

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, SEPTEMBER 29, 2014

MISSION STATEMENT

**TO DELIVER EFFICIENT AND EFFECTIVE SERVICES
THAT FACILITATE ECONOMIC OPPORTUNITY
AND ENHANCE QUALITY OF LIFE.**

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBER MICHAEL A. ALLEN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER JON SNYDER

COUNCIL MEMBER AMBER WALDREF

**COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON WEDNESDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views on any issue not relating to the Current or Advance Agendas during the Open Forum at the beginning and the conclusion of the Legislative Agenda.

ADDRESSING THE COUNCIL

- No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet as a condition of recognition.
- Each person speaking at the public microphone shall print his or her name and address on the sheet provided at the podium and verbally identify him/herself by name, address and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, modes of expression such as demonstration, banners, applause and the like will not be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

SPEAKING TIME LIMITS: Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at www.spokanecity.org. Agenda items are available for public review in the Office of the City Clerk during regular business hours.

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 Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

ADMINISTRATIVE SESSION

Roll Call of Council

CONSENT AGENDA**REPORTS, CONTRACTS AND CLAIMS****RECOMMENDATION**

- | | | |
|--|------------------------------------|------------------------------------|
| 1. Interim Operating Agreements with:
Council President Stuckart
a. Uber, Inc.

b. Lyft, Inc. | Approve
All | OPR 2014-0641

OPR 2014-0642 |
| 2. Collective Bargaining Agreement with the Spokane Police Lieutenants & Captains Association covering wages and benefits for the years 2012-2016—2012: \$48,000; 2013: \$52,000; 2014: \$57,000; 2015: \$65,000; 2016: \$49,000. Erin Jacobson | Approve &
Authorize
Contract | OPR 2014-0643 |
| 3. Blanket Order with Roadwise, Inc. (Tacoma, WA) for liquid deicer for the City of Spokane Street Department. The estimated annual usage is 8000 tons at an estimated cost of \$1,290,960 (incl. tax). Mark Serbousek | Approve | OPR 2014-0644 |
| 4. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2014, total | Approve &
Authorize
Payment | CPR 2014-0002 |

\$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.

EXECUTIVE SESSION

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

CITY COUNCIL SESSION

(May be held or reconvened following the 3:30 p.m. Administrative Session)

(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

WORDS OF INSPIRATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF COUNCIL

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

BOARDS AND COMMISSIONS APPOINTMENTS

(Includes Announcements of Boards and Commissions Vacancies)

CITY ADMINISTRATION REPORT

COUNCIL COMMITTEE REPORTS

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

OPEN FORUM

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

LEGISLATIVE AGENDA

NO EMERGENCY BUDGET ORDINANCES

NO EMERGENCY ORDINANCES

RESOLUTIONS

(Requires Four Affirmative, Recorded Roll Call Votes)

- RES 2014-0095 Approving the settlement of Susan Gormley, et al. v. City of Spokane, et al., Spokane County Superior Court Cause No. 13-2-00483-1, arising out of an incident on April 1, 2012 and indemnifying a City of Spokane employee Brandon LeBaron—\$550,000. *Nancy Isserlis*

FINAL READING ORDINANCES

(Requires Four Affirmative, Recorded Roll Call Votes)

- ORD C35147 Relating to public works bid requirements; amending Spokane Municipal Code Section 7.06.130. (Deferred from September 15, 2014, Agenda) *Council Member Waldref*
- ORD C35152 Relating to for-hire vehicles; amending Spokane Municipal Code Sections 10.34.020, 10.34.080 and 10.34.180. *Council Member Fagan*
- ORD C35153 Relating to gambling taxes; amending SMC Section 8.04.020. *CM Snyder*
- ORD C35154 Relating to the Human Rights Commission; amending Spokane Municipal Code Sections 04.10.020 and 04.10.030. *Council Member Snyder*
- ORD C35155 (To be considered under Hearings Item H1.)
- ORD C35156 (To be considered under Hearings Item H2.)

FURTHER ACTION DEFERRED

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

HEARINGS

(If there are items listed you wish to speak on, please sign your name on the sign-up sheets in the Chase Gallery.)

RECOMMENDATION

- | | | | |
|-----|---|--------------------------------|------------|
| H1. | Final Reading Ordinance C35155 relating to application #Z1300068COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Neighborhood Retail" for 0.16 acres located at 1924 East Boone Avenue; and amending the zoning map from "Residential Single Family" (RSF to "Neighborhood Retail" (NR-35). (Proponent: HD3 Investments LLC) (Plan Commission recommends approval: 6 to 0 vote) Tirrell Black | Pass Upon
Roll Call
Vote | ORD C35155 |
| H2. | Final Reading Ordinance C35156 Relating to application #Z1300069COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" to "CC Core" for 0.44 acres located at 2929 and 2937 East Wellesley Avenue; and amending the Zoning Map from "Office" (O-35) to "Centers and Corridors, Type 2 District Center" (CC2-DC). (Proponent: R Properties LLC) (Plan Commission recommends approval: 6 to 0 vote) Tirrell Black | Pass Upon
Roll Call
Vote | ORD C35156 |

Motion to Approve Advance Agenda for September 29, 2014
(per Council Rule 2.1.2)

OPEN FORUM (CONTINUED)

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

ADJOURNMENT

The September 29, 2014, Regular Legislative Session of the City Council is adjourned to October 6, 2014.

NOTES

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/17/2014

Clerk's File #

OPR 2014-0641

Renews #**Submitting Dept**

CITY COUNCIL

Contact Name/Phone

BEN STUCKART 625-6269

Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0320 INTERIM OPERATING AGREEMENT UBER, INC.

Cross Ref #**Project #****Bid #****Requisition #****Agenda Wording**

Interim Operating Agreement by and between Uber, Inc. and the City of Spokane.

Summary (Background)

This Interim Operating Agreement with Uber, Inc. provides the terms and conditions by which Uber, Inc. could operate within the City as a transportation network company using its own ride-sharing network including, but not limited to, obtaining specific insurance coverage, obtaining the drivers' driving record and criminal background and requiring all vehicles to have a safety inspection.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MCDANIEL, ADAM

Study Session

June 26 2014

Division Director**Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Uber, Inc. agrees to pay the City ten cents per ride to cover any administrative and regulatory costs up to an annual cap of \$10,000 for all funds generated through the TNC per ride fee.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Select	\$	#
Select	\$	#

Distribution List

**Interim Operating Agreement
by and between
Uber, Inc. and the City of Spokane**

This Agreement is entered into this _____ day of September, 2014, between the City of Spokane, whose address is 808 West Spokane Falls Boulevard, Spokane, Washington 99201 (hereinafter referred to as the "City"), and Uber, Inc., whose address is 506 2nd Avenue Suite 3100, Seattle, Washington, 98104 (hereinafter referred to as "Uber").

WHEREAS, Uber refers to itself as a ride-sharing network that uses a digital platform to connect passengers to ridesharing operators using their personal vehicles for the purpose of transportation. The City has referred to this form of transportation service as a transportation network company. Regardless of how this form of transportation service is defined now by either of the parties, it is essentially an organization that matches drivers and riders on a prearranged basis, for trips provided by drivers using their personal vehicles; and

WHEREAS, *Uber Operator* shall mean an individual who uses the individual's personal vehicle to provide transportation services through the Uber platform; and

WHEREAS, *Uber Vehicle* shall mean a personal vehicle that is used by an operator through the Uber platform; and

WHEREAS, Uber and the City agree to the principles set forth below with respect to Uber's platform. The parties agree that Uber's acceptance of these principles acknowledges, solely for the purposes of this Agreement, that the City has the authority to enter into this Agreement. Uber does not waive its right to contest the applicability of any laws or rules to Uber, the Uber platform, or Uber Operators offering services through the Uber platform. Uber does not waive its right to propose or support different principles, terms or conditions, or to raise any defense in any other local, state or federal regulatory or legal proceeding, including municipal-level proceedings. The City does not waive any right or authority to initiate any action under the Spokane Municipal Code or state law; and

WHEREAS, pursuant to SMC 12.03.0508, Uber and Uber Operators shall not operate any vehicles to or from the Spokane International Airport (SIA) unless such operation is with the approval of the SIA Board and under such terms and conditions as the SIA Board shall prescribe; and

WHEREAS, there is authority for the City to establish regulations applying to for-hire vehicles as granted by Article 11, Section 11 of the Washington State Constitution and RCW 46.72.160 -- Now, Therefore,

UBER AND THE CITY AGREE AS FOLLOWS:

The City is currently reviewing its municipal code regarding for-hire vehicles as it pertains to “transportation network companies” like Uber. Pursuant to this Agreement, the City agrees to permit Uber to operate in the City of Spokane while evaluating these updates, subject to the conditions and restrictions set forth herein,. This Agreement shall expire upon the effective date of any amendment to the Spokane Municipal Code’s Chapter 10.34 respecting For-Hire Vehicles addressing transportation network companies, or nine months from the date the City Council approves this Agreement, whichever is first. The City may terminate this agreement upon thirty (30) days notice in its reasonable discretion.

UBER AGREES AS FOLLOWS:

1. Uber shall maintain a website that provides a customer service telephone number or email address.
2. Uber shall maintain an agent for service of process in the city of Spokane, Washington.
3. Uber shall maintain accurate and up-to date records of all operators providing services through the Uber platform.
4. Upon completion of a trip, Uber shall transmit an electronic receipt to the passenger’s email address or mobile application documenting the origination and destination of the trip and a description of the total amount paid, if any.
5. Uber and Uber’s operators shall accept only rides booked through a transportation network company’s digital platform and shall not solicit or accept street-hails.
6. Uber may offer service for compensation, no-charge, or suggested compensation. Uber shall disclose its rates used to determine any compensation or suggested compensation on its app and/or website.
7. The app used by Uber to connect operators and passengers must display for the passenger the name and photograph of the operator as well as the make, model and license plate number of the vehicle.
8. Uber shall establish a driver-training program designed to ensure that each driver safely operates his or her vehicle prior to the driver being able to offer service.
9. Uber shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver on the Uber platform, provide notice of the zero-tolerance policy on its website, as well as the procedures to report a complaint about a driver with whom the passenger was matched and for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a

passenger complaint alleging a violation of the zero-tolerance policy. The suspension shall last the duration of the investigation.

10. Prior to permitting a person to act as a driver on its digital network, and annually thereafter, Uber shall obtain and review a criminal history research report for such person. The criminal background check shall be a national criminal background check including the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror shall not be permitted to be a Uber Operator. Uber will maintain electronic records of such criminal background checks for a period of two years.
11. Prior to permitting a person to act as a driver on its network, and quarterly thereafter, Uber shall obtain and review a driving history research report for such person. Any person with: (i) more than three (3) moving violations in the three-year period prior to such check, or (ii) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) shall not be permitted to be a Uber Operator on the Uber platform. Uber will maintain electronic records of such driving history research reports for a period of two years.
12. Uber shall maintain an automobile liability insurance policy, which covers all vehicles operated by Uber Operators, with a minimum combined single limit of one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage for accidents involving a vehicle and Uber operator in transit to or during a trip. For the term of this Agreement, Uber shall provide evidence that each Uber vehicle operated by a Uber Operator within the City has liability insurance in an amount no less than required by RCW 46.72.050 during the period when a Uber operator is matched with a ride request and is providing a ride on the Uber platform. As soon as practicable, Uber shall provide to the City a certificate of insurance for such policy, naming Uber as the insured and an endorsement including the City as an additional insured. The policy shall be accompanied by a commitment from the insurer that such policy shall not be canceled, modified, or coverage reduced without at least thirty (30) days prior notice to the City.
13. Uber Operators shall:
 - (1) Possess a valid driver's license, proof of registration, maintain current automobile liability insurance, and be at least twenty-one (21) years of age; and
 - (2) Provide proof of both the operator's personal insurance and excess liability insurance in the case of an accident; provided, that the operator shall have twenty-four (24) hours to provide proof of excess liability

insurance.

14. Uber Vehicles may be street-legal coupes, sedans, or light-duty vehicles, including without limitation, vans, minivans, sport utility vehicles (SUVs), hatchbacks, convertibles and pickup trucks.
15. All vehicles shall have a safety inspection conducted annually by Uber or a third party before being used to provide a service, pursuant to a procedure approved by the City. Such procedure shall, at a minimum, include inspection of the following components:

- (1) Foot brakes;
- (2) Parking brakes;
- (3) Steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Tail lights;
- (9) Turn indicator lights;
- (10) Stop lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open, close, lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors; and
- (19) Safety belts for driver and passenger(s).

16. Uber and Uber Operators shall not use any marked taxicab zones.

17. Uber shall pay to the City .10 cents per ride to cover any administrative and regulatory costs associated with the Uber platform. Payment shall be sent to the City on a quarterly basis with an annual cap of \$10,000.00 for all funds generated through the transportation network company per ride fee. Uber shall provide documentation demonstrating the number of rides per month, which may be marked proprietary and confidential.

THE CITY AGREES TO THE FOLLOWING:

1. While the City is determining whether the Spokane Municipal Code regarding For-Hire Vehicle regulations needs to be amended to reflect the operation of Transportation Network Companies, the City will not apply Spokane Municipal Code Chapter 10.34 to Uber and Uber's operators during the term of this

Agreement, unless such enforcement stems solely and directly from violation of any of the provisions of this Agreement.

2. The City shall have the authority to enforce the requirements of this Agreement, including inspection of relevant records. Failure to adhere to the requirements of this Agreement by Uber or a Uber Operator may result in sanctions imposed by the City, or termination of this Agreement, at the City's discretion.
3. If a public records request is made of the City for documents that have been designated by Uber as confidential or proprietary, the City shall provide written notice to Uber prior to disclosure.

DATED: _____

CITY OF SPOKANE

By: _____

—

Title:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

DATED: _____

UBER, INC.

By: _____

—

Title:

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/17/2014

Clerk's File #

OPR 2014-0642

Renews #**Submitting Dept**

CITY COUNCIL

Contact Name/Phone

BEN STUCKART 625-6269

Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

0320 INTERIM OPERATING AGREEMENT WITH LYFT, INC.

Agenda Wording

Interim Operating Agreement by and between Lyft, Inc. and the City of Spokane.

Summary (Background)

This Interim Operating Agreement with Lyft, Inc. provides the terms and conditions by which Lyft, Inc. could operate within the City as a transportation network company using its own ride-sharing network including, but not limited to, obtaining specific insurance coverage, obtaining the drivers' driving record and criminal background and requiring all vehicles to have a safety inspection.

Fiscal Impact

Select \$

Select \$

Select \$

Select \$

Budget Account

#

#

#

#

Approvals**Dept Head**

MCDANIEL, ADAM

Division Director**Finance**

LESESNE, MICHELE

Legal

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Council Notifications**Study Session**

June 26 2014

Other**Distribution List****Additional Approvals****Purchasing**



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Lyft, Inc. agrees to pay the City ten cents per ride to cover any administrative and regulatory costs up to an annual cap of \$10,000 for all funds generated through the TNC per ride fee.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Select	\$	#
Select	\$	#

Distribution List

**Interim Operating Agreement
by and between
Lyft, Inc. and the City of Spokane**

This Agreement is entered into this _____ day of September, 2014, between the City of Spokane, whose address is 808 West Spokane Falls Boulevard, Spokane, Washington 99201 (hereinafter referred to as the "City"), and Lyft, Inc., a Delaware corporation, whose address is 548 Market Street, Suite 68514, San Francisco, California 94104 (hereinafter referred to as "Lyft").

