

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JANUARY 5, 2015

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

CITY 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. | Proposed Initiative No. 2015-1 filed by Jackie Murray on behalf of Respect Washington to remove from the Spokane Municipal Code words added by Ordinance Nos. C35164 and C35167 which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. | Approve | LGL 2014-0023 |
| 2. | Extension of Value Blanket Order to purchase ammunition from San Diego Police Equipment (San Diego, CA) for the Spokane Police Department from October 1, 2014 through September 30, 2015—\$200,000. | Approve | OPR 2011-0770
BID 3791-11 |
| 3. | Purchase from Washington State Department of Enterprise Services (Olympia, WA) of various Software Products—\$150,000 (plus tax and shipping). | Approve | OPR 2015-0003 |
| 4. | Purchase of servers and related equipment from IBM Corporation/Lenovo, Inc. (Armonk, NY) for the IT Department utilizing Washington State Contract #T10-MST-312/T10-MST-300 from January 1, 2015 | Approve | OPR 2015-0004 |

through December 31, 2015—\$150,000 (plus tax and shipping).

- | | | | |
|-----|--|---------|------------------------------|
| 5. | Purchase of PC, Laptop and Mobile Data Hardware Equipment from Dell Marketing L.P. (Dell Financial Services, L.L.C.) (Austin, TX) from January 1, 2015 through December 31, 2015—\$360,000 (plus tax). | Approve | OPR 2015-0005 |
| 6. | Contract utilizing CompuCom Systems, Inc. (Dallas, TX) for the Microsoft Enterprise Agreement License Support to include Right to Use Microsoft Licenses and Software Assurance for the City of Spokane using Washington State DES Contract #T11-MST-579—\$481,827 (plus tax). | Approve | OPR 2015-0006 |
| 7. | Last of three one-year renewals with Structured Communications Systems, Inc. (Clackamas, OR) for 24x7 extended support for the Symantec centralized backup softwares utilized by the City of Spokane—\$104,895.35 (plus tax). | Approve | OPR 2012-1035
RFP 3884-12 |
| 8. | First of four one-year renewal options with Cerium Networks, Inc. (Spokane, WA) for maintenance of Cisco equipment located in City Hall and other locations from January 1, 2015 through December 31, 2015—\$220,137.59 (plus tax). | Approve | OPR 2014-0008
RFP 3984-13 |
| 9. | Interlocal Cooperation Agreements for Hearing Examiner services with: | Approve | |
| | a. The City of Millwood. | | OPR 2015-0007 |
| | b. The City of Liberty Lake. | | OPR 2015-0008 |
| | c. The City of Cheney. | | OPR 2015-0009 |
| | d. The City of Airway Heights. | | OPR 2015-0010 |
| 10. | Interlocal agreement with Spokane Transit Authority (Spokane, WA) to provide the public with police services in the STA Plaza facility and a surrounding service area from January 1, 2015 to December 31, 2015—\$86,900. | Approve | OPR 2015-0011 |
| 11. | Accept funding recommendations from the Community, Housing and Human Services Board for the 2015 Coordinated Grant Application and authorize CHHS to enter into multiple contracts with awarded agencies. | Approve | OPR 2015-0012 |

- | | | |
|--|------------------------------------|------------------------------|
| 12. Contract renewal with Blumenthal Uniforms Co. (Spokane, WA) for police uniforms, alterations and repair services from January 1, 2015 through December 31, 2015—estimated annual expense \$150,000. | Approve | OPR 2012-0911
BID 3883-12 |
| 13. Low Bid of Red Diamond Construction, Inc. (Spokane, WA) for Rebecca Street from Pratt Avenue to 7 th Avenue and Julia Street from 7th Avenue to Hartson Avenue—\$505,708.52. An administrative reserve of \$50,570.85, which is 10% of the contract price, will be set aside. | Approve &
Authorize
Contract | PRO 2015-0006
ENG 2014090 |
| 14. Reports of the Mayor of pending: | Approve &
Authorize | |
| a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2014, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Payment | CPR 2014-0002 |
| b. Payroll claims of previously approved obligations through _____: \$_____. | | CPR 2014-0003 |
| 15. City Council Meeting Minutes: (a) December 8, 2014 and (b) December 15, 2014. | Approve
All | CPR 2014-0013 |

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

EMERGENCY BUDGET ORDINANCE

(Requires Five Affirmative, Recorded Roll Call Votes)

Ordinance No. C35213 amending Ordinance No. C35185 passed the City Council November 24, 2014, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2015, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending

December 31, 2015, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund—Police

FROM: IG Revenue, \$142,904;

TO: Various Accounts, same amount.

(This action reflects additional revenue and expenses from the Criminal Justice Training Center Basic Law Enforcement Academy reimbursements for OPR 2014-0823, with funds being used for training software, training contracts, and overtime.)

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- | | |
|--------------------------------|---|
| RES 2015-0001
OPR 2015-0013 | Declaring Hyland Software, Inc. (Westlake, OH) who owns the rights to the patented software known as OnBase, which is used in various city departments, as sole source and authorizing its purchase—\$73,990.79 (plus tax). |
| RES 2015-0002
OPR 2015-0014 | Declaring Lauri Lucas as a sole source to administer Spokane Police Department's Extra Duty program and thus authorizing a Contract with the Spokane Police Department for a period of five years (January 1, 2015 to December 31, 2019)—not to exceed \$183,891.24. |
| RES 2015-0003 | Accepting all of Volume 1 and the City of Spokane portion of Volume 2 (Chapter 9) of the Spokane County Hazard Mitigation Plan Update. |
| RES 2015-0004 | Regarding the adoption of the City of Spokane's 2015 Federal Legislative Agenda. |
| ORD C35209 | Relating to initiatives and referendums; amending SMC sections 2.02.020 and 2.02.130. (This amendment will clarify that a political committee must have a mailing address in the City and either its campaign manager, treasurer, or committee officers are a qualified, registered elector in the City.) |

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

- | | |
|----------------------------|--|
| ORD C35121
(As Amended) | Vacating the north 30 feet of Rosewood Avenue 225 feet East from the East line of Helena Street to the West line of Pittsburg Street in <u>the Southwest Quarter of</u> Section 28, T26N, R43E, W.M., Spokane Washington (hereinafter "Rosewood Avenue" from owners having an interest in real estate abutting the above right-of-way. |
|----------------------------|--|

- ORD C35211** Amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Centers & Corridors Core" for property located within the boundaries of the Hamilton Form Based Code Subarea Plan; and amending the Zoning Map to Context Areas CA1, CA1, CA3, and CA4 Form Based Code Zoning Categories within the boundaries of the Hamilton Form Based Code Subarea Plan, which generally includes a six-block area along Hamilton Street bounded by the alley between Augusta Avenue and Nora Avenue on the North and Desmet Avenue on the South, all as set forth in Comprehensive Plan Land Use Plan Map Amendment File No. Z1400055COMP. (Relates to First Reading Ordinance C35212)
- ORD C35212** Relating to the Hamilton Form Based Code Subarea Plan; adopting a new chapter 17C.123 Form Based Code Zones to Title 17C Land Use Standards of the Spokane Municipal Code; amending SMC 17C.200.010, 17C.200.040 and 17C.200.050, relating to Landscaping & Screening; amending SMC 17C.230.100, 17C.230.120, 17C.230.130, 17C.230.140, 17C.230.145, and 17C.230.200, relating to Parking & Loading; and amending SMC 17A.020.010, SMC 17A.020.020, 17A.020.030, 17A.020.050, 17A.020.060, 17A.020.070, 17A.020.090, 17A.020.150, 17A.020.160 and 17A.020.220, relating to Definitions. (Relates to First Reading Ordinance C35211)
- ORD C35214** Relating to historic preservation and the landmarks commission, adopting a new chapter 4.35 to title 4 of the Spokane Municipal Code, amending SMC sections 17D.040.230 and 17D.040.300, adopting a new section 17D.040.310 to chapter 17D.040 of the Spokane Municipal Code and repealing SMC section 17D.040.010, 17D.040.020, 17D.040.030, 17D.040, 17D.040.050, 17D.040.060, 17D.040.070 and 17D.040.080.
- ORD C35215** Relating to qualifications for the Planning and Development Services Director; amending SMC section 3.01A.365 of the Spokane Municipal Code.
- ORD C35216** Relating to vehicle impoundment and declaring an area within East Central as an area within which vehicles are subject to impoundment if used to patronize a prostitute and related offenses; amending SMC Section 10.06.037 of the Spokane Municipal Code.
- ORD C35217** Relating to animal control and amending SMC sections 10.03.020, 10.03.033, 10.03.035, and 10.03.050, and adopting a new chapter 10.24A to title 10 of the Spokane Municipal Code.
- ORD C35218** Amending SMC section 10.10.025 regarding vehicular interference.

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

**Motion to Approve Advance Agenda for January 5, 2015
(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 January 5, 2015, Regular Legislative Session of the City Council is adjourned to January 12, 2015.

NOTES

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	LGL 2014-0023
<u>Renews #</u>	
<u>Cross Ref #</u>	INITIATIVE 2015-1
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

Submitting Dept	CITY CLERK
Contact Name/Phone	TERRI PFISTER 625-6354
Contact E-Mail	TPFISTER@SPOKANECITY.ORG
Agenda Item Type	Report Item
Agenda Item Name	0260 PROPOSED INITIATIVE

Agenda Wording

Proposed Initiative No. 2015-1 filed by Jackie Murray on behalf of Respect Washington to remove from the Spokane Municipal Code words added by Ordinance Nos. C35164 and C35167 which prohibit city employees from acquiring or ascertaining immigration

Summary (Background)

On November 26, 2014, Jackie Murray filed a proposed initiative with the Office of the City Clerk. Pursuant to SMC 2.02.230, the City Attorney's Office reviewed the measure and in consultation with the sponsor prepared a ballot title and summary of measure. Per SMC 2.02.040, upon receiving this report from the City Clerk, the City Council may pass the measure as proposed or submit the initiative measure to the voters on its own motion. If the City Council does not take either action, the

<u>Fiscal Impact</u>		<u>Budget Account</u>
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	PFISTER, TERRI	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	mpiccolo@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	bmcginn@spokanecity.org
<u>Additional Approvals</u>		areid@spokanecity.org
<u>Purchasing</u>		



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

status information in the course of lawful duties.

Summary (Background)

the City Clerk shall forward the initiative and ballot title and summary of measure to the City Hearing Examiner who shall issue a formal written opinion as to the legal validity and effect of the proposed measure (within 14 days of receiving the initiative measure from the City Clerk).

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

WARNING

Under Washington State law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter; or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

Initiative Petition to the Spokane City Council

INITIATIVE NO. 2015-1

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2015-1, a full, true, and correct copy of which is printed herein, be passed without alterations by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejections at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition.

CITY OF SPOKANE

PROPOSITION NO. 2015 - ____

AN ORDINANCE RELATING TO IMMIGRATION STATUS INFORMATION

The City Council adopted Ordinance Nos. C-35164 and C-35167, regarding biased-free policing and immigration status information respectively, prohibiting the inquiry of an individual's immigration status by city officers or employees unless required by law or court order. This proposition would remove from the Spokane Municipal Code words added by the ordinances which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. Should this proposition be enacted into law?

____ YES

____ NO

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed ordinance is printed on reverse side of this page and continuing on the pages following)

PETITIONERS SIGNATURE (as on voters registration)	PRINTED NAME	RESIDENCE ADDRESS (Street Address)	DAYTIME PHONE AND OR E-MAIL ADDRESS (optional)	DATE OF SIGNATURE

Jackie Murray, Respect Washington, P.O. Box 7226, Spokane, WA 99207 (509) 565-0244

Summary of Measure

THE LAW AS IT CURRENTLY EXISTS:

SMC 3.10.040, regarding biased-free policing, and 3.10.050, regarding immigration information status, prohibit city officers or employees from inquiring into an individual's immigration information status or engaging in activities designed to ascertain the immigration status of any person unless required by law or court order.

THE EFFECT OF THE PROPOSAL, IF APPROVED:

This proposition would amend SMC 3.10.040, repeal SMC 3.10.050, and adopt a new section SMC 3.10.060, thereby eliminating the prohibition of city employee use of immigration status information. Any future regulations limiting the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities would require a majority vote of the City Council and of the people at the next general election.

ORDINANCE NO. C - ____

AN ORDINANCE RELATING TO IMMIGRATION STATUS INFORMATION; AMENDING SMC SECTION 3.10.040; REPEALING SMC SECTION 3.10.050 AND ADOPTING A NEW SECTION 3.10.060 TO CHAPTER 3.10 OF THE SPOKANE MUNICIPAL CODE

The City of Spokane does ordain:

Section 1. That SMC 3.10.040 is amended to read as follows:

3.01.040 Biased-Free Policing

- A. The City of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner.
- B. Spokane Police Department Officers and all officers commissioned under the Spokane Police Department shall be prohibited from engaging in bias-based profiling.
- C. Bias-based profiling is defined as an "act of a member of the Spokane Police

Department or a law enforcement officer commissioned by the Spokane Police Department that relies on actual or perceived race, national origin, color, creed, age, ~~((citizenship status,))~~ gender, sexual orientation, gender identity, disability, socioeconomic status, or housing status or any characteristic of protected classes under federal, state or local laws as the determinative factor initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity."

- D. The Spokane Police Department shall maintain policies consistent with this section.

Section 2. That SMC 3.10.050 is repealed.

~~((3.10.050 — Immigrant Status Information~~

- ~~A. Unless required by law or court order, no Spokane City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.~~
- ~~B. Spokane Police Department officers shall have reasonable suspicion to believe a person has been previously deported from the United States, is again present in the United States, and is committed or has committed a felony criminal law violation before inquiring into the immigration status of an individual.~~
- ~~C. The Spokane Police Department shall not investigate, arrest, or detain an individual based solely on immigration status.~~
- ~~D. The Spokane Police Department shall maintain policies consistent with this section.))~~

Section 3. That there is adopted a new section 3.10.060 to chapter 3.10 of the Spokane Municipal Code to read as follows:

3.10.060 Respect for Law

The City of Spokane shall not limit the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities unless such regulation is approved by a majority of the city council and a majority vote of the people at the next general election.

Section 4. Construction

The provisions of this ordinance are to be liberally construed to effectuate the intent, policies and purpose of this measure.

Section 5. Severability.

Should any provision of this ordinance or its application to any person or circumstances be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. Effective Date.

This ordinance, if approved by the voters, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor's Office.

Section 7. That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the next applicable election under Section 82 of the Spokane City Charter.

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2011-0770
<u>Renews #</u>	

<u>Submitting Dept</u>	POLICE	<u>Cross Ref #</u>	
<u>Contact</u>	TIM SCHEWRING 625-4109	<u>Project #</u>	
<u>Contact E-Mail</u>	TSCHEWRING@SPOKANEPOLICE.ORG	<u>Bid #</u>	3791-11
<u>Agenda Item Type</u>	Purchase w/o Contract	<u>Requisition #</u>	VB 300333
<u>Agenda Item Name</u>	0680 - SAN DIEGO POLICE EQUIPMENT AMMUNITION VB RENEWAL		

Agenda Wording

Contract extension to purchase ammunition from San Diego Police Equipment (San Diego, CA) by the Spokane Police Department----\$200,000.00. 10/01/2014-09/30/2015.

Summary (Background)

In May 2011, the Purchasing Department sent out a Bid (3791-11) for the purchase of ammunition. The Bid was sent to seventeen suppliers and only one vendor bid on the ammunition. A value blanket purchase order was set up in 2011 in order to purchase from San Diego. The value blanket is allowed four one-year extensions for a maximum of five years. This will be the 3rd one year extension.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 200,000.00	#	0680-11300-21400-53206
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	DOBROW, RICK	<u>Study Session</u>	08/18/2014
<u>Division Director</u>	STRAUB, FRANK	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	achirowamangu	
<u>For the Mayor</u>	SANDERS, THERESA	kclaar	
<u>Additional Approvals</u>		ewade	
<u>Purchasing</u>	PRINCE, THEA	slynds	
		<u>Contract Accounting</u>	
		cwahl	

**Briefing Paper
City of Spokane
Spokane Police Department
San Diego Police Equipment Purchase Order
Public Safety Committee
August 18, 2014**

Subject

Value Blanket increase with San Diego Police Equipment, Inc. for the 2014 ammunition purchases (Value Blanket 300333). The approximate annual expenditure is \$200,000.

Background

In May 2011, the Purchasing Department sent out a Bid (3791-11) for the purchase of ammunition. The Bid was sent to seventeen suppliers and only one vendor bid on the ammunition. A value blanket purchase order was set up in 2011 in order to purchase from San Diego. The value blanket is allowed four one-year extensions for a maximum of five years. This will be the 3rd one year extension.

Upon recent current events, the nation has seen both ammunition shortages and gun shortages. This shortage has actually been going on for years, but came to a head in late 2012 and 2013. This has caused the prices to increase dramatically.

The Value Blanket expires September 30, 2014,

Last year Council suggested we re-bid this contract. SPD was against re-bidding because our bid is cheaper than the WA state contract – 03210. The state contract also includes partial bids from other vendors. Ordering ammunition from multiple vendors results in processing delays. San Diego is also the only distributor of Gold Dot ammunition rounds on the West Coast. The City's contract with San Diego does not include management fees and this helps lower our overall ammunition cost.

Impact

- Supports training and operations.
- Keeps up with ammunition shortage and supply

Action

Approve Value Blanket extension.

Funding

General Fund

San Diego Police Equipment Co. Inc.
8205-A Ronson Road
San Diego, CA 92111
Ph: 800-367-8989

City of Spokane
BPO# VB-300333-000
Prices Valid: October 1, 2014
thru September 30, 2015

No.	Manufacturer	Type	Part Number	Caliber	Description	Case Qty	Old Price per Case	New Price per Case
1	CCI/Speer	Lawman	53652	40S&W	180GR TMJ	CS/1000	\$241.23	\$252.77
2	Federal	Ballisticlean	BC40CT1	40S&W	125GR RHT FRANGIBLE	CS/1000	\$428.95	\$428.95
3	Federal	Ballisticlean	BC223NT5A	223REM	55GR RHT FRANGIBLE	CS/500	\$323.75	\$356.12
4	Federal	Amer Eagle	AE223J	223REM	55GR FMJ-BT	CS/500	\$166.28	\$166.28
5	Federal	Amer Eagle	AE9FP	9MM	147GR FMJ	CS/1000	\$198.49	\$205.14
6	Federal	Gold Medal	GM308M-5	308WIN	168GR MATCH BTHP	CS/500	\$397.86	\$407.67
7	Federal	Tactical	LE13200	12GA	00BUCK 9PLT, REDUCED RECOIL	CS/250	\$118.87	\$123.88
8	Federal	Top Gun	TGL12-7.5	12GA	2 3/4" #7.5 SHOT	CS/250	\$82.65	\$73.54
9	Federal	Tactical	LE127RS	12GA	1oz HP SLUG, REDUCED RECOIL	CS/250	\$128.34	\$128.34
10	CCI/Speer	Gold Dot	53619	9MM	147GR GDHP	CS/1000	\$384.37	\$384.37
11	CCI/Speer	Gold Dot	53962	40S&W	180GR GDHP	CS/1000	\$397.42	\$409.50
12	CCI/Speer	Gold Dot	53966	45ACP	230GR GDHP	CS/1000	\$445.33	\$445.33
13	Federal	Ballisticlean	BC9NT3	9MM	100GR FRANGIBLE	CS/1000	\$381.67	\$399.75
14	Federal	Ballisticlean	BC45CT1	45ACP	155GR RHT FRANGIBLE	CS/1000	\$462.01	\$495.01
15	CCI/Speer	Lawman	53653	45ACP	230GR TMJ	CS/1000	\$263.25	\$281.64
16	Federal	Tactical	LE223T1	223REM	55GR BONDED SP	CS/200	\$246.80	\$263.27
17	Federal	Tactical	LE308T1	308WIN	165GR BONDED SP	CS/200	\$274.26	\$301.68
18	Force on Force	Marking	FF9XX	9MM	MARKER ROUNDS - ANY COLOR	CS/500	\$252.18	\$252.18
19	Simunition	Marking	550030X	38 FX	MARKING CARTRIDGES - RED or BLUE	CS/1000	\$542.89	\$542.89

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0003
<u>Renews #</u>	OPR 2014-0007

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Purchase w/o Contract	<u>Requisition #</u>	VB MASTER
<u>Agenda Item Name</u>	5300 WA STATE DES SOFTWARE PURCHASE (2015)		

Agenda Wording

Approval to purchase from Washington State Department of Enterprise Services, (Olympia, WA) various Software Products. January 1, 2015 through December 31, 2015 for \$150,000.00 plus tax and shipping.

