic Plan
Strategic Initiative:	Innovative Infrastructure and Sustainability
Deadline:	
Outcome: (deliverables, delivery duties, milestones to meet)	This request is for the purchase of 857 LED luminaires in the amount of \$131,368.09 including tax from Graybar Electric Supply
Background/History: This project will use new technology to improve the performance of City owned street luminaires. We will upgrade 857 HPS Cobra Head luminaires to LED Luminaires. This will result in significant power savings and also deliver a brighter white light for our roadways and bridges.	
Executive Summary: <ul style="list-style-type: none"> Estimated cost per fixture \$141 Total cost \$131,368 (incl. tax) Cost recovered in 2.5 years based on a 2% inflation rate Typical 10 year warranty Avista rebate for Design Light Consortium QPL product Average Annual Savings is \$57K which equates to about a 25% annual reduction in power use 	
Budget Impact: Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact: Consistent with current operations/policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requires change in current operations/policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify changes required: use budget from Street Department reserves Known challenges/barriers:	

Briefing Paper

Urban Development Committee

Division & Department:	Planning and Development Department, NBS Division
Subject:	University District Strategic Master Plan Update
Date:	August 13, 2018
Author (email & phone):	Andrew Worlock (aworlock@spokanecity.org ; 625-6991)
City Council Sponsor:	Ben Stuckart, Council President
Executive Sponsor:	Gavin Cooley, CFO
Committee(s) Impacted:	Urban Development
Type of Agenda item:	X Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	The project is aligned to the Strategic Plan (Grow Targeted Areas: Invest in key neighborhoods and business centers, especially PDAs for local and regional growth) and the City's adopted Economic Development Strategy (Council Resolutions 2015-0084 and 2015-0101)
Strategic Initiative:	Economic Growth
Deadline:	NA
Outcome: (deliverables, delivery duties, milestones to meet)	Personal Services Agreement for the University District Strategic Master Plan Update. City Council Advance Agenda August 13, City Council Consent Agenda August 20, 2018.
Background/History: The University District encompasses approximately 770 acres east of downtown and includes a diverse and broad mix of urban environments. Strong community and institutional support over the last 25 years, including investments in infrastructure, new educational facilities and programs and strategic initiatives (such as Urbanova and Vision 2030 among others) have positioned the University District for growth and development. This summer the District will see ground breaking on its most significant private (non-institutional) investment since formation – the Catalyst Building at the south landing of the new University District Gateway Bridge. The bridge, along with the final phases of the Martin Luther King Jr. Parkway will be completed later this year followed by the Central City Line BRT project in 2021. These infrastructure investments will unlock development potential and lead to increased private investment in the short to mid term (0-5 and 5-10 years) particularly in the surrounding areas of the Sprague Ave/South Sub-area, the Main Avenue/Jensen Byrd area and the Hamilton Street corridor. The plan update and sub-area planning within the district will refocus the vision and set the stage for the next wave of infrastructure investment and development.	
Executive Summary: <ul style="list-style-type: none"> The University District Public Development Authority Development (UDPDA) is proposing an update to the 2004 University District Strategic Master Plan. The update will seek to consolidate and contextualize the vision for the district which is currently dispersed among various documents and studies completed since 2004. The update will also identify character traits and development scenarios for three focus areas (Main/Jensen Byrd area; Hamilton and South area). Additional attention to the south area will prepare the area for sub area planning later this fall and winter. The Master Plan update is proposed to be funded via a portion of the one-time supplemental funding budgeted by the City in March of 2018 to support the City's PDAs. 	
Budget Impact: \$83,333 though one time supplemental funding to support the City's Public Development Authorities passed by Council Ordinance No. C-35599. Approved in current year budget? X Yes <input type="checkbox"/> No Annual/Reoccurring expenditure? <input type="checkbox"/> Yes X No If new, specify funding source: City Ordinance No. C-35599. Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impact:	



Consistent with current operations/policy?

X Yes

No

Requires change in current operations/policy?

☐ Yes

X No

Specify changes required:

Known challenges/barriers:



University District Public Development Authority Action Memorandum

To: Council President, Ben Stuckart; Mayor David Condon

Cc: Andrew Worlock, Scott Simmons, Rick Romero

Date: May 3, 2018

RE: Reducing Barriers to Development

During its board meeting held on Tuesday, May 1, 2018, at Whitworth University's University District campus branch, the University District Public Development Authority (UDPDA) Board of Directors considered the UDDA Development Committee's recommendation to request the UDPDA's share of the City of Spokane's PDA funds for strategic projects (calculated to be approximately \$83,333).

The following actions were taken:

The board accepted the UDDA Development Committee's recommendation to request supplementary funding from the City of Spokane in the amount \$83,333 to support an update to the University District Strategic Master Plan, to coincide with the opening of the UD Gateway Bridge and the launch of south UD Sub-Area Planning efforts.

And

The board authorized the UDDA CEO Gilberts to negotiate a MOU and/or other contractual agreements for the use of said funds.

The motions carried unanimously and were adopted by 19 voting directors present: Bouten, Brazil, Couture, DeWald, Dugger, Eckhardt, Gust, Hahn (Gonzaga proxy), Johnson, Leaver, McKay, O'Brien, Rapez-Betty, Richard, Stuckart, Sexton-Johnson (EWU proxy), Taylor, Velazquez, Zentz; with Hill and Pearman-Gillman recused; and Mielke absent.

The UDPDA, the UDDA and its staff stand ready to assist the City enacting this strategic initiative as quickly as possible. We would request sample contract language, input on the project's scope, and any other direction and support necessary to implement this project.

A handwritten signature in black ink, appearing to read 'Lars Gilberts', written over a horizontal line.

Lars Gilberts, CEO

City Clerk's No. _____



CITY OF SPOKANE

PERSONAL SERVICE AGREEMENT

University District Strategic Master Plan Update

THIS AGREEMENT is by and between the CITY OF SPOKANE, a Washington State municipal corporation, as ("City"), and the University District Public Development Authority, an entity created pursuant to chapter 35.21 RCW, having offices for the transaction of business at 120 N. Pine Street, Suite 232, Spokane, WA 99202, hereinafter referred to as "Authority," and jointly hereinafter referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, the City of Spokane is a State of Washington first class charter city organized and existing under the Constitution and laws of the State of Washington; and

WHEREAS, the City is authorized by RCW 35.21.730 to create public development authorities to (i) administer and execute federal grants or programs, (ii) receive and administer private funds, goods or services for any lawful public purpose; (iii) improve governmental efficiency and services, (iv) improve the general living conditions in the urban areas in and around the City and (v) perform any lawful public purpose or public function; and

WHEREAS, the City Council approved Ordinance No. C-34933 on November 5, 2012, creating the University District Public Development Authority, authorized its charter and bylaws and established its Board of Directors to govern the affairs of the Authority; and,

WHEREAS, Ordinance No. C-35565 entitled "An ordinance adopting the Annual Budget of the City of Spokane for 2018" was passed by the City Council on December 11, 2017; and,

WHEREAS, on March 5, 2018, the City Council passed Ordinance No. C-35599 amending Ordinance No. C-35565 to budget one-time supplemental funding to support the City's Public Development Authorities in the total amount of \$250,000; and

WHEREAS, it is the desire of the City to enter into this agreement with the Authority to undertake planning activities within the University District including but not limited to updating the 2004 University District Strategic Master Plan and related documents; and

WHEREAS, the parties have entered into this agreement in consideration of the mutual benefits to be derived and to coordinate their efforts through the structure provided by this agreement.