WHEREAS, Lyft refers to itself as a ride-sharing network that uses a digital platform to connect passengers to ridesharing operators using their personal vehicles for the purpose of transportation. The City has referred to this form of transportation service as a transportation network company. Regardless of how this form of transportation service is defined now by either of the parties, it is essentially an organization that matches drivers and riders on a prearranged basis, for trips provided by drivers using their personal vehicles; and

WHEREAS, *Lyft Operator* shall mean an individual who uses the individual's personal vehicle to provide transportation services through the Lyft platform; and

WHEREAS, *Lyft Vehicle* shall mean a personal vehicle that is used by an operator through the Lyft platform; and

WHEREAS, Lyft and the City agree to the principles set forth below with respect to Lyft's platform. The parties agree that Lyft's acceptance of these principles acknowledges, solely for the purposes of this Agreement, that the City has the authority to enter into this Agreement. Lyft does not waive its right to contest the applicability of any laws or rules to Lyft, the Lyft platform, or Lyft Operators offering services through the Lyft platform. Lyft does not waive its right to propose or support different principles, terms or conditions, or to raise any defense in any other local, state or federal regulatory or legal proceeding, including municipal-level proceedings. The City does not waive any right or authority to initiate any action under the Spokane Municipal Code or state law; and

WHEREAS, pursuant to SMC 12.03.0508, Lyft and Lyft Operators shall not operate any vehicles to or from the Spokane International Airport (SIA) unless such operation is with the approval of the SIA Board and under such terms and conditions as the SIA Board shall prescribe; and

WHEREAS, there is authority for the City to establish regulations applying to for-hire vehicles as granted by Article 11, Section 11 of the Washington State Constitution and RCW 46.72.160 -- Now, Therefore,

LYFT AND THE CITY AGREE AS FOLLOWS:

The City is currently reviewing its municipal code regarding for-hire vehicles as it pertains to “transportation network companies” like Lyft. Pursuant to this Agreement, the City agrees to permit Lyft to operate in the City of Spokane while evaluating these updates, subject to the conditions and restrictions set forth herein,. This Agreement shall expire upon the effective date of any amendment to the Spokane Municipal Code’s Chapter 10.34 respecting For-Hire Vehicles addressing transportation network companies, or nine months from the date the City Council approves this Agreement, whichever is first. The City may terminate this agreement upon thirty (30) days notice in its reasonable discretion.

LYFT AGREES AS FOLLOWS:

1. Lyft shall maintain a website that provides a customer service telephone number or email address.
2. Lyft shall maintain an agent for service of process in the city of Spokane, Washington.
3. Lyft shall maintain accurate and up-to date records of all operators providing services through the Lyft platform.
4. Upon completion of a trip, Lyft shall transmit an electronic receipt to the passenger’s email address or mobile application documenting the origination and destination of the trip and a description of the total amount paid, if any.
5. Lyft and Lyft’s operators shall accept only rides booked through a transportation network company’s digital platform and shall not solicit or accept street-hails.
6. Lyft may offer service for compensation, no-charge, or suggested compensation. Lyft shall disclose its rates used to determine any compensation or suggested compensation on its app and/or website.
7. The app used by Lyft to connect operators and passengers must display for the passenger the name and photograph of the operator as well as the make, model and license plate number of the vehicle.
8. Lyft shall establish a driver-training program designed to ensure that each driver safely operates his or her vehicle prior to the driver being able to offer service.
9. Lyft shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver on the Lyft platform, provide notice of the zero-tolerance policy on its website, as well as the procedures to report a complaint about a driver with whom the passenger was matched and for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a

passenger complaint alleging a violation of the zero-tolerance policy. The suspension shall last the duration of the investigation.

10. Prior to permitting a person to act as a driver on its digital network, and annually thereafter, Lyft shall obtain and review a criminal history research report for such person. The criminal background check shall be a national criminal background check including the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror shall not be permitted to be a Lyft Operator. Lyft will maintain electronic records of such criminal background checks for a period of two years.
11. Prior to permitting a person to act as a driver on its network, and quarterly thereafter, Lyft shall obtain and review a driving history research report for such person. Any person with: (i) more than three (3) moving violations in the three-year period prior to such check, or (ii) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) shall not be permitted to be a Lyft Operator on the Lyft platform. Lyft will maintain electronic records of such driving history research reports for a period of two years.
12. Lyft shall maintain an automobile liability insurance policy, which covers all vehicles operated by Lyft Operators, with a minimum combined single limit of one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage for accidents involving a vehicle and Lyft operator in transit to or during a trip. For the term of this Agreement, Lyft shall provide evidence that each Lyft vehicle operated by a Lyft Operator within the City has liability insurance in an amount no less than required by RCW 46.72.050 during the period when a Lyft operator is matched with a ride request and is providing a ride on the Lyft platform. As soon as practicable, Lyft shall provide to the City a certificate of insurance for such policy, naming Lyft as the insured and an endorsement including the City as an additional insured. The policy shall be accompanied by a commitment from the insurer that such policy shall not be canceled, modified, or coverage reduced without at least thirty (30) days prior notice to the City.
13. Lyft Operators shall:
 - (1) Possess a valid driver's license, proof of registration, maintain current automobile liability insurance, and be at least twenty-one (21) years of age; and
 - (2) Provide proof of both the operator's personal insurance and excess liability insurance in the case of an accident; provided, that the operator shall have twenty-four (24) hours to provide proof of excess liability insurance.

14. Lyft Vehicles may be street-legal coupes, sedans, or light-duty vehicles, including without limitation, vans, minivans, sport utility vehicles (SUVs), hatchbacks, convertibles and pickup trucks.
15. All vehicles shall have a safety inspection conducted annually by Lyft or a third party before being used to provide a service, pursuant to a procedure approved by the City. Such procedure shall, at a minimum, include inspection of the following components:
 - (1) Foot brakes;
 - (2) Parking brakes;
 - (3) Steering mechanism;
 - (4) Windshield;
 - (5) Rear window and other glass;
 - (6) Windshield wipers;
 - (7) Headlights;
 - (8) Tail lights;
 - (9) Turn indicator lights;
 - (10) Stop lights;
 - (11) Front seat adjustment mechanism;
 - (12) Doors (open, close, lock);
 - (13) Horn;
 - (14) Speedometer;
 - (15) Bumpers;
 - (16) Muffler and exhaust system;
 - (17) Condition of tires, including tread depth;
 - (18) Interior and exterior rear view mirrors; and
 - (19) Safety belts for driver and passenger(s).
16. Lyft and Lyft Operators shall not use any marked taxicab zones.
17. Lyft shall pay to the City .10 cents per ride to cover any administrative and regulatory costs associated with the Lyft platform. Payment shall be sent to the City on a quarterly basis with an annual cap of \$10,000.00 for all funds generated through the transportation network company per ride fee. Lyft shall provide documentation demonstrating the number of rides per month, which may be marked proprietary and confidential.

THE CITY AGREES TO THE FOLLOWING:

1. While the City is determining whether the Spokane Municipal Code regarding For-Hire Vehicle regulations needs to be amended to reflect the operation of Transportation Network Companies, the City will not apply Spokane Municipal Code Chapter 10.34 to Lyft and Lyft's operators during the term of this Agreement, unless such enforcement stems solely and directly from violation of

any of the provisions of this Agreement.

2. The City shall have the authority to enforce the requirements of this Agreement, including inspection of relevant records. Failure to adhere to the requirements of this Agreement by Lyft or a Lyft Operator may result in sanctions imposed by the City, or termination of this Agreement, at the City's discretion.
3. If a public records request is made of the City for documents that have been designated by Lyft as confidential or proprietary, the City shall provide written notice to Lyft prior to disclosure.

DATED: _____

CITY OF SPOKANE

By: _____

Title:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

DATED: _____

LYFT, INC.

By: _____

Title:

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/17/2014

Clerk's File #

OPR 2014-0643

Renews #**Submitting Dept**

CITY ATTORNEY

Cross Ref #**Contact Name/Phone**

ERIN JACOBSON 6889

Project #**Contact E-Mail**

EJACOBSON@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

2012-2016 COLLECTIVE BARGAINING AGREEMENT WITH LIEUTENANTS &

Agenda Wording

Authorization to enter into a collective bargaining agreement with the Spokane Police Lieutenants & Captains Association covering wages and benefits for the years 2012-2016.

Summary (Background)

The City of Spokane and the Spokane Police Lieutenants & Captains Association have concluded negotiations and reached a Tentative Agreement for a successor collective bargaining agreement with a five-year term, from January 1, 2012, through December 31, 2016. The average annual increase in total cost of compensation over the five-year term is projected to be 2.76%.

Fiscal Impact**Budget Account**

Expense \$ 2012 - \$48,000

various

Expense \$ 2013 - \$52,000

various

Expense \$ 2014 - \$51,000

various

Expense \$ 2015 - \$65,000 / 2016 - \$49,000

various

Approvals**Council Notifications****Dept Head**

DALTON, PAT

Study Session

exec session 9/15/14

Division Director**Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

WHALEY, HUNT

ejacobson@spokanecity.org

For the Mayor

SANDERS, THERESA

hlowe@spokanecity.org

Additional Approvals

gkinyon@spokanecity.org

Purchasing

fstraub@spokanecity.org

rdobrow@spokanecity.org

demccabe@spokanecity.org

jwalker@spokanecity.org

TENTATIVE AGREEMENT

Between the City of Spokane and Spokane Police Lieutenants & Captains Association (2012-2016)

The following memorializes a Tentative Agreement (TA) constituting a full and complete settlement of the negotiations for a successor five-year contract commencing January 1, 2012. All proposals by either the City or Association that are not addressed in this TA are withdrawn. The parties' negotiating teams recommend approval of the TA, which is subject to ratification by the Association membership and the Spokane City Council. Should either party fail to approve the TA, the parties will revert to their last formal offers and recommence mediation.

Effective Upon Ratification:

- 1. Civilian Review, Cameras, and Tuition Reimbursement.** Association agrees to the same language as the Guild.
- 2. Management Rights and Police Officer Rights in Discipline.** Include new articles on Management Rights and Police Officer Rights in Discipline to match Article 3 and Article 24, Section E in the Guild contract.
- 3. Salary Savings Plan.** The SSP eligibility requirements will be modified to 20 years of service, with no age requirement. The City will offer the SSP on a one-time basis, with applications accepted through November 30, 2014 for retirements effective by April 1, 2015. Subsequent offerings of the SSP are at the City's sole discretion.
- 4. Annual Leave Cash-out.** Members who elect to cash out annual leave on November 1st of each year may contribute some or all of their annual leave cash-out to their deferred compensation accounts.

Effective January 1, 2015:

- 1. Base Wage.** Maintain the current contract percentage differentials for Lieutenants and Captains (resulting in base wage – including longevity but not including education – increases to match Guild).
- 2. Sick Leave Buy Back.** Sick leave buy back at retirement will increase to 60% of 960 hours.
- 3. Medical Insurance.** LEOFF II medical plan options will be City Plan III, City Plan IV, Group Health I, and Group Health II. Employee contributions for City Plan III and Group Health I will be \$135/month. Employee contributions for City Plan IV and Group Health II will be \$105/month.

Effective January 1, 2016:

1. **Base Wage.** Increase differential for Lieutenants to 20% above Sergeant base salary (including longevity but not including education). Maintain Captains at 18% above Lieutenants.
2. **Deferred Compensation.** Eliminate the revenue based deferred compensation additional City contribution.

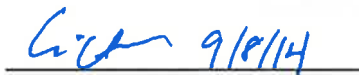
For the City of Spokane:



David A. Condon
Mayor



Frank Straub
Police Chief



Erin Jacobson
Assistant City Attorney



Theresa M. Sanders
City Administrator



Rick Dobrow
Assistant Police Chief



Tim Dunivant
Budget Director

For the Association:



Dave McCabe
President



Joe Walker
Vice-President

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/17/2014

Clerk's File #

OPR 2014-0644

Renews #**Submitting Dept**

STREET

Cross Ref #**Contact Name/Phone**

MARK SERBOUSEK 232-8810

Project #**Contact E-Mail**

MSERBOUSEK@SPOKANECITY.ORG

Bid #WA STATE
CONTRACT**Agenda Item Type**

Purchase w/o Contract

Requisition #

RE#17061

Agenda Item Name

1100-STREET DEPARTMENT - LIQUID DEICER

Agenda Wording

Blanket Order with Roadwise, Inc. (Tacoma, Wa) for liquid deicer for the City of Spokane Street Department. The estimated annual usage is 8000 tons at an estimated cost of \$1,290,960 including tax

Summary (Background)

As a member of the Washington State Purchasing Cooperative, state contract pricing is available to the City. The State Contract represents the best pricing available. The Street Department wishes to utilize the State Contract #02714 to purchase liquid deicer for the 2014-2015 winter season. The City of Spokane's requirements for deicer falls into the State's category 1 products which are bulk Liquid Magnesium Chloride products with a corrosion inhibitor.

Fiscal Impact**Budget Account**

Expense \$ 1,290,960.00

1100-21800-42660-54850

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

SERBOUSEK, MARK

Study Session**Division Director**

QUINTRALL, JAN

Other

PCED 9/15/14

Finance

LESESNE, MICHELE

Distribution List**Legal**

WHALEY, HUNT

Purchasing: tprince

For the Mayor

SANDERS, THERESA

Street: aschenk; hstickney

Additional Approvals

Taxes & Licenses

Purchasing

PRINCE, THEA

PCED Agenda Item
Consent/Informational Item

Bid

Contract 02714

Project Update

Title: Annual Blanket Order for deicer (liquid magnesium chloride), using the Washington State Contract (#02714). The low bidder was Roadwise, Inc. Tacoma, WA.

Date: September 15, 2014

Prepared By: Andy Schenk

Narrative: This material is used by the Street Department during the winter months to aid in snow and ice removal. This State Contract was rebid this year (2014).

The City of Spokane has a clause in the State contract that states the supplier must deliver the product to our existing storage facility in the northeastern portion of the city and also provide us with access to a supplier owned storage facility in the eastern portion of the city of a minimum of 120,000 gallons. The site that has and is being provided is at the railroad yards at Havana and Sprague. This is the same site we have used for the past several years.

This year's average price for deicer is \$161.37 per ton, including tax, and is approximately \$2.24 more than last year. This equates to an approximate cost increase of \$17,920. The estimated annual cost for 8000 tones is \$1,290,960 including tax.

Funding Sources: The funding for this material is programmed into the Street Department's 2014/2015 budget.