Summary (Background)

Washington State DES currently provides the City of Spokane with Microsoft(T11-MST-579), Autodesk(T98-TSD-309)and Adobe(T11-COR-543) Software Products which includes Maintenance and Support Subscription/Upgrades for purchase for various City Departments. Washington State DES has already negotiated and established contracts that include pricing advantages for other government agencies to utilize. The City of Spokane IT Department utilizes this opportunity whenever possible.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 150,000.00 plus tax and shipping	#	Various Accounts
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		WA State DES - mike.dombrowsky@des.wa.gov	

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0004
<u>Renews #</u>	OPR 2014-0006

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Purchase w/o Contract	<u>Requisition #</u>	VB MASTER
<u>Agenda Item Name</u>	5300 IBM/LENOVO PURCHASE MASTER (2015)		

Agenda Wording

Approval to purchase servers and related equipment from IBM Corporation/Lenovo, Inc. for the IT Department utilizing WA State Contract #T10-MST-312/T10-MST-300. January 1, 2015 through December 31, 2015 for \$150,000.00 plus tax and shipping.

Summary (Background)

Acquisition is needed to replace EOS (End of Service) servers and to purchase new servers compatible with our application requirements, server management tools, and server virtualization standards.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 150,000.00 plus tax and shipping	#	Various Accounts
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		vesguerra@lenovo.com; mlangan@lenovo.com	

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0005
<u>Renews #</u>	OPR 2014-0005

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Purchase w/o Contract	<u>Requisition #</u>	VB MASTER
<u>Agenda Item Name</u>	5300 DELL MARKETING PURCHASE (2015)		

Agenda Wording

Approval to purchase PC, Laptop and Mobile Data Hardware Equipment from Dell Marketing L.P. (Dell Financial Services, L.L.C.) Austin, TX. January 1, 2015 through December 31, 2015 for \$360,000.00 plus tax.

Summary (Background)

Dell Marketing L.P. currently provides the City of Spokane with PC, Laptop and Mobile Data Hardware for purchase for various City Departments. The purpose of the new equipment is for efficiencies, improved service, high speed connectivity, future capacity, and aligns with The City's standard for PC, Laptop and Mobile Data Equipment and deployment. The City of Spokane IT Department has utilized WA State Contract #T10-MST-296/B27160 for its selection of Dell Marketing L.P..

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 360,000.00 plus tax	#	Various Accounts
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		Dell - drew_fulton@dell.com	

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0006
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	5300 COMPUCOM MICROSOFT EA (2015)		

Agenda Wording

New Contract utilizing CompuCom Systems, Inc. (Dallas,TX) for the Microsoft Enterprise Agreement License Support to include Right to Use Microsoft Licenses and Software Assurance for The City of Spokane using WA State DES Contract #T11-MST-579.

Summary (Background)

This agreement is the Microsoft Enterprise Agreement for State and Local Government for Right to Use Licensing and Software Assurance costs for Desktop systems (i.e., Office 365, MS SQL Databases, Exchange CAL's) and Servers (i.e., Windows Operating Systems, Exchange). It is important to the City that the functionality of the Microsoft products and the software is stable and consistent.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 87,872.00 plus tax	#	5300-73450-18850-54820
Expense	\$ 394,000.00 plus tax	#	5300-73600-18850-54820
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>		Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		CompuCom - janice.j.edwards@compucom.com	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

This a three (3) year agreement. January 1, 2015 through December 31, 2018 for \$443,303.72 plus tax annually.

Summary (Background)

Fiscal Impact

Select \$

Budget Account

#

Select \$

#

Distribution List



Program Signature Form

MBA/MBSA number

Agreement number

01E73529

6-EMSK6007G

Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

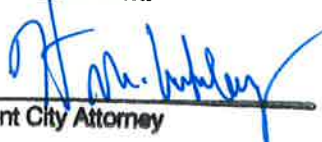
Contract Document	Number or Code
<Choose Agreement>	
<Choose Agreement>	
<Choose Agreement>	
<Choose Agreement>	
<Choose Agreement>	
Enterprise Enrollment	X20-10631
<Choose Enrollment/Registration>	
<Choose Enrollment/Registration>	
<Choose Enrollment/Registration>	
<Choose Enrollment/Registration>	
EA Product Selection Form	0271121.001_PSF
Amendment	M271
Transparency doc	X20-12769
Amendment	M97
Amendment	CTM (NEW)

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Spokane
Signature* _____
Printed First and Last Name* David A. Condon
Printed Title Mayor, City of Spokane
Signature Date* _____
Tax ID 91-6001280

* indicates required field

Approved as to form:


Assistant City Attorney

Microsoft Affiliate
Microsoft Corporation
Signature _____ Printed First and Last Name Printed Title Signature Date (date Microsoft Affiliate countersigns)
Agreement Effective Date (may be different than Microsoft's signature date)

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
 Dept. 551, Volume Licensing
 6100 Neil Road, Suite 210
 Reno, Nevada 89511-1137
 USA



Enterprise Enrollment

State and Local

Enterprise Enrollment number
(Microsoft to complete)

Previous Enrollment number
(Reseller to complete)

7496398

Proposal ID/Framework ID

6-EMSK6007G

Earliest expiring previous
Enrollment end date

12/31/2014

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) any supplemental contact information form or Previous Agreement/Enrollment form that may be required, (5) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. If the Enrollment is renewed, the renewal term will expire 36 full calendar months after the effective date of the renewal term. Any reference in this Enrollment to "day" will be a calendar day.

Product order. The Reseller will provide Enrolled Affiliate with Enrolled Affiliate's Product pricing and order. Prices and billing terms for all Products ordered will be determined by agreement between Enrolled Affiliate and the Reseller. The Reseller will provide Microsoft with the order separately from this Enrollment.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product List and chosen by Enrolled Affiliate under this Enrollment.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise

Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"L&SA" means a License with Software Assurance for any Product ordered.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Professional locally (in a physical or virtual operating system environment), OR (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, OR (2) an Industry Device, OR (3) not managed (as defined in the Product List at the start of the applicable initial or renewal term of the Enrollment) as part of Enrolled Affiliate's Enterprise. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product List.

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product List, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"Transition" means the conversion of one or more License to or from another License(s). Products eligible for Transition and permitted Transitions are identified in the Product List.

"Transition Period" means the time between the Transition and the next Enrollment anniversary date for which the Transition is reported.

2. Order requirements.

- a. **Minimum Order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
 - (i) **Enterprise Commitment.** If ordering any Enterprise Products, Enrolled Affiliate's order must include coverage for all Qualified Users or Qualified Devices, depending on the License Type, of one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services.
 - (ii) **Enterprise Online Services.** If ordering Enterprise Online Services only, then Enrolled Affiliate must maintain at least 250 Subscription Licenses.
- b. **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products and Services.
- c. **Product Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the

applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.

- d. **Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.

- e. **Adding Products.**

- (i) **Adding new Products not previously ordered.** Enrolled Affiliate may add new Enterprise Products by entering into a new Enrollment or as part of a renewal. New Enterprise Online Services may be added by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.

- (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products must be included in the next true-up order. Enrolled Affiliate must purchase Services and Licenses for Online Services prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product List or (2) included as part of other Licenses (e.g., Enterprise CAL).

- f. **True-up requirements.**

- (i) **True-up order.** Enrolled Affiliate must submit an annual true-up order that accounts for changes since the initial order or last true-up order, including: (1) any increase in Licenses, including any increase in Qualified Devices or Qualified Users and Reserved Licenses; (2) Transitions (if permitted); or (3) Subscription License quantity reductions (if permitted). Microsoft, at its discretion, may validate the customer true-up data submitted through a formal product deployment assessment using an approved Microsoft partner.

- (ii) **Enterprise Products.** Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.

- (iii) **Additional Products.** For Products that have been previously ordered, Enrolled Affiliate must determine the Additional Products used and order the License difference (if any).

- (iv) **Online Services.** For Online Services identified as eligible for true-up orders in the Product List, Enrolled Affiliate may first reserve the additional Licenses prior to use. Microsoft will provide a report of Reserved Licenses in excess of existing orders to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retroactively for the prior year based upon the month in which they were reserved.

- (v) **Transitions.** Enrolled Affiliate must report all Transitions. Transitions may result in an increase in Licenses to be included on the true-up order and a reduction of Licenses for prior orders. Reductions in Licenses will be effective at end of the Transition Period. Associated invoices will also reflect this change. For Licenses paid upfront, Microsoft will issue a credit for the remaining months of Software Assurance or Subscription Licenses that were reduced as part of the Transition.

- (vi) **True-up due date.** The true-up order must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The third-year anniversary true-up order is due within 30 days prior to the Expiration Date. Enrolled Affiliate may true-up more often than at each Enrollment anniversary date except for Subscription License reductions.

- (vii) **Late true-up order.** If the true-up order is not received when due:

- 1) Microsoft will invoice Reseller for all Reserved Licenses not previously ordered.
 - 2) Transitions and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).

(viii) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses on a prospective basis if permitted in the Product List as follows:

- 1) For Subscription Licenses part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices identified on the Product Selection Form. Step-up Licenses do not count towards this total count.
- 2) For Enterprise Online Services not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
- 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.

(ix) **Update statement.** An update statement must be submitted instead of a true-up order if, as of the initial order or last true-up order, Enrolled Affiliate's Enterprise has not: (1) changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative. The update statement must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The last update statement is due within 30 days prior to the Expiration Date.

g. **Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:

- (i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.
- (ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- (iii) If Enrolled Affiliate has previously ordered an Online Service as an Additional Product and wants to step-up to an Enterprise Online Service eligible for a Transition, the step-up may be reported as a Transition.
- (iv) If Enrolled Affiliate Transitions a License, it may be able to further step-up the Transitioned License. If Enrolled Affiliate chooses to step-up and the step-up License is separately eligible to be Transitioned, such step-up Licenses may result in a License reduction at the Enrollment anniversary date following the step-up.

h. **Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.

3. **Pricing.**

- a. **Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment. Price Level's will be captured in the Product Selection Form.
- b. **Setting Prices.** Enrolled Affiliate's prices for each Product will be established by its Reseller. As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service will be fixed throughout the applicable initial or renewal Enrollment term. However, if Enrolled Affiliate qualifies for a different price level, Microsoft will establish a new price level for future new orders either

upon Enrolled Affiliate's request or on its own initiative. Any changes will be based upon price level rules in the Product Selection Form.

4. *Payment terms.*

For the initial or renewal order, Enrolled Affiliate may pay upfront or elect to spread its payments over the applicable Enrollment term. If spread payments are elected, unless indicated otherwise, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and on each Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

5. *Transitions.*

a. Transition requirements.

- (i) Licenses with active Software Assurance or Subscription Licenses may be Transitioned at any time if permitted in the Product List. Enrolled Affiliate may not, however, reduce the quantity of Licenses or associated Software Assurance prior to the end of the Transition Period.
- (ii) Enrolled Affiliate must order the Licenses to which it is transitioning for the year(s) following the Transition Period.
- (iii) If a Transition is made back to a License that had active Software Assurance as of the date of Transition, then Software Assurance must be re-ordered for all such Licenses on a prospective basis following the Transition Period. Software Assurance coverage may not exceed the quantity of perpetual Licenses for which Software Assurance was current at the time of any prior Transition. Software Assurance may not be applied to Licenses transferred by Enrolled Affiliate.
- (iv) If a device-based License is Transitioned to a user-based License, all users of the device must be licensed as part of the Transition.
- (v) If a user-based License is Transitioned to a device-based License, all devices accessed by the user must be licensed as part of the Transition.

b. Effect of Transition on Licenses.

- (i) Transition will not affect Enrolled Affiliate's rights in perpetual Licenses paid in full.
- (ii) New version rights will be granted for perpetual Licenses covered by Software Assurance up to the end of the Transition Period.
- (iii) For L&SA not paid in full at the end of the Transition Period, Enrolled Affiliate will have perpetual Licenses for a proportional amount equal to the amounts paid for the Transitioned Product as of the end of the Transition Period.
- (iv) For L&SA not paid in full or granted a perpetual License in accordance with the above or Subscription Licenses, all rights to Transitioned Licenses cease at the end of the Transition Period.

6. *End of Enrollment term and termination.*

- a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. **Renewal Option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing the Enrollment for one additional 36 full calendar month term or signing a new Enrollment. Microsoft must receive a Product Selection Form and renewal order prior to or at the Expiration Date. The renewal term will start on the day following the Expiration Date. Microsoft will not unreasonably reject any renewal. Microsoft may

make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

c. If Enrolled Affiliate elects not to renew.

- (i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring L&SA.
- (ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product List, the following options are available at the end of the Enrollment initial or renewal term.
 - 1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price for Enrolled Affiliate's price level as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate does want an Extended Term, Reseller must submit a request to Microsoft. Microsoft must receive the request not less than 30 days prior to the Expiration Date.
 - 2) **Cancellation during Extended Term.** If Enrolled Affiliate has opted for the Extended Term and later determines not to continue with the Extended Term, Reseller must submit a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received the notice.
- (iii) **Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.
- (iv) **Customer Data.** Upon expiration or termination of a License for Online Services, Microsoft will keep Customer's Data in a limited function account for 90 days so that Customer may extract it. Enrolled Affiliate will reimburse Microsoft if there are any associated costs. After 90 days Microsoft will disable Enrolled Affiliate's account and will delete its Customer Data. Enrolled Affiliate agrees that, other than as described above, Microsoft has no obligation to continue to hold, export or return Enrolled Affiliate's Customer Data and that Microsoft has no liability whatsoever for deletion of Enrolled Affiliate's Customer Data pursuant to these terms.

d. Termination for cause. Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement.

e. Early termination. Any Early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, Microsoft will issue Reseller a credit for any amount paid in advance that would apply after the date of termination.

Enrollment Details

1. **Enrolled Affiliate's Enterprise.**

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Enrolled Affiliate's organization includes .

Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:

☒ Enrolled Affiliate only

☐ Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):

☐ Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:

- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Check only one box in this section:

☒ Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment

☐ Enrolled Affiliate's Enterprise will **not** include all new Affiliates acquired after the start of this Enrollment

If no selection is made, or if both boxes are checked, Microsoft will deem the Enterprise to include all future Affiliates

2. **Contact information.**

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)* City of Spokane

Contact name* First Joan **Last** Hamilton

Contact email address* jhamilton@spokancity.org

Street address* 808 W Spokane Falls Blvd, IT Department, 7th Floor

City* Spokane
State/Province* WA
Postal code* 99201-3344
(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)
Country* USA
Phone* 509-625-6487
Tax ID N/A
** indicates required fields*

- b. Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized for applicable Online Services to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

☒ Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name* First Last

Contact email address*

Street address*

City*

State/Province*

Postal code* -

(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)

Country*

Phone*

Language preference. Choose the language for notices. English

☐ This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

** indicates required fields*

- c. Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

☒ Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name*: First Last

Contact email address*

Phone*

☐ This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

** indicates required fields*

- d. Reseller information.** Reseller contact for this Enrollment is:

Reseller company name* CompuCom Systems, Inc.

Street address (PO boxes will not be accepted)* 7171 Forest Lane

City* Dallas

State/Province* TX

Postal code* 75230-2306

Country* USA

Contact name* Bruce Valentin

Phone* 972-856-4617

Contact email address* msadmin@compucom.com

** indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

Signature* _____

Printed name* Bruce E. Valentin

Printed title* Microsoft Licensing Specialist

Date*

** indicates required fields*

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*
- (i) Additional notices contact
 - (ii) Software Assurance manager
 - (iii) Subscriptions manager
 - (iv) Customer Support Manager (CSM) contact

3. Financing elections.

Is a purchase under this Enrollment being financed through MS Financing? No

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft Corporation.

Enterprise Enrollment Azure Government Services Amendment ID M271 (Indirect)

Enrollment Number
Microsoft to complete for initial term
Partner to complete for renewal

6-EMSK60O7G

This amendment ("Amendment") is entered into between the parties on the attached program signature form. It amends the Enrollment identified above. All terms used but not defined in this Amendment will have the same meanings provided in the Enrollment.

The parties agree that the Enrollment is amended as follows:

1. Section 1 ("Definitions") of the Enrollment is hereby amended by adding the following:

"Azure Government Services" means one or more of the services or features Microsoft makes available to the Enterprise under this Enrollment and identified at <http://azure.microsoft.com/en-us/regions/#services>, which are provisioned in dedicated multi-tenant data centers for exclusive use by or for the Community.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using Azure Government Services to provide solutions to a Government or a qualified member of the Community, or (3) an Enrolled Affiliate with Customer Data that is subject to Government regulations for which the Enrolled Affiliate determines and Microsoft agrees that the use of Azure Government Services, and not Microsoft Azure Services, is the appropriate Microsoft service to meet the Enrolled Affiliate's regulatory requirements.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of an Enrolled Affiliate's state and located within the Enrolled Affiliate's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally recognized tribal entity eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights," means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site and available at <http://www.explore.ms> or at a successor site. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product. The Use Rights for Software are published by Microsoft in the applicable Product Use Rights. The Use Rights for Online Services are published in the applicable Online Services Terms.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

2. The following sentence is added to the end of Section 6(d) of the Enrollment ("Termination for cause"):

In addition, it shall be a breach of this Enrollment if an Enrolled Affiliate or any Agency Affiliate in the Enterprise fails to maintain its status as a member of the Community.

3. The following new Section 7 is hereby added to the Enrollment:

7. Azure Government Services

- a. **Terms and conditions applicability.** All terms and conditions applicable to Microsoft Azure Services also apply to Azure Government Services, except as otherwise noted in the Product List and this Amendment.
- b. **Community Use Rights.** Government Partner certifies that all Enrolled Affiliates are members of the Community and represents that the Enrolled Affiliates have agreed to use Azure Government Services solely in their capacities as members of the Community and for the benefit of end users that are members of the Community. Use of Azure Government Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of the applicable Enrollment(s) for Azure Government Services without notice. Government Partner acknowledges that only Community members may use Azure Government Services.
- c. **Use Rights for Azure Government Services.** For Azure Government Services, notwithstanding anything to the contrary in the Use Rights:
- i. Customer Data will be stored and processed solely within the continental United States.
 - ii. Azure Government Services will be offered only within the United States.
 - iii. Additional European Terms, as set forth in the Use Rights, will not apply.
 - iv. In the event that a Government regulator or other Government body with equivalent supervisory authority over the Enterprise or an Enrolled Affiliate ("Regulator") formally requests to access the Azure Government Services operations and controls, Enrolled Affiliate must diligently attempt to resolve that request directly with the Regulator through use of information and resources Microsoft makes generally available to customers. Enrolled Affiliates will at all times have access to their Customer Data (but not Customer Data of other Community members) using the standard features of the service and may delegate such access to representatives of the Regulator.
 - v. In the event the Regulator determines that information available through these mechanisms is insufficient to address the Regulator's stated objectives, and provided that the Enterprise or an Enrolled Affiliate and Microsoft have not otherwise agreed upon an inspection or audit process, upon written confirmation from each of the impacted Enrolled Affiliates that the Regulator has supervisory authority over the impacted Enrolled Affiliates to make such a request, Microsoft will provide the Regulator with the opportunity to communicate with Microsoft's auditor at Government Partner's expense and, if required by the Regulator, a direct right to examine the Azure Government Services, including examination on premises. Regulator only will be allowed to access information about the Enrolled Affiliates that have confirmed the Regulator's supervisory authority over them. Government Partner will be liable for Microsoft's reasonable additional costs associated with such examination. For clarity, Microsoft and Government Partner are committed to working together in good faith to resolve a Regulator request through discussion and interaction between Government Partner, the Enrolled Affiliate(s), the Enterprise, Microsoft, and the Regulator. In the event that the Enterprise or an Enrolled Affiliate and Microsoft have agreed upon a separate inspection or audit process, such process shall apply in lieu of this right.
 - vi. In addition, the "Certifications and Audits" section of the Use Rights is replaced with the following:

Microsoft will seek to secure and use commercially reasonable efforts to maintain a provisional Authority to Operate (ATO) from the Federal Risk and Authorization Management Program (FedRAMP) Joint Authorization Board (JAB) or Federal Agency for the Azure Government Services that are listed at <http://azure.microsoft.com/en-us/support/trust-center/compliance/>, but are not provided as "Preview," "Beta," or other pre-release. On a confidential need-to-

know basis, and subject to Enrolled Affiliate's non-disclosure obligations and additional obligations required by the Government, Microsoft will make the system security plan available to Enrolled Affiliate and/or the Enterprise, along with other information reasonably requested by the Enrolled Affiliate regarding Microsoft security practices and policies (collectively, the "Security Policy"); provided, however, that Microsoft may redact information from the Security Policy if such information would compromise the security of Microsoft's information technology environment or the confidentiality of any third-party's confidential information. Enrolled Affiliate is solely responsible for reviewing the Security Policy, making an independent determination as to whether the Security Policy meets its requirements, and for ensuring that the Enrolled Affiliate(s)' personnel and consultants follow the guidelines they are provided regarding data security.