NOW, THEREFORE, The parties agree as follows:

1. SCOPE OF WORK.

The Authority shall perform the following Work or services relating to updating the 2004 University District Strategic Master Plan for the City:

See Scope of Work attached hereto as "Exhibit A."

The Authority represents the services furnished under this Agreement will be performed in accordance with generally accepted professional practices within the region, in effect at the time those services are performed.

2. CONTRACT TERM. This Agreement is effective on the _____ day of _____ 2018 and shall end on the _____ day of _____, 2018.

3. COMPENSATION. The City shall pay the Authority a maximum amount not to exceed EIGHTY THREE THOUSAND, THREE HUNDRED, THIRTY THREE DOLLARS AND NO/100, (\$83,333.00) as full compensation for the services provided for under in this Agreement. This is the maximum amount to be paid under this Agreement for the work described in Section 1 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Agreement.

4. PAYMENT. The Authority shall submit its applications for payment to Planning and Development Services Department 808 W. Spokane Falls Blvd, Spokane, Washington 99201. Payment will be made via direct deposit/ACH within thirty (30) days after receipt of the Authority's application except as provided by state law. If the City objects to all or any portion of the invoice, it shall notify the Authority and reserves the right to only pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

5. TERMINATION. Either party may terminate this Agreement, with or without cause, by ten (10) days written notice to the other party. In the event of such termination, the City shall pay the Authority for all work previously authorized and performed prior to the termination date.

6. STANDARD OF PERFORMANCE. The standard of performance applicable to Authority's services will be the degree of skill and diligence normally employed by professional consultants performing the same or similar services at the time the services under this Agreement are performed.

7. OWNERSHIP AND USE OF RECORDS AND DOCUMENTS. Original documents, drawings, designs, reports, or any other records developed or created under this Agreement shall belong to and become the property of the UDPDA and the UDDA provided that the City retains a royalty-free, nonexclusive and irrevocable license to reproduce, publish, recover or otherwise use the material(s) or property and to authorize others to use the same for federal, state or local government purposes. All records submitted by the City to the Authority shall be safeguarded by the Authority. The Authority shall make such data, documents and files available to the City upon the City's request.

8. COMPLIANCE WITH LAWS. Each party shall comply with all federal, state, and local laws and regulations applicable to the subject matter of this Agreement.

9. **INDEPENDENT CONTRACTOR.** The parties intend that an independent contractor relationship will be created by this Agreement, no employment relationship is intended nor created.

10. **INDEMNIFICATION.** The Authority shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Authority's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Authority to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the concurrent negligence of the Authority's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Authority, its agents or employees. The Authority specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Authority's own employees against the City and, solely for the purpose of this indemnification and defense, the Authority specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Authority recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

11. **INSURANCE.** During the term of the Agreement, the Authority shall maintain in force at its own expense, the following insurance coverages:

A. General Liability Insurance on an occurrence basis with a combined single limit of not less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall provide that the City, its agents, officers and employees are Additional Insureds but only with respect to the Authority's services to be provided under this Agreement; and

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from the Authority or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Authority shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Authority's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Authority shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

12. **NONDISCRIMINATION.** No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Agreement because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Authority agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Authority.

13. **BUSINESS REGISTRATION REQUIREMENT.** Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Authority shall be responsible for contacting the State of Washington Business License Services at <http://bls.dor.wa.gov> or 1-800-451-7985 to obtain a business registration. If the Authority does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

14. **ANTI-KICKBACK.** No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Agreement shall have or acquire any interest in the Agreement, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Agreement.

15. **AUDIT / RECORDS.** The Authority and its sub-companies shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Agreement. The Authority and its sub-companies shall provide access to authorized City representatives at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Agreement, the federal law shall prevail.

16. **DEBARMENT AND SUSPENSION.** The Contractor has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.

17. **MISCELLANEOUS PROVISIONS.**

A. **ASSIGNMENTS.** Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this Agreement shall continue to be in full force and effect.

B. **DISPUTES.** This Agreement shall be performed under the laws of the State of Washington. Any litigation to enforce this Agreement or any of its provisions shall be brought in courts of competent jurisdiction in Spokane County, Washington.

C. **SEVERABILITY.** In the event any provision of this Agreement should become invalid, the rest of the Agreement shall remain in full force and effect.

D. **AMENDMENTS.** This Agreement may be amended at any time by mutual written agreement, and shall be memorialized with the same formality as this agreement.

**UNIVERSITY DISTRICT PUBLIC
DEVELOPMENT AUTHORITY**

By _____
Signature Date

Type or Print Name

Title

Attest:

City Clerk

Attachments to this Agreement:

Exhibit A – Scope of Work

Exhibit B – Certificate Regarding Debarment

CITY OF SPOKANE

By _____
Signature Date

Type or Print Name

Title

Approved as to form:

Assistant City Attorney

**ATTACHMENT A
SCOPE OF WORK**

The Authority shall coordinate a limited scope update to the 2004 University District Strategic Master Plan for the City. The following are the desired outcomes and projected costs:

- Distillation and synthesis of the existing visions for the University District as expressed in formally recognized elements of the Comprehensive Plan and current UDSMP as well as related and subsequent studies, reports and documents into a single, contextualized, updated vision.
- Using the updated vision, the UDSMP update will identify development attributes and character traits for each of the three key focus areas (South Area, Main Avenue/Jensen Byrd area, and the Hamilton corridor area).
- The UDSMP will identify development scenarios for each of the focus areas, with a more in-depth focus on the south University District.
- The UDSMP Update will model the preferred development scenario for the South Sub-area and assess and identify infrastructure needs and barriers to realization of the preferred development scenario (South Sub-area only).
- Create an action strategy to address and overcome barriers to development in the South Sub-area.
- Work with the City of Spokane to assist in identifying regulatory and institutional changes to facilitate the updated vision.