Further Updates/Information: Andy Schenk; 625-7738

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/17/2014

Clerk's File #

RES 2014-0095

Renews #**Submitting Dept**

CITY ATTORNEY

Cross Ref #**Contact Name/Phone**

NANCY ISSERLIS 625-6287 & 625-

Project #**Contact E-Mail**

NISSLERIS@SPOKANECITY.ORG &

Bid #**Agenda Item Type**

Resolutions

Requisition #

CLAIMS

Agenda Item Name

0500 RESOLUTION APPROVING SETTLEMENT

Agenda Wording

A resolution approving the settlement of Susan Gormley, et al. v. City of Spokane, et al., Spokane County Superior Court Cause No. 13-2-00483-1, arising out of an incident on April 1, 2012 and indemnifying a City of Spokane employee Brandon LeBaron.

Summary (Background)

Pursuant to RCW 4.96.041 and SMC 3.07.200, the City provides for defense and indemnification of employees of the City who are sued in the good faith performance of their duties. All of the allegations made in the referenced lawsuit have to do with conduct occurring because of the performance of his duties. This resolution provides for the defense and indemnification of the individually named City employee defendant, Brandon LeBaron, by the City. This lawsuit was settled through negotiations.

Fiscal Impact**Budget Account**

Expense \$ 550,000.00

5800-78100-14780-54601

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

DALTON, PAT

Study Session**Division Director****Other****Finance**

LESESNE, MICHELE

Distribution List**Legal**

WHALEY, HUNT

sfaggiano@spokanecity.org

For the Mayor

SANDERS, THERESA

dstragier@spokanecity.org

Additional Approvals**Purchasing**

RESOLUTION RE SETTLEMENT OF
CIVIL CLAIM AGAINST CITY OF SPOKANE

WHEREAS, the City of Spokane and its employee, Brandon LeBaron, are named as defendants in litigation brought in the Spokane County Superior Court under the caption "SUSAN GORMLEY, as Personal Representative of the Estate of Christopher Gormley, Plaintiff v. Spokane City, a municipality and SPOKANE CITY PARKS AND RECREATION DEPARTMENT; BRANDON LeBARON AND JANE DOE LeBARON, husband and wife and their marital community; THE CORPORATION OF GONZAGA UNIVERSITY; GONZAGA STUDENT BODY ASSOCIATION; GONZAGA OUTDOORS; AND DOES 1-10, Defendants," Spokane County Superior Court Cause No. 13-2-00483-1, arising out of an incident on April 1, 2012, as more fully described in the Complaint filed in said cause, and

WHEREAS, the incident giving rise to injury occurred while Brandon LeBaron, a City employee, was performing his official duties requiring indemnification by the City; and

WHEREAS, the City has determined to resolve all claims with Plaintiff and any third parties who may claim a subrogated interest against the City, its officers, agents, employees and contractors, inclusive of Brandon LeBaron, for a payment of FIVE HUNDRED FIFTY THOUSAND and NO/100 DOLLARS (\$550,000.00).

WHEREAS, Plaintiff has agreed to accept said payment and in return to dismiss with prejudice her underlying lawsuit and any and all claims against defendants.

NOW THEREFORE, be it resolved by the City Council of the City of Spokane:

1. BRANDON LeBARON is hereby indemnified pursuant to RCW 4.96.041 and SMC Chapter 3.07.

2. The City of Spokane authorizes that payment in the amount of FIVE HUNDRED FIFTY THOUSAND and NO/100 DOLLARS (\$550,000.00), to be paid to plaintiff and her counsel, without admission of fault or liability, as a full settlement and compromise of the above-referenced litigation and/or claim, and in exchange the Plaintiff will dismiss the underlying lawsuit with prejudice and without costs of said litigation, and provide a signed release fully extinguishing all claims by plaintiff in connection with the case and pledging to fully protect and indemnify the City of Spokane, its officers, agents, employees, contractors, and insurers, inclusive of Brandon LeBaron, against all loss or liability in connection with said case and claim.

PASSED the City Council this _____ day of _____, 2014.

City Clerk

Approved as to form:

Assistant City Attorney

**Agenda Sheet for City Council Meeting of:**

09/08/2014

Date Rec'd

8/27/2014

Clerk's File #

ORD C35147

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

AMBER 625-6275

Project #**Contact E-Mail**

AWALDREF@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0320 PUBLIC BID REQUIREMENTS ORDINANCE

Agenda Wording

An ordinance relating to public works bid requirements; amending SMC section 7.06.130.

Summary (Background)

This ordinance provides that as a condition of performing work on a public works contract for the City, in addition to the mandatory bidder responsibility criteria in RCW 39.04.350, a contractor shall include in a public bid response a list of all first-tier subcontractors proposed by the responding bidder as part of the bid response, who shall not presently be disqualified or debarred under either state law or the Spokane Municipal Code.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MCDANIEL, ADAM

Study Session**Division Director****Other**

Public Works

Finance

LESESNE, MICHELE

Distribution List**Legal**

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**

PRINCE, THEA



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Contractors shall be permitted to replace a first-tiered contractor listed in its bid response, which shall not increase the bid amount.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$		#
Select	\$		#

Distribution List

ORDINANCE NO. C35147

AN ORDINANCE relating to public works bid requirements; amending SMC section 7.06.130.

The City of Spokane does ordain:

Section 1. That SMC section 7.06.130 is amended to read as follows:

7.06.130 Evaluation

- A. Bids are evaluated based upon the requirements set forth in the invitation for bids. The criteria for award shall be objectively measurable. No criteria may be used that are not set forth in the invitation. Bid evaluation shall be based on the following criteria where applicable and only which can be reasonably determined:
1. Price and the effect of term discounts. Price may be determined by the life-cycle costing if so indicated in the invitation.
 2. The conformity of the goods, public work and/or services bid with the invitation for bid or request for quotation specifications depicting the quality and the purposes for which they are required.
 3. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 4. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 5. Whether the bidder can perform the contract within the time specified.
 6. The quality of performance on previous contracts.
 7. The previous and existing compliance by the bidder with laws relating to the contract.
 8. Servicing resources, capability and capacity.
 9. Lack of uniformity or interchangeability, if such factors are important.
 10. The energy efficiency of the product as projected throughout the anticipated useful life of the product; and
 11. Such other information as may be secured having a bearing on the decision to award the contract.
- B. As a condition of performing work on a public works contract for the City, in addition to the mandatory bidder responsibility criteria in RCW 39.04.350, a contractor shall qualify in accordance with the provisions of article VIII of this chapter and shall include in a public bid response a list of all first-tier subcontractors proposed by the responding bidder as part of the bid response.

who shall not presently be disqualified or debarred under either federal or state law or the Spokane Municipal Code. Contractors shall be permitted to replace a first-tiered contractor listed in its bid response, which shall not increase the bid amount. In addition to information specified in article VIII, the City may request, on a project by project basis, any other information deemed necessary to ensure that prospective contractors meet the responsibility standards established by this article and otherwise possess sufficient qualifications and capabilities in all respects to successfully qualify for and perform public works contracts.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/3/2014

Clerk's File #

ORD C35152

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

SHERYL MCGRATH 6224

Project #**Contact E-Mail**

SMCGRATH@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0320 FOR-HIRE VEHICLE REVISION

Agenda Wording

AN ORDINANCE relating to for-hire vehicles; amending SMC sections 10.34.020, 10.34.080 and 10.34.180.

Summary (Background)

This ordinance amends provisions of Chapter 10.34 SMC relating to for-hire vehicles including provisions relating to vehicle inspections. This ordinance also provides for a sixty day interim for-hire driver license and establishes a class one civil infraction for driving a for-hire vehicle without a for-hire vehicle license or for-hire driver's license.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

STUCKART, BEN

Study Session**Division Director****Other****Finance**

DOLAN, PAM

Distribution List**Legal**

PICCOLO, MIKE

mfagan@spokanecity.org

For the Mayor

SANDERS, THERESA

bstuckart@spokanecity.org

Additional Approvals

amcdaniel@spokanecity.org

Purchasing

tdunivant@spokanecity.org

ORDINANCE NO. C35152

AN ORDINANCE relating to for-hire vehicles; amending SMC sections 10.34.020, 10.34.080 and 10.34.180.

The City of Spokane does ordain:

Section 1. That SMC section 10.34.020 is amended to read as follows:

10.34.020 Activities Requiring License

- A. No person may own, operate, use, or drive a for-hire vehicle unless the vehicle is licensed under this chapter and no person may drive a for-hire vehicle without a driver's license issued under this chapter.
- B. The for-hire vehicle and driver licenses required by this chapter are class IIA licenses under chapter 4.04 SMC.
- C. An interim for-hire driver license shall be issued to new for-hire vehicle drivers at no cost to the driver, which shall be good for sixty days. After the sixty day interim period, the driver shall pay the driver license fees set forth in SMC 8.02.0210 A and D before permanent for-hire driver licenses are issued. All other requirements set forth in the chapter shall be met before the issuance of interim for-hire driver licenses.
- D. A violation of this section is a class one civil infraction. Each subsequent violation is a separate infraction.

Section 2. That SMC section 10.34.080 is amended to read as follows:

10.34.080 Vehicle Inspections

The director of fleet services causes safety inspections to be made of all for-hire vehicles as required by the provisions of chapter 4.04 SMC and chapter 10.34 SMC and by regulations established by the director of fleet services. Should a member of the public make complaint to the licensing officer regarding the cleanliness, equipment, or operating condition of a vehicle:

- A. the licensing officer, or the officer's designee or a police officer, may, upon evaluation of the complaint, direct the licensee to present such vehicle to fleet services for inspection;
- B. the licensing officer, or the officer's designee or a police officer, ~~((may))~~ shall provide the licensee seventy-two hours to correct any concerns with the vehicle, order such vehicle to proceed immediately to fleet services for inspection or issue a written notice to the licensee to present the vehicle for inspection within five

- working days. No fee shall be charged to the for-hire owner/driver for the fleet services inspection in response to a complaint by a member of the public;
- C. the fleet services director reports violations to the licensing officer for enforcement as provided in chapter 4.04 SMC;
 - D. for-hire vehicle inspections may be conducted by a ~~((certified ASE))~~ ASE certified mechanic with a city and/or state business registration who ~~((has been approved by the director of fleet services and))~~ is not affiliated with a taxi company. ~~((An approved ASE))~~ The ASE certified mechanic ((can)) shall issue a certificate of safety for the for-hire vehicle that passed the safety inspection on a form provided by the director of fleet services;
 - E. the for-hire vehicle is subject to a minimum of two inspections at six month intervals during a calendar year if the vehicle has over three hundred thousand miles;
 - F. a vehicle over ten years old shall have two vehicle inspections at six month intervals during a year and
 - G. vehicle inspections shall be done annually starting from the initial inspection date.

Section 3. That SMC section 10.34.180 is amended to read as follows:

10.34.180 Violations– For-hire Vehicle Operator

- A. It is a violation and grounds for suspension or revocation of a for-hire driver's license, in addition to SMC 4.04.070, for any for-hire driver to:
 - 1. commit more than two traffic infractions in any twelve-month period;
 - 2. commit a felony;
 - 3. commit reckless driving, hit and run, or driving or being in physical control of a vehicle while under the influence of liquor or drugs;
 - 4. ~~((The for-hire vehicle operator shall))~~ fail to deliver all unclaimed property to the police department within seven days finding the unclaimed property in the vehicle;
 - 5. allow a person to alight from the vehicle while it is in motion or discharge a passenger at any place other than the curb or pavement edge;
 - 6. allow a passenger to consume intoxicating liquor or drugs in the vehicle;
 - 7. transport a passenger to a destination by a route that is not the safest and most direct, unless the passenger specifically authorizes such alternate or indirect route;
 - 8. pick up any additional passengers without the express consent of the original passenger;
 - 9. refuse to pick up as a passenger any person of proper deportment when the vehicle is available, or discriminate against any person because of race, religion, national origin, sex, marital status, age or mental or sensory handicap;

10. activate the meter when the vehicle is not engaged or fail to activate the meter at the beginning of each trip, unless the trip is made under contract;
11. activate equipment indicating the vehicle is engaged when it is not, or fail to activate such equipment when the vehicle is engaged;
12. use a taxi stand for any purpose other than to await the carriage of passengers for hire;
13. fail to remain within five feet of the vehicle when parked at a taxi stand, except when actually assisting passengers;
14. engage in any unfair or deceptive acts or practices;
15. use any foul or obscene language to the offense of a passenger;
16. fail to report any accident (while operating a for-hire vehicle) involving a for-hire vehicle to the for-hire vehicle licensee.
 - a. A for-hire vehicle operator that is involved in an accident shall within two hours of being released from the scene get a drug test performed by an approved testing facility at their own cost and provide the results of the test to the Spokane police department.
17. fail to provide licensing documentation on request by a police officer, licensing officer, or inspection officer of the City of Spokane;
18. use tobacco products inside the for-hire vehicle by the operator or passenger;
19. operate a for-hire vehicle without a for-hire vehicle operator's license, or to operate a for-hire vehicle with a temporary for-hire vehicle operator's permit without being accompanied by a licensed for-hire operator;
20. consume alcohol within six hours preceding operating or while operating a for-hire vehicle, or to be under the influence of alcohol or any prescription medication that would impair the operator, or to use or be under the influence of any illegal substance/drugs;
21. operate a for-hire vehicle for more than twelve consecutive driving hours without an eight-hour break between shifts;
22. ~~((Shall))~~ fail to display the ~~((if))~~ for-hire operator's license on the passenger side of the dash board of the vehicle;
23. ~~((Licensees will))~~ fail to establish and enforce a vehicle operator dress code ~~((s))~~. For-hire vehicle operators ~~((,-operators))~~ must comply with for-hire company dress code. At a minimum:
 - a. no open-toed shoes,
 - b. no cutoff pants,
 - c. socks must be worn with shoes,
 - d. all clothing must be clean,
 - e. must maintain good grooming and hygiene standards,
 - f. no tank tops.

- B. A for-hire vehicle operator's license may be suspended pending a hearing for commission of any of the above violations.
- C. A for-hire vehicle operator's license may be revoked upon conviction of any of the above violations.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/4/2014

Clerk's File #

ORD C35153

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

JON SNYDER 6254

Project #**Contact E-Mail**

JSNYDER@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0320 ORD RE GAMBLING TAXES

Agenda Wording

An ordinance relating to gambling taxes; amending SMC section 8.04.020.

Summary (Background)

SMC 8.04.020 established a ten percent gambling tax on social card games. This ordinance will revise the gambling tax percentage on social card games to two percent of gross revenue under \$500,000; five percent of gross revenue between \$500,000 and \$1,000,000; and ten percent of gross revenue above \$1,000,000.

Fiscal Impact**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

MCDANIEL, ADAM

Study Session**Division Director****Other****Finance****Distribution List****Legal**

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA*

Additional Approvals**Purchasing**

ORDINANCE NO. C35153

AN ORDINANCE relating to gambling taxes; amending SMC section 8.04.020.