Except for changes made by this Amendment, the Enrollment identified above remains unchanged and in full force and effect. If there is a conflict between any provision in this Amendment and any provision in the Enrollment identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.



Proposal ID

0271121.001

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:

Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	1,873	1,620	1.2	Yes	User Licenses

Products	Enterprise Quantity
Office 365 Plans	
Office 365 (Plan E3) Add On	1,620
Client Access License (CAL)	
Core CAL, including Bridge CAL's (if applicable)	
Core CAL Bridge for Office 365	1,620
Windows Desktop	
Windows Enterprise OS Upgrade	1,873
Other Enterprise Products and Enterprise Online Services	
Microsoft Desktop Optimization Pack (MDOP)	1,873

Enrolled Affiliate's Product Quantities:

Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + Office Professional Plus for Office 365 + Office Standard + Office 365 (Plans E2-E4) + Enterprise Cloud USL	Client Access License + Office 365 (Plans E1-E4) + Enterprise Cloud USL	Client Access License + Windows Intune + EMS USL + Enterprise Cloud USL	Windows Desktop Upgrade + Windows VDA + Windows SA Plus USL + Windows VDA Plus USL + Enterprise Cloud USL
Quantity	1620	1620	0	1873

Enrolled Affiliate's Price Level:

Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D

Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.

D

NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D

Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.

Note 2: Unless otherwise indicated in associated Agreement documents, the CAL selection must be the same across the Enterprise for each Profile.

Note 3: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.

Note 4: Bridge CAL quantity is not included for Price Leveling, as License quantities are determined by the corresponding Enterprise Online Service(s).

Note 5: MDOP requires purchase of Windows Enterprise OS Upgrade or Windows VDA.

Note 6: MDOP requires purchase of Windows SA, Windows VDA, SA Plus Full USL, or VDA Plus Full USL.



Enterprise Enrollment Discount Transparency Disclosure Form

Enrollment Number
Microsoft to complete for initial term
Reseller to complete for renewal

Discount Details

Reseller will place an order on behalf of Enrolled Affiliate with the Total ERP Deal Value as listed below. The "Total ERP Deal Value" is the sum of the Estimated Retail Price (ERP) for all products ordered, listed in the currency in which your Reseller transacts with Microsoft. Resellers pay a net price to purchase products from Microsoft; that price may be lower than ERP. For this Enrollment, Microsoft provided Enrolled Affiliate's Reseller an additional discount off the Reseller's net price, and that additional discount is shown in the "% Discount to Reseller Net Price Total Deal Value" column in the table below. Enrolled Affiliate's actual final price and currency will be established by a separate agreement between Enrolled Affiliate and its Reseller.

Step 1. Complete all fields in the table below (required)

Currency	Total ERP Deal value	% Discount to Reseller Net Price Total Deal Value
US Dollar	\$776,599.00	8.41 %

This disclosure is valid only for the duration of the Enrollment.

Reseller acknowledgement

Name of Reseller
Printed Name
Printed Title

This form must be attached to a signature form to be valid.

Enterprise Enrollment (Indirect) Invoice for Quoted Price Amendment ID M97

6-EMSK6007G

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

Notwithstanding anything to the contrary or in addition to any terms in the Enrollment, the Enrollment new is hereby amended to add the following paragraph:

The price quoted to Enrolled Affiliate's Reseller is a fixed price based on an estimated order submission date. Microsoft will invoice Enrolled Affiliate's Reseller based on this fixed price quote. If this order is submitted later than the estimated order submission date, Enrolled Affiliate's Reseller will be charged for net new Online Services subscriptions for the period during which these services were not provided. Pricing to Enrolled Affiliate is agreed between Enrolled Affiliate and Enrolled Affiliate's Reseller.

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.

Enterprise Enrollment (Indirect) Amendment ID M254

6-EMSK6007G

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

For the purposes of this Amendment, "Entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement. Notwithstanding anything to the contrary or in addition to any terms in the Enrollment, the Enrollment is amended as follows:

Office 365 for Government

The following set of Terms applies to Entity when ordering Office 365 for Government Online Services. The parties agree to amend the Enrollment as follows:

1. The following definition is added to the Enrollment:

"Office 365 for Government" means Microsoft's family of Office 365 Services that are offered as part of Office 365 Government Plans as described in this Amendment.

When provisioned and delivered as part of Office 365 for Government, Exchange Online, Lync Online, SharePoint Online, and Exchange Online Archiving are provisioned in Microsoft's multi-tenant data centers for exclusive use by eligible US Federal, State, Local, and Tribal Government Customers only and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft refers to this offering as its Office 365 "Government Community Cloud."

Other Online Services may be added to the Government Community Cloud as communicated by Microsoft. Other Office 365-branded or separately branded Online Services that may be made available as part of or in addition to Office 365 for Government are not included in the Government Community Cloud. Additional services configuration information is available upon request.

2. *Office 365 for Governments Terms*

Tables A and B, below, contain mappings for Office 365 for Government Online Services and their corresponding Office 365 for Enterprise Online Services ("Corresponding Online Services." Each Office 365 for Government Online Service shown below is subject to the same terms and conditions as its Corresponding Online Service, except as otherwise provided in the applicable Product List and this Amendment. Notwithstanding contrary language in the Enrollment, Reserved Licenses are not available for Office 365 for Government through the Volume Licensing Service Center but may be available through a manual request process using a License Reservation Form available from Microsoft upon request.

Remainder of page intentionally left blank

TABLE A: Office 365 for Government component Online Services– Corresponding Online Services Mapping

Office 365 for Government Online Services	Office 365 Equivalent Online Services
Exchange Online Plan 1 forGov	Exchange Online Plan 1
Exchange Online Plan 2 forGov	Exchange Online Plan 2
Exchange Online Kiosk forGov	Exchange Online Kiosk
Exchange Online Archiving for Exchange Server forGov	Exchange Online Archiving for Exchange Server
Lync Online Plan 1 forGov	Lync Online Plan 1
Lync Online Plan 2 forGov	Lync Online Plan 2
Lync Online Plan 3 forGov	Lync Online Plan 3
SharePoint Online Plan 1 forGov	SharePoint Online Plan 1
SharePoint Online Plan 2 forGov	SharePoint Online Plan 2
Office 365 ProPlus forGov	Office 365 ProPlus

TABLE B: Office 365 for Government Suites – Corresponding Enterprise Online Services Mapping

Office 365 for Government - Equivalent "Enterprise Online Services" Suites	Office 365 Enterprise Online Services
Office 365 Government E1 (<i>formerly G1</i>)	Office 365 Enterprise E1
Office 365 Government E3 (<i>formerly G3</i>)	Office 365 Enterprise E3
Office 365 Government E4 (<i>formerly G4</i>)	Office 365 Enterprise E4
Office 365 Government K1 ²	Office 365 Enterprise K1 ²

¹ Office 365 for Government "Corresponding Online Services" Suite Orders (E1-E4) will be captured on a separate Product Selection Form.

² Office 365 K1 is a suite but is not an Enterprise Online Service.

3. **Office 365 for Government Customer Requirements.**

Entity both (1) acknowledges that Office 365 for Government may only be used by United States Federal, State, Local or Tribal government entities, and (2) certifies that it qualifies as such and will use the Services accordingly. In the event that Entity is found not to qualify as a United States Federal, State, Local or Tribal government entity, Microsoft may terminate Entity's Office 365 for Government service.

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

This Amendment must be attached to a signature form to be valid.

	City of Spokane EA renewal O365	Qty	Price	Extended
U3J-00004	CoreCALBridgeOff365 ALNG SA MVL Pltfrm UsrcAL	1620	\$12.34	\$19,990.80
U7S-00008	Off365PG3 ShrdSvr ALNG SubsVL MVL PerUsr	1620	\$142.70	\$231,174.00
CX2-00093	WinEntforSAwMDOP ALNG SA MVL Pltfrm	1740	\$35.57	\$61,891.80
CX2-00094	WinEntforSAwMDOP ALNG UpgrdSAPk MVL Pltfrm	133	\$44.64	\$5,937.12
6QK-00001	AzureMonetaryCommit ShrdSvr ALNG SubsVL MVL Commit	1	\$1,200.00	\$1,200.00
ZFA-00221	DynCRMPProCAL ALNG SA MVL UsrcAL	45	\$142.28	\$6,402.60
N9J-00524	DynCRMSvr ALNG SA MVL	1	\$710.56	\$710.56
312-02257	ExchgSvrStd ALNG SA MVL	4	\$114.32	\$457.28
H04-00268	SharePointSvr ALNG SA MVL	1	\$1,097.09	\$1,097.09
359-00961	SQLCAL ALNG SA MVL UsrcAL	700	\$33.72	\$23,604.00
7JQ-00343	SQLSvrEntCore ALNG SA MVL 2Lic CoreLic	16	\$2,218.84	\$35,501.44
7NQ-00292	SQLSvrStdCore ALNG SA MVL 2Lic CoreLic	30	\$578.97	\$17,369.10
T9L-00223	SysCtrStd ALNG SA MVL 2Proc	3	\$143.10	\$429.30
MFF-00506	SysCtrClmMgmtSte ALNG SA MVL PerUsr	1740	\$13.99	\$24,342.60
MFF-00503	SysCtrClmMgmtSte ALNG LicSAPk MVL PerUsr	133	\$32.90	\$4,375.70
P71-07282	WinSvrDataCtr ALNG SA MVL 2Proc	7	\$994.29	\$6,960.03
P73-05898	WinSvrStd ALNG SA MVL 2Proc	13	\$143.10	\$1,860.30
				\$443,303.72

\$481,871.14 tax

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2012-1035
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	OPR 2012-0938
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	RFP 3884-12
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	5300 STRUCTURED SYMANTEC MAINT (2015)		

Agenda Wording

Last of three one-year renewals with Structured Communications Systems, Inc.(Clackamus, OR) for 24x7 extended support for the Symantec centralized backup softwares utilized by the City of Spokane.

Summary (Background)

All terms and conditions are in compliance with The City of Spokane's Master Contract #OPR2012-0938 utilizing RFP 3884-12. Netbackup Cross Platform Share (licenses to run multi-platform backups), Enterprise Vault Software (electronic mail management), and Cluster Server (high availability for failover of centralized backup system) are utilized by the City of Spokane.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 104,895.35 plus tax	#	5300-73500-18850-54820
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		Structured - cschurter@structured.com	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

January 1, 2015 through December 31, 2015 for \$104,895.35 plus tax.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

CONTRACT

THIS CONTRACT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and STRUCTURED COMMUNICATION SYSTEMS, INC., whose address is 12901 Southeast 97th Avenue, Suite 400, Clackamas, Oregon 97015, as "Contractor".

1. PERFORMANCE. The Contractor shall PROVIDE EXTENDED SUPPORT FOR THE SYMANTEC CENTRALIZED BACKUP SOFTWARE UTILIZED BY THE CITY, according to the Contractor's proposal dated September 25, 2014.
2. CONTRACT TERM. The Contract shall begin upon notice to proceed and run through December 31, 2015, unless terminated earlier.
3. COMPENSATION. The City shall pay the Contractor a maximum of ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED NINETY FIVE AND 35/100 (\$104,895.35), plus applicable tax, as full compensation for everything furnished and done under this Contract.
4. PAYMENT. The Contractor shall send its applications for payment to Information Technology, Seventh Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. Payment will be made within thirty (30) days after receipt of the Contractor's application.
5. ASSIGNMENTS. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.
6. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.
7. BUSINESS REGISTRATION REQUIREMENT. Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Contractor shall be responsible for contacting the State of Washington Business License Services at <http://bls.dor.wa.gov> or 1-800-451-7985 to obtain a business registration. If the Contractor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

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

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

10. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.

11. INDEPENDENT CONTRACTOR. The parties intend that an independent contractor – employer relationship will be created by this Contract.

12. INDEMNIFICATION. The Consultant shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of the Consultant's performance of this Contract, except to the extent of those claims arising from the negligence of the City, its officers and employees.

13. INSURANCE. During the term of the Contract, the Consultant shall maintain in force at its own expense, the following insurance coverages:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers;
- B. General Liability Insurance on an occurrence basis, with a combined single limit, of not less than \$1,000,000 each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its agents, officers and employees are Additional Insureds but only with respect to the Contractor's services to be provided under this Contract.
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for Bodily Injury and Property Damage, including coverage owned, hired or non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Contractor or its insurer(s) to the City. As evidence of the insurance coverage's required by this Contract, the Contractor shall furnish an acceptable insurance certificate to the City at the time the Contractor returns the signed Contract.

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

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

16. MISCELLANEOUS PROVISIONS.

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

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

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

D. AMENDMENTS. This Contract may be amended at any time by mutual written agreement.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

City Clerk

Approved as to form:



Assistant City Attorney

Dated: _____

STRUCTURED COMMUNICATION
SYSTEMS, INC.

E-mail address if available: _____

By: _____

Title: _____

14-303

Quote # 140925SY_City of Spokane_Symantec Renewal 2014-2015.

Quote Expires 30 Days From:
9/25/2014



structured
bridging people, business & technology™

Company Name: City of Spokane

Contact: Emma Wright

Email: ewright@spokanecity.org

Phone: 509-625-6773

Account Executive: Craig Schurter

23403 East Mission Ave., Suite A6 - Spokane, WA 99019 - 509.926.3601

Toll Free 800.881.0962 - Order Fax 888.729.0997

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
<u>City of Spokane Symantec Support Renewal 2014-2015</u>								
1		Essential Support Annual Maintenance Renewal, Government Band S						104,895.35
GRAND TOTAL:								<u>104,895.35</u>

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
Solution Line Item Detail:								
<u>Essential Support Annual Maintenance Renewal, Government Band S</u>								
2	EW8TWZZ0-ER1GS	SYMC ENTERPRISE VAULT E-DISCOVERY STANDARD EDITION FOR MICROSOFT EXCHANGE 10.0 WIN PER USER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	10	6.29	62.87
3	EW8TWZZ0-ER1GS	SYMC ENTERPRISE VAULT E-DISCOVERY STANDARD EDITION FOR MICROSOFT EXCHANGE 10.0 WIN PER USER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2000	6.29	12,573.00
4	IPI0WZZ0-ER1GS	SYMC ENTERPRISE VAULT STORAGE MANAGEMENT FOR MICROSOFT EXCHANGE 10.0 WIN PER USER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2000	6.83	13,662.00
5	IPI0WZZ0-ER1GS	SYMC ENTERPRISE VAULT STORAGE MANAGEMENT FOR MICROSOFT EXCHANGE 10.0 WIN PER USER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	10	6.83	68.31
6	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	773.04	1,546.08
7	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	4	773.04	3,092.17

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
8	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	773.04	1,546.08
9	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	773.04	1,546.08
10	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	773.04	1,546.08
11	8BC2WZZ4-ER1GS	VRTS STORAGE FOUNDATION ENTERPRISE 6.0 WIN FOR OS TIER ENTERPRISE EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	10	773.04	7,730.42
12	QDTWZZ5-ER1GS	VRTS STORAGE FOUNDATION 6.0 WIN FOR OS TIER STANDARD EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	146.87	146.87
13	QDTWZZ5-ER1GS	VRTS STORAGE FOUNDATION 6.0 WIN FOR OS TIER STANDARD EDITION PER SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	146.87	146.87
14	00TVUBZ0-ER1GS	SYMC CLUSTER SERVER 6.1 UNX PER SERVER TIER B RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	1,091.82	2,183.64
15	USSAU1Z0-ER1GS	SYMC NETBACKUP CLIENT APPLICATION AND DATABASE PACK 7.6 UNX 1 SERVER TIER 1 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	1,137.36	1,137.36

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
16	USSAU1Z0-ER1GS	SYMC NETBACKUP CLIENT APPLICATION AND DATABASE PACK 7.6 UNX 1 SERVER TIER 1 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	1,137.36	2,274.72
17	SN6HC3Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 WIN/LNX/SOLX64 1 SERVER TIER 3 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	932.43	932.43
18	SN6HC2Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 WIN/LNX/SOLX64 1 SERVER TIER 2 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	7	704.73	4,933.12
19	SN6HC2Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 WIN/LNX/SOLX64 1 SERVER TIER 2 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	704.73	704.73
20	SN6HU1Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 UNX 1 SERVER TIER 1 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	1,160.13	2,320.26
21	SN6HC4Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 WIN/LNX/SOLX64 1 SERVER TIER 4 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	1,387.83	2,775.66
22	SN6HC4Z0-ER1GS	SYMC NETBACKUP ENTERPRISE CLIENT 7.6 WIN/LNX/SOLX64 1 SERVER TIER 4 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	1,387.83	2,775.66
23	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	683.10	1,366.20

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
24	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	4	683.10	2,732.40
25	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	683.10	1,366.20
26	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	683.10	1,366.20
27	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	3	683.10	2,049.30
28	PISIXZZ0-ER1GS	SYMC NETBACKUP OPTION LIBRARY BASED TAPE DRIVE 7.6 XPLAT PER DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	683.10	683.10
29	XH7RU1Z1-ER1GS	SYMC NETBACKUP ENTERPRISE SERVER 7.6 UNIX 1 SERVER TIER 1 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	2,277.00	2,277.00
30	YCBHXZZ0-ER1GS	SYMC NETBACKUP OPTION SHARED STORAGE OPTION 7.6 XPLAT 1 DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	455.40	910.80
31	YCBHXZZ0-ER1GS	SYMC NETBACKUP OPTION SHARED STORAGE OPTION 7.6 XPLAT 1 DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	4	455.40	1,821.60

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
32	YCBHXZZ0-ER1GS	SYMC NETBACKUP OPTION SHARED STORAGE OPTION 7.6 XPLAT 1 DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	455.40	910.80
33	YCBHXZZ0-ER1GS	SYMC NETBACKUP OPTION SHARED STORAGE OPTION 7.6 XPLAT 1 DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	455.40	455.40
34	YCBHXZZ0-ER1GS	SYMC NETBACKUP OPTION SHARED STORAGE OPTION 7.6 XPLAT 1 DRIVE RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	3	455.40	1,366.20
35	6D2DXZZ0-ER1GS	SYMC NETBACKUP OPTION VAULT ADDITIONAL DRIVE 7.6 XPLAT RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	4	455.40	1,821.60
36	E13YXZZ0-ER1GS	SYMC NETBACKUP OPTION VAULT BASE 7.6 XPLAT RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	2,277.00	2,277.00
37	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	135.48	135.48
38	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	135.48	270.96
39	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	5	135.48	677.41
40	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	30	135.48	4,064.45

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
41	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	135.48	270.96
42	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	24	135.48	3,251.56
43	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	135.48	270.96
44	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48
45	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	16	135.48	2,167.70
46	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	135.48	270.96
47	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48
48	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48
49	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	135.48	270.96
50	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
51	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	135.48	135.48
52	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	135.48	270.96
53	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	7	135.48	948.37
54	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	135.48	270.96
55	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	135.48	135.48
56	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	135.48	270.96
57	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	5	135.48	677.41
58	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	2	135.48	270.96
59	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	1	135.48	135.48
60	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		1/1/2015	12/31/2015	3	135.48	406.44

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
61	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48
62	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	2	135.48	270.96
63	FTPTXZZ0-ER1GS	SYMC NETBACKUP STANDARD CLIENT 7.6 XPLAT 1 SERVER RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>1/1/2015</u>	<u>12/31/2015</u>	1	135.48	135.48
64	CQLTX4Z0-ER1GS	SYMC NETBACKUP OPTION NDMP 7.6 XPLAT PER SERVER TIER 4 RENEWAL ESSENTIAL 12 MONTHS GOV BAND S		<u>12/31/2014</u>	<u>12/31/2015</u>	1	3,529.35	3,529.35
Sub Total								<u>104,895.35</u>

Prepared by: Candace Goodwald for Craig Schurter

Please contact the person listed above at Structured for any questions regarding this quotation.