Task	Amount
Strategic Master Plan Update – Technical Subcontract <ul style="list-style-type: none">• Review and synthesis of past plans to confirm development vision• Analysis of current and future business and infrastructure needs and potential• Facilitate community and key stakeholder input to confirm development vision and scenarios• Identify development barriers for sub-area plan to address• Provide final report and graphic representation	\$79,900
Project Administration and Implementation <ul style="list-style-type: none">• Staff support – contract management, scheduling, facilitation• Office supplies – copies for meetings etc• Reproduce final reports and graphics	\$ 3,433
Total	\$83,333

**ATTACHMENT B
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.
2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

 1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded, as used in this exhibit, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. The undersigned may contact the City for assistance in obtaining a copy of these regulations.
5. I understand that a false statement of this certification may be grounds for termination of the contract.

<hr/> Name of Subrecipient / Contractor / Consultant (Type or Print)	<hr/> Program Title (Type or Print)
<hr/> Name of Certifying Official (Type or Print)	<hr/> Signature
<hr/> Title of Certifying Official (Type or Print)	<hr/> Date (Type or Print)

Briefing Paper and Staff Report

Urban Experience Committee

Division & Department:	BDS - Long Range Planning
Subject:	Building Heights and Massing in the DTC-100 Zone
Date:	July 27, 2018
Contact (email & phone):	kfreibott@spokanecity.org x6184
City Council Sponsor:	Ben Stuckart
Executive Sponsor:	Dawn Kinder
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input checked="" type="checkbox"/> Hearing <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Comprehensive Plan Downtown Plan Spokane Municipal Code 17C.124.220 E
Strategic Initiative:	n/a
Deadline:	To be scheduled for City Council hearing as soon as possible.
Outcome: (deliverables, delivery duties, milestones to meet)	City Council consideration of an ordinance to amend SMC 17C.124.220, Height and Massing, as it relates to building heights and massing in the DTC-100 Zone.
Background/History: <ul style="list-style-type: none"> • <i>Heights are currently limited in the DTC-100 zone in order to protect views and shadows on the park. Any structure above 100 feet must step back 15 feet for every story above 100 feet per SMC 17C.124.220.E.2.</i> • <i>A representative of two property owners in that zone has stated that the current requirements cannot be met due to the financial cost of such a building.</i> • <i>The Plan Commission held a series of subcommittee meetings last year to discuss the issue and possible answers to the request. The recommendation of the subcommittee was to:</i> <ul style="list-style-type: none"> • <i>Allow unlimited height above 100 feet as long as the tower floor plate is less than 18,750 square feet, the use above 100 feet is limited to residential or hotel uses, towers are no closer than 50 feet to each other, and the ground level frontage of any development is at least 50 percent retail.</i> • <i>The Plan Commission forwarded the report to City Council with the same recommendation.</i> • <i>City Council approved a resolution last year recognizing the report and directing staff to process a code amendment commensurate with the Plan Commission recommendation.</i> • <i>Staff has initiated a public communication process (per RCW 36.70A.140) regarding the proposed amendments to the SMC, including a web campaign, multiple meetings with stakeholders and local groups, and an online public opinion survey.</i> • <i>Plan Commission held three workshops on this proposal in December, 2017; February 2018; and March, 2018. During the March workshop a series of amendments was proposed with a maximum tower floor plate of 12,000 square feet and minimum separation of 75 feet.</i> • <i>Plan Commission held a public hearing on the proposal on April 25, 2018—during which they recommended the City Council approve the proposed amendments with the following changes:</i> <ul style="list-style-type: none"> • <i>The maximum tower size should be 18,750 square feet;</i> • <i>The minimum distance between towers should be 50 feet; and</i> • <i>There should be no requirement for a single 15-foot stepback at 100 feet in height.</i> 	

Executive Summary:

- City staff has prepared a draft Ordinance, amending SMC 17C.124.220, subsections B and E pursuant to the recommendation by the Plan Commission.
- The proposed amendments have been prepared in accordance with the goals and policies of the Comprehensive Plan and the Downtown Plan.
- A continuous public outreach process, pursuant to RCW 36.70A.140, has been conducted and numerous public comments have been received, both in writing and in the form of survey responses.
- Notice of this proposal and the Plan Commission hearing has been completed pursuant to SMC 17G.025.010.

Budget Impact:

Approved in current year budget? ☐ Yes ☐ No ☒ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☐ Yes ☒ No ☐ N/A

Requires change in current operations/policy? ☒ Yes ☐ No ☐ N/A

Specify changes required: The proposal represents a change to City code.

Known challenges/barriers: Public sentiment to this proposal is generally negative.

Attachments to this Briefing Paper:

1. Background Information (excerpt from the Staff Report);
2. Proposed Amendments to SMC 17C.124.220;
3. Plan Commission DRAFT Findings of Fact and Recommendation;
4. Renderings of proposed building envelope, shown on Major Downtown Sites 1 and 2.

Additional materials, including the full Staff Report presented to the Plan Commission, are available on the project website at:

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

ATTACHMENT 1 – STAFF REPORT EXCERPT

I. GENERAL INFORMATION

A. Location of Proposal:	The proposed amendments would affect all properties in the City of Spokane zoned DTC-100. This is currently limited to one half block south of Spokane Falls Boulevard between Monroe Street and approximately one-half block east of Washington Street.
B. Parcels Affected:	35183.0301, 35183.0324, 35183.0036, 35183.0050, 35184.1802, 35184.1808, 35184.1903, 35184.1904, 35184.1908, and 35184.2001 through 35184.2006
C. SEPA Status:	A SEPA threshold Determination of Non-Significance was made on April 10, 2018. The comment period closed on April 25, 2018
D. Enabling Code Section:	SMC 17C.025, Unified Development Code Amendment Procedure.
E. Plan Commission Hearing Date:	The Plan Commission public hearing is scheduled for April 25, 2018 with potential continuation to the next meeting(s) of the Plan Commission.
F. Staff Contact:	Kevin Freibott, Assistant Planner II kfreibott@spokanecity.org 509.625.6184

II. BACKGROUND INFORMATION

A. Site Description:	The properties that would currently be affected by the proposal include 16 parcels approximately 6.45 acres in area (not including City rights of way). See the following depiction of the current boundaries of the DTC-100 zone. No other DTC-100 properties currently exist in the city.
-----------------------------	---