The City of Spokane does ordain:

Section 1. That SMC section 8.04.020 is amended to read as follows:

8.04.020 Tax Levied

There is levied upon every person, association and organization conducting or operating within the City any gambling activity authorized by state law a tax upon gross receipts or gross revenues of the activity as follows:

- A. Amusement games: Two percent of gross receipts from the amusement game less the amount awarded as prizes except as otherwise provided (RCW 9.46.110(3)(b)).
- B. Bingo games or raffles: Gross receipts less the amount awarded as cash or merchandise prizes during the taxable period, multiplied by five percent or the maximum rate permitted by law, whichever is greater (RCW 9.46.110(3)(a)).
- C. Punchboards and pull tabs: Ten percent of gross receipts from the operation of the games, less the amount awarded as cash or merchandise prizes (RCW 9.46.110(3)(e)).
- D. Social card games: ~~((Fifteen percent of gross revenue from such games, effective January 1, 2006. The rate shall be reduced to ten percent effective January 1, 2007.))~~ Two percent of gross revenue under \$500,000; five percent of gross revenue between \$500,000 and \$1,000,000; and ten percent of gross revenue above \$1,000,000 from such games.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council Meeting of:**

09/22/2014

Date Rec'd

9/10/2014

Clerk's File #

ORD C35154

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

JON SNYDER, 6254

Project #**Contact E-Mail**

JSNYDER@SPOKANECITY.ORG,

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0320 ORD RE HUMAN RIGHTS COMMISSION

Agenda Wording

An ordinance relating to the Human Rights Commission; amending SMC sections 04.10.020 and 04.10.030.

Summary (Background)

SMC sections 04.10.020 and 04.10.030 established the appointments and offices of the Human Rights Commission for the of the City of Spokane. This ordinance would amend those sections to change the composition of the commission to one member from each council district and six at large positions, and would have the commission members recommend the chair of the commission and receive applications to the commission from the Mayor's office upon receipt of them.

Fiscal Impact**Budget Account**

Select \$

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Select \$

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Select \$

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Select \$

#

Approvals**Council Notifications****Dept Head**

MCDANIEL, ADAM

Study Session**Division Director****Other****Finance**

DOLAN, PAM

Distribution List**Legal**

PICCOLO, MIKE

For the Mayor

SANDERS, THERESA

Additional Approvals**Purchasing**

ORDINANCE NO. C35154

AN ORDINANCE relating to the Human Rights Commission; amending SMC sections 4.10.020 and 4.10.030.

The City of Spokane does ordain:

Section 1. That SMC section 4.10.020 is amended to read as follows:

4.10.020 Appointment

- A. The commission consists of nine members nominated by the mayor and appointed by the city council to staggered three-year terms. Membership shall be ~~((divided equally between the three city council districts with three members from each district))~~ composed of one member from each of the council districts. The remaining six positions shall be designated as at-large positions. ((One of the three membership positions in each district)) Two of the six at-large positions may be filled with a youth representative. The youth representative position shall be open to any person under the age of eighteen with a term of one year, with the option of one-year renewal if the person has not reached the age of seventeen at the time the first-year term expires.
- B. Vacancies are filled by appointment to unexpired terms in the same manner.

Section 2. That SMC section 4.10.030 is amended to read as follows:

4.10.030 Offices

The commission by rule determines its officers and the manner of their selection except that the mayor nominates and the city council appoints the chair of the commission, who is recommended by the members of the commission, for a term of one year.

Applications for the Human Rights Commission shall be forwarded to the members of the commission upon receipt of them from the Mayor's office.

PASSED BY THE CITY COUNCIL ON _____, 2014.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/10/2014

Clerk's File #

ORD C35155

Renews #**Submitting Dept**

PLANNING & DEVELOPMENT

Cross Ref #**Contact Name/Phone**

TIRRELL BLACK 625-6185

Project #**Contact E-Mail**

TBLACK@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE - AMENDMENT OF LAND USE PLAN MAP - Z1300068COMP

Agenda Wording

An ordinance relating to application #Z1300068COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Neighborhood Retail" for 0.16 acres located at 1924 East Boone Avenue;

Summary (Background)

This application for Comprehensive Plan Land Use Map Amendment is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on July 9, 2014 to consider this amendment and has unanimously recommended approval of the amendment. Plan Commission Findings & Conclusions are attached.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

WRIGHT, JO ANNE

Study Session**Division Director**

QUINTRALL, JAN

Other

PCED 8/18/14

Finance

DOLAN, PAM

Distribution List**Legal**

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For the Mayor

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Additional Approvals

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Purchasing

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

and amending the zoning map from "Residential Single Family" (RSF) to "Neighborhood Retail" (NR-35).

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35155

AN ORDINANCE RELATING TO APPLICATION #Z1300068COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 4-10" TO "NEIGHBORHOOD RETAIL" FOR 0.16 ACRES LOCATED AT 1924 E. BOONE AVENUE; AND AMENDING THE ZONING MAP FROM "RESIDENTIAL SINGLE FAMILY" (RSF) TO "NEIGHBORHOOD RETAIL" (NR-35).

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1300068COMP was timely submitted to the City for consideration during the City's 2014 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z1300068COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Residential 4-10" to "Neighborhood Retail" for 0.16 acres located at 1924 East Boone Avenue. If approved, the implementing zoning designation requested is "Neighborhood Retail-35" (NR-35); and

WHEREAS, staff requested comments from agencies and departments on December 19, 2013, and a public comment period ran from April 14, 2014 to June 12, 2014; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on June 2, 2014; and

WHEREAS, the Spokane City Plan Commission held a substantive workshop regarding the proposed Comprehensive Plan amendments on May 14, 2014; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on June 23, 2014 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on July 9, 2014; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the July 9, 2014 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, June 25 and Wednesday, July 2, 2014; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on June 24, 2014; and

WHEREAS, staff report found that Application Z1300068COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on July 9, 2014 for the Application Z1300068COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1300068COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 6 to 0 to recommend approval of Application Z1300068COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning & Development Services Staff Report and the City of Spokane Plan Commission for the same purposes;

--

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1300068COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Residential 4-10" to "Neighborhood Retail" for 0.16 acres located at 1924 East Boone Avenue as shown in Exhibit A.
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "RSF" to "NR-35" for this same area as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2014.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A

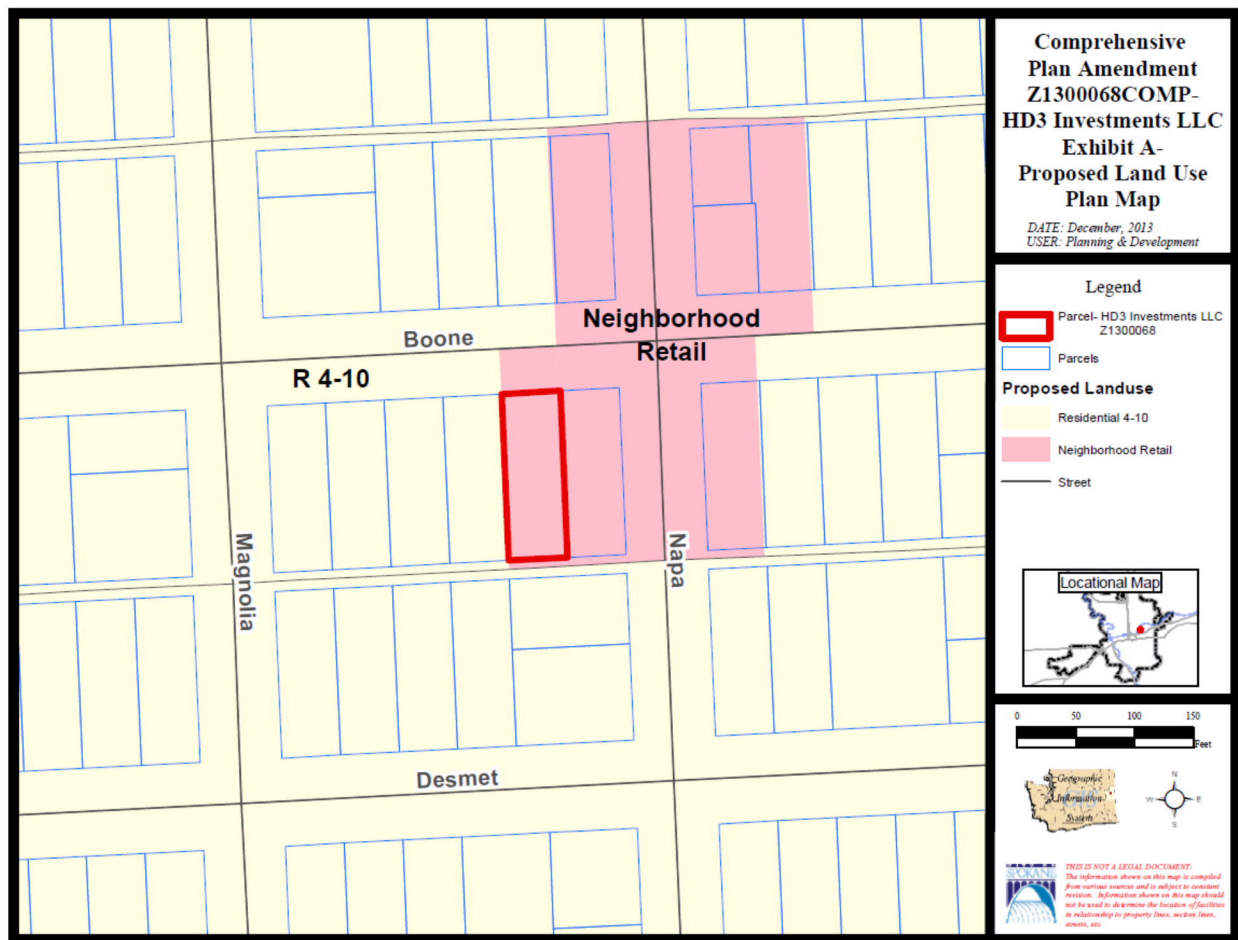
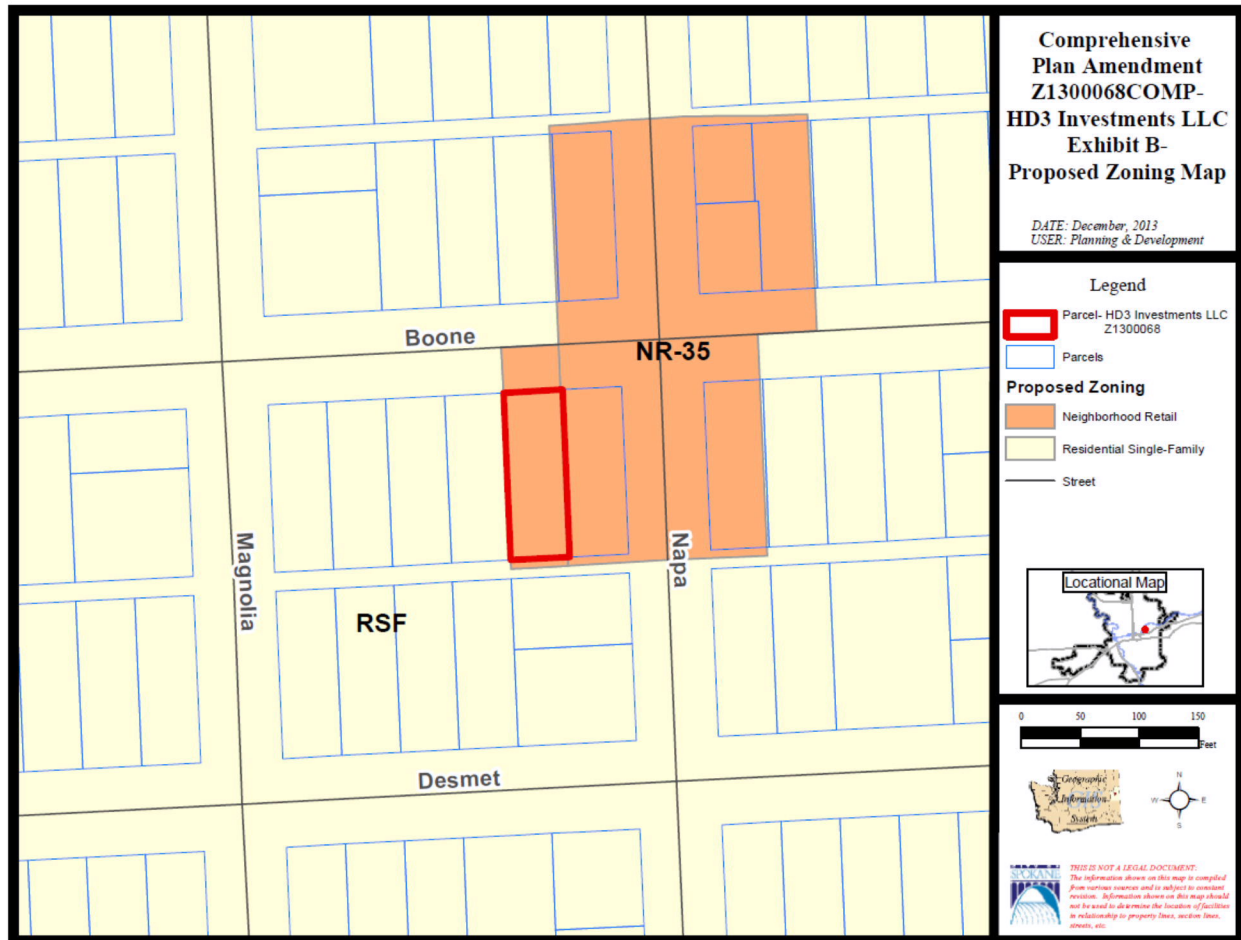


Exhibit B



SPOKANE ENVIRONMENTAL ORDINANCE

(WAC 197-11-970)

File # Z1300068-COMP

Determination of Nonsignificance (DNS)

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z1300068-COMP

PROPONENT: HD3 Investments LLC

DESCRIPTION OF PROPOSAL: This proposal is to change the land use of one parcel from "Residential, 4 to 10 units per acre" to "Neighborhood Retail". The approximate size of the proposal is 7100 square feet (.16 acres). If approved, the zoning would be changed from RSF (residential single family) to NR (neighborhood retail) and could be developed with future development consistent with the retail, business, service and other uses permitted within that zoning category.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The parcel address is 1924 E. Boone Avenue. The parcel number is 35162.2605. (NW ¼ of Section 16, T25N, R43 EWM)

LEAD AGENCY: CITY OF SPOKANE, Planning & Development Department

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 on 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.
- [X] 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 3:00 p.m., July 9, 2014, if they are intended to alter the DNS.

Responsible Official: Scott R. Chesney, AICP

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

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

Date Issued: June 23, 2014 **Signature:** _____

APPEAL OF THIS DETERMINATION, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the 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.

Environmental Checklist

planning
File No. Z1300068 COMP
HD 3

Purpose of Checklist:

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply."