Line Item	Part Number	Description	Serial Number	Start Date	End Date	Qty.	Unit Sale Price	Ext. Sale Price
<p>Notes:</p> <ol style="list-style-type: none">Prices do not include shipping charges. All shipping charges are FOB origin and will be added at time of invoice.Prices do not include tax. All applicable sales taxes will be added at time of invoice.Payment terms are Cash, Visa, or COD. Net 20 day terms are available with approved credit. Structured Communication Systems, Inc. Standard Terms & Conditions apply to this and all quotations. A copy is available upon request.All quotes and proposals are calculated using US Dollars.Quotes are valid for 30 days. Structured reserves the right to adjust prices at any time according to manufacturer price changes. In the event that the expiration date has been exceeded, please contact your Account Representative for an updated quote.Remit To Address: 12901 SE 97th Ave Suite 400, Clackamas OR, 97015 <p><i>This Quotation contains information that is privileged and confidential. The information contained in this Quotation is intended only for use of the person to whom it is addressed. If the reader of this quotation is not (1) the intended recipient or (2) the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.</i></p> <hr/> <p>WHEN PLACING YOUR ORDER, PLEASE FAX OR EMAIL TO: 888-729-0997 or fax@structured.com</p> <hr/> <p>Please fill out all of the below information to ensure that your order is processed as efficiently as possible.</p> <div><div>Signature: _____</div><div>Date: _____</div></div> <div><div>Shipping Address:</div><div>Street:</div><div>City, ST Zip:</div><div>Contact:</div><div>Phone:</div><div>Email:</div></div> <div><div>Billing Address:</div><div>Street:</div><div>City, ST Zip:</div><div>Contact:</div><div>Phone:</div><div>Email:</div></div> <div><div>Preferred Shipping Method: Ground _____</div><div>2nd Day _____</div><div>Overnight _____</div><div>Date Needed:</div></div> <div><div>Customer Reference / Purchase Order Number: _____</div><div>Bridging People, Business & Technology</div><div>Ask us about our high-quality Internet Security, Connectivity, Storage and Access Offerings...</div></div>								

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2014-0008
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	RFP 3984-13
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	5300 CERIUM SMARTNET (2015)		

Agenda Wording

First of four one-year renewal options with Cerium Networks, Inc.(Spokane, WA)for maintenance of Cisco equipment located in City Hall and other locations. January 1, 2015 through December 31,2015 for \$220,137.59 plus tax.

Summary (Background)

SmartNet which is the maintenance portion for Cisco hardware and software is provided by Cerium Networks as part of the RFP #3984-13 for the City's Phone and Network System. The City of Spokane uses Cisco Switches and Routers as the primary network connection device. This contract provides maintenance of hardware and software support for these critical products.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 220,137.59 plus tax	#	5300-73400-18850-54804
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/2014
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>	WAHL, CONNIE	Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		Cerium - jlynch@ceriumnetworks.com	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

This contract will be reviewed annually. Each additional year could increase costs based upon products purchased the previous year.

Summary (Background)

The services include access to upgrades of essential operating system software as well as 24x7x365 direct support access to the manufacturer's technical assistance group. The maintenance coverage of the devices provide fix/replacement of defective hardware for a fractional cost of buying a replacement unit as well as an expedited shipping schedule, which minimizes down time of resources.

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

CONTRACT EXTENSION

THIS CONTRACT EXTENSION is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and CERIUM NETWORKS, INC., whose address is 1636 West First Avenue, Spokane, Washington 99201, as "Cerium".

WHEREAS, the parties entered into a Contract wherein Cerium agreed to MAINTAIN CISCO EQUIPMENT LOCATED IN CITY HALL AND OTHER LOCATIONS; and

WHEREAS, the original contract allows four additional one-year extensions, subject to mutual agreement by the parties; and

WHEREAS, the parties would like to extend the contract; -- Now, Therefore,

The parties agree as follows:

1. CONTRACT DOCUMENTS. The Contract dated January 10, 2014, any previous amendments, addendums and / or extensions / renewals thereto, are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.
2. EXTENSION. The contract documents are hereby extended and shall run through December 31, 2015.
3. COMPENSATION. The City shall pay TWO HUNDRED TWENTY THOUSAND ONE HUNDRED THIRTY SEVEN AND 59/100 DOLLARS (\$220,137.59), plus applicable tax, for everything furnished and done under this Contract Extension.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

City Clerk

Approved as to form:



Assistant City Attorney

Dated: _____

CERIUM NETWORKS, INC.

E-Mail address, if available:

By: _____

Title: _____

14-302

City of Spokane Smartnet Renewal 2014
Coterminous End Date 12/31/2015

Contract 2384749 SMARTnet 8x5xNBD(SNT)										6975975			
Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1138U06V	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1138U072	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1138U07A	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1138U080	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1138U08D	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1252U07K	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1304U02Q	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-AIRBR13A	AIR-BR1310G-A-K9		FTX1305U02X	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 120.00	\$ 120.00	\$ 108.00			
1	CON-SNT-CT576250	AIR-CT5760-250-K9		FOC1709X36W	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 9,100.00	\$ 9,100.00	\$ 8,190.00			
1	CON-SNT-CT5760HA	AIR-CT5760-HA-K9		FOC1702V17T	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,600.00	\$ 2,600.00	\$ 2,340.00			
1	CON-SNT-AS5BUNK9	ASA5505-BUN-K9		JMX12012039	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 71.00	\$ 71.00	\$ 63.90			
1	CON-SNT-AS5BUNK9	ASA5505-BUN-K9		JMX1432Z1TM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 71.00	\$ 71.00	\$ 63.90			
1	CON-SNT-AS5BUNK9	ASA5505-BUN-K9		JMX1432Z1TR	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 71.00	\$ 71.00	\$ 63.90			
1	CON-SNT-AS1BUNK9	ASA5510-BUN-K9		JMX1324L08Q	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 419.00	\$ 419.00	\$ 377.10			
1	CON-SNT-AS1SBK9	ASA5510-SEC-BUN-K9		JMX1340L1YW	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 539.00	\$ 539.00	\$ 485.10			
1	CON-SNT-AS4BUNK9	ASA5540-BUN-K9		JMX1536X0KY	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,039.00	\$ 2,039.00	\$ 1,835.10			
1	CON-SNT-AS4BUNK9	ASA5540-BUN-K9		JMX1536X0KZ	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,039.00	\$ 2,039.00	\$ 1,835.10			
1	CON-SNT-AS5550B	ASA5550-BUN-K9		JMX11336L1EV	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,399.00	\$ 2,399.00	\$ 2,159.10			
1	CON-SNT-AS5550B	ASA5550-BUN-K9		JMX11336L1F3	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,399.00	\$ 2,399.00	\$ 2,159.10			
1	CON-SNT-2921VSEC	C2921-VSEC/K9		FTX1731AMDLM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 550.00	\$ 550.00	\$ 495.00			
1	CON-SNT-2921VSEC	C2921-VSEC/K9		FTX1731AMDPM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 550.00	\$ 550.00	\$ 495.00			
1	CON-SNT-2921VSEC	C2921-VSEC/K9		FTX1731AMDPA	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 550.00	\$ 550.00	\$ 495.00			
1	CON-SNT-2921VSEC	C2921-VSEC/K9		FTX1731AMDPA	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 550.00	\$ 550.00	\$ 495.00			
1	CON-SNT-2921VSEC	C2921-VSEC/K9		FTX1146A26A	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 483.00	\$ 483.00	\$ 434.70			
1	CON-SNT-2951	CISCO2951-K9		FTX1633AKGT	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,843.20	\$ 1,843.20	\$ 1,658.88			
1	CON-SNT-2951SEC	CISCO2951-SEC/K9		FTX1410AHGJ	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 960.00	\$ 960.00	\$ 864.00			
1	CON-SNT-881SECK	CISCO881-SEC-K9		FTX152880U4	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 56.00	\$ 56.00	\$ 50.40			
1	CON-SNT-881SECK	CISCO881-SEC-K9		SL-FTX141482Z5	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 56.00	\$ 56.00	\$ 50.40			
1	CON-SNT-881SECK	CISCO881-SEC-K9		SL-FTX14278001	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 56.00	\$ 56.00	\$ 50.40			
1	CON-SNT-881SECK	CISCO881-SEC-K9		SL-FTX14278005	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 56.00	\$ 56.00	\$ 50.40			
1	CON-SNT-881SECK	CISCO881-SEC-K9		SL-FTX1427800M	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 56.00	\$ 56.00	\$ 50.40			
1	CON-SNT-CP7936	CP-7936=		0004F2E51A8D	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Jul-2015	\$ 80.15	\$ 80.15	\$ 72.14			
1	CON-SNT-CP7937	CP-7937G=		0004F2EB7EA8	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 48.00	\$ 48.00	\$ 43.20			
1	CON-SNT-CP7937	CP-7937G=		0004F2EB7EDF	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 48.00	\$ 48.00	\$ 43.20			
1	CON-SNT-CP7937	CP-7937G=		0004F2EB8135	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 48.00	\$ 48.00	\$ 43.20			
1	CON-SNT-CP7937	CP-7937G=		0004F2F0243D	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 48.00	\$ 48.00	\$ 43.20			
1	CON-SNT-CP7937	CP-7937G=		0004F2F23A2F	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 48.00	\$ 48.00	\$ 43.20			

1	CON-SNT-7845CCX1	MCS-7845-13-CCX1	KQVDGHP	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845CCX1	MCS-7845-13-CCX1	KQVDGMG	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-413CS1	MCS-7845-13-ECS1	KQVDFRH	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,392.00	\$	2,392.00	\$	2,152.80
1	CON-SNT-413CS1	MCS-7845-13-ECS1	KQVDFRK	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,392.00	\$	2,392.00	\$	2,152.80
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDFHB	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDFKA	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDFKM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDFKY	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDGBG	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-7845I3P	MCS-7845-13-IPC1	KQVDGCG	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,208.00	\$	2,208.00	\$	1,987.20
1	CON-SNT-2232B	N2K-C2232PP-BUN	SSI16370051	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 204.00	\$	204.00	\$	183.60
1	CON-SNT-2232B	N2K-C2232PP-BUN	SSI163706LM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 204.00	\$	204.00	\$	183.60
1	CON-SNT-2232B	N2K-C2232PP-BUN	SSI163706QK	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 204.00	\$	204.00	\$	183.60
1	CON-SNT-2232B	N2K-C2232PP-BUN	SSI163706R0	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 204.00	\$	204.00	\$	183.60
1	CON-SNT-N4005I	N4K-4005I-XPX	FOC15375VYZ	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 634.00	\$	634.00	\$	570.60
1	CON-SNT-N4005I	N4K-4005I-XPX	FOC15441VMH	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 634.00	\$	634.00	\$	570.60
1	CON-SNT-C2960G2C	WS-C2960G-24TC-L	FOC1051ZHQE	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 198.00	\$	198.00	\$	178.20
1	CON-SNT-WSC3568	WS-C3560-8PC-S	FOC1502W3SM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 84.00	\$	84.00	\$	75.60
1	CON-SNT-WSC3560C	WS-C3560CG-8PC-S	FOC1641Y4RW	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 102.00	\$	102.00	\$	91.80
1	CON-SNT-3750E2PS	WS-C3750E-24PD-S	FDO1244R05C	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 684.00	\$	684.00	\$	615.60
1	CON-SNT-3750E2PS	WS-C3750E-24PD-S	FDO1244R07Z	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 684.00	\$	684.00	\$	615.60
1	CON-SNT-3750E2PS	WS-C3750E-24PD-S	FDO1244R0A3	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 684.00	\$	684.00	\$	615.60
1	CON-SNT-3750G12E	WS-C3750G-12S-E	FDO1320X16G	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,158.00	\$	1,158.00	\$	1,042.20
1	CON-SNT-3750G12E	WS-C3750G-12S-E	FDO1432Y19V	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,158.00	\$	1,158.00	\$	1,042.20
1	CON-SNT-3750G12E	WS-C3750G-12S-E	FDO1506X048	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,158.00	\$	1,158.00	\$	1,042.20
1	CON-SNT-3750G12E	WS-C3750G-12S-E	FDO1506X06U	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,158.00	\$	1,158.00	\$	1,042.20
1	CON-SNT-3750G12E	WS-C3750G-12S-E	FDO1506X0AW	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,158.00	\$	1,158.00	\$	1,042.20
1	CON-SNT-3750G12S	WS-C3750G-12S-S	CAT1118ZGG7	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 773.00	\$	773.00	\$	695.70
1	CON-SNT-3750G24P	WS-C3750G-24PS-S	FOC1112Y2LC	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 516.00	\$	516.00	\$	464.40
1	CON-SNT-3750GE1U	WS-C3750G-24TS-E1U	FOC1101Z0M7	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 462.00	\$	462.00	\$	415.80
1	CON-SNT-3750G48P	WS-C3750G-48PS-S	FOC1247W5FN	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,026.00	\$	1,026.00	\$	923.40
1	CON-SNT-3750X2PS	WS-C3750X-24P-S	FDO1546Z0K1	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 438.00	\$	438.00	\$	394.20
1	CON-SNT-WS-C6513	WS-C6513=	SAL1549XGY4	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 13,283.00	\$	13,283.00	\$	11,954.70
							Subtotal	\$	85,586.81	\$	77,028.13

Takeover Contract to be merged with 2384749											
SMARTnet 8x5xNBD(SNT)											
6994132											
Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price	
1	CON-SNT-1	IE-3000-4TC		FOC1816V0UU	808 WEST SPOKANE FALLS BLVD	10-Jun-2015	31-Dec-2015	\$ 48.30	\$	48.30	\$ 43.47
							Subtotal	\$	48.30	\$	43.47

Contract 90175098
 SMARTnet Premium 24x7x4 (SNTp)

6976147

Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price
1	CON-SNTP-AS5ULBK9	ASA5505-UL-BUN-K9	JMX131220HG	808 WEST SPOKANE FALLS BOULEVARD	01-Jan-2015	31-Dec-2015	\$ 167.00	\$	167.00	\$ 150.30
1	CON-SNTP-C5596UPB	N5K-C5596UP-BUN	FOX1633G80P	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,870.00	\$	2,870.00	\$ 2,583.00
1	CON-SNTP-5596UP	N5K-C5596UP-FA	FOX1633G7GE	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 3,248.00	\$	3,248.00	\$ 2,923.20
1	CON-SNTP-NCSAPL9	PRIME-NCS-APL-K9	KQ4V9WF	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,920.00	\$	1,920.00	\$ 1,728.00
1	CON-SNTP-WSC16SFX	WS-C4500X-16SFP+	JA173104F7	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,728.00	\$	1,728.00	\$ 1,555.20
1	CON-SNTP-WSC16SFX	WS-C4500X-16SFP+	JA173104H8	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,728.00	\$	1,728.00	\$ 1,555.20
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA16450E90	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA164706GM	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA17310878	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA1731088M	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA173108AP	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C45X32SF	WS-C4500X-32SFP+	JA173108N7	808 WEST SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 2,880.00	\$	2,880.00	\$ 2,592.00
1	CON-SNTP-C4507RE	WS-C4507R-E	FOX1247GUSY	808 WEST SPOKANE FALLS BOULEVARD	01-Jan-2015	31-Dec-2015	\$ 4,432.00	\$	4,432.00	\$ 3,988.80
1	CON-SNTP-C6509FWM	WS-C6509-E-FWM-K9	SMG1205N33Z	808 WEST SPOKANE FALLS BOULEVARD	01-Jan-2015	31-Dec-2015	\$ 11,416.00	\$	11,416.00	\$ 10,274.40
Subtotal									\$ 44,789.00	\$ 40,310.10

Contract 92119907										
Software Application Support with Upgrade (SAU)										
6976826										
Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price
1	CON-SAU-P112LF1H	L-P112-LF-100	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,799.00	\$	1,799.00	\$	1,619.10
1	CON-SAU-P112LF50	L-P112-LF-50	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,059.00	\$	1,059.00	\$	953.10
1	CON-SAU-P111100	R-W-P111-100-M-K9	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 1,799.00	\$	1,799.00	\$	1,619.10
Subtotal									\$ 4,657.00	\$ 4,191.30

Contract # TBD										
SWSS Software Support + Upgrade Entitlement (ECMU) replaces ESW & UCSS										
6985945										
Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price
105	CON-ECMU-CCXNPLIC	CCX-85-N-P-LIC	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 296.00	\$	296.00	\$	27,972.00
170	CON-ECMU-ERUSRL1	ER-USR-LIC-10-NEW	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 24.00	\$	24.00	\$	3,672.00
1	CON-ECMU-CCXAPLIC	L-CCX-85-A-P-LIC	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 296.00	\$	296.00	\$	266.40
1700	CON-ECMU-UWLST1K	LIC-UWL-STD1K	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 37.00	\$	37.00	\$	56,610.00
1	CON-ECMU-IPDEVUWL	L-PUB-IP-DEV-UWL	808 W SPOKANE FALLS BLVD	01-Jan-2015	31-Dec-2015	\$ 15.00	\$	15.00	\$	13.50
Subtotal									\$ 98,371.00	\$ 88,533.90

Contract 93790998										
TotalCare										
6994232										
Quan	Service	Product Number	Product Number	Serial Number	Install Site	Begin Date	End Date	Each List	Extended List	Price
1	CON-NLS1-0T5M	NLS1-0T5M	808 W SPOKANE FALLS BLVD	27-Jan-2015	31-Dec-2015	\$ 11,145.32	\$	11,145.21	\$	10,030.69
Subtotal									\$ 11,145.21	\$ 10,030.69
Grand Total									\$ 220,137.59	

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0007
<u>Renews #</u>	OPR 2009-0940

<u>Submitting Dept</u>	HEARING EXAMINER	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BRIAN MCGINN 6010	<u>Project #</u>	
<u>Contact E-Mail</u>	BMCGINN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0570, INTERLOCAL WITH CITY OF MILLWOOD FOR HEARING EXAMINER SVCS.		

Agenda Wording

Interlocal cooperation Agreement between the City of Millwood and the City of Spokane for Hearing Examiner services.

Summary (Background)

The City of Millwood at this time does not have a Hearing Examiner and has requested the City of Spokane's Hearing Examiner to conduct administrative and quasi-judicial hearings on land use matters. The Hearing Examiner believes that he can hold hearings for the City of Millwood without interfering with his Spokane work load. The City of Millwood agrees to pay for such services at the rate of \$125.00 per hour plus reimbursement for travel in accordance with the City's current mileage rate.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Revenue	\$ 125.00 hr	# 0570-51500-99999-33810
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	DALTON, PAT	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	DALTON, PAT	areid@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	millwoodplanner@comcast.net
<u>Additional Approvals</u>		State Auditor
<u>Purchasing</u>		Mail original to: Thomas Richardson
		City of Millwood
		9103 E. Frederick Ave.
		Spokane, WA 99206

**Return to: Office of the City Clerk
808 West Spokane Falls Blvd.
Spokane, Washington 99201**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF SPOKANE AND THE CITY OF MILLWOOD
FOR HEARING EXAMINER SERVICES**

This Agreement is between the CITY OF MILLWOOD, a Washington State municipal corporation, as "Millwood", and the CITY OF SPOKANE, a Washington State municipal corporation, as "City", jointly referred to hereinafter as the "Parties".