B. Project Description:	Pursuant to the procedures provided by SMC 17G.025.010, the City proposes to amend SMC 17C.124.220, Heights and Massing, in order to clarify an inconsistency in Subsection A as it pertains to the availability of
--------------------------------	---

	bonus heights in numbered zones (e.g. DTC-100), and to provide for a second option in Subsection E to allow greater heights than 100 feet in the DTC-100 zone provided that certain conditions are met. Those conditions include limitations on use as well as massing standards, such as minimum distances between structures above 100 feet and a limitation on the total floor area of any floor above 100 feet.
B. Adjacent Zoning:	Properties immediately north and west of the DTC-100 zone are within the DTG (Downtown General) zone, with various maximum heights. Properties east and south are in the DTC (Downtown Core) zone and have no height limitation.
C. Current Zoning:	DTC-100 (Downtown Core, 100-foot height limit)
D. Zoning History:	The subject properties were re-zoned DTC-100 on December 14, 2009 following adoption of the 2008 Downtown Plan Update (reference Ordinance C34522). Prior to that date, the subject properties were zoned CBD-1, Downtown Core. Under the development code prior to 2009, CBD-1 had no height limitations or Floor Area Ratio limits.
E. Existing Land Uses and Improvements	From west to east, the properties in the DTC-100 zone include a City Library, a shopping mall and parking garage, an office/commercial building, a bank, a vacant commercial/office building, a residential tower with ground-floor retail, two surface parking lots, and a hotel.
F. Adjacent Land Uses and Improvements	<p><i>North:</i> City parks and open space; City Hall, a portion of a performing arts center.</p> <p><i>East:</i> Hotel uses.</p> <p><i>South:</i> Commercial and residential mixed use and a parking garage.</p> <p><i>West:</i> A private recreation club and open spaces.</p>

ATTACHMENT 2 – PROPOSED AMENDMENTS

The following proposed amendments to SMC 17C.124.220 include changes requested by the Plan Commission as part of their recommendation for approval—passed at their public hearing on April 25, 2018. Changes are shown in red with new text underlined and removed text in double-parentheses and strikethrough, as demonstrated here:

New text. ~~((Deleted text.))~~

Title 17C Land Use Standards

Chapter 17C.124 Downtown Zones

Section 17C.124.220 Height & Massing

A. Purpose.

The height and massing standards control the overall scale of buildings. These standards downtown allow for building height and mass at a scale that generally reflects the most intensive area within the City. The standards help to preserve light, air, and the potential for privacy in lower intensity residential zones that are adjacent to the downtown zones.

B. Height and Massing Standards.

The height and massing standards for all structures are stated in Table 17C.124-2 and as shown on the zoning map. Bonus height for zones that have a maximum height specified on the zoning map by a dash and a maximum heights (i.e. DTC-100) may be allowed as defined in SMC 17C.124.220(E). The Bonus height provisions of SMC 17C.124.220(F) and SMC 17C.124.220(G) are not available within downtown zones that have a maximum height specified on the zoning map by a dash and a maximum height specified after the zone map symbol (i.e. DTG-100). All height standards are subject to the following provisions:

1. Changes to the Maximum Height Provisions.

Changes to the height limits are not allowed outside of a downtown plan update process.

2. Pitched roof forms and accessible decks may extend above the height limit; however, if the space within the pitched roof is habitable, it shall only be used for residential purposes.

3. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth, or diameter, they are subject to the height limit.

4. Rooftop Mechanical Equipment.

All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges visible from streets. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

5. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in chapter 17C.355A.SMC, Wireless Communication Facilities.
6. Architectural Projections.
The height limits do not apply to uninhabitable space under four hundred square feet in floor area that is devoted to decorative architectural features such as belfries, spires, and clock towers.
7. Ground Floor Allowed Height.
The first story of the building may be up to twenty-five feet tall and still count as only one story.

C. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches and protection. See chapter 17C.170 SMC, Special Height Overlay Districts.

D. Downtown West End Special Height District.

For the properties shown in Figure 17C.124.220-1 that are located in the area generally west of Monroe Street, east of Cedar Street, and between Main Avenue and Riverside Avenue, the maximum height shall be as shown in Figures 17C.124.220-1 and 17C.124.220-2.

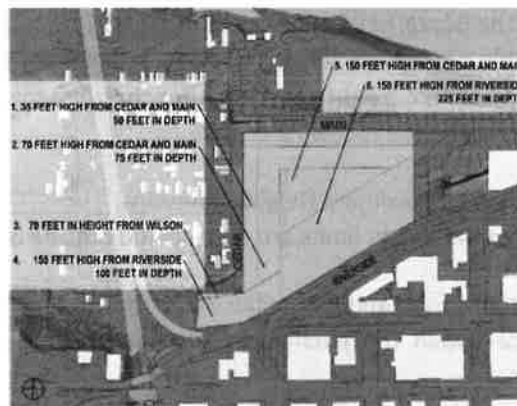


Figure 17C.124.220-1

Notes for Figure 17C.124.220-1.

1. Thirty-five feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, fifty feet in depth from Cedar Street and Main Avenue right-of-way/property line.
2. Seventy feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel). Horizontally, seventy-five feet in depth beginning fifty feet from the Cedar Street and Main Avenue right-of-way/property line.
3. Seventy feet in height from Wilson Avenue street grade (highest street elevation fronting the parcel).
4. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, one hundred feet in depth from the Riverside Avenue right-of-way/property line.

5. One hundred fifty feet high from Cedar Street and Main Avenue street grade (highest street elevation fronting the parcel).
6. One hundred fifty feet high from Riverside Avenue street grade (highest street elevation fronting the parcel). Horizontally, two hundred twenty-five feet in depth from the Riverside Avenue right-of-way/property line.

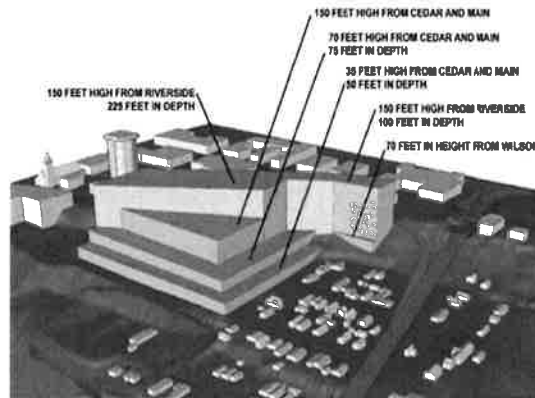


Figure 17C.124.220-2

E. Additional Height Within Specific Height Designation Areas.

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

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

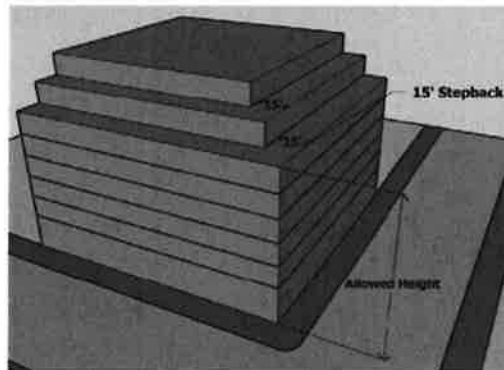


Figure 17C.124.220-3

2. Bonus height in the DTC-100 zone.

Additional height over 100 feet is allowed within the DTC-100 zone subject to the following requirements:

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

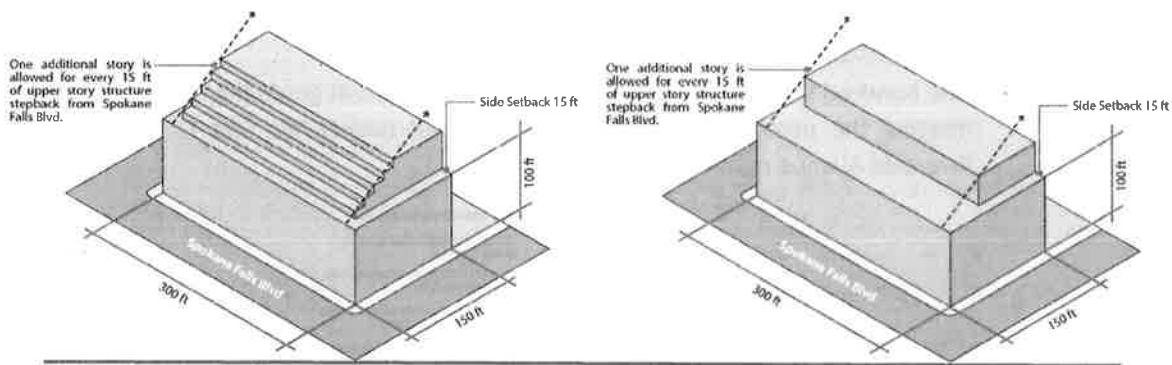


Figure 17C.124.220-4

b. Additional height above 100 feet is also allowed subject to the following limitations:

- i. Development of towers above 100 feet is limited to a floor plate that does not exceed 18,750 square feet. The floor plate is the total floor area of a single story (see SMC 17A.020.060.T for a definition of floor area). If a tower floor plate is not square, the long dimension shall be oriented north-south.

- a. Tower Separation. In order to reduce shadow impacts in Riverfront Park, if any part of a tower exceeds 100 feet in height then all portions of the tower that are above 100 feet in height shall be separated by a minimum of fifty (50) feet from any portion of any other tower in the DTC-100 zone that is over 100 feet in height.

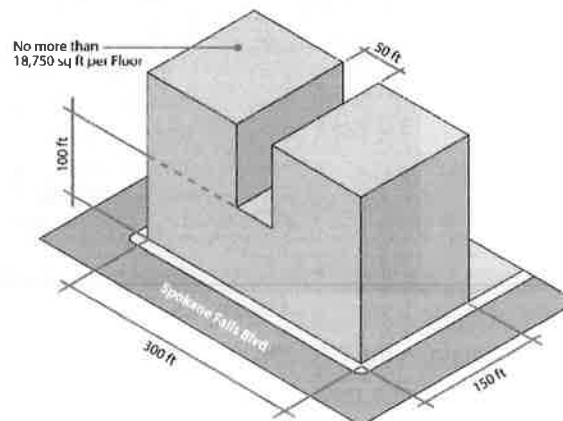


Figure 17C.124.220-5

- ii. Except as otherwise allowed in this section, allowed uses in those portions of towers above 100 feet in height shall be limited to residential or hotel uses. In cases where portions of a building below 100 feet in height include hotel or residential uses, the same square footage of non-residential uses are allowed in the tower (for example, 1,000 square feet

of residential use in the building below 100 feet in height allows for 1,000 square feet of non-residential use in the tower).

- iii. Retail uses must make up at least 50 percent of the street level frontage. All such uses shall have their primary entrance directly on the sidewalk and not interior to the building.
 - a. Corporate offices, banks, and financial institutions do not qualify as retail in this case.
 - b. Restaurants and other public-serving food establishments qualify as retail uses in this case.

No changes are proposed after this point. In any case, the stipulations following this point do not apply to the DTC-100 zone.

ATTACHMENT 3 – PLAN COMMISSION FINDINGS OF FACT AND RECOMMENDATION

The following Findings of Fact, Conclusions, and Recommendation are presented in Draft form because this briefing paper has been submitted prior to the Plan Commission ratification of their findings. A final adopted version will be available upon request following the May 9 Plan Commission workshop.

City of Spokane Plan Commission Findings of Fact, Conclusions, and Recommendation Re: Proposal to Amend SMC 17C.240.220 Relating to Building Height and Massing in the DTC-100 Zone

A recommendation from the Spokane Plan Commission to approve amendments to Spokane Municipal Code Section 17C.240.220 relating to building heights and massing in the DTC-100 zone

I. FINDINGS OF FACT

- A. The City Council adopted Ordinance C34370 on December 22, 2008, adopting the updated Downtown Plan “Fast Forward Spokane: Downtown Plan Update.”
- B. The Downtown Plan Update included a vision, goals, and policies that outline future growth and development desired within the downtown.
- C. The Downtown Plan Update recognizes that “The Spokane community expressed a strong desire to maintain maximum exposure to sunlight in significant public open spaces, such as Riverfront Park, by promoting buildings designed to reduce shadows.”
- D. The Downtown Plan Update identifies nine catalytic opportunity sites in the downtown, including two (2) Major Downtown Sites located within the DTC-100 zone, and envisions tall buildings/residential towers on the sites with a mix of uses, including residential housing in the upper floors.
- E. The Downtown Plan Update identifies these catalytic opportunity sites as having high potential to act as a catalyst for further infill development in the area due to their key locations or roles in the downtown, and were recognized as being instrumental for stimulating future private investment in downtown Spokane.
- F. Following adoption of the Downtown Plan Update, the City Council adopted Ordinance C34522 relating to downtown zoning and land use standards, and adopting Chapter 17C.124 SMC, Downtown Zones, which included SMC 17C.124.220, Height and Massing, imposing height and massing standards in the DTC-100 zone which generally includes the north half of the blocks that front on Spokane Falls Blvd adjacent to Riverfront Park.
- G. Per the City’s current code, building height within the DTC-100 zone is generally limited to 100 feet, but additional height is allowed pursuant to SMC 17C.124.220E,

which allows one additional story for every fifteen feet of upper story structure setback from Spokane Falls Blvd.