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

2. Name of Applicant: HD3 Investments, LLC

RECEIVED

OCT 29 2013

3. Address and phone number of applicant or contact person:

Stacy A. Bjordahl
Parsons/Burnett/Bjordahl/Hume LLP
505 W. Riverside, Suite 500
Spokane WA 99201
T: (509) 252-5066
F: (509) 252-5067

A. BACKGROUND

1. Name of proposed project: HD3 Investments Comp Plan Change & Rezone
2. Name of applicant: HD3 Investments, LLC
3. Address and phone number of applicant or contact person:

Stacy A. Bjordahl
Parsons/Burnett/Bjordahl/Hume LLP
505 W. Riverside, Suite 500
Spokane WA 99201
T: (509) 252-5066
F: (509) 252-5067

4. Date checklist prepared: October 18, 2013
5. Agency requesting checklist: City of Spokane, Planning Services Department
6. Proposed timing or schedule (including phasing, if applicable):
Comprehensive Plan Amendment and rezone: 2014.
- 7a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Yes. Following the comprehensive plan amendment and rezone approval, the applicant will apply for a building permit to construct a new 2,000 square foot building for Neighborhood Retail uses.
- b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. Yes. The applicant also owns the adjacent lot to the east. If appropriate and permitted, the applicant would like to eventually pursue a lot line adjustment to combine the two lots so it can be utilized as a single site with parking and entrances on the lot facing Napa Street to allow for more landscaping and less asphalt on the subject property.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal.
This lot had residual of a burned down house on it when purchased but not aware of any additional environmental issues that this project would

create over its past use. Upon receiving approval an engineering firm will be involved for making sure all City codes are met.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No.
10. List any government approvals or permits that will be needed for your proposal, if known.
City Plan Commission and City Council approval of Comp Plan Amendment and Rezone. Building permit.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
Comprehensive Plan amendment from Residential 4-10 to Neighborhood Retail and rezoning of a 50 x 142 size vacant lot from RSF to NR. The adjacent lot is also 50 x 142 and zoned NR with a small business office in it.
12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. 1924 E. Boone Ave.
13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.)
The proposed action lies within the City of Spokane with sewer, water and garbage service readily available.
14. The following questions supplement Part A.
 - a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)
 - (1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities). Stormwater will handled in accordance with the Spokane City Standards. Design of a stormwater system has not been completed.

- (2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored? No storage tanks will be on-site. The chemicals on-site will be cleaning agents that will be in small quantities (less than a gallon container).
- (3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems. All standards and regulations for use or storage of any chemicals will be followed when applicable.
- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater? None anticipated. Future site development will meet all applicable permitting standards for groundwater protection.

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)? Unknown at this time.
- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts? Stormwater will be disposed of in accordance with the Spokane City Guidelines. Design of a stormwater system has not been completed.

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other.* Flat
- b. What is the steepest slope on the site (approximate percent slope)? NA
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. Dirt and small rocks
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No.

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Only

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill:
The property would need to be graded for groundwater, landscaping, and building. Minimal fill may be needed for this project.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? A new building would cover approximately 1/3 of the lot – asphalt would be added to provide required parking. The front part of the lot closest to Boone will be landscaped.
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Conformance with Spokane erosion control standards.

*This is a non-project action.
UMB*

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
There may be some dust and noise during construction. Dust, noise, odors or automobile emissions will be very minimal once in operation.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No, not that we are aware of.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Conformance to all applicable local, state, and federal emission control requirements.

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3. Water

a. SURFACE:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. No.
- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No.
- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of

the site that would be affected. Indicate the source of fill material. Not applicable.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No.

- (5) Does the proposal lie within a 100-year floodplain? No. If so, note location on the site plan.

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

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b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No groundwater will be withdrawn. The only discharge would be stormwater which will be handled per City requirements and an approved stormwater plan.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve. Project will be served by sewer. All waste water will be in compliance with City of Spokane standards.

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. The only runoff anticipated at this time is stormwater. Quantities and design are unknown at this time.

- (2) Could waste materials enter ground or surface waters? If so, generally describe. Not that we are aware of.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any. Conformance to all applicable design standards and requirements.

Evaluation for
Agency Use
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4. Plants

- a. Check or circle type of vegetation found on the site:

_____ Deciduous tree: *alder, maple, aspen, other.*
_____ Evergreen tree: *fir, cedar, pine, other.*
_____ Shrubs
_____ Grass
_____ Pasture
_____ Crop or grain
_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*
_____ Water plants: *water lilly, eelgrass, milfoil, other.*
_____ Other types of vegetation. (*Ornamental*)

- b. What kind and amount of vegetation will be removed or altered? *The only vegetation has been weeds and we have been using weed control methods to contain.*
- c. List threatened or endangered species known to be on or near the site. *None known.*
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *Unknown at this time. All future landscaping will be designed and installed in accordance with the Spokane City Zoning Code.*

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site: *squirrels and black birds* Evaluation for
Agency Use
Only
- b. List any threatened or endangered species known to be on or near the site. *None known.*
- c. Is the site part of a migration route? If so, explain. *No.*
- d. Proposed measures to preserve or enhance wildlife, if any: *None*

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *Electricity will*

be the main source of energy used with natural gas as a secondary for heat.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
Applicant is unaware of any solar energy used by adjacent properties, thus no impacts are anticipated.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Project will comply with State Energy Code.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
None that we are aware of.

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- (1) Describe special emergency services that might be required.
None.
- (2) Proposed measures to reduce or control environmental health hazards, if any: All EPA Standards will be followed, as well as any local and state standards for any environmental health hazards.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
There is a lot of noise associated with the traffic along Napa Street but it is not expected to impact any future project.
- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Low volume of construction traffic and equipment noise are anticipated during construction but this would be done during the day. Long term noise levels are very minimal. The noise associated with this future development and uses is not expected to generate any more noise than that found outside in many homes in this area with music being played.
- (3) Proposed measure to reduce or control noise impacts, if any:
Conformance with all applicable noise standards. Specific mitigation, if necessary, is unknown at this time. Construction activities will be limited to daytime hours.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? This lot has been a vacant lot for years until purchased by the applicant. It has been a nuisance and was frequently used as a location for drinking and drug use and a disposal site for all unwanted items. The lots to the west, south and north are zoned RSF housed by renters and there is an alley separating this lot and the adjacent lot to the south. (Most property in this area is used as rental property.) The lot adjacent to the east is zoned NR and has a small business on it as do the other three corner properties of Boone and Napa.
- b. Has the site been used for agriculture? If so, describe. No.
- c. Describe any structures on the site. None – vacant
- d. Will any structures be demolished? If so, which? No.
- e. What is the current zoning classification of the site? RSF
- f. What is the current comprehensive plan designation of the site? Residential 4-10
- g. If applicable, what is the current shoreline master program designation of the site? Not applicable.
- h. Has any part of the site been classified as a critical area? If so, specify. Not that we are aware of.
- i. Approximately how many people would reside or work in the completed project? Based on the size of the projected office, 6-8 people may work on the site.
- j. Approximately how many people would the completed project displace? None
- k. Proposed measures to avoid or reduce displacement impacts, if any: None.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Building would not be built higher than other buildings in the area and would be placed on the back part of the lot leaving the front area of the lot (facing Boone) for the beautification unless City Planners desire a different design and the building closer to Boone to be more pedestrian friendly. We anticipate this height not exceeding 22 feet high at its highest point and have a residential "feel."

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9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing. NA
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. If this property is re-zoned it will eliminate a lot that could potentially have a duplex or single family dwelling built on it in a low income area.
- c. Proposed measures to reduce or control housing impacts, if any: None.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Approximately 22 feet high.
- b. What views in the immediate vicinity would be altered or obstructed? None.
- c. Proposed measures to reduce or control aesthetic impacts, if any. Limiting building height and potentially placing building toward the back of the lot by the alley; designing landscaping that would encompass the front part of the lot facing Boone; using the entrance of the adjacent lot so the vehicles are utilizing entrances already available; wood 6 foot fencing between lot and adjacent rental property to the west; building and lighting to have a very low impact to aesthetics of the neighboring properties.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? There will be exterior lighting during non-daylight hours for safety reasons and very limited light or glare from automobiles due to hours of operation.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No. The additional outside safety lighting could also provide additional safety for the other neighbors as well.
- c. What existing off-site sources of light or glare may affect your proposal? None.

- c. How many parking spaces would the completed project have? How many would the project eliminate? Parking will be developed according to City Code. No parking will be eliminated.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). No.
- e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. No.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur.

Current PM peak 7; AM Peak 7; Weekday 5 days.

- g. Proposed measures to reduce or control transportation impacts, if any: None

Evaluation for
Agency Use
Only

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. No.
- b. Proposed measures to reduce or control direct impacts on public services, if any: None.

16. Utilities

- a. Circle (**bolded**) utilities currently available at the site:
electricity, natural gas, water, refuse service,
telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.
All utilities are available. Water and sewer will be provided by the City of Spokane. Electricity and natural gas will be provided by Avista.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Non-significance that it might issue in reliance upon this checklist.

Date: 10/29/2013Signature: Helen Blyton***Please Print or Type:***

PROPOSER:

HELEN BLYTON (PARTNER IN HD3 INVESTMENTS)PO BOX 4363SPOKANE, WA 99202509-443-6146

Person completing form (if different from proponent):

SAME**FOR STAFF USE ONLY**Staff member(s) reviewing checklist: MRB

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- ☐ A. there are no probable significant adverse impacts and recommends a Determination of Non-significance.
- ☐ B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Non-significance with conditions.
- ☐ C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

No significant increase in discharge anticipated.

Proposed measures to avoid or reduce such increases are:

Compliance with applicable discharge standards.

2. How would the proposal be likely to affect plants, animals, fish or marine life?

NA-Not applicable. This is a non-project action; however, it is noted that site vegetation (e.g. weeds) will be removed as necessary to accommodate building, parking and landscaping.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

NA- Not applicable.

3. How would the proposal be likely to deplete energy or natural resources?

NA-Not applicable.

Proposed measures to protect or conserve energy and natural resources are:

Compliance with energy codes.

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4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?
NA-Not applicable.

Proposed measures to protect such resources or to avoid or reduce impacts are:
NA-Not applicable.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
NA-not applicable.

Proposed measures to avoid or reduce shoreline and land use impacts are:
NA-Not applicable.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
Traffic impacts will be studied at the time of development and mitigated as appropriate. Other public services and utilities will be utilized. The area is planned for urban growth and utilities should be sized to handle additional demands as the property is developed.

Proposed measures to reduce or respond to such demand(s) are:
Compliance with applicable codes and standards.

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.
No conflicts are anticipated.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Non-significance that it might issue in reliance upon this checklist.

Date: 10/29/2013 Signature: Helen Blyton

Please Print or Type:

Proponent: Helen Blyton

Address: P.O. Box 4363 Spokane WA 99202

Phone: (509)443-6143

Person completing form (if different from proponent):

SAME

Address:

Phone:

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: WMP

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. ☐ there are no probable significant adverse impacts and recommends a Determination of Non-significance.
- B. ☐ probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Non-significance with conditions.
- C. ☐ there are probable significant adverse environmental impacts and recommends a Determination of Significance.

CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT FILE NO. Z1300068COMP

A Recommendation of the City Plan Commission to the City Council approving a proposed Comprehensive Plan Amendment application by Stacy Bjordahl, on behalf of HD3 Investments LLC to amend the land use plan map designation from "Residential 4-10" to "Neighborhood Retail". The total size of the proposed land use plan map amendment is 0.16 acres. The implementing zoning designation requested is Neighborhood Retail (NR).

FINDINGS OF FACT:

A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).

B. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.

C. Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. All amendment proposals must be considered concurrently in order to evaluate for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations.

D. Comprehensive Plan amendment application Z1300068COMP was submitted by the October 31, 2013 deadline for Plan Commission review during the 2013/2014 amendment cycle.

E. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change the 0.16 acre subject property from "Residential 4-10" to "Neighborhood Retail" for one lot located on Boone Avenue the closest intersection being Napa Street and Boone Avenue.

F. The requested implementing zoning designation is Neighborhood Retail (NR).

G. Staff requested comments from agencies and departments on December 19, 2013. No adverse comments were received from agencies or departments.

H. A public comment period ran from April 14, 2014 to June 12, 2014 which provided a 60 day public comment period. There were no negative comments received regarding the application.

I. The Community Assembly received a presentation regarding the draft proposed amendments on May 2, 2014 and have been given information regarding the dates of Plan Commission workshops and hearings.

J. The Spokane City Plan Commission held a substantive workshop to study the amendment on May 14, 2014.

K. A State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on June 23, 2014 for the Comprehensive Land Use Plan Map and Zoning Map changes. The public appeal period for the SEPA determination ended on July 9, 2014 at 3pm.

L. On June 2, 2014, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan.

M. Notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcement of the July 9, 2014 Plan Commission Public Hearing were published in the Spokesman-Review on June 25 and July 2, 2014 and the Official City Gazette on June 25, 2014 and July 9, 2014.

N. Notice of Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on June 24, 2014.

O. The staff report found that the amendment met all the decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020. Comprehensive Plan Amendment Procedure.

P. The Plan Commission held a public hearing on the recommended amendment on July 9, 2014.

Q. The Plan Commission recommended, by a vote of 6-0 approval of the amendment on July 9, 2014; and

R. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that an opportunity to comment.

CONCLUSIONS:


A. The Plan Commission adopted the following staff recommended findings for the decision criteria and review guidelines for Comprehensive Plan amendments, as listed in SMC 17G.020.030:

B. The proposed amendment has been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.020.

RECOMMENDATIONS:

By a vote of 6 to 0, the Plan Commission recommends to the City Council the approval of a proposed amendment to the Land Use Plan Map of the City's

Comprehensive Plan for a change from the land use plan map designation "Residential 4-10" to "Neighborhood Retail". The total size of the proposed land use plan map amendment is 0.16 acres and the implementing zoning designation of Neighborhood Retail (NR).



**Dennis Dellwo, President
Spokane Plan Commission
July 9, 2014**

7/2/14 To Plan Commission

Z1300068COMP

Black, Tirrell

Only public comment to date. THB

From: Chief Garry Park Neighborhood Council <chiefgarryparknc@gmail.com>
Sent: Tuesday, June 24, 2014 12:27 PM
To: Black, Tirrell
Cc: Helen Blyton
Subject: Zone Changes

Tirrell,

Please be advised that the Chief Garry Neighborhood Council voted unanimously to support the zone change as request by Stacy Bjordahl on behalf of HD3 Investment LLC. The said property is located at 1924 E Boone Ave.