WHEREAS, pursuant to RCW 39.34.080, governmental entities may contract with each other to perform any governmental service which each may legally perform; and

WHEREAS, Millwood, at this time does not have a hearing examiner to conduct hearings on various administrative appeals or quasi-judicial hearings on land use matters involving Millwood government; and

WHEREAS, the City has adopted an ordinance that authorizes its Hearing Examiner to act as a hearing examiner pro-tem for another government entity to perform the duties of the hearing examiner when such hearing examiner is absent, has a conflict of interest or other reason; and

WHEREAS, the Hearing Examiner is a City employee and serves the City of Spokane in that capacity; and is a duly admitted member of the Washington State Bar Association and is knowledgeable on land use and other local government matters;
-- Now, Therefore,

The Parties agree as follows:

1. PURPOSE. This Agreement is to provide a mechanism whereby the City's Hearing Examiner can act as the hearing examiner pro-tem to Millwood to conduct administrative and quasi-judicial hearings.
2. COMPENSATION. Millwood agrees to pay the City for hearing examiner services at the rate of ONE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$125.00) per hour, plus reimbursement for travel, in accordance with the City's current mileage rate. The Hearing Examiner shall keep a log of the number of hours worked

and nature of work performed for each hearing item. The Parties understand and acknowledge that the Hearing Examiner shall not be considered an employee of Millwood when performing services pursuant to this Agreement.

3. PAYMENT. Millwood shall submit payment, within thirty (30) days of receipt of invoice for services rendered, payable to the City of Spokane, Office of the Hearing Examiner, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.

4. AUTHORIZATION FOR SERVICES. The Mayor of Millwood shall be responsible for the administration of this Agreement and the requesting of services from the Hearing Examiner.

5. AGREEMENT NOT EXCLUSIVE. The City of Spokane's Hearing Examiner is hereby appointed as a hearing examiner pro-tem for Millwood. This Agreement is not exclusive and Millwood may designate other hearing examiners pro-tem to hear similar matters as authorized by local ordinance or resolution.

6. DURATION. This Agreement is effective upon signature by both parties and filing as required by law and shall run until terminated. Either party may terminate this Agreement upon sixty (60) days written notice to the other party. The Parties acknowledge that the availability of the Hearing Examiner is contingent upon the amount of work and the number of hearings that must be held by the Hearing Examiner. Millwood understands and acknowledges that the City cannot guarantee that its Hearing Examiner will be available at all times that may be requested.

7. DECISIONS. The hearing examiner pro-tem shall comply with the requirements of federal, state and local law, relating to the matter being considered by the examiner, including the ordinances and resolutions of Millwood. If there is no applicable time period under statute or local ordinance or resolution for issuance of the Hearing Examiner's decision, the Hearing Examiner shall exercise his best efforts to render a written decision with findings and conclusions within thirty (30) calendar days of concluding the hearing. If the Hearing Examiner's written decision is appealed, the Hearing Examiner shall review and certify the record from the hearing to the appropriate body after preparation of the record by Millwood.

8. ADMINISTRATIVE SUPPORT. Millwood shall supply all necessary administrative support services for the Hearing Examiner, such as hearing room, recording equipment, clerk, secretarial support, notifications and copies of applicable regulations, policies, and reports. If the Hearing Examiner uses his own secretary, for secretarial support, secretarial support time will be billed to Millwood at a rate of THIRTY AND NO/100 DOLLARS (\$30.00) per hour.

9. AGREEMENT ADMINISTRATION. No new or separate legal entity or administrative entity is formed by this Agreement. No property will be acquired, held or disposed of pursuant to this Agreement.

10. LEGAL RELATIONS AND INDEMNIFICATION. Millwood shall indemnify, defend and hold harmless the City, its officers, employees including the Hearing Examiner, and agents from any action, claim or proceedings instituted by any third party, arising out of the performance, purported performance or failure of performance of professional services rendered in good faith by the City's Hearing Examiner pursuant to this Agreement. Other than as provided above, the City shall indemnify, defend and hold harmless Millwood, its officers, employees and agents from any action, claim or proceedings arising from the negligence of the City, its officers, employees including the Hearing Examiner, and agents, except to the extent of the concurrent negligence of Millwood.

11. TERMINATION. If the Agreement is terminated, Millwood shall reimburse the City for any services performed pursuant to this Agreement that have not at the time of termination been paid for and which the Parties have previously agreed is compensable work.

12. VENUE. This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceedings for the enforcement of this Agreement or any provision hereto shall be instituted only in the courts of competent jurisdiction within Spokane County, Washington.

13. ALL WRITING AS CONTAINED HEREIN. This Agreement contains all of the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties.

14. RECORDING. This Agreement shall be recorded with the Spokane County Auditor after its approval by both Parties.

15. CHAPTER 39.34 RCW REQUIRED CLAUSES.

A. Purpose. See Section 1 above.

B. Duration. See Section 6 above.

C. Organization of Separate Entity and Its Powers. See Section 9 above.

D. Responsibilities of the Parties. See provisions above.

E. Agreement to be filed. See Section 14 above.

F. Financing. See Section 2 above.

G. Termination. See Section 11 above.

H. Property upon Termination. No property acquisitions expected, see Section 9 above.

IN WITNESS WHEREOF, the Parties hereby execute the above Agreement:

Dated this 9th day of December, 2014

CITY OF MILLWOOD, WASHINGTON


(Name)

(Name)

(Name)

Dated this _____ day of _____

CITY OF SPOKANE, WASHINGTON

By _____

Attest: 
City Clerk

Approved as to form:

By 
Assistant City Attorney

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0008
<u>Renews #</u>	OPR 2012-0390

<u>Submitting Dept</u>	HEARING EXAMINER	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BRIAN MCGINN 6010	<u>Project #</u>	
<u>Contact E-Mail</u>	BMCGINN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0570, INTERLOCAL WITH CITY OF LIBERTY LAKE FOR HEARING EXAMINER SVCS.		

Agenda Wording

Interlocal cooperation Agreement between the City of Liberty Lake and the City of Spokane for Hearing Examiner services.

Summary (Background)

The City of Liberty Lake at this time does not have a Hearing Examiner and has requested the City of Spokane's Hearing Examiner to conduct quasi-judicial hearings on land use matters. The Hearing Examiner believes that he can hold hearings for the City of Liberty Lake without interfering with his City of Spokane work load. The City of Liberty Lake agrees to pay for such services at the rate of \$125.00 per hour, plus reimbursement for travel in accordance with the City's current mileage rate.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Revenue	\$ 125.00 hr	# 0570-51500-99999-33810
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	DALTON, PAT	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	WHALEY, HUNT	areid@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	atainio@libertylakewa.gov
<u>Additional Approvals</u>		State Auditor
<u>Purchasing</u>		Mail original to: Amanda Tainio
		City of Liberty Lake
		22710 E. Country Vista Dr.
		Liberty Lake, WA 99019

**Return to: Office of the City Clerk
808 West Spokane Falls Blvd.
Spokane, Washington 99201**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF SPOKANE AND THE CITY OF LIBERTY LAKE
FOR HEARING EXAMINER SERVICES**

This Agreement is between the CITY OF LIBERTY LAKE, a Washington State municipal corporation, as "Liberty Lake", and the CITY OF SPOKANE, a Washington State municipal corporation, as "City", jointly referred to hereinafter as the "Parties".

WHEREAS, pursuant to RCW 39.34.080, governmental entities may contract with each other to perform any governmental service which each may legally perform; and

WHEREAS, Liberty Lake, at this time does not have a hearing examiner to conduct hearings on various administrative appeals or quasi-judicial hearings on land use matters involving Liberty Lake government; and

WHEREAS, the City has adopted an ordinance that authorizes its Hearing Examiner to act as a hearing examiner pro-tem for another government entity to perform the duties of the hearing examiner when such hearing examiner is absent, has a conflict of interest or other reason; and

WHEREAS, the Hearing Examiner is a City employee and serves the City of Spokane in that capacity; and is a duly admitted member of the Washington State Bar Association and is knowledgeable on land use and other local government matters;
- - Now, Therefore,

The Parties agree as follows:

1. PURPOSE. This Agreement is to provide a mechanism whereby the City's Hearing Examiner can act as the hearing examiner pro-tem to Liberty Lake to conduct administrative and quasi-judicial hearings.
2. COMPENSATION. Liberty Lake agrees to pay the City for hearing examiner services at the rate of ONE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$125.00) per hour, plus reimbursement for travel, in accordance with the City's current mileage rate. The Hearing Examiner shall keep a log of the number of hours worked

and nature of work performed for each hearing item. The Parties understand and acknowledge that the Hearing Examiner shall not be considered an employee of Liberty Lake when performing services pursuant to this Agreement.

3. PAYMENT. Liberty Lake shall submit payment, within thirty (30) days of receipt of invoice for services rendered, payable to the City of Spokane, Office of the Hearing Examiner, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.

4. AUTHORIZATION FOR SERVICES. The Mayor of Liberty Lake shall be responsible for the administration of this Agreement and the requesting of services from the Hearing Examiner.

5. AGREEMENT NOT EXCLUSIVE. The City of Spokane's Hearing Examiner is hereby appointed as a hearing examiner pro-tem for Liberty Lake. This Agreement is not exclusive and Liberty Lake may designate other hearing examiners pro-tem to hear similar matters as authorized by local ordinance or resolution.

6. DURATION. This Agreement is effective upon signature by both parties and filing as required by law and shall run until terminated. Either party may terminate this Agreement upon sixty (60) days written notice to the other party. The Parties acknowledge that the availability of the Hearing Examiner is contingent upon the amount of work and the number of hearings that must be held by the Hearing Examiner. Liberty Lake understands and acknowledges that the City cannot guarantee that its Hearing Examiner will be available at all times that may be requested.

7. DECISIONS. The hearing examiner pro-tem shall comply with the requirements of federal, state and local law, relating to the matter being considered by the examiner, including the ordinances and resolutions of Liberty Lake. If there is no applicable time period under statute or local ordinance or resolution for issuance of the Hearing Examiner's decision, the Hearing Examiner shall exercise his best efforts to render a written decision with findings and conclusions within thirty (30) calendar days of concluding the hearing. If the Hearing Examiner's written decision is appealed, the Hearing Examiner shall review and certify the record from the hearing to the appropriate body after preparation of the record by Liberty Lake.

8. ADMINISTRATIVE SUPPORT. Liberty Lake shall supply all necessary administrative support services for the Hearing Examiner, such as hearing room, recording equipment, clerk, secretarial support, notifications and copies of applicable regulations, policies, and reports. If the Hearing Examiner uses his own secretary, for secretarial support, secretarial support time will be billed to Liberty Lake at a rate of THIRTY AND NO/100 DOLLARS (\$30.00) per hour.

9. AGREEMENT ADMINISTRATION. No new or separate legal entity or administrative entity is formed by this Agreement. No property will be acquired, held or disposed of pursuant to this Agreement.

10. LEGAL RELATIONS AND INDEMNIFICATION. Liberty Lake shall indemnify, defend and hold harmless the City, its officers, employees including the Hearing Examiner, and agents from any action, claim or proceedings instituted by any third party, arising out of the performance, purported performance or failure of performance of professional services rendered in good faith by the City's Hearing Examiner pursuant to this Agreement. Other than as provided above, the City shall indemnify, defend and hold harmless Liberty Lake, its officers, employees and agents from any action, claim or proceedings arising from the negligence of the City, its officers, employees including the Hearing Examiner, and agents, except to the extent of the concurrent negligence of Liberty Lake.

11. TERMINATION. If the Agreement is terminated, Liberty Lake shall reimburse the City for any services performed pursuant to this Agreement that have not at the time of termination been paid for and which the Parties have previously agreed is compensable work.

12. VENUE. This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceedings for the enforcement of this Agreement or any provision hereto shall be instituted only in the courts of competent jurisdiction within Spokane County, Washington.

13. ALL WRITING AS CONTAINED HEREIN. This Agreement contains all of the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties.

14. RECORDING. This Agreement shall be recorded with the Spokane County Auditor after its approval by both Parties.

15. CHAPTER 39.34 RCW REQUIRED CLAUSES.

A. Purpose. See Section 1 above.

B. Duration. See Section 6 above.

C. Organization of Separate Entity and Its Powers. See Section 9 above.

D. Responsibilities of the Parties. See provisions above.

E. Agreement to be filed. See Section 14 above.

F. Financing. See Section 2 above.

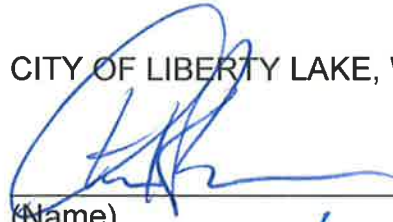
G. Termination. See Section 11 above.

H. Property upon Termination. No property acquisitions expected, see Section 9 above.

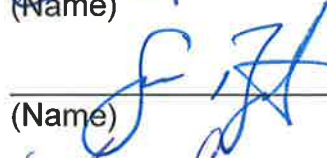
IN WITNESS WHEREOF, the Parties hereby execute the above Agreement:

Dated this 2nd day of December, 2014

CITY OF LIBERTY LAKE, WASHINGTON



(Name)



(Name)



(Name)

Dated this _____ day of _____

CITY OF SPOKANE, WASHINGTON

By _____

Attest: _____
City Clerk

Approved as to form:

By 
Assistant City Attorney

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0009
<u>Renews #</u>	OPR 2012-0020

<u>Submitting Dept</u>	HEARING EXAMINER	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BRIAN MCGINN 6010	<u>Project #</u>	
<u>Contact E-Mail</u>	BMCGINN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0570, INTERLOCAL WITH CITY OF CHENEY FOR HEARING EXAMINER SVCS.		

Agenda Wording

Interlocal cooperation Agreement between the City of Cheney and the City of Spokane for Hearing Examiner services.

Summary (Background)

The City of Cheney at this time does not have a Hearing Examiner and has requested the City of Spokane's Hearing Examiner to conduct administrative and quasi-judicial hearings on land use matters. The Hearing Examiner believes that he can hold hearings for the City of Cheney without interfering with his Spokane work load. The City of Cheney agrees to pay for such services at the rate of \$125.00 per hour plus reimbursement for travel in accordance with the City's current mileage rate.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Revenue	\$ 125.00 hr	# 0570-51500-99999-33810
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	DALTON, PAT	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	WHALEY, HUNT	areid@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	dgaffney@cityofcheney.org
<u>Additional Approvals</u>		State Auditor
<u>Purchasing</u>		Mail original to: Debbie Gaffney, Finance Dept.
		City of Cheney
		609 2nd St.
		Cheney, WA 99004

**Return to: Office of the City Clerk
808 West Spokane Falls Blvd.
Spokane, Washington 99201**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF SPOKANE AND THE CITY OF CHENEY
FOR HEARING EXAMINER SERVICES**

This Agreement is between the CITY OF CHENEY, a Washington State municipal corporation, as "Cheney", and the CITY OF SPOKANE, a Washington State municipal corporation, as "City", jointly referred to hereinafter as the "Parties".

WHEREAS, pursuant to RCW 39.34.080, governmental entities may contract with each other to perform any governmental service which each may legally perform; and

WHEREAS, Cheney, at this time does not have a hearing examiner to conduct hearings on various administrative appeals or quasi-judicial hearings on land use matters involving Cheney government; and

WHEREAS, the City has adopted an ordinance that authorizes its Hearing Examiner to act as a hearing examiner pro-tem for another government entity to perform the duties of the hearing examiner when such hearing examiner is absent, has a conflict of interest or other reason; and

WHEREAS, the Hearing Examiner is a City employee and serves the City of Spokane in that capacity; and is a duly admitted member of the Washington State Bar Association and is knowledgeable on land use and other local government matters;
- - Now, Therefore,

The Parties agree as follows:

1. PURPOSE. This Agreement is to provide a mechanism whereby the City's Hearing Examiner can act as the hearing examiner pro-tem to Cheney to conduct administrative and quasi-judicial hearings.
2. COMPENSATION. Cheney agrees to pay the City for hearing examiner services at the rate of ONE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$125.00) per hour, plus reimbursement for travel, in accordance with the City's current mileage rate. The Hearing Examiner shall keep a log of the number of hours worked and nature of

work performed for each hearing item. The Parties understand and acknowledge that the Hearing Examiner shall not be considered an employee of Cheney when performing services pursuant to this Agreement.

3. PAYMENT. Cheney shall submit payment, within thirty (30) days of receipt of invoice for services rendered, payable to the City of Spokane, Office of the Hearing Examiner, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.

4. AUTHORIZATION FOR SERVICES. The Mayor of Cheney shall be responsible for the administration of this Agreement and the requesting of services from the Hearing Examiner.

5. AGREEMENT NOT EXCLUSIVE. The City of Spokane's Hearing Examiner is hereby appointed as a hearing examiner pro-tem for Cheney. This Agreement is not exclusive and Cheney may designate other hearing examiners pro-tem to hear similar matters as authorized by local ordinance or resolution.

6. DURATION. This Agreement is effective upon signature by both parties and filing as required by law and shall run until terminated. Either party may terminate this Agreement upon sixty (60) days written notice to the other party. The Parties acknowledge that the availability of the Hearing Examiner is contingent upon the amount of work and the number of hearings that must be held by the Hearing Examiner. Cheney understands and acknowledges that the City cannot guarantee that its Hearing Examiner will be available at all times that may be requested.

7. DECISIONS. The hearing examiner pro-tem shall comply with the requirements of federal, state and local law, relating to the matter being considered by the examiner, including the ordinances and resolutions of Cheney. If there is no applicable time period under statute or local ordinance or resolution for issuance of the Hearing Examiner's decision, the Hearing Examiner shall exercise his best efforts to render a written decision with findings and conclusions within thirty (30) calendar days of concluding the hearing. If the Hearing Examiner's written decision is appealed, the Hearing Examiner shall review and certify the record from the hearing to the appropriate body after preparation of the record by Cheney.

8. ADMINISTRATIVE SUPPORT. Cheney shall supply all necessary administrative support services for the Hearing Examiner, such as hearing room, recording equipment, clerk, secretarial support, notifications and copies of applicable regulations, policies, and reports. If the Hearing Examiner uses his own secretary, for secretarial support, secretarial support time will be billed to Cheney at a rate of THIRTY AND NO/100 DOLLARS (\$30.00) per hour.

9. AGREEMENT ADMINISTRATION. No new or separate legal entity or administrative entity is formed by this Agreement. No property will be acquired, held or disposed of pursuant to this Agreement.

10. LEGAL RELATIONS AND INDEMNIFICATION. Cheney shall indemnify, defend and hold harmless the City, its officers, employees including the Hearing Examiner, and agents from any action, claim or proceedings instituted by any third party, arising out of the performance, purported performance or failure of performance of professional services rendered in good faith by the City's Hearing Examiner pursuant to this Agreement. Other than as provided above, the City shall indemnify, defend and hold harmless Cheney, its officers, employees and agents from any action, claim or proceedings arising from the negligence of the City, its officers, employees including the Hearing Examiner, and agents, except to the extent of the concurrent negligence of Cheney.

11. TERMINATION. If the Agreement is terminated, Cheney shall reimburse the City for any services performed pursuant to this Agreement that have not at the time of termination been paid for and which the Parties have previously agreed is compensable work.

12. VENUE. This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceedings for the enforcement of this Agreement or any provision hereto shall be instituted only in the courts of competent jurisdiction within Spokane County, Washington.

13. ALL WRITING AS CONTAINED HEREIN. This Agreement contains all of the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties.