- H. On March 22, 2017, the City Council President asked the Plan Commission to review the City's existing height and massing standards in the DTC-100 zone with an eye towards removing code related impediments that may be preventing the City from achieving the density that the Comprehensive Plan envisions for the City's downtown and that is needed to address the City's housing crisis.
- I. Pursuant to that request, the Plan Commission formed an ad hoc committee of stakeholders ("Working Group") to review existing height and massing standards in the vicinity of Spokane Falls Boulevard and Riverfront Park.
- J. The Working Group met four times to discuss this matter on May 16, June 6, June 13, and June 27, 2017.
- K. Following the completion of the Working Group's review, Planning staff prepared a draft report titled "Building Heights on Spokane Falls Boulevard," (the "Report") dated August 2017, and presented the Report to the Plan Commission on August 9, 2017 during a workshop.
- L. The Report documents the Working Group's recommended direction for City decision makers as they consider future changes to the Downtown Plan, development regulations, and implementation measures, specifically as they relate to future action in the vicinity of Spokane Falls Boulevard in the area currently zoned DTC-100.
- M. The Plan Commission reviewed the Report at their August 9, 2017 workshop and approved a motion to recommend to the City Council recognize this work as well as consider some additional recommendations.
- N. Thereafter, on October 9, 2017, the City Council adopted Resolution 2017-0087 directing staff to move forward with proposed amendments to the Unified Development Code amendment to allow greater flexibility in building design within the DTC-100 zone while remaining consistent with the goals and policies of the Comprehensive Plan and Downtown Plan. The contents of the resolution are incorporated into these findings.
- O. Thereafter, City staff conducted a significant public outreach and engagement process, including meetings with the Community Assembly, Riverside Neighborhood, Peaceful Valley Neighborhood, Land Committee of the Parks Board, and representatives of the Downtown Spokane Partnership as well as an extensive web campaign and successful execution of noticing requirements in SMC Section 17G.025.010.
- P. The Plan Commission held workshops, open to the public, on December 12, 2017; February 28, 2018; and March 28, 2018 to study the proposed amendments.

- Q. The City issued a SEPA Non-Project Determination of Non-Significance on April 10, 2017, indicating that the proposal would not have a significant impact on the environment, and published notice of that determination in the Spokesman Review on April 11 and April 18 and as required by SMC Section 17G.020.080; and
- R. The Plan Commission held a public hearing on April 25, 2018 during which the Commission received public testimony regarding the proposed amendments.
- S. A vibrant downtown is critical for the City's growth and job creation, and, as the Downtown Plan Update recognizes, infill development along Spokane Falls Blvd that includes a high density residential component will further activate the park, complementing the public's investment in Riverfront Park.
- T. Testimony received by the Plan Commission indicates that construction costs make it infeasible to achieve the additional building height the code currently allows in the DTC-100 zone, and that the upper floors of the allowed design would have very little utility if constructed. Because of these restrictions and other reasons, prime real estate which has been identified as a potential catalyst for activating downtown and Riverfront Park, is currently being used as surface parking.
- U. The Plan Commission also heard testimony that a new marque hotel is needed in proximity to the Spokane Convention Center and Veteran's Memorial Arena in order to support new public facilities that are anticipated within the downtown, including a new Sportsplex, and that the current height and massing standards in SMC 17C.124.220 make it infeasible to locate such a hotel within the DTC-100 zone.
- V. LU 2.2 and 7.1 of the Comprehensive Plan encourage development regulations that grant incentives including increased building height and density in exchange for development that enhances the public realm or otherwise provides a direct benefit to the public. High density development in the DTC-100 zone that includes high density residential towers will enhance the public realm and provide a direct benefit to the public by eliminating surface parking and by activating Riverfront Park and making it a safer place for the public to enjoy.
- W. The Plan Commission heard testimony that replacing surface parking lots with tall buildings and residential towers on the perimeter of Riverfront Park will provide a public benefit in terms of bringing more residents into the City's core and further activating Riverfront Park.
- X. The Plan Commission also heard testimony that the City of Spokane is facing a housing crisis and code related impediments are pushing market driven projects to the City's outskirts and beyond, which is inconsistent with the goals and policies of Chapter 36.70A RCW, Washington's Growth Management Act ("GMA") and the City's Comprehensive Plan, both of which seek to discourage sprawl and encourage density and development in areas where it is most efficient to provide urban governmental services, including the City's downtown core.

- Y. The Plan Commission also heard testimony opposing the proposed amendments. However, the Plan Commission finds that the public benefits of encouraging more residential density downtown near the park outweigh the concerns expressed by the opponents.
- Z. Based on testimony and information in the record, the Plan Commission finds that, even with the taller residential towers that would be allowed under the proposed code amendments, shadowing will not play a role during high usage months in Riverfront Park, and that the 18,750 square foot floor plate size limitation in the proposed amendments will result in buildings designed to reduce shadows in the park and in some cases the shadowing will be less than would occur under the tiered approach that the code currently allows.
- AA. Based on testimony received at the hearing, the Plan Commission also finds that, while a 18,750 square foot floor plate size limitation will result in buildings that are designed to reduce shadows in Riverfront Park, it is large enough to accommodate the mix of uses the Downtown Plan envisions in the area and that a smaller floor plate would not facilitate the type and density of development envisioned by the Downtown Plan.

II. CONCLUSIONS

The Plan Commission concludes that proposed amendments to SMC 17C.124.220, as modified by the Plan Commission during its public hearing and deliberations, were developed through an open and public process, are consistent with GMA and applicable provisions of the City's Comprehensive Plan, and bear a substantial relation to the public health, safety, and welfare, and protection of the environment.