Respectfully,

Colleen Gardner co-chair

--

Colleen Gardner Co-Chair Neighborhod Council
CA representative Chief Garry Park
chiefgarryparknc@gmail.com
FB-chiefgarry park
website chiefgarrypark.spokanneighborhoods.org

**Agenda Sheet for City Council Meeting of:**

09/29/2014

Date Rec'd

9/10/2014

Clerk's File #

ORD C35156

Renews #**Submitting Dept**

PLANNING & DEVELOPMENT

Cross Ref #**Contact Name/Phone**

TIRRELL BLACK 625-6185

Project #**Contact E-Mail**

TBLACK@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE - AMENDMENT TO LAND USE PLAN MAP - Z1300069COMP

Agenda Wording

An ordinance relating to application #Z1300069COMP and amending the Land Use Plan Map of the City's Comprehensive Plan from "Office" to "CC Core" for 0.44 acres located at 2929 and 2937 East Wellesley Avenue; and amending the Zoning Map from "Office"

Summary (Background)

This application for Comprehensive Plan Land Use Map Amendment is being considered concurrently through the annual Comprehensive Plan Amendment cycle as required by the Growth Management Act. The application has fulfilled public participation and notification requirements. The Plan Commission held a Public Hearing on July 9, 2014 to consider this amendment and has unanimously recommended approval of the amendment. Plan Commission Findings & Conclusions are attached.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

Approvals**Council Notifications****Dept Head**

WRIGHT, JO ANNE

Study Session**Division Director**

QUINTRALL, JAN

Other

PCED 8/18/14

Finance

DOLAN, PAM

Distribution List**Legal**

RICHTMAN, JAMES

lhattenburg@spokanecity.org

For the Mayor

SANDERS, THERESA

htrautman@spokanecity.org

Additional Approvals

tblack@spokanecity.org

Purchasing

schesney@spokanecity.org

jrichman@spokanecity.org

dhume@spokane-landuse.com



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

(O-35) to "Centers and Corridors, Type 2 District Center", (CC2-DC).

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35156

AN ORDINANCE RELATING TO APPLICATION #Z1300069COMP AND AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "OFFICE" TO "CC CORE" FOR 0.44 ACRES LOCATED AT 2929 AND 2937 E. WELLESLEY AVENUE; AND AMENDING THE ZONING MAP FROM "OFFICE" (O-35) TO "CENTERS AND CORRIDORS, TYPE 2, DISTRICT CENTER" (CC2-DC).

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A); and

WHEREAS, the City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act requires continuing review and evaluation of the Comprehensive Plan and contemplates an annual amendment process for incorporating necessary and appropriate revisions to the Comprehensive Plan; and

WHEREAS, land use amendment application Z1300069COMP was timely submitted to the City for consideration during the City's 2014 Comprehensive Plan amendment cycle; and

WHEREAS, Application Z1300069COMP seeks to amend the Land Use Plan Map of the City's Comprehensive Plan for a change from "Office" to "CC Core" for 0.44 acres located at 2929 and 2937 East Wellesley Avenue. If approved, the implementing zoning designation requested is "Centers and Corridors, Type 2, District Center" (CC2-DC); and

WHEREAS, staff requested comments from agencies and departments on December 19, 2013, and a public comment period ran from April 14, 2014 to June 12, 2014; and

WHEREAS, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan on June 2, 2014; and

WHEREAS, the Spokane City Plan Commission held a substantive workshop regarding the proposed Comprehensive Plan amendments on April 23, 2014; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on June 23, 2014 for the Comprehensive Land Use Plan Map and Zoning Map changes ("DNS"). The public comment period for the SEPA determination ended on July 9, 2014; and

WHEREAS, notice of the SEPA Checklist and Determination, the Land Use Plan Map changes, and the Zoning Map changes, and announcement of the July 9, 2014 Plan Commission Public Hearing were published in the Spokesman-Review on Wednesday, June 25 and Wednesday, July 2, 2014; and

WHEREAS, Notice of Plan Commission Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on June 24, 2014; and

WHEREAS, staff report found that Application Z1300069COMP met all the criteria and recommended approval of the application; and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on July 9, 2014 for the Application Z1300069COMP and other proposed amendments; and

WHEREAS, the Spokane Plan Commission found that Application Z1300069COMP is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 6 to 0 to recommend approval of Application Z1300069COMP; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance and further adopts the findings, conclusions, and recommendations from the Planning & Development Services Staff Report and the City of Spokane Plan Commission for the same purposes; --

NOW, THEREFORE, THE CITY OF SPOKANE DOES ORDAIN:

1. Approval of Application. Application Z1300069COMP is approved.
2. Amendment of Land Use Map. The Spokane Comprehensive Plan Land Use Map is amended from "Office" to "CC Core" for 0.44 acres located at 2929 and 2937 East Wellesley Avenue as shown in Exhibit A.
3. Amendment of Zoning Map. The City of Spokane Zoning Map is amended from "O-35" to "CC2-DC" for this same area as shown in Exhibit B.

PASSED BY THE CITY COUNCIL ON _____, 2014.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A

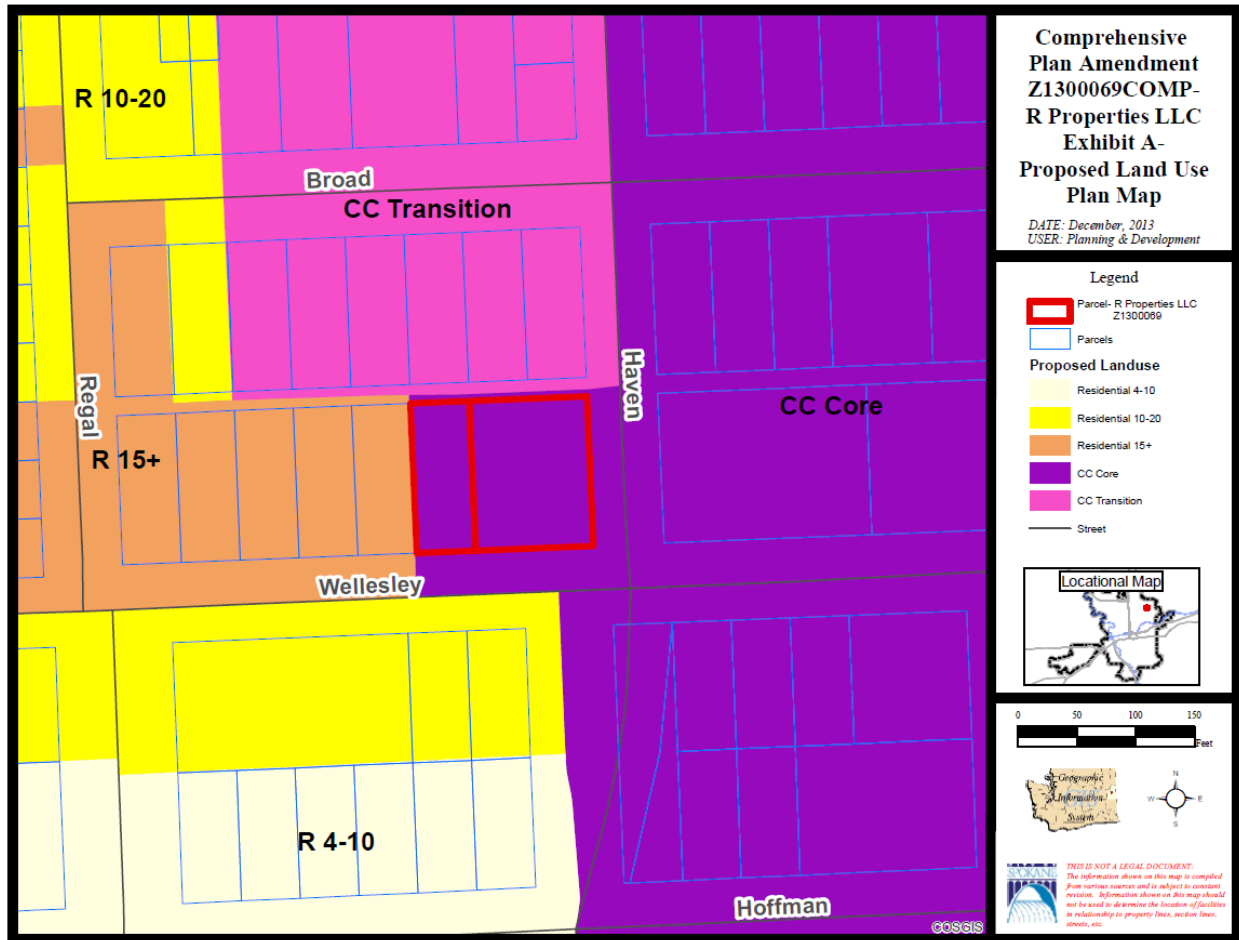
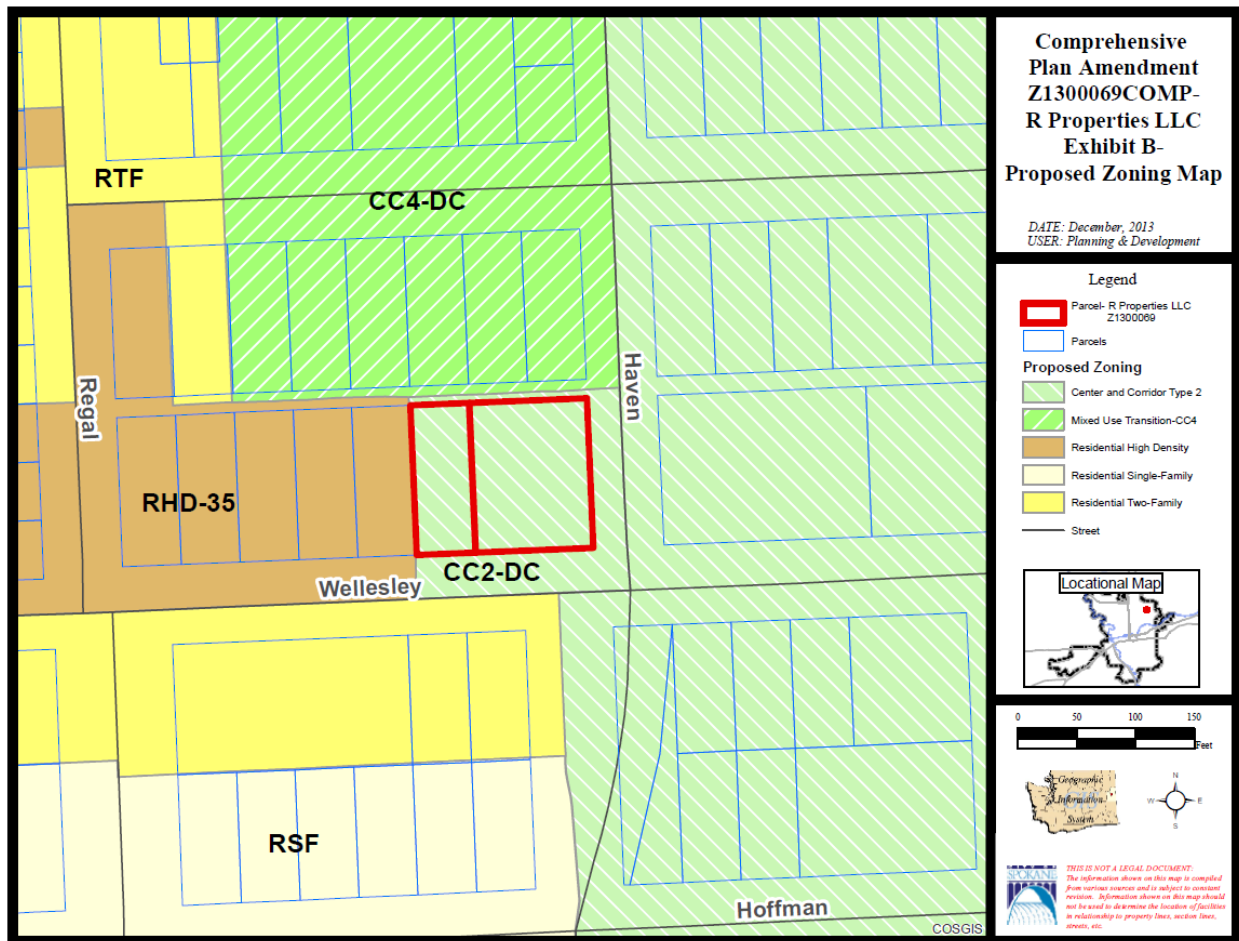


Exhibit B



SPOKANE ENVIRONMENTAL ORDINANCE

(WAC 197-11-970)

File # Z1300069-COMP

Determination of Nonsignificance (DNS)

NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(S): Z1300069-COMP

PROPOSER: R Properties LLC

DESCRIPTION OF PROPOSAL: This proposal is to change the land use of two parcels from "Office" to "CC-Core". The approximate size of the proposal is 19,050 square feet (.44 acres). If approved, the zoning would be changed from O-35 (Office, 35 foot height limit) to CC2-DC (Centers & Corridors, Type 2, District Center) and could be developed with future development consistent with the retail, business, service and other uses permitted within that zoning category.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The parcel addresses are 2929 E Wellesley Avenue and 2937 E Wellesley Avenue. The parcel numbers are 36343.2914 and 36343.2917. (SW ¼ of Section 16, T26N, R43 EWM)

LEAD AGENCY: CITY OF SPOKANE, Planning & Development Department

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 on 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.
- [X] 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 3:00 p.m., July 9, 2014, if they are intended to alter the DNS.

Responsible Official: Scott R. Chesney, AICP

Position/Title: Director, Planning Services **Phone:** (509) 625-6300

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

Date Issued: June 23, 2014 **Signature:** 

APPEAL OF THIS DETERMINATION, after it becomes final, may be made to the City of Spokane Hearing Examiner, 808 West Spokane Falls Blvd., Spokane, WA 99201. The appeal deadline is fourteen (14) calendar days after the signing of the 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.

Environmental Checklist

File No. 21300069comp

Purpose of Checklist:

The State Environmental Policy Act (SEPA) chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply."

IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

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PLANNING & DEVELOPMENT SERVICES

A. BACKGROUND

1. Name of proposed project, if applicable: **N/A**
2. Name of applicant: **R Properties LLC ; C/O Dwight Hume**
3. Address and phone number of applicant or contact person:
9101 N Mt. View Lane Spokane WA 99218; 435-3108
4. Date checklist prepared: **October 29, 2013**
5. Agency requesting checklist: **City of Spokane Planning Services**
6. Proposed timing or schedule (including phasing, if applicable): **Unknown**
7.
 - a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **Non-project map amendment request.**
 - b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. **The applicant has a separate lot 50 ft. away from the proposed amendment along this Wellesley frontage.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. **Unknown**
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No other applications are pending.**
10. List any government approvals or permits that will be needed for your proposal, if known. **Land Use Map amendment and zone change. Future improvements to the property will require additional development and building permits.**
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. **Map Amendment from Office to CC-Core and a zone change from CC-2-DC. An auto oriented use is anticipated.**

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OCT 30 2013

PLANING & DEVELOPMENT SERVICES

12. Location of the proposal. Give sufficient information to a person to understand the precise location of your proposed project, including a street address, if any, and section, township and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist. **The subject property is located at the NW corner of Wellesley and Haven within the Hillyard Neighborhood and serves southbound traffic on Haven and eastbound traffic on Wellesley. The site was formerly used as a medical office and as a corporate office and is currently being used as a small church facility. Parking is provided both on site and on the additional lot located to the west of the subject property. A private residence is located in between these two uses.**

13. Does the proposed action lie within the Aquifer Sensitive Area (ASA)? The General Sewer Service Area? The Priority Sewer Service Area? The City of Spokane? (See: Spokane County's ASA Overlay Zone Atlas for boundaries.)