14. RECORDING. This Agreement shall be recorded with the Spokane County Auditor after its approval by both Parties.

15. CHAPTER 39.34 RCW REQUIRED CLAUSES.

A. Purpose. See Section 1 above.

B. Duration. See Section 6 above.

C. Organization of Separate Entity and Its Powers. See Section 9 above.

D. Responsibilities of the Parties. See provisions above.

E. Agreement to be filed. See Section 14 above.

F. Financing. See Section 2 above.

G. Termination. See Section 11 above.

H. Property upon Termination. No property acquisitions expected, see Section 9 above.

IN WITNESS WHEREOF, the Parties hereby execute the above Agreement:

Dated this 9th day of December, 2014

CITY OF CHENEY, WASHINGTON



Mayor

Dated this _____ day of _____

CITY OF SPOKANE, WASHINGTON

By _____

Attest: 

City Clerk

Approved as to form:

By 

Assistant City Attorney

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0010
<u>Renews #</u>	OPR 2012-0365

<u>Submitting Dept</u>	HEARING EXAMINER	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BRIAN MCGINN 6010	<u>Project #</u>	
<u>Contact E-Mail</u>	BMCGINN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0570, INTERLOCAL WITH CITY OF AIRWAY HEIGHTS FOR HEARING EXAMINER		

Agenda Wording

Interlocal cooperation Agreement between the City of Airway Heights and the City of Spokane for Hearing Examiner services.

Summary (Background)

The City of Airway Heights at this time does not have a Hearing Examiner and has requested the City of Spokane's Hearing Examiner to conduct administrative and quasi-judicial hearings. The Hearing Examiner believes that he can hold hearings for the City of Airway Heights without interfering with his Spokane work load. The City of Airway Heights agrees to pay for such services at the rate of \$125.00 per hour plus reimbursement for travel in accordance with the City's current mileage rate.

<u>Fiscal Impact</u>		<u>Budget Account</u>
Revenue	\$ 125.00 hr	# 0570-51500-99999-33810
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	MCGINN, BRIAN	<u>Study Session</u>
<u>Division Director</u>		<u>Other</u>
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	DALTON, PAT	areid@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	rcook@cawh.org
<u>Additional Approvals</u>		State Auditor
<u>Purchasing</u>		Mail original to: Richard Cook, Clerk-Treasurer
		City of Airway Heights
		1208 S. Lundstrom
		Airway Heights, WA 99001

**Return to: Office of the City Clerk
808 West Spokane Falls Blvd.
Spokane, Washington 99201**

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
CITY OF SPOKANE AND THE CITY OF AIRWAY HEIGHTS
FOR HEARING EXAMINER SERVICES**

This Agreement is between the CITY OF AIRWAY HEIGHTS, a Washington State municipal corporation, as "Airway Heights", and the CITY OF SPOKANE, a Washington State municipal corporation, as "City", jointly referred to hereinafter as the "Parties".

WHEREAS, pursuant to RCW 39.34.080, governmental entities may contract with each other to perform any governmental service which each may legally perform; and

WHEREAS, Airway Heights at this time does not have a hearing examiner to conduct hearings on various administrative appeals or quasi-judicial hearings on land use matters involving Airway Heights government; and

WHEREAS, the City has adopted an ordinance that authorizes its Hearing Examiner to act as a hearing examiner pro-tem for another government entity to perform the duties of the hearing examiner when such hearing examiner is absent, has a conflict of interest or other reason; and

WHEREAS, the Hearing Examiner is a City employee and serves the City of Spokane in that capacity; and is a duly admitted member of the Washington State Bar Association and is knowledgeable on land use and other local government matters; --
Now, Therefore,

The Parties agree as follows:

1. PURPOSE. This Agreement is to provide a mechanism whereby the City's Hearing Examiner can act as the hearing examiner pro-tem to Airway Heights to conduct administrative and quasi-judicial hearings.

2. COMPENSATION. Airway Heights agrees to pay the City for hearing examiner services at the rate of ONE HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$125.00) per hour, plus reimbursement for travel, in accordance with the City's current mileage rate. The Hearing Examiner shall keep a log of the number of hours worked and nature of work performed for each hearing item. The Parties understand and acknowledge that the Hearing Examiner shall not be considered an employee of Airway Heights when performing services pursuant to this Agreement.
3. PAYMENT. Airway Heights shall submit payment, within thirty (30) days of receipt of invoice for services rendered, payable to the City of Spokane, Office of the Hearing Examiner, Sixth Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.
4. AUTHORIZATION FOR SERVICES. The City Manager of the City of Airway Heights shall be responsible for the administration of this Agreement and the requesting of services from the Hearing Examiner.
5. AGREEMENT NOT EXCLUSIVE. The City of Spokane's Hearing Examiner is hereby appointed as a hearing examiner pro-tem for Airway Heights. This Agreement is not exclusive and Airway Heights may designate other hearing examiners pro-tem to hear similar matters as authorized by local ordinance or resolution.
6. DURATION. This Agreement is effective upon signature by both parties and filing as required by law and shall run until terminated. Either party may terminate this Agreement upon sixty (60) days written notice to the other party. The Parties acknowledge that the availability of the Hearing Examiner is contingent upon the amount of work and the number of hearings that must be held by the Hearing Examiner. Airway Heights understands and acknowledges that the City cannot guarantee that its Hearing Examiner will be available at all times that may be requested.
7. DECISIONS. The hearing examiner pro-tem shall comply with the requirements of federal, state and local law, relating to the matter being considered by the examiner, including the ordinances and resolutions of Airway Heights. If there is no applicable time period under statute or local ordinance or resolution for issuance of the Hearing Examiner's decision, the Hearing Examiner shall exercise his best efforts to render a written decision with findings and conclusions within thirty (30) calendar days of concluding the hearing. If the Hearing Examiner's written decision is appealed, the Hearing Examiner shall review and certify the record from the hearing to the appropriate body after preparation of the record by Airway Heights.
8. ADMINISTRATIVE SUPPORT. Airway Heights shall supply all necessary administrative support services for the Hearing Examiner, such as hearing room, recording equipment, clerk, secretarial support, notifications and copies of applicable regulations, policies, and reports. If the Hearing Examiner uses his own secretary, for secretarial support, secretarial support time will be billed to Airway Heights at a rate of THIRTY AND NO/100 DOLLARS (\$30.00) per hour.

9. AGREEMENT ADMINISTRATION. No new or separate legal entity or administrative entity is formed by this Agreement. No property will be acquired, held or disposed of pursuant to this Agreement.

10. LEGAL RELATIONS AND INDEMNIFICATION. Airway Heights shall indemnify, defend and hold harmless the City, its officers, employees including the Hearing Examiner, and agents from any action, claim or proceedings instituted by any third party, arising out of the performance, purported performance or failure of performance of professional services rendered in good faith by the City's Hearing Examiner pursuant to this Agreement. Other than as provided above, the City shall indemnify, defend and hold harmless Airway Heights, its officers, employees and agents from any action, claim or proceedings arising from the negligence of the City, its officers, employees including the Hearing Examiner, and agents, except to the extent of the concurrent negligence of Airway Heights.

11. TERMINATION. If the Agreement is terminated, Airway Heights shall reimburse the City for any services performed pursuant to this Agreement that have not at the time of termination been paid for and which the Parties have previously agreed is compensable work.

12. VENUE. This Agreement has and shall be construed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceedings for the enforcement of this Agreement or any provision hereto shall be instituted only in the courts of competent jurisdiction within Spokane County, Washington.

13. ALL WRITING AS CONTAINED HEREIN. This Agreement contains all of the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the Parties.

14. RECORDING. This Agreement shall be recorded with the Spokane County Auditor after its approval by both Parties.

15. CHAPTER 39.34 RCW REQUIRED CLAUSES.

A. Purpose. See Section 1 above.

B. Duration. See Section 6 above.

C. Organization of Separate Entity and Its Powers. See Section 9 above.

D. Responsibilities of the Parties. See provisions above.

E. Agreement to be filed. See Section 14 above.

F. Financing. See Section 2 above.

G. Termination. See Section 11 above.

H. Property upon Termination. No property acquisitions expected, see Section 9 above.

IN WITNESS WHEREOF, the Parties hereby execute the above Agreement:

Dated this 15th day of December 2014

CITY OF AIRWAY HEIGHTS, WASHINGTON

Adrian Tripp
(Name)
CITY MANAGER

(Name)
Attest:
Richard G Cook
(Name)
CLERK - TREASURER

Dated this _____ day of _____

CITY OF SPOKANE, WASHINGTON

By _____
City Administrator

Attest: _____
City Clerk

Approved as to form:

By Wm. Hulley
Assistant City Attorney

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	OPR 2015-0011
<u>Renews #</u>	

<u>Submitting Dept</u>	POLICE	<u>Cross Ref #</u>	OPR 2014-0012
<u>Contact</u>	TIM SCHWERING 625-4109	<u>Project #</u>	
<u>Contact E-Mail</u>	TSCHEWRING@SPOKANEPOLICE.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0680 - INTERLOCAL WITH SPOKANE TRANSIT AUTHORITY		

Agenda Wording

Interlocal agreement with Spokane Transit Authority (Spokane, WA) to provide the public with police services in the STA Plaza facility and a surrounding service area. ---\$86,900.00 January 1, 2015 to December 31, 2015.

Summary (Background)

The Police Department has contracted with Spokane Transit Authority to provide the public with police services in the STA Plaza facility and a surrounding service area from the Spokane River, inclusive of Riverfront Park, to Interstate 90, and Division Street to Madison Street, or at other locations as mutually agreed to by both parties. STA provides 7 parking spaces, provided the City maintains a staffing level of 7 officers downtown. Revenue is for one officer salary & ben. reimbursement.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Revenue	\$ 86,900.00	#	0680-11100-21221-34210
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	DOBROW, RICK	<u>Study Session</u>	12/15/2014
<u>Division Director</u>	STRAUB, FRANK	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	achirowamangu	
<u>For the Mayor</u>	SANDERS, THERESA	kclaar	
<u>Additional Approvals</u>		ewade	
<u>Purchasing</u>		slynds	
		Contract Accounting	
		MToole@spokanetransit.com	

**Briefing Paper
City of Spokane
Spokane Transit Authority Interlocal
Police Department/Public Safety Committee
December 15, 2015**

Subject

Interlocal agreement with Spokane Transit Authority to provide a police officer based out of the STA Plaza from January 1, 2015 through December 31, 2015. The revenue will be \$86,900.

Background

The Police Department has contracted with Spokane Transit Authority to provide the public with police services in the STA Plaza facility and a surrounding service area from the Spokane River, inclusive of Riverfront Park, to Interstate 90, and Division Street to Madison Street, or at other locations as mutually agreed to by both parties. STA provides 7 parking spaces, provided the City maintains a staffing level of 7 officers downtown.

Impact

These funds will allow us to have a significant impact upon perceived safety in the area surrounding the STA Plaza. The revenue will reimburse SPD for the salary and benefits of a commissioned police officer.

Action

Approval

Funding

Revenue/Salary Reimbursement

After filing, return to:
Spokane Transit Authority
1230 West Boone Avenue
Spokane, Washington 99201

**INTERLOCAL AGREEMENT FOR POLICE SERVICES
BETWEEN
CITY OF SPOKANE AND SPOKANE TRANSIT AUTHORITY**

THIS INTERLOCAL AGREEMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and SPOKANE TRANSIT AUTHORITY, a Washington State political subdivision and special purpose district, as "STA", whose address is 1230 West Boone Avenue, Spokane, Washington 99201, and jointly referred to as the "Parties".

WHEREAS chapter 39.34 RCW, Interlocal Cooperation Act, permits governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage to perform functions, and provide services and facilities to each other and the public; and

WHEREAS, STA desires to support the effort of the City of Spokane and the Spokane Police Department to increase the number of officers dedicated to the downtown Spokane area, where STA services are delivered and where its downtown transfer center, The Plaza, is located at 701 W. Riverside Avenue, Spokane, WA; -- NOW, THEREFORE,

The Parties agree as follows:

1. PURPOSE. The purpose of this Agreement is to enable the City and SPD to provide one (1) additional commissioned City police officer, for the benefit of the public in and around the downtown area, under the following terms and conditions:
 - A. Hours. The officer shall work four (4) days per week, ten (10) hours per day, not to exceed forty (40) hours per week, which includes the officer's use of accrued leave time (sick/injury, vacation, etc.) and training.
 - B. Equipment. The City shall provide all equipment, including a marked police vehicle and/or bicycle at no cost to STA.

C. Specific Location of Service.

- i. The officer shall be based out of the Spokane Police Department downtown substation located at street level on the same block as the STA Plaza.
- ii. The general service area will be from the Spokane River, inclusive of Riverfront Park, to Interstate 90, and Division Street to Madison Street, or at other locations as mutually agreed upon by both Parties.
- iii. STA shall provide seven (7) parking spaces in the Plaza garage for City police vehicles, provided the City maintains a staffing level of at least seven (7) officers working out of the downtown substation.

D. Substitution. The officer shall not be removed, replaced, or substituted during the term of this Agreement except as agreed to by the Parties or in the event of illness, disability, vacation, or termination of the officer's employment.

E. Duty Status. While performing services pursuant to this Agreement, the officer is considered to be in an "on duty" status, and shall not be available for other assignments by the City, except in the case of an emergency.

F. Adherence to City Policy and Procedures. While providing services pursuant to the Agreement, the officer is obligated to discharge all duties of his or her office and to adhere to Spokane Police Department policy and procedures at all times.

G. Duty to City: The officer has a primary obligation to the City to discharge all duties of his or her office, to enforce all laws and ordinances, and to adhere to all police department policies, procedures, rules and regulations

2. TERM. The Agreement shall begin January 1, 2015, and run through December 31, 2015, unless terminated earlier. This Agreement may be terminated by either Party at any time upon sixty (60) days written notice to the other Party.

3. COMPENSATION. STA shall pay the City, an amount not to exceed EIGHTY SIX THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$86,900.00), as full compensation for everything furnished and done under this Agreement.

4. PAYMENT. The City shall submit monthly applications for payment to Spokane Transit Authority, 1230 West Boone Avenue, Spokane, Washington 99201. STA shall submit payment within ten (10) days of receipt of invoice and remit to the Spokane Police Department, Administration Office, 1100 West Mallon Avenue, Spokane, Washington 99260-0001. All checks shall be made payable to the City of Spokane.

5. ADMINISTRATOR. This Agreement shall be administered by the Chief Executive Officer of STA.

6. LIABILITY.

- A. The City shall defend, indemnify and hold harmless STA, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost, and expense arising out of the negligence of the City, its officers, employees and agents in connection with the Agreement, except to the extent of the negligence of STA, its officers, employees and agents. If an action, claim or proceeding instituted by a third party is directed at work or action taken by the City solely on behalf of STA, its officers, employees and agents, STA shall defend, indemnify and hold harmless the City from any expenses connected with the defense, settlement, or monetary judgment ensuing from such actions, claims, or proceedings.
- B. STA shall defend, indemnify and hold harmless the City, its officers, employees and agents, from any claim, damage, loss, liability, injury, cost and expense arising out of the negligence of STA, its officers, employees and agents in connection with the Agreement, except to the extent of the negligence of the City, its officers, employees and agents. If an action, claim or proceeding instituted by a third party is directed at work or action taken by STA solely on behalf of the City, its officers, employees and agents, the City shall defend, indemnify and hold harmless STA from any expenses connected with the defense, settlement, or monetary judgment ensuing from such actions, claims, or proceedings.
- C. Each Party specifically assumes potential liability for actions brought by its own employees against the other Party, and solely for the purposes of this indemnification, each Party specifically waives any immunity under Title 51 RCW. The parties have specifically negotiated this provision.

7. MODIFICATION. No modification or amendment to this Agreement shall be valid until put in writing and signed with the same formalities as this Agreement.

8. ASSIGNMENT. Neither Party may assign its interest in this Agreement without the express written consent of the other Party.

9. SEVERABILITY. In the event any portion of this Agreement should become invalid or unenforceable, the rest of the Agreement shall remain in full force and effect.

10. NOTICES. All notices shall be in writing and served on any of the Parties either personally or by certified mail, return receipt requested, at their respective addresses. Notices sent by certified mail shall be deemed served when deposited in the United States mail, postage prepaid.

CITY: Chief of Police
Spokane Police Department
Administration Office
Public Safety Building
1100 West Mallon Avenue
Spokane, Washington 99260-0001

STA: Chief Executive Officer
Spokane Transit Authority
1230 West Boone Avenue
Spokane, Washington 99201

11. INSURANCE. During the term of the Agreement, each Party shall maintain in force at its sole expense, the following insurance coverage(s):

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000; and
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$2,000,000 each occurrence for bodily injury and property damage; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from a Party or its insurer(s) to the other Party.

12. COMPLIANCE WITH LAWS. The Parties shall observe all federal, state and local laws, ordinances and regulations, to the extent they may be applicable to the terms of this Agreement.

13. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the

administration of or in connection with this Agreement because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

14. VENUE. This Agreement shall be construed under the laws of Washington State. Any action at law, suit in equity or judicial proceeding regarding this Agreement or any provision hereto shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.

15. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.

16. RCW 39.34 REQUIRED CLAUSES.

A. Purpose. See Section 1 above.

B. Duration. See Section 2 above.

C. Organization of Separate Entity and Its Powers. No new or separate legal or administrative entity is created to administer the provisions of this Agreement.

D. Responsibilities of the Parties. See provisions above.

E. Agreement to be Filed. The City shall file this Agreement with its City Clerk and post it on its internet website. STA shall file this Agreement with the Spokane County Auditor.

F. Financing. Each Party shall advise the other Party, during its yearly regular budget hearings, on the proposed budget changes (only) affecting this Agreement. Each Party shall be responsible for the financing of its contractual obligations under its normal budgetary process.

G. Termination. See provision 2 above.

H. Acquisition / Disposition of Property. Title to all property acquired by any Party in the performance of this Agreement shall remain with the acquiring Party upon termination of the Agreement. Jointly acquired property shall be divided in proportion to the percentage share of each Party contributing to its acquisition.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Dated: _____

SPOKANE TRANSIT AUTHORITY

By: _____
E. Susan Meyer, CEO

Attest:

Approved as to form:

Jan Watson, Clerk of the Authority

Laura D. McAloon, Legal Counsel

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

01/05/2015

<u>Date Rec'd</u>	12/15/2014
<u>Clerk's File #</u>	OPR 2015-0012
<u>Renews #</u>	

<u>Submitting Dept</u>	COMMUNITY, HOUSING & HUMAN	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	ROB CROW 625-6814	<u>Project #</u>	
<u>Contact E-Mail</u>	RCROW@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	1680 - 2015 COORDINATED GRANT APPLICATION REQUESTS FOR PROPOSALS		

Agenda Wording

Accept funding recommendations from the Community, Housing and Human Services Board for the 2015 Coordinated Grant Application and authorize CHHS to enter into multiple contracts with awarded agencies (see attached).

Summary (Background)

Applications were received by staff and ranked by the CHHS Board's Evaluation and Review Committee. All applications were prioritized, ranked and approved by the CHHS Board at their December 3rd meeting.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	STAPLETON, JENNIFER	<u>Study Session</u>	12/15/2014 (PCED)
<u>Division Director</u>	MALLAHAN, JONATHAN	<u>Other</u>	
<u>Finance</u>	DOLAN, PAM	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

BRIEFING PAPER

City of Spokane

Community, Housing and Human Services Department (CHHS)

2015 Coordinated Grant RFP Awards

December 15, 2014

Subject

Approve allocations for 2015 Coordinated Grant RFP.

Background

This past fall, the CHHS department conducted a coordinated grant RFP process which combined the funding from the Human Services Grant (HSG), CDBG Public Services (CDBG-PS), Emergency Solutions Grant (ESG) and CDBG Capital, Housing, and Economic Development (CHED) sources. There were 80 proposed projects totaling requests for over \$8 million. Of those, 32 proposals were recommended for funding by the Evaluation and Review and approved by the CHHS Board (Note: CHED applications will be reviewed on 12/17 and come before City Council later in January).

Impact

Awards totaling \$3,099,495 will support projects serving low-income households in our community.

Action

The CHHS Board is seeking City Council approval of these recommendations

Funding

HSG funds were approved in the 2015 budget and also include \$20,080 from State alcohol tax. CDBG and ESG funds are federal grant allocations.