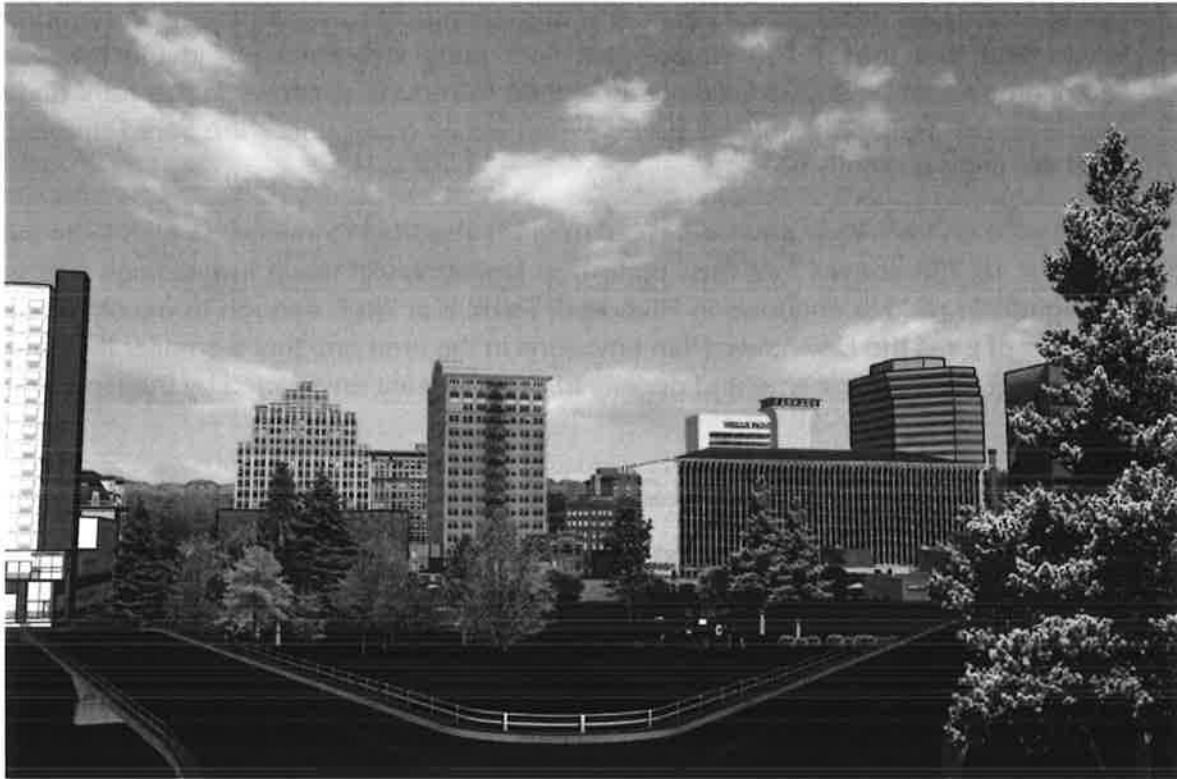
III. RECOMMENDATION

By a vote of 9 to 0, the Plan Commission unanimously voted to recommend to the City Council approval of the proposed amendments to SMC 17C.124.220 with the following modifications, all of which were within the scope of alternatives available for public comment ahead of the Plan Commission's hearing: (1) the maximum floor plate be changed to 18,750 square feet; (2) the minimum distance between structures above 100 feet in the zone be changed to 50 feet; and (3) the requirement for a single stepback at 100 feet in height be stricken from the proposal.

Dennis Dellwo, President
Spokane Plan Commission
Dated _____

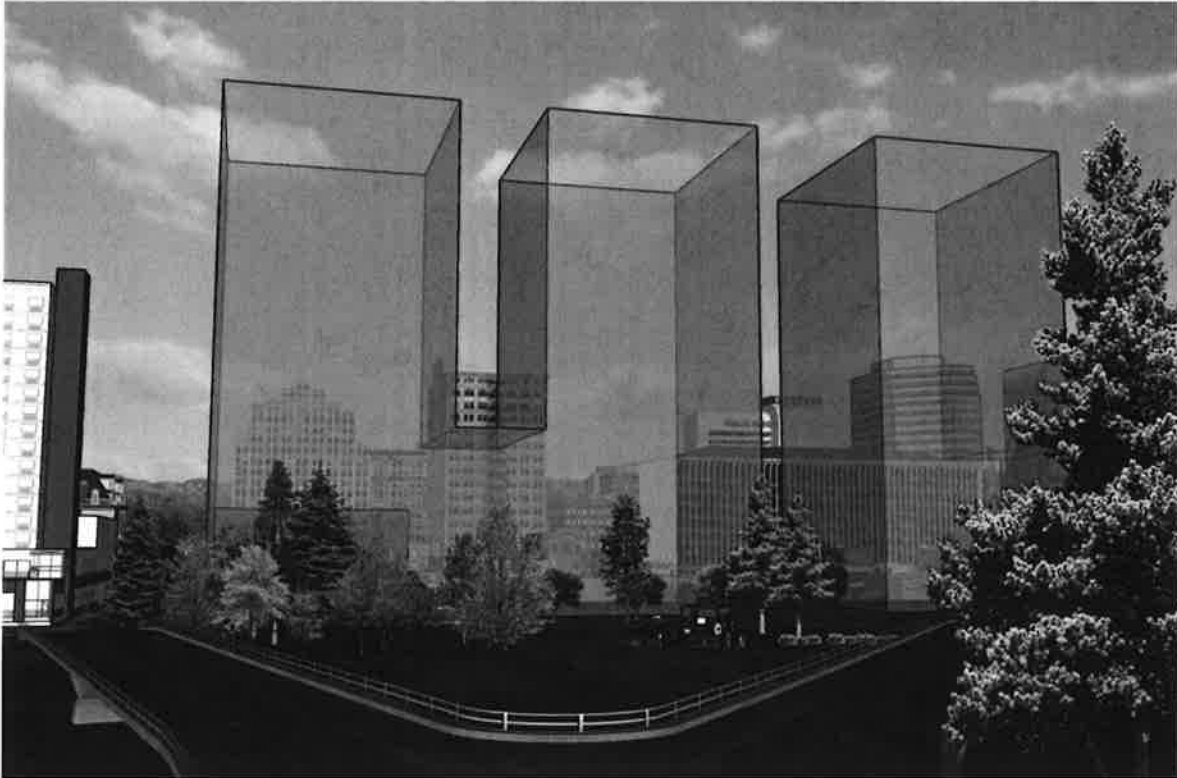
ATTACHMENT 4 – RENDERINGS OF PLAN COMMISSION RECOMMENDED BUILDING ENVELOPES

Two images are provided: (1) a rendering of the existing views from Riverfront Park over the Washington Street tunnel and (2) a rendering of the same view with an overlay of the possible building envelope allowed pursuant to the Plan Commission recommended language. These building envelopes do not factor in other stipulations within the downtown code that could affect building area, including the provision of public plazas.



Simulation of Existing Views – Standing over the Washington Street Tunnel in Riverfront Park

This view is a 3D simulation and thus has some inherent error. However, it has been generally matched to an existing photo from this viewpoint. That photograph is available upon request.



The Same Simulation Overlaid with Possible Building Envelopes

These envelopes are simple shapes and not meant to represent actual buildings. They show available space within the requirements of the proposed changes to SMC 17C.124.220, specifically as follows:

- Building Base: 100 feet tall
- Overall Height: 280 feet¹
- Tower Floorplate: 18,750 square feet
- Distance Between Towers: 50 feet

¹Note that while these envelopes show a maximum height of 280 feet, the proposed code amendments do not limit the overall height of a building.