GSSA and PSSA and City of Spokane

14. The following questions supplement Part A.

a. Critical Aquifer Recharge Area (CARA) / Aquifer Sensitive Area (ASA)

(1) Describe any systems, other than those designed for the disposal of sanitary waste, installed for the purpose of discharging fluids below the ground surface (includes systems such as those for the disposal of stormwater or drainage from floor drains). Describe the type of system, the amount of material to be disposed of through the system and the types of material likely to be disposed of (including materials which may enter the system inadvertently through spills or as a result of firefighting activities).

Non-project map amendment request.

(2) Will any chemicals (especially organic solvents or petroleum fuels) be stored in aboveground or underground storage tanks? If so, what types and quantities of material will be stored?

Non-project map amendment request.

(3) What protective measures will be taken to insure that leaks or spills of any chemicals stored or used on site will not be allowed to percolate to groundwater. This includes measures to keep chemicals out of disposal systems.

Non-project map amendment request.

- (4) Will any chemicals be stored, handled or used on the site in a location where a spill or leak will drain to surface or groundwater or to a stormwater disposal system discharging to surface or groundwater?

Non-project map amendment request.

b. Stormwater

- (1) What are the depths on the site to groundwater and to bedrock (if known)?
Unknown

- (2) Will stormwater be discharged into the ground? If so, describe any potential impacts?

Non-project map amendment request.

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

Evaluation for
Agency Use
Only

1. Earth

- a. General description of the site (circle one): **flat**, rolling, hilly, steep slopes, mountains, other.
- b. What is the steepest slope on the site (approximate percent slope)?

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Unknown**

Evaluation for
Agency Use
Only

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. _____

Non-project map amendment request.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill:

Unknown, non-project request

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Non-project map amendment request.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **Non-project request. To be determined at time of building permit**
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: On-site plans and construction activity would be subject to erosion control and monitored. **Non-project request. To be determined at time of building permit.**

2. Air

- a. What type of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Non-project request. To be determined at time of building permit.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. _____
This is an urban area of high volume arterial traffic on Haven and Wellesley frontages.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Non-project map amendment.

Evaluation for
Agency Use
Only

3. Water

- a. SURFACE:
- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **No**
- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **No**
- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and

indicate the area of the site that would be affected. Indicate the source of fill material. **N/A**

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **No**

- (5) Does the proposal lie within a 100-year floodplain? ____ If so, note location on the site plan. **No**

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No**

Evaluation for
Agency Use
Only

b. GROUND:

- (1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **Non-project map amendment**

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sanitary waste treatment facility. Describe the general size of the system, the number of houses to be served (if applicable) or the number of persons the system(s) are expected to serve. **Non-project map amendment**

c. WATER RUNOFF (INCLUDING STORMWATER):

- (1) Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Non-project request. To be determined at time of building permit**

- (2) Could waste materials enter ground or surface waters? If so, generally describe. **Non-project request. To be determined at time of building permit**

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any. **Non-project request. To be determined at time of building permit**

Evaluation for
Agency Use
Only

4. Plants

- a. Check or circle type of vegetation found on the site:

☒ Deciduous tree: *alder, maple, aspen, other.*
☒ Evergreen tree: *fir, cedar, pine, other.*
☒ Shrubs
☒ Grass
_____ Pasture
_____ Crop or grain
_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*
_____ Water plants: *water lily, eelgrass, milfoil, other.*
_____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered?
Non-project request. To be determined at time of building permit

- c. List threatened or endangered species known to be on or near the site. **None**

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Non-project request. To be determined at time of building permit**

5. Animals

- a. Circle any birds and animals which have been observed on or near the site are known to be on or near the site:

birds: *hawk, heron, eagle, **songbirds**, other.* _____

mammals: *deer, bear, elk, beaver, other.* _____

fish: *bass, salmon, trout, herring, shellfish, other.* _____

other: _____

- b. List any threatened or endangered species known to be on or near the site. **None**

- c. Is the site part of a migration route? If so, explain. **No** _____

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Only

- d. Proposed measures to preserve or enhance wildlife, if any:
None

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **To be determined at time of building permit but likely to need electricity for heating, cooling and lighting,**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **Non-project request. To be determined at time of building permit**
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **Non-project request. To be determined at time of building permit**

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. **Non-project request. To be determined at time of building permit**
- (1) Describe special emergency services that might be required.
Non-project request. To be determined at time of building permit
- (2) Proposed measures to reduce or control environmental health hazards, if any:
Non-project request. To be determined at time of building permit
- b. NOISE:
- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
This is an intense urban area but should not affect the use of the property with noise.

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- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Non-project request. To be determined at time of building permit

- (3) Proposed measure to reduce or control noise impacts, if any:

Non-project request. To be determined at time of building permit

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

b. **On site: Office and Parking**

West: S/F House

North: S/F and Duplex housing

East: Vacant Retirement Home

South: Church and Parking

- b. Has the site been used for agriculture? If so, describe. **No** _____

- c. Describe any structures on the site. **Office** _____

- d. Will any structures be demolished? If so, which? **Yes** _____

- e. What is the current zoning classification of the site? **Office** _____

- f. What is the current comprehensive plan designation of the site?

Office

- g. If applicable, what is the current shoreline master program designation of the site? **N/A**

- h. Has any part of the site been classified as a critical area? If so, specify. **No**

- i. Approximately how many people would reside or work in the completed project? **Non-project request. To be determined at time of building permit**

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Only

- j. Approximately how many people would the completed project displace? **none**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A**
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **Non-project request. To be determined at time of building permit**

Evaluation for
Agency Use
Only

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing. **None**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. **none**
- c. Proposed measures to reduce or control housing impacts, if any: **None**

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **Non-project request. To be determined at time of building permit**
- b. What views in the immediate vicinity would be altered or obstructed? **Non-project request. To be determined at time of building permit**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **Non-project request. To be determined at time of building permit**

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **Non-project request. To be determined at time of building permit**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **Non-project request. To be determined at time of building permit**
- c. What existing off-site sources of light or glare may affect your proposal? **None**

Evaluation for
Agency Use
Only

- d. Proposed measures to reduce or control light and glare impacts, if any: **Non-project request. To be determined at time of building permit**

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? **N/A.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **No**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None**

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **Unknown**
- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site.
Unknown
- c. Proposed measures to reduce or control impacts, if any: **None**

Evaluation for
Agency Use
Only

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **Wellesley and Haven flank the subject site. The proposed on-off ramp to the N/S freeway will increase traffic on Wellesley.**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **yes**
- c. How many parking spaces would the completed project have? How many would the project eliminate? **Non-project request. To be determined at time of building permit**
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private). **No**

e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe. **No**

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. **Non-project request. To be determined at time of building permit**

(Note: to assist in review and if known indicate vehicle trips during PM peak,
AM Peak and Weekday (24 hours).)

g. Proposed measures to reduce or control transportation impacts, if any: **Non-project request. To be determined at time of building permit**

Evaluation for
Agency Use
Only

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **No**

b. Proposed measures to reduce or control direct impacts on public services, if any: **None** _____

16. Utilities

a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.* **All services are available** _____

b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed. **To be determined at project stage Non-project map amendment** _____

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency must withdraw any determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 10/30/13

Signature: Dwight Hume

Please Print or Type:

Proponent: Dwight Hume, agent _____ Address: 9101 N Mt. View Lane

Phone: 435-3108 _____

Spokane WA 99218

Person completing
form (if different
from proponent): _____

Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- ☐ A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- ☐ B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- ☐ C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.

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OCT 30 2013

PLANNING & DEVELOPMENT SERVICES

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?
.The proposed comp plan amendment and zoning would support development of retail uses. There would be construction noise and after construction, the typical blend of traffic ingress and egress, common to this area land uses.

Proposed measures to avoid or reduce such increases are:

None _____

2. How would the proposal be likely to affect plants, animals, fish or marine life? **No**

Proposed measures to protect or conserve plants, animals, fish or marine life are: **None**

3. How would the proposal be likely to deplete energy or natural resources?

None _____

Proposed measures to protect or conserve energy and natural resources are: **Developed to International Code**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands?

Not Applicable _____

Proposed measures to protect such resources or to avoid or reduce impacts are: **N/A**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The site is currently a non-residential use and is flanked by non-residential uses to the south, and east. The adjacent home to the west is supportive of the proposal and has co-existed with the office use on both sides of the residence. The remaining homes to the north are zoned CC4-DC _____

Proposed measures to avoid or reduce shoreline and land use impacts are:

Adherence to Development Code standards. _____

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Increased demand is not anticipated for any of these services. _____

Proposed measures to reduce or respond to such demand(s) are:


None _____

7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

Not in conflict with any rules and procedures. _____

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 10/30/13 Signature: 

Please Print or Type:

Proponent: Dwight Hume agent Address: N 9101 Mt. View Lane _____

Phone: 435-3108 _____ Spokane WA 99218

Person completing form (if different from proponent): _____

_____ Address: _____

Phone: _____

FOR STAFF USE ONLY

Staff member(s) reviewing checklist: _____

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. ☐ there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. ☐ probable significant adverse impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. ☐ there are probable significant adverse environmental impacts and recommends a Determination of Significance.

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PLANING & DEVELOPMENT SERVICES

CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT FILE NO. Z1300069COMP

A Recommendation of the City Plan Commission to the City Council approving a proposed Comprehensive Plan Amendment application by Dwight Hume, on behalf of R Properties LLC to amend the land use plan map designation from "Office" to "CC Core". The total size of the proposed land use plan map amendment is 0.44 acres. The implementing zoning designation requested is Centers and Corridors, Type 2, District Center (CC2-DC).

FINDINGS OF FACT:

A. The Washington State Legislature passed the Growth Management Act (GMA) in 1990, requiring among other things, the development of a Comprehensive Plan (RCW 36.70A).

B. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act.

C. Under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. All amendment proposals must be considered concurrently in order to evaluate for their cumulative effect. Also, the amendment period should be timed to coordinate with budget deliberations.

D. Comprehensive Plan amendment application Z1300069COMP was submitted by the October 31, 2013 deadline for Plan Commission review during the 2013/2014 amendment cycle.

E. The proposed amendment is to the Land Use Plan Map of the City's Comprehensive Plan for a change the 0.44 acre subject property from "Office" to "CC Core" for three platted lots (two tax parcels) located on the northwest corner of Wellesley Avenue and Haven Street.

F. The requested implementing zoning designation is Centers and Corridors, Type 2, District Center (CC2-DC).

G. Staff requested comments from agencies and departments on December 19, 2013. No adverse comments were received from agencies or departments.

H. A public comment period ran from April 14, 2014 to June 12, 2014 which provided a 60 day public comment period. There were no negative comments received regarding the application.

I. The Community Assembly received a presentation regarding the draft proposed amendments on May 2, 2014 and have been given information regarding the dates of Plan Commission workshops and hearings.

J. The Spokane City Plan Commission held a substantive workshop to study the amendment on April 23, 2014.

K. A State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance were released on June 23, 2014 for the Comprehensive Land Use Plan Map and Zoning Map changes. The public appeal period for the SEPA determination ended on July 9, 2014 at 3pm.

L. On June 2, 2014, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Comprehensive Plan.

M. Notice of the SEPA Checklist and Determination of Non-Significance, the Comprehensive Plan Land Use Map amendment, and announcement of the July 9, 2014 Plan Commission Public Hearing were published in the Spokesman-Review on June 25 and July 2, 2014 and the Official City Gazette on June 25, 2014 and July 9, 2014.

N. Notice of Public Hearing and SEPA Determination was posted on the property and mailed to all property owners and taxpayers of record, as shown by the most recent Spokane County Assessor's record, and occupants of addresses of property located within a four hundred foot radius of any portion of the boundary of the subject property on June 24, 2014.

O. The staff report found that the amendment met all the decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020. Comprehensive Plan Amendment Procedure.

P. The Plan Commission held a public hearing on the recommended amendment on July 9, 2014.

Q. The Plan Commission recommended, by a vote of 6-0 approval of the amendment on July 9, 2014; and

R. As a result of the City's efforts, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given that an opportunity to comment.

CONCLUSIONS:

A. The Plan Commission adopted the following staff recommended findings for the decision criteria and review guidelines for Comprehensive Plan amendments, as listed in SMC 17G.020.030:

B. The proposed amendment has been reviewed by the City Plan Commission and found to be in conformance with the goals and policies of the City's 2001 Comprehensive Plan, as well as the Spokane Municipal Code Chapter 17G.020.

RECOMMENDATIONS:

By a vote of 6 to 0, the Plan Commission recommends to the City Council the approval of a proposed amendment to the Land Use Plan Map of the City's Comprehensive Plan for a change from the land use plan map designation "Office" to "CC Core". The total size of the proposed land use plan map amendment is 0.44 acres and the implementing zoning designation of CC2-DC.



**Dennis Dellwo, President
Spokane Plan Commission
July 9, 2014**

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE AMENDMENT APPLICATION
FILE NO. Z1300069-COMP, 2929 and 2937 E. Wellesley Avenue (R Properties)**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL:

This proposal is to amend the Comprehensive Plan land use map designation of two parcels from "Office" to "CC-Core". If approved, the parcels would be zoned Center and Corridor, Type 2, District Center (CC2-DC) and could be developed consistent with the retail, business, service and other uses permitted within that zoning category. The approximate size of the proposal is 19,050 square feet (.44 acres). No specific development proposal is being approved at this time.

II. GENERAL INFORMATION:

Agent:	Dwight Hume
Applicant/Property Owner(s):	R Properties LLC, Duane Alton, Manager
Location of Proposal:	The parcel addresses are 2929 E Wellesley Avenue and 2937 E Wellesley Avenue. The parcel numbers are 36343.2914 and 36343.2917. (SW ¼ of Section 16, T26N, R43 EWM)
Legal Description	Lots 14, Block 22 Hillyard (parcel 36343.2914) and Lots 15 and 16, Block 22 Hillyard (parcel 36343.2917)
Existing Land Use Plan Designation:	"Office"
Proposed Land Use Plan Designation:	"CC Core"
Existing Zoning:	Office, 35 height limit (O-35)
Proposed Zoning:	Center and Corridor, Type 2, District Center (CC2-DC)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on June 23, 2014. The appeal period closed on July 9, 2014 at 3pm.
Enabling Code Section:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	July 9, 2014
Staff Contact:	Tirrell Black, Planner; tblack@spokanecity.org

III. FINDINGS OF FACT:



- A. Site Description: The property consists of two tax parcels (three platted lots) with a combined area of approximately 19,050 square feet (0.44 acres) at the northwest corner of Wellesley Avenue and Haven Street. The property is vacant on the easterly parcel (two platted lots) and consists mostly of a flat, graveled surface. The westerly lot contains a small structure that was historically used as a doctor's office and is currently used by a church congregation to meet. Overall, the site is flat. An unpaved alley runs east to west along the north side of the property.