2015 Coordinated Grant RFP Recommendations

Organization Name	Proposal Title	Requested Amount	Human Services Grant	CDBG - Public Service	Emergency Solutions Grant
Catholic Charities Spokane	Collaborative Employment Services Program (CESP)	\$ 137,153	\$75,000		
Catholic Charities Spokane	Collaborative Solutions to Homelessness	\$ 824,580	\$228,600	\$50,000	\$209,000
Catholic Charities Spokane	Electronic Supervision of Chronically Homeless Defendants	\$ 111,650	\$55,000		
Communities In Schools of Spokane County	Case Management and Basic Needs Coordination	\$ 14,000	\$12,500		
Community Health Association of Spokane	CHAS Safety Net Dental Program	\$ 120,000	\$50,000		
Frontier Behavioral Health	Care Cars	\$ 25,000	\$20,000		
Frontier Behavioral Health	Frontier Behavioral Health-Housing Support-for Chronic Homeless	\$ 107,024	\$70,000		
Fulcrum Institute Dispute Resolution	Business Round Table and Pathways to Employment Grant	\$ 25,000		\$20,000	
Goodwill Industries of the Inland Northwest	Moving Forward	\$ 125,555	\$70,000		
Lutheran Community Services Northwest	SAFeT (Sexual Assault and Family Trauma) Response Center	\$ 73,758	\$40,000		
Martin Luther King Jr., Family Outreach Center	Rental Assistance Case Management	\$ 50,000		\$25,000	
Northeast Youth Center	Open Center Saturday	\$ 10,000		\$10,000	
Our Place Community Ministries	Our Place Emergency Services Program	\$ 49,515	\$20,000		
Partners with Families & Children: Spokane	Partners with Families & Children Child Advocacy Center	\$ 52,149	\$40,000		
Pioneer Human Services	Pioneer Pathway House Supportive Housing Program	\$ 94,867	\$45,000		
Project Hope Spokane	Project Hope Spokane	\$ 20,000	\$10,000		
Second Harvest	Service to City Outlets and Agencies	\$ 115,000	\$70,000		
Spokane AIDS Network	Preventing and Reducing Homelessness for People Living with HIV and other Chronic Conditions	\$ 20,000	\$15,500		
Spokane County Medical Society Foundation	Hot Spotters Collaborative Community Care Coordination for High Priority Clients	\$ 100,000	\$65,000		
Spokane Neighborhood Action Partners (SNAP)	Housing Counseling Program	\$ 45,300		\$32,665	
Spokane Neighborhood Action Partners (SNAP)	ReStart: Ex-offender Employment Program	\$ 149,893	\$47,000		
Transitional Programs for Women dba Transitions	Transitions New Leaf Bakery Cafe and Women's Hearth	\$ 186,180	\$55,000	\$45,000	\$15,000
West Central Community Development Association	West Central Community Center Youth Development and Recreation	\$ 10,000		\$10,000	
YFA Connections	Adult Treatment Services - STEPSS	\$ 45,000	\$10,000		
YFA Connections	Adult Treatment Services - STEPSS	\$ 10,000		\$10,000	
YFA Connections	YFA Connections - Crisis Residential Center	\$ 25,000			\$25,000
YFA Connections	YFA Connections - Youth Intervention Project	\$ 46,000	\$20,080		
Young Women's Christian Association of Spokane	YWCA of Spokane: Legal Advocacy	\$ 47,218	\$30,000		

Organization Name	Proposal Title	Requested Amount	Human Services Grant	CDBG - Public Service	Emergency Solutions Grant
Community Centers					
West Central Community Development Association	West Central Community Center Operations	\$ 95,000		\$90,000	
Northeast Community Center Association	Northeast Community Center Management	\$ 82,000		\$80,000	
Peaceful Valley Community Center	Peaceful Valley Community Center Programs Other	\$ 20,000		\$20,000	
East Central Community Organization	Community Center Support	\$ 210,000		\$60,000	
	Total Awarded		\$1,048,680	\$452,665	\$249,000

Applications not recommended for funding					
American Indian Community Center	Homeless Equity Project	\$ 33,994			\$0
American National Red Cross	American Red Cross Emergency Housing	\$ 18,000	\$0		
Catholic Charities Spokane	Food and Nutrition Programs	\$ 25,000	\$0		
Community Health Association of Spokane	CHAS Perry Street Clinic Medical Access Project	\$ 60,000		\$0	
East Central Community Organization	Private Pay Developmentally Delayed program	\$ 88,464	\$0	\$0	
East Central Community Organization	Recreation	\$ 178,984	\$0	\$0	
East Central Community Organization	Senior Private pay	\$ 122,000	\$0	\$0	
Fulcrum Institute Dispute Resolution	HSG Educational Assistance Grant	\$ 25,000	\$0		
Fulcrum Institute Dispute Resolution	HSG Business Round Table (BRT)	\$ 25,000	\$0		
Fulcrum Institute Dispute Resolution	Re-Entry and Educational Assistance Grant	\$ 25,000		\$0	
Hillyard Senior Center	Hillyard Senior Center Senior Activities Program	\$ 15,000	\$0		
Money Management International, Inc.	Tackling Financial Barriers for Job Seekers and Seniors	\$ 100,000	\$0	\$0	
Northwest Fair Housing Alliance	Tenant Fair Housing Stabilization	\$ 17,308	\$0	\$0	
Our Place Community Ministries	Emergency Services Program	\$ 30,514		\$0	
Peaceful Valley Community Center	Peaceful Valley Community Center Youth Programs	\$ 25,000		\$0	
Prescription Drug Assistance Network/ Spokane Prescription Assistance Network	Expansion and Continuation of the Spokane Prescription Assistance Network	\$ 30,740	\$0	\$0	
Refugee Connections Spokane	Pathways to Employment	\$ 28,250	\$0		
Spokane Housing Ventures	Clare View Seniors Supportive Services	\$ 42,000	\$0		
Spokane Regional Health District	Bridging the Service Gaps for Prostituted Women	\$ 64,777	\$0		
Spokane Valley Meals on Wheels dba Greater Spokane County Meals on Wheels	Senior Meals	\$ 45,000	\$0	\$0	
The Arc of Spokane	The Home Ownership Opportunities Program	\$ 76,000			

Organization Name	Proposal Title	Requested Amount	Human Services Grant	CDBG - Public Service	Emergency Solutions Grant
True Care Auto Repair	True Care Auto Repair	\$ 500,000		\$0	
Women and Children Free Restuarant	Nutrition to Go (Human Services)	\$ 15,000	\$0		
Women and Children Free Restuarant	Nutrition to Go (Public Services)	\$ 15,000		\$0	

CHED Applications to be reviewed on 12/17		Req Amt
5th and Washington Apartments LLC	Alpine Apartments	\$ 120,000
Catholic Charities Spokane	Capital Improvements in TH and PSH	\$ 243,278
Catholic Charities Spokane	Courtview Acquisition and Rehab	\$ 341,767
City of Spokane	Erie Street Paving - 1st Ave to MLK Jr Way	\$ 190,000
Community Frameworks	North Calispel Improvement Project	\$ 113,565
East Central Community Organization	TIP Housing Renovation	\$ 436,648
East Central Community Organization	Flooring	\$ 88,000
Global Neighborhood	Developing Leaders and Increasing Stability in Spokane's Refugee Community	\$ 107,700
Lutheran Community Services Northwest	LCSNW Security for Client & Neighborhood Safety	\$ 12,958
Northeast Community Center Association	NECC Facility Improvement and Upgrades	\$ 45,000
Northeast Youth Center	Safety for Our Center	\$ 30,000
Pioneer Human Services	Pioneer Pathway House Building Improvements	\$ 139,871
Sinto Senior Activity Center	SSAC Property Acquisition and Parking Improvements	\$ 228,000
SNAP Financial Access	Access Small Business Development	\$ 166,964
Spokane Baptist Association Homes	Completing Rehab at Lilac Plaza	\$ 113,258
SPOKANE C.O.P.S.	SPOKANE C.O.P.S.	\$ 35,374
Spokane Housing Ventures	Triplexes: Green Gables	\$ 250,000
Spokane Neighborhood Action Partners (SNAP)	Essential Home Repair Program with TIP focus area	\$ 468,418
Spokane Valley Meals on Wheels dba Greater Spokane County Meals on Wheels	East Central Silver Cafe	\$ 122,000
Tenants Union of Washington State	Tenant Education Program	\$ 55,300
Transitional Programs for Women dba Transitions	Transitions TLC CDBG CHED	\$ 26,416
Transitional Programs for Women dba Transitions	Transitions Miryam's House capital CHED	\$ 23,135
Women and Children Free Restuarant	Good Ground Capital Campaign	\$ 125,000
Young Women's Christian Association of Spokane	YWCA of Spokane & Spokane Regional Domestic Violence Team Family Justice	\$ 100,000

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

01/05/2015

<u>Date Rec'd</u>	12/16/2014
<u>Clerk's File #</u>	OPR 2012-0911
<u>Renews #</u>	

<u>Submitting Dept</u>	POLICE	<u>Cross Ref #</u>	
<u>Contact</u>	TIM SCHWERING 625-4109	<u>Project #</u>	
<u>Contact E-Mail</u>	TSCHWERING@SPOKANEPOLICE.ORG	<u>Bid #</u>	3883-12
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0680-BLUMENTHAL'S UNIFORMS CONTRACT		

Agenda Wording

Contract renewal with Blumenthal Uniforms CO (Spokane, WA) for police uniforms, alterations, and repair services. Estimated annual expense is \$150,000.00.

Summary (Background)

On October 8, 2012, sealed proposals were accepted to provide police uniforms. The only proposal submitted was by Blumenthal Uniform Co, Inc. This is the second of four (4) renewal options. The contract is not to exceed \$150,000.00 for the contract term January 1, 2015 to December 31, 2015.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 150,000.00	#	0680-30210-21920-53502
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	LYNDS, SARAH	<u>Study Session</u>	11/17/2014
<u>Division Director</u>	STRAUB, FRANK	<u>Other</u>	
<u>Finance</u>	BUSTOS, KIM	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	achirowamangu	
<u>For the Mayor</u>	SANDERS, THERESA	kclaar	
<u>Additional Approvals</u>		ewade	
<u>Purchasing</u>	MEIERS, BRANDON	slynds	
		cwahl	
		contract accounting	
		kileyw@blumenthaluniforms.com	

**Briefing Paper
City of Spokane
Spokane Police Department/Public Safety Committee
November 17, 2014**

Subject

Contract with Blumenthal's Uniform Co. for police uniforms, alterations and repair services.

Estimated expenses for 2015 are \$150,000. This will include regular replacements and all new hires. The contract will be effective January 1, 2015 until December 31, 2015. This is year two of a four year extension option.

Background

On September 19, 2012 an RFP for police uniforms was sent out to several vendors. The vendors included Bratwear, Armor Holdings, Cutting Edge Tactical, Territorial Supplies, The Public Safety Store, QM Uniforms, Blumenthal's and several others. On October 8, 2012, the proposal's due date, only one proposal for the uniforms bid had been submitted by Blumenthal's Uniform Co, Inc. (Spokane, WA).

Impact

- Supports operations for current Police Officers
- Meets demands of bringing on new officers

Action

Approval for uniforms contract

Funding

General Fund

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	PRO 2015-0006
<u>Renews #</u>	

<u>Submitting Dept</u>	ENGINEERING SERVICES	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	DAN BULLER 625-6391	<u>Project #</u>	2014090
<u>Contact E-Mail</u>	DBULLER@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	CR 15019
<u>Agenda Item Name</u>	0370 - LOW BID AWARD - RED DIAMOND CONSTRUCTION, INC.		

Agenda Wording

Low Bid of Red Diamond Construction, Inc. (Spokane, WA) for Rebecca St from Pratt Ave to 7th Ave and Julia St from 7th Ave to Hartson Ave - \$505,708.52. An administrative reserve of \$50,570.85, which is 10% of the contract price, will be set aside.

Summary (Background)

On December 8, 2014 bids were opened for the above project. After staff review, it was decided to award Method 1 only (schedules 1, 2, and 3). The low bid was from Red Diamond Construction, Inc. in the amount of \$505,708.52 (Method 1), which is \$98,656.18 or 16.3% under the Engineer's Estimate; nine other bids were received as follows: MDM Construction, Inc. - \$548,288.30; L & L Cargile, Inc. - \$554,346.90; T LaRiviere Equipment - \$581,755.69; Big Sky Development, Inc. - \$590,990.10;

<u>Fiscal Impact</u>		<u>Budget Account</u>
Expense	\$ 435,150.10	# 3404 49467 95300 56501 99999
Expense	\$ 121,129.27	# 4370 43354 94000 56501 99999
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	TWOHIG, KYLE	<u>Study Session</u>
<u>Division Director</u>	QUINTRALL, JAN	<u>Other</u> Public Works 11/24/14
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	WHALEY, HUNT	lhattenburg@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	pdolan@spokanecity.org
Additional Approvals		mlesesne@spokanecity.org
<u>Purchasing</u>		htrautman@spokanecity.org
		mhughes@spokanecity.org
		kgoodman@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Murphy Brothers, Inc. - \$594,119.00; Halme Construction, Inc. - \$607,654.10; William Winkler Company - \$627,550.37; Spokane Rock Products, Inc. - \$628,547.25; and Zetin Contractors, LLC - \$780,241.68.

Fiscal Impact		Budget Account	
Select	\$	#	
Select	\$	#	
Distribution List			

City Of Spokane
Engineering Services Department
***** Bid Tabulation *****

Project Number: 2014090

Project Description Rebecca Street from Pratt Ave to 7th Ave and

Original Date 11/1/2014 11:03:56 AM

Funding Source Julia St from 7th Ave to Hartson
Local

Update Date 12/9/2014 9:30:55 AM

Preparer Cindy Kinzer

Addendum

Project Number: 2014090			Engineer's Estimate		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description					Tax Classification					
Schedule 01 Common Items					Public Street Improvement					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
102	SPCC PLAN	1 LS	*****	500.00	*****	700.00	*****	750.00	*****	50.00
103	POTHOLING	3 EA	150.00	450.00	300.00	900.00	287.00	861.00	200.00	600.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	200.00	800.00	250.00	1,000.00	265.00	1,060.00	300.00	1,200.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	2,400.00	*****	2,250.00	*****	2,000.00
106	MOBILIZATION	1 LS	*****	48,000.00	*****	59,500.00	*****	50,690.00	*****	57,664.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	9,000.00	*****	7,400.00	*****	13,945.00	*****	14,252.00
108	ESC LEAD	1 LS	*****	1,000.00	*****	300.00	*****	1,315.00	*****	50.00
109	SIGNING, PERMANENT	1 LS	*****	7,000.00	*****	6,500.00	*****	6,380.00	*****	7,256.00
110	MATERIAL ON HAND EROSION CONTROL	1 LS	*****	4,000.00	*****	300.00	*****	3,000.00	*****	400.00
Schedule Totals				71,751.00		79,001.00		80,252.00		83,473.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
201	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	12,000.00	*****	800.00	*****	1,930.00	*****	6,800.00
202	REMOVE EXISTING CURB	402 LF	4.00	1,608.00	4.00	1,608.00	0.75	301.50	4.50	1,809.00
203	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	62 SY	10.00	620.00	7.00	434.00	2.50	155.00	12.00	744.00
204	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	400.00	2,800.00	200.00	1,400.00	211.00	1,477.00	258.00	1,806.00
205	CLEARING AND GRUBBING	1 LS	*****	8,000.00	*****	350.00	*****	7,170.00	*****	12,500.00
206	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	3,000.00	*****	200.00	*****	2,760.00	*****	400.00
207	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	0.01	0.10	14.50	145.00	16.00	160.00
208	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	0.01	0.05	11.00	55.00	25.00	125.00
209	SAWCUTTING CURB	13 EA	18.00	234.00	40.00	520.00	21.00	273.00	20.00	260.00
210	SAWCUTTING RIGID PAVEMENT	736 LFI	1.00	736.00	0.70	515.20	0.95	699.20	1.00	736.00
211	SAWCUTTING FLEXIBLE PAVEMENT	3288 LFI	0.40	1,315.20	0.40	1,315.20	0.30	986.40	0.35	1,150.80
212	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	300.00	300.00	200.00	200.00	184.00	184.00	361.00	361.00
213	ROADWAY EXCAVATION INCL. HAUL	2525 CY	15.00	37,875.00	12.00	30,300.00	17.00	42,925.00	15.00	37,875.00
214	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	159 CY	75.00	11,925.00	0.01	1.59	23.00	3,657.00	50.00	7,950.00
215	PREPARATION OF UNTREATED ROADWAY	3783 SY	1.80	6,809.40	1.35	5,107.05	2.30	8,700.90	2.00	7,566.00
216	CRUSHED SURFACING TOP COURSE	421 CY	32.00	13,472.00	35.00	14,735.00	47.00	19,787.00	32.00	13,472.00
217	CSTC FOR SIDEWALK AND DRIVEWAYS	48 CY	35.00	1,680.00	40.00	1,920.00	24.00	1,152.00	60.00	2,880.00
218	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3385 SY	15.00	50,775.00	14.50	49,082.50	14.00	47,390.00	17.00	57,545.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
219	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
220	COMPACTION PRICE ADJUSTMENT	1 EST	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10
221	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	200.00	*****	527.00	*****	268.00
222	CEMENT CONCRETE DRIVEWAY TRANSITION	212 SY	45.00	9,540.00	41.00	8,692.00	45.00	9,540.00	30.00	6,360.00
223	CEMENT CONCRETE CURB WALL	21 LF	30.00	630.00	40.00	840.00	58.00	1,218.00	50.00	1,050.00
224	SEGMENTAL CONCRETE RETAINING WALL	62 SF	32.00	1,984.00	40.00	2,480.00	39.50	2,449.00	43.00	2,666.00
225	ROCK RETAINING WALL	170 SF	40.00	6,800.00	22.00	3,740.00	25.50	4,335.00	24.00	4,080.00
226	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	199 LF	30.00	5,970.00	34.00	6,766.00	31.00	6,169.00	22.00	4,378.00
227	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	15 LF	65.00	975.00	90.00	1,350.00	212.50	3,187.50	20.00	300.00
228	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	237 LF	36.00	8,532.00	35.00	8,295.00	31.00	7,347.00	30.00	7,110.00
229	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	159 LF	70.00	11,130.00	91.00	14,469.00	85.50	13,594.50	75.00	11,925.00
230	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	26 LF	40.00	1,040.00	34.00	884.00	65.00	1,690.00	46.00	1,196.00
231	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	46 LF	80.00	3,680.00	45.00	2,070.00	61.50	2,829.00	61.00	2,806.00
232	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,500.00	7,500.00	2,100.00	6,300.00	3,100.00	9,300.00	2,575.00	7,725.00
233	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	2,400.00	2,400.00	3,185.00	3,185.00	3,844.00	3,844.00
234	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	3,600.00	10,800.00	5,455.00	16,365.00	4,458.00	13,374.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
235	DRYWELL TYPE 3	1 EA	4,500.00	4,500.00	4,200.00	4,200.00	6,440.00	6,440.00	5,980.00	5,980.00
236	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	3 EA	500.00	1,500.00	500.00	1,500.00	383.00	1,149.00	582.00	1,746.00
237	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	6 EA	250.00	1,500.00	200.00	1,200.00	162.00	972.00	330.00	1,980.00
238	CATCH BASIN TYPE 0	2 EA	1,800.00	3,600.00	2,100.00	4,200.00	1,390.00	2,780.00	1,765.00	3,530.00
239	CATCH BASIN TYPE 1	2 EA	2,200.00	4,400.00	2,400.00	4,800.00	1,780.00	3,560.00	2,208.00	4,416.00
240	CATCH BASIN TYPE 2	8 EA	2,700.00	21,600.00	2,400.00	19,200.00	1,700.00	13,600.00	2,175.00	17,400.00
241	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	8 EA	1,200.00	9,600.00	2,500.00	20,000.00	1,255.00	10,040.00	1,175.00	9,400.00
242	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	8 EA	1,850.00	14,800.00	1,200.00	9,600.00	210.00	1,680.00	220.00	1,760.00
243	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	320 CY	75.00	24,000.00	0.01	3.20	42.00	13,440.00	50.00	16,000.00
244	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	200.00	*****	507.00	*****	900.00
245	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	9 EA	400.00	3,600.00	500.00	4,500.00	600.00	5,400.00	750.00	6,750.00
246	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	1 EA	600.00	600.00	500.00	500.00	600.00	600.00	855.00	855.00
247	CONNECT 12 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	1 EA	700.00	700.00	300.00	300.00	55.50	55.50	870.00	870.00
248	CLEAN EXISTING SANITARY SEWER	3 EA	150.00	450.00	220.00	660.00	237.00	711.00	180.00	540.00
249	CLEAN EXISTING DRAINAGE STRUCTURE	2 EA	100.00	200.00	175.00	350.00	142.00	284.00	125.00	250.00
250	RECONNECT SIDE SEWER	1 EA	300.00	300.00	800.00	800.00	548.00	548.00	130.00	130.00
251	SIDE SEWER CLEANING AND VIDEO INSPECTION	1 EA	200.00	200.00	500.00	500.00	195.00	195.00	330.00	330.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
252	SEEDING, FERTILIZING, AND MULCHING	364 SY	2.00	728.00	2.00	728.00	2.10	764.40	2.00	728.00
253	SOIL BINDER OR TACKING AGENT	364 SY	2.00	728.00	2.50	910.00	2.40	873.60	2.50	910.00
254	HYDROSEEDING - DRYLAND MIX	193 SY	2.00	386.00	2.00	386.00	1.80	347.40	2.00	386.00
255	SEEDED LAWN INSTALLATION	171 SY	4.00	684.00	2.00	342.00	1.80	307.80	2.00	342.00
256	SOD INSTALLATION	128 SY	10.00	1,280.00	8.50	1,088.00	8.80	1,126.40	10.00	1,280.00
257	CONSTRUCT BIO-INFILTRATION SWALE	321 SY	9.00	2,889.00	24.00	7,704.00	4.60	1,476.60	6.00	1,926.00
258	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	321 SY	13.00	4,173.00	20.00	6,420.00	13.00	4,173.00	22.00	7,062.00
259	TOPSOIL TYPE A, 6 INCH THICK	281 SY	7.00	1,967.00	13.00	3,653.00	9.90	2,781.90	14.00	3,934.00
260	TIMBER CHECK DAM	14 EA	750.00	10,500.00	200.00	2,800.00	1,135.00	15,890.00	325.00	4,550.00
261	SWALE DRAIN PAD	4 SY	60.00	240.00	60.00	240.00	169.00	676.00	130.00	520.00
262	CURB DROP INLET	17 EA	100.00	1,700.00	60.00	1,020.00	89.50	1,521.50	95.00	1,615.00
263	4 IN. PVC IRRIGATION SLEEVE	33 LF	9.00	297.00	11.50	379.50	7.20	237.60	7.00	231.00
264	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	1,200.00	*****	926.00	*****	1,350.00
265	CEMENT CONCRETE CURB	147 LF	17.00	2,499.00	17.00	2,499.00	27.00	3,969.00	18.00	2,646.00
266	CEMENT CONC. CURB AND GUTTER	1824 LF	23.00	41,952.00	13.60	24,806.40	11.50	20,976.00	12.25	22,344.00
267	CEMENT CONCRETE DRIVEWAY	190 SY	40.00	7,600.00	41.00	7,790.00	52.00	9,880.00	38.00	7,220.00
268	CHAIN LINK FENCE - 4 FT TALL	40 LF	40.00	1,600.00	72.00	2,880.00	21.00	840.00	28.00	1,120.00
269	CEMENT CONC. SIDEWALK	357 SY	30.00	10,710.00	28.50	10,174.50	42.00	14,994.00	38.00	13,566.00
270	RAMP DETECTABLE WARNING	88 SF	25.00	2,200.00	25.00	2,200.00	21.00	1,848.00	22.00	1,936.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 02	REBECCA STREET				Public Street Improvement					
271	3 INCH CALIPER APPLE TREE	1 EA	300.00	300.00	720.00	720.00	754.00	754.00	800.00	800.00
272	MONUMENT FRAME AND COVER	13 EA	800.00	10,400.00	350.00	4,550.00	264.00	3,432.00	360.00	4,680.00
<i>Schedule Totals</i>				424,852.70		333,792.39		372,254.80		374,218.90