Briefing Paper and Staff Report Urban Experience Committee

Division & Department:	BDS - Long Range Planning
Subject:	Building Heights and Massing in the DTC-100 Zone
Date:	July 27, 2018
Contact (email & phone):	kfreibott@spokanecity.org x6184
City Council Sponsor:	Ben Stuckart
Executive Sponsor:	Dawn Kinder
Committee(s) Impacted:	Urban Experience
Type of Agenda item:	<input type="checkbox"/> Hearing <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
Alignment: (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	Comprehensive Plan Downtown Plan
Strategic Initiative:	Downtown Plan Update
Deadline:	n/a
Outcome: (deliverables, delivery duties, milestones to meet)	Discussion of recent opportunities and potential modification of the Downtown Plan Update scope and schedule per ongoing coordination with DSP and other stakeholders.

Background/History:

- The City adopted its first Downtown Plan in 1999, making the plan functionally part of the Comprehensive Plan.
- The Downtown Plan is updated every 10 years—the first such update was adopted in 2008. The second update to the Downtown Plan is scheduled to be completed this calendar year.
- The Downtown Plan provides specific visioning and policy guidance for the downtown. Historically, it has included major policy descriptions and schematic development standards for future development in the downtown.
- The City initiated the decennial update to the Downtown Plan this year with a limited scope of eight major topics, including: Central City Line integration; North Bank development; bike master plan integration; districts and activity centers; parking study input; updated catalytic developments; vacant office space; and activated alleyways.

Executive Summary:

- City staff has worked throughout 2018 to prepare for and initiate planning based on the scope and timeline previously approved by Council and the Administration, outlining completion of minor updates by the end of 2018 and associated Spokane Municipal Code amendments by the end of 2019.
- During the last ten months City staff has been coordinating closely with the Downtown Spokane Partnership (DSP), meeting several times regarding the scope and schedule of the project. Until recently City staff and DSP were unable to come to agreement on the process and scope going forward.
- During this time it has become clear to all parties that a modification of the current scope and schedule would have significant benefits for all parties and that a change in the plan may be warranted.
- DSP has indicated their willingness to conduct fundraising and other efforts that would result in their hiring a consultant to perform a broader, more in-depth update of the plan.

- City staff has analyzed the current scope and schedule for those items that are extremely time critical and those that aren't. The following topics must be addressed this year to avoid significant negative effects: North Bank planning and policy; and an interim solution for the "East West Main" area sufficient to allow initial operation of the Central City Line. The remaining topics under consideration would not likely be adversely affected by delay.
 - The ultimate design/plan for Main Avenue, including consideration of the Main Avenue Visioning concept, can be considered on a later timeline as Main Avenue will not be rebuilt for several years yet.
- City staff and DSP have likewise agreed that a partnership between the DSP and City for the preparation of a wider, deeper update process could have wide-reaching benefits for both the City and DSP's membership, including a more comprehensive look at visioning and values of downtown development among many other additional topics.
- Staff has prepared a draft schedule that will allow for immediate study and development of solutions for the North Bank and East West Main topics, with plan, policy, and code amendments adopted by the second quarter 2019 for those topics (two full quarters early) while allowing for a partnership process that will provide a broader, deeper analysis and update to the Downtown Plan on a timeline starting first quarter 2019 and potentially running for four or five quarters after that, depending on the final scope agreed to by all parties.
 - Phase I would utilize the \$75,000 allocated this year to hire a consultant to prepare a sub-area plan and attendant Code amendments for the North Bank and the "north river overlay," to be completed by 2Q2019. Planning staff will also coordinate on a public outreach process to develop and vet an interim solution for "East West Main."
 - Phase II would utilize the \$50,000 requested next for next year's budget in addition to funds raised by DSP with the ultimate goal of securing the services of a comprehensive planning consultant to prepare a full update to the Downtown Plan.
 - One staff member from Planning will be assigned to work directly with DSP on the update, ensuring consistency with City policy, GMA compliance, and to provide direct in-kind assistance on the project.
- Staff and DSP are seeking general approval by the Council of this approach, following which a Memorandum of Understanding will be prepared outlining the process, scope, and responsibilities

Budget Impact:

Approved in current year budget? ☐ Yes ☐ No ☒ N/A

Annual/Reoccurring expenditure? ☐ Yes ☐ No ☒ N/A

If new, specify funding source:

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impact:

Consistent with current operations/policy? ☐ Yes ☒ No ☐ N/A

Requires change in current operations/policy? ☒ Yes ☐ No ☐ N/A

Specify changes required: The proposal represents a change to City code.

Known challenges/barriers: Public sentiment to this proposal is generally negative.

Attachment: Executive summary of proposal with approximate timeline.



2018

PHASE I - City Led, DSP Assistance

Where We Are Now

- Current discussions have resulted in consideration of a separate but consecutive process where the City and DSP each conduct their own process.
- Significant opportunity exists to address the needs of both the City and DSP while resulting in a potentially greater result.

The Opportunity Presented

The City found the following during its review of the project scope and schedule:

- While some items must be addressed immediately (e.g. the North Bank), flexibility may exist to extend the timeline of some topics without detrimental effects;
- The City has allocated \$75,000 for this year and \$50,000 has been requested in the budget for next year;
- DSP has indicated their willingness/interest to raise additional funds, as well as to expand the scope and potentially the timeline of the overall update;
- A longer timeline for those items that are less time-critical has the potential to increase the success of the plan update and its benefit to the downtown;
- With these in mind, a more integrated process is possible, allowing for a partnership approach for the preparation of the overall Downtown Plan update.

2019

PHASE II - DSP Led, City Assistance

A New Proposal

The City proposes the following:

- **Phase I:** Separate the North Bank discussion from the overall Downtown Plan update. This item is time critical and can be addressed via a more typical sub-area planning process.
 - The City will use the \$75,000 allocated for this year to hire a consultant to complete this process.
 - A full suite of plan and code amendments can be completed by Q2 2019, two full quarters sooner than currently planned.
 - The topics under discussion there are easily encapsulated and are less likely to affect the overall Downtown Plan update.
- **Phase II:** Form a partnership between the DSP and City for a larger update to the Downtown Plan, with a consultant managed by DSP and support both financially and in-kind from the City.
 - The City would allocate the \$50,000 proposed for next year to the DSP to help fund the process.
 - City Staff would coordinate closely with the project to ensure consistency with GMA, State law requirements, and with City plans and policies.
 - DSP will lead the process and will be able to include more of the topics they seek to address.

2020

Possible Benefits

- Time-critical items are addressed quickly.
- Scope increases.
- Benefit to both parties increases.
- General public outreach can begin now.
- Both projects result in GMA and state law compliant projects ready for adoption.