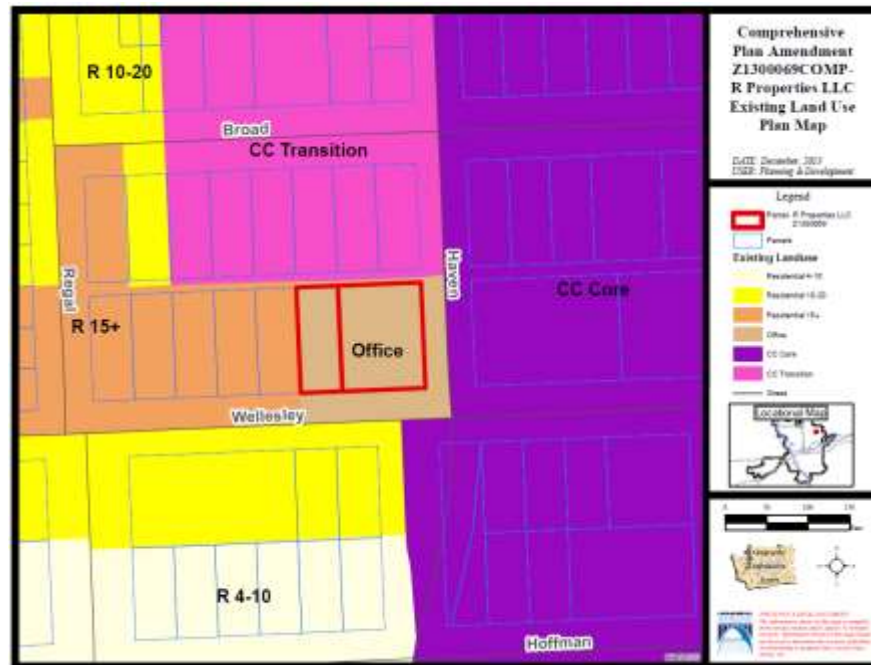
North of the site are residential homes, some appear to be single family use and some multifamily use. Across Wellesley to the south is St. Peter's Lutheran Church and a residential building owned by the church. Directly east, across Haven Street, there is an abandoned and currently boarded up property which historically served as a nursing home. To the west is a single family residence and a parking lot which historically served the medical building.

North Spokane Corridor project is proposed nearby, roughly in alignment with Market Street, with an interchange alignment proposed at Wellesley. Both Wellesley Avenue and Haven Street are designated as principle arterials at this location. This site is currently served by STA routes 27 and 33.

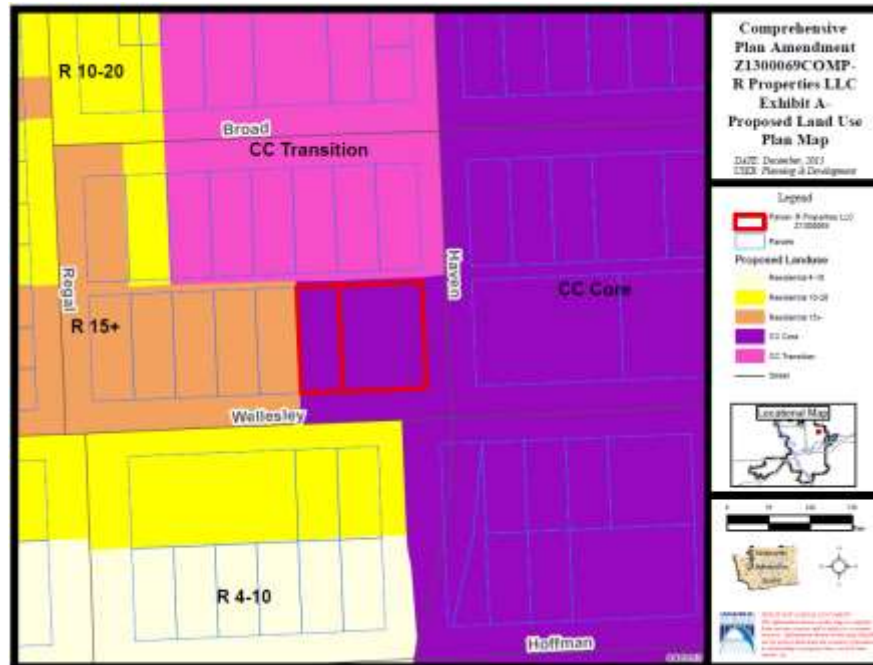
- B. Project Description: This proposal is to amend the land use designation of two parcels (three platted lots) from "Office" to "CC Core" making their designation uniform with the land use designation of the properties to the east. The approximate combined size of the property is 19,050 square feet (0.44 acres). If approved, the zoning for the

parcels would be Centers & Corridors, Type 2 – District Center (CC2-DC). No specific plans for the development of the property have been presented. Subsequent development of the site would be allowed in subject to all relevant provisions of the City's unified development code.

C. Existing Land Use Plan Map Designations



D. Proposed Land Use Plan Map



E. Zoning and Land Use Designation History:

The property is located in a section of the city that was annexed in September 24, 1924. The zoning designation in 1929 was multifamily residential called Class II Residential District. A check of the 1970 zoning map, indicates this property was zoned R4. The property was rezoned in 1996 from R4 to RO-1L (File Z9500083ZC); this permitted expanded office use. The description of the property in 1995 describes the easterly two lots as vacant at that time and the medical office as an existing structure but without medical office use. In 2003 there were Land Use Plan Map amendments to the Hillyard Business Corridor (Ordinances C-33242 and C-33243). On a 2005 zoning map, this property is zoned O (Office) with R4 still existing to the west of the property.

F. Adjacent Land Use:

The property is adjacent to two principal arterials: Wellesley Avenue and Haven Street. To the north, across the alley, is housing that is single family residential or apartments within converted single family residential structures. To the east of the site is a complex that has been boarded up for some years but was historically a nursing home facility. To the south is a church. To the west is a single family residence and on the lot directly west of that is a parking lot which historically served the doctor's office.

STA Bus Routes 27 and 33 service this site. Wellesley Avenue and Haven Street are designated as principal arterials at this location.

G. Applicable Municipal Code Regulations: SMC 17G.020, Comprehensive Plan

Amendment Procedures.

H. Procedural Requirements:

- Application was submitted on October 30, 2013 and Certified Complete on November 26, 2013;
- Applicant was provided Notice of Application on April 3, 2013;
- Notice of Application was posted, published, and mailed on April 14, 2014, which began a 60 day public comment period. The comment period ended June 12, 2014;
- The applicant made a presentation regarding the proposal to the Hillyard Neighborhood Council on May 21, 2013;
- A SEPA Determination of Non Significance was issued on June 23, 2014;
- Notice of Public Hearing was posted and mailed by June 24, 2014;
- Notice of Public Hearing was published on June 25, 2014 and July 2, 2014;
- Hearing Date is scheduled with the Plan Commission for July 9, 2014.

IV. DEPARTMENT REPORTS and PUBLIC COMMENT

Notice of this proposal was sent to City departments and outside agencies for their review. Department comments are included in the file. No substantive comments were received on this proposal.

As of the date of the staff report, no written public comment had been received regarding this proposal. If public comment is received, it will be included in the packets forwarded to the Plan Commission and/or City Council.

V. CONCLUSIONS

SMC 17G.020.030 provides a list of considerations that are to be used, as appropriate, in evaluating proposal to amend the comprehensive plan. The following is a list of those considerations followed by staff analysis relative each.

A. Regulatory Changes.

Amendments to the Comprehensive Plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

Relevant facts: The proposal is being considered and processed in accordance with the most current regulations of the Growth Management Act, the Washington State Environmental Policy Act (SEPA) and the Spokane Municipal Code. There are no known recent state, federal or local legislative actions with which the proposal would be in conflict. Staff concludes this criterion is met.

B. GMA.

The change must be consistent with the goals and purposes of the state Growth

Management Act.

Relevant facts: The “Legislative findings” included in the Revised Code of Washington pertaining to GMA is essentially a call for coordinated and planned growth that is done cooperatively between citizens, government, and the private sector. The complete text of the “Legislative findings” follows:

RCW 36.70A.010, Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning.

The Growth Management Act contains 13 goals to guide the development and adoption of the comprehensive plans and development regulations (RCW 36.70A.020, “Planning Goals”). The two goals that are most directly related to the land use element state:

- ♦ *Urban growth. “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”*
- ♦ *Reduce sprawl. “Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.”*

Based on the evaluation provided elsewhere in this report, staff concludes that the application is consistent with these and the rest of the GMA Planning goals and the overall purpose of the Growth Management Act.

C. Financing.

In keeping with the GMA’s requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

Relevant facts: This proposal has been reviewed by city departments responsible for providing public services and facilities. No comments have been made to indicate that this proposal creates issues with any public services and facilities. Staff concludes that this criterion is met.

D. Funding Shortfall.

If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.

Relevant facts: Staff has concluded that this criterion is not applicable to this proposal. There are no funding shortfall implications.

E. Internal Consistency.

The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.

Relevant facts: The proposal does not result in the need for other amendments to the Comprehensive Plan amendments or development regulations.

The applicant provided a discussion of the applicable Goals and Policies from the Comprehensive Plan which supports their request for the Land Use Plan Map Amendment. Staff has reviewed and concurs with the analysis prepared by the applicant. Goals and Policies from the City of Spokane Comprehensive Plan:

Goal “LU 3 Efficient Land Use” Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems.

Policy “LU 3.2 Centers and Corridors” states: *Designate centers and corridors (neighborhood scale, community or district scale, and regional scale) on the land use plan map that encourage a mix of uses and activities around which growth is focused.*

The discussion for policy LU 3.2 is lengthy but suggests that centers should be designated for those areas which can encourage and support the intensity and diversity of land uses which are needed to provide the surrounding neighborhoods with daily goods and services as well to provide opportunities for higher density housing and amenities which support a walkable, multimodal environment. To accommodate growth, centers must include not only areas of existing higher intensity commercial and mixed use, but also areas for infill and redevelopment. It is also noted that this proposal is to increase the CC2-DC zoning by 19,050 square feet (.44 acres) is a minimal increase. The existing Market Street Corridor is significant with approximately 28 acres in CC2-DC zoning.

As a site near the Market Street Corridor with available infrastructure capacity and its ability to be developed with minimal disruption to existing uses in the area, the proposal is consistent with this policy. It is significant that this site is on two principal arterials and adjacent (approximately two blocks) from the proposed North Spokane Corridor interchange and is likely to support a higher intensity of land use than its current Office zoning allows.

Thus staff finds that by changing the land use plan map designation from Office to Center & Corridor Core, the range of potential uses of the site will be expanded and the property can be developed with a new use helping to contribute to the mix of uses in the corridor rather than remaining an unproductive gravel lot.

Staff concludes that this criterion is met.

F. Regional Consistency.

All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.

Relevant facts: This amendment will not impact regional consistency.

G. Cumulative Effect.

All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.

i. Land Use Impacts.

In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.

ii. Grouping.

Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

Relevant facts: This application is being reviewed as part of the annual cycle of comprehensive plan amendments. This site is located adjacent to an area already designated CC Core as part of the North Market Street Corridor and with street designations on E Wellesley Avenue as principal arterial and N Haven Street as principal arterial. As such, the inclusion of this property into a Center & Corridor designation is a minimal addition which is a minor expansion of the existing corridor district boundaries. With the location being at the intersection of two principal arterials with a further planned interchange of the North South Corridor occurring within two blocks of this site, there are no indications that there will be adverse impacts by this action; the area has a high transportation capacity.

Staff concludes that this criterion is met.

H. SEPA.

SEPA review must be completed on all amendment proposals.

1. Grouping.

When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

2. DS.

If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the

required environmental impact statement (EIS).

Relevant facts: The application has been reviewed in accordance with the State Environmental Policy Act (SEPA) that requires that the potential for adverse environmental impacts resulting from a proposal be evaluated during the decision-making process. On the basis of information contained with the environmental checklist, the written comments from local and State departments and agencies concerned with land development within the city, a review of other information available to the Director of Planning Services, and in recognition of the mitigation measures that will be required by State and local development regulations at the time of development, a Determination of Non-Significance (DNS) was issued on June 23, 2014.

Staff concludes that this criterion is met.

I. Adequate Public Facilities.

The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

Relevant facts: All affected departments and outside agencies providing services to the subject properties have had an opportunity to comment on the proposal and no agency or department offered comments suggesting the proposal would affect the City's ability to provide adequate public facilities to the property or surrounding area or consume public resources otherwise needed to support comprehensive plan implementation strategies. Any specific site development impacts can be addressed at time of obtaining a building permit, when actual site development is proposed. Staff concludes that this criterion is met.

J. UGA.

Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.

Relevant facts: The proposal does not involve amendment of the urban growth area boundary. This criterion is not applicable to this proposal.

K. Consistent Amendments.

1. Policy Adjustments.

Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;

- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

Relevant facts: This proposal is a request for a Comprehensive Plan Land Use Plan Map amendment, not a policy adjustment. This criterion is not applicable to this proposal.

2. Map Changes.

Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);

Relevant facts:

Relevant Comprehensive Plan policies are addressed in Criterion E above.

Staff concludes that the proposed amendment is compatible with neighboring land uses and is consistent with the Comprehensive Plan.

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

Relevant facts: This property is a relatively flat and level site located on Wellesley Avenue and Haven Street very near the proposed future interchange on Wellesley and the North Spokane Corridor. It has sufficient area and dimension so that it can easily be developed in accordance with the standards of the CC2-DC zone which will be applied to the property without negatively impacting adjacent or nearby uses and is directly served by STA Route 27 and Route 33. Staff finds that it is a suitable site.

- c. The map amendment implements applicable comprehensive plan policies better than the current map designation.

Relevant facts: Staff finds that the proposed amendment is consistent with the Comprehensive Plan policies.

Staff concludes that this amendment and staff recommendations would implement the Comprehensive Plan better than the current land use plan designation.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

Relevant facts: The applicant has requested a corresponding change in the zoning classification to occur if the change to *Centers & Corridors Core* (CC Core) Land Use Plan Map designation is made. The applicant has requested CC2-DC zoning which matches the adjacent zoning designation to the east. This zoning category is commonly used to implement the centers and corridors designation and an appropriate classification for the Centers & Corridors Core designation as recommended by staff. The CC2-DC zoning designation has development standards set in unified development code, Spokane Municipal Code section 17C.122.

L. Inconsistent Amendments.

1. Review Cycle.

Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

2. Adequate Documentation of Need for Change.

- a. The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
- b. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- c. the capacity to provide adequate services is diminished or increased;
- d. land availability to meet demand is reduced;
- e. population or employment growth is significantly different than the plan's assumptions;
- f. transportation and/or other capital improvements are not being made as expected;
- g. conditions have changed substantially in the area within which the subject property lies and/or Citywide;
- h. assumptions upon which the plan is based are found to be invalid; or

- i. sufficient change or lack of change in circumstances dictates the need for such consideration.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

3. Overall Consistency.

If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

Relevant facts: This is not an inconsistent Comprehensive Plan Land Use Map Plan amendment request.

VI. RECOMMENDATIONS

STAFF CONCLUSION: For reasons outlined within this report, staff recommends that this Comprehensive Plan Land Use Map Amendment request be approved with the property designated be changed to “Center & Corridor Core” and that the zoning classification of the property be changed to Center and Corridor Type 2 District Center (CC2-DC).