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> STORM SEWER REROUTE					Public Street Improvement					
301	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	127 LF	30.00	3,810.00	34.00	4,318.00	31.00	3,937.00	22.00	2,794.00
302	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	321 LF	36.00	11,556.00	35.00	11,235.00	31.50	10,111.50	30.00	9,630.00
303	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	88 LF	40.00	3,520.00	45.00	3,960.00	58.00	5,104.00	46.00	4,048.00
304	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	50 LF	80.00	4,000.00	50.00	2,500.00	58.00	2,900.00	61.00	3,050.00
305	MANHOLE TYPE I-48, BASIC PRICE	2 EA	2,500.00	5,000.00	2,100.00	4,200.00	3,100.00	6,200.00	2,575.00	5,150.00
306	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	3,600.00	10,800.00	5,455.00	16,365.00	4,458.00	13,374.00
307	DRYWELL TYPE 3	2 EA	4,500.00	9,000.00	4,200.00	8,400.00	6,440.00	12,880.00	5,980.00	11,960.00
308	CATCH BASIN TYPE 1	3 EA	2,200.00	6,600.00	2,400.00	7,200.00	1,785.00	5,355.00	2,208.00	6,624.00
309	CATCH BASIN TYPE 2	6 EA	2,700.00	16,200.00	2,400.00	14,400.00	1,800.00	10,800.00	2,175.00	13,050.00
310	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	6 EA	1,200.00	7,200.00	2,500.00	15,000.00	1,255.00	7,530.00	1,175.00	7,050.00
311	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	6 EA	1,850.00	11,100.00	1,200.00	7,200.00	200.00	1,200.00	220.00	1,320.00
312	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	213 CY	75.00	15,975.00	0.01	2.13	42.00	8,946.00	50.00	10,650.00
313	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	200.00	*****	253.00	*****	1,200.00
314	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	7 EA	400.00	2,800.00	500.00	3,500.00	600.00	4,200.00	965.00	6,755.00
<i>Schedule Totals</i>				107,761.00		92,915.13		95,781.50		96,655.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i> JULIA STREET					Public Street Improvement					
401	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	300.00	*****	581.00	*****	2,284.00
402	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	1,500.00	*****	200.00	*****	276.00	*****	281.00
403	REMOVE EXISTING CURB	124 LF	4.00	496.00	6.00	744.00	1.70	210.80	4.50	558.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	12 SY	10.00	120.00	7.00	84.00	4.20	50.40	12.00	144.00
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	2 EA	400.00	800.00	300.00	600.00	184.00	368.00	258.00	516.00
406	CLEARING AND GRUBBING	1 LS	*****	4,000.00	*****	277.00	*****	3,600.00	*****	1,400.00
407	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	0.01	0.10	14.00	140.00	16.00	160.00
408	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	0.01	0.05	11.00	55.00	25.00	125.00
409	SAWCUTTING CURB	4 EA	18.00	72.00	40.00	160.00	21.00	84.00	20.00	80.00
410	SAWCUTTING RIGID PAVEMENT	124 LFI	1.00	124.00	0.70	86.80	0.95	117.80	1.00	124.00
411	SAWCUTTING FLEXIBLE PAVEMENT	1458 LFI	0.40	583.20	0.40	583.20	0.30	437.40	0.35	510.30
412	ROADWAY EXCAVATION INCL. HAUL	610 CY	15.00	9,150.00	12.00	7,320.00	14.50	8,845.00	15.00	9,150.00
413	PREPARATION OF UNTREATED ROADWAY	1070 SY	1.80	1,926.00	1.20	1,284.00	2.00	2,140.00	2.00	2,140.00
414	CRUSHED SURFACING TOP COURSE	119 CY	32.00	3,808.00	35.00	4,165.00	47.00	5,593.00	32.00	3,808.00
415	CSTC FOR SIDEWALK AND DRIVEWAYS	24 CY	35.00	840.00	40.00	960.00	24.00	576.00	60.00	1,440.00
416	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	943 SY	15.00	14,145.00	16.50	15,559.50	15.75	14,852.25	17.00	16,031.00
417	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
418	COMPACTION PRICE ADJUSTMENT	1 EST	282.90	282.90	282.90	282.90	282.90	282.90	282.90	282.90
419	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	150.00	*****	527.00	*****	268.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 04	JULIA STREET				Public Street Improvement					
420	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	85 LF	30.00	2,550.00	34.00	2,890.00	49.50	4,207.50	22.00	1,870.00
421	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	60 LF	36.00	2,160.00	45.00	2,700.00	10.00	600.00	30.00	1,800.00
422	DRYWELL TYPE 3	3 EA	4,500.00	13,500.00	4,200.00	12,600.00	6,335.00	19,005.00	5,980.00	17,940.00
423	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	2 EA	500.00	1,000.00	600.00	1,200.00	338.00	676.00	582.00	1,164.00
424	CATCH BASIN TYPE 0	4 EA	1,800.00	7,200.00	2,100.00	8,400.00	1,165.00	4,660.00	1,765.00	7,060.00
425	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	100.00	*****	145.00	*****	800.00
426	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	400.00	400.00	500.00	500.00	600.00	600.00	750.00	750.00
427	CLEAN EXISTING SANITARY SEWER	1 EA	150.00	150.00	220.00	220.00	427.00	427.00	180.00	180.00
428	CLEAN EXISTING DRAINAGE STRUCTURE	3 EA	100.00	300.00	175.00	525.00	142.00	426.00	125.00	375.00
429	SOD INSTALLATION	381 SY	10.00	3,810.00	8.00	3,048.00	5.10	1,943.10	9.00	3,429.00
430	CONSTRUCT BIO-INFILTRATION SWALE	307 SY	9.00	2,763.00	18.00	5,526.00	4.80	1,473.60	6.00	1,842.00
431	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	307 SY	13.00	3,991.00	20.00	6,140.00	13.00	3,991.00	22.00	6,754.00
432	TOPSOIL TYPE A, 6 INCH THICK	90 SY	7.00	630.00	15.00	1,350.00	9.90	891.00	15.00	1,350.00
433	CURB DROP INLET	16 EA	100.00	1,600.00	60.00	960.00	89.50	1,432.00	95.00	1,520.00
434	TIMBER CHECK DAM	5 EA	750.00	3,750.00	200.00	1,000.00	1,135.00	5,675.00	325.00	1,625.00
435	4 IN. PVC IRRIGATION SLEEVE	59 LF	9.00	531.00	11.50	678.50	3.70	218.30	7.00	413.00
436	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	1,250.00	*****	300.00	*****	694.00	*****	330.00
437	CEMENT CONCRETE CURB	40 LF	17.00	680.00	17.00	680.00	27.00	1,080.00	18.00	720.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Red Diamond Construction Inc		MDM Construction		L & L Cargile Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i>	JULIA STREET				Public Street Improvement					
438	CEMENT CONC. CURB AND GUTTER	568 LF	23.00	13,064.00	13.60	7,724.80	11.50	6,532.00	12.25	6,958.00
439	CEMENT CONCRETE DRIVEWAY	66 SY	40.00	2,640.00	41.00	2,706.00	42.00	2,772.00	38.00	2,508.00
440	CHAIN LINK FENCE - 4 FT TALL	62 LF	40.00	2,480.00	72.00	4,464.00	16.00	992.00	28.00	1,736.00
441	CHAIN LINK FENCE - 6 FT TALL	195 LF	50.00	9,750.00	23.50	4,582.50	19.00	3,705.00	30.00	5,850.00
442	CEMENT CONC. SIDEWALK	301 SY	30.00	9,030.00	28.50	8,578.50	42.00	12,642.00	38.00	11,438.00
443	RAMP DETECTABLE WARNING	32 SF	25.00	800.00	25.00	800.00	21.00	672.00	22.00	704.00
<i>Schedule Totals</i>				129,300.10		110,428.85		114,195.05		118,417.20

Project Number: 2014090			Engineer's Estimate		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

Schedule Description					Tax Classification					
Schedule 01 Common Items					Public Street Improvement					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
102	SPCC PLAN	1 LS	*****	500.00	*****	600.00	*****	500.00	*****	500.00
103	POTHOLING	3 EA	150.00	450.00	375.00	1,125.00	400.00	1,200.00	950.00	2,850.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	200.00	800.00	275.00	1,100.00	250.00	1,000.00	300.00	1,200.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	2,200.00	*****	2,500.00	*****	2,200.00
106	MOBILIZATION	1 LS	*****	48,000.00	*****	30,000.00	*****	30,000.00	*****	92,000.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	9,000.00	*****	15,000.00	*****	30,000.00	*****	12,100.00
108	ESC LEAD	1 LS	*****	1,000.00	*****	2,500.00	*****	500.00	*****	825.00
109	SIGNING, PERMANENT	1 LS	*****	7,000.00	*****	6,200.00	*****	8,200.00	*****	6,650.00
110	MATERIAL ON HAND EROSION CONTROL	1 LS	*****	4,000.00	*****	2,800.00	*****	3,500.00	*****	1,000.00
Schedule Totals				71,751.00		61,526.00		77,401.00		119,326.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
201	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	12,000.00	*****	10,000.00	*****	2,500.00	*****	12,500.00
202	REMOVE EXISTING CURB	402 LF	4.00	1,608.00	6.75	2,713.50	9.00	3,618.00	3.00	1,206.00
203	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	62 SY	10.00	620.00	6.75	418.50	12.00	744.00	4.00	248.00
204	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	400.00	2,800.00	400.00	2,800.00	350.00	2,450.00	250.00	1,750.00
205	CLEARING AND GRUBBING	1 LS	*****	8,000.00	*****	16,000.00	*****	2,500.00	*****	5,200.00
206	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	3,000.00	*****	2,500.00	*****	1,500.00	*****	500.00
207	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	18.00	180.00	28.00	280.00	10.00	100.00
208	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	30.00	150.00	125.00	625.00	10.00	50.00
209	SAWCUTTING CURB	13 EA	18.00	234.00	50.00	650.00	150.00	1,950.00	30.00	390.00
210	SAWCUTTING RIGID PAVEMENT	736 LFI	1.00	736.00	1.00	736.00	1.00	736.00	0.75	552.00
211	SAWCUTTING FLEXIBLE PAVEMENT	3288 LFI	0.40	1,315.20	0.35	1,150.80	0.48	1,578.24	0.50	1,644.00
212	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	300.00	300.00	360.00	360.00	500.00	500.00	225.00	225.00
213	ROADWAY EXCAVATION INCL. HAUL	2525 CY	15.00	37,875.00	13.50	34,087.50	14.00	35,350.00	11.75	29,668.75
214	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	159 CY	75.00	11,925.00	55.00	8,745.00	85.00	13,515.00	55.00	8,745.00
215	PREPARATION OF UNTREATED ROADWAY	3783 SY	1.80	6,809.40	1.65	6,241.95	1.45	5,485.35	0.75	2,837.25
216	CRUSHED SURFACING TOP COURSE	421 CY	32.00	13,472.00	34.00	14,314.00	88.00	37,048.00	46.50	19,576.50
217	CSTC FOR SIDEWALK AND DRIVEWAYS	48 CY	35.00	1,680.00	120.00	5,760.00	55.00	2,640.00	50.00	2,400.00
218	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3385 SY	15.00	50,775.00	15.10	51,113.50	15.00	50,775.00	14.50	49,082.50

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
219	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
220	COMPACTION PRICE ADJUSTMENT	1 EST	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10
221	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	750.00	*****	2,200.00	*****	2,000.00
222	CEMENT CONCRETE DRIVEWAY TRANSITION	212 SY	45.00	9,540.00	30.00	6,360.00	30.00	6,360.00	28.50	6,042.00
223	CEMENT CONCRETE CURB WALL	21 LF	30.00	630.00	50.00	1,050.00	53.00	1,113.00	68.00	1,428.00
224	SEGMENTAL CONCRETE RETAINING WALL	62 SF	32.00	1,984.00	42.00	2,604.00	45.00	2,790.00	51.50	3,193.00
225	ROCK RETAINING WALL	170 SF	40.00	6,800.00	22.00	3,740.00	24.00	4,080.00	25.00	4,250.00
226	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	199 LF	30.00	5,970.00	37.00	7,363.00	45.00	8,955.00	38.50	7,661.50
227	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	15 LF	65.00	975.00	130.00	1,950.00	205.00	3,075.00	220.00	3,300.00
228	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	237 LF	36.00	8,532.00	42.00	9,954.00	65.00	15,405.00	42.50	10,072.50
229	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	159 LF	70.00	11,130.00	85.00	13,515.00	115.00	18,285.00	89.75	14,270.25
230	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	26 LF	40.00	1,040.00	60.00	1,560.00	48.00	1,248.00	48.50	1,261.00
231	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	46 LF	80.00	3,680.00	72.00	3,312.00	72.00	3,312.00	60.00	2,760.00
232	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,500.00	7,500.00	2,600.00	7,800.00	1,900.00	5,700.00	2,550.00	7,650.00
233	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	3,600.00	3,600.00	1,500.00	1,500.00	3,025.00	3,025.00
234	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	4,200.00	12,600.00	2,100.00	6,300.00	4,400.00	13,200.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
235	DRYWELL TYPE 3	1 EA	4,500.00	4,500.00	6,500.00	6,500.00	3,800.00	3,800.00	5,900.00	5,900.00
236	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	3 EA	500.00	1,500.00	500.00	1,500.00	375.00	1,125.00	375.00	1,125.00
237	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	6 EA	250.00	1,500.00	400.00	2,400.00	225.00	1,350.00	200.00	1,200.00
238	CATCH BASIN TYPE 0	2 EA	1,800.00	3,600.00	2,000.00	4,000.00	2,400.00	4,800.00	1,650.00	3,300.00
239	CATCH BASIN TYPE 1	2 EA	2,200.00	4,400.00	2,400.00	4,800.00	2,100.00	4,200.00	1,975.00	3,950.00
240	CATCH BASIN TYPE 2	8 EA	2,700.00	21,600.00	2,000.00	16,000.00	2,200.00	17,600.00	1,900.00	15,200.00
241	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	8 EA	1,200.00	9,600.00	1,500.00	12,000.00	500.00	4,000.00	1,200.00	9,600.00
242	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	8 EA	1,850.00	14,800.00	1,500.00	12,000.00	500.00	4,000.00	1,225.00	9,800.00
243	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	320 CY	75.00	24,000.00	75.00	24,000.00	85.00	27,200.00	55.00	17,600.00
244	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	650.00	*****	2,500.00	*****	500.00
245	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	9 EA	400.00	3,600.00	750.00	6,750.00	400.00	3,600.00	675.00	6,075.00
246	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	1 EA	600.00	600.00	750.00	750.00	400.00	400.00	675.00	675.00
247	CONNECT 12 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	1 EA	700.00	700.00	500.00	500.00	225.00	225.00	350.00	350.00
248	CLEAN EXISTING SANITARY SEWER	3 EA	150.00	450.00	300.00	900.00	1,500.00	4,500.00	325.00	975.00
249	CLEAN EXISTING DRAINAGE STRUCTURE	2 EA	100.00	200.00	230.00	460.00	300.00	600.00	100.00	200.00
250	RECONNECT SIDE SEWER	1 EA	300.00	300.00	725.00	725.00	1,800.00	1,800.00	350.00	350.00
251	SIDE SEWER CLEANING AND VIDEO INSPECTION	1 EA	200.00	200.00	440.00	440.00	350.00	350.00	450.00	450.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i>	REBECCA STREET				Public Street Improvement					
252	SEEDING, FERTILIZING, AND MULCHING	364 SY	2.00	728.00	2.10	764.40	3.00	1,092.00	2.25	819.00
253	SOIL BINDER OR TACKING AGENT	364 SY	2.00	728.00	2.35	855.40	3.00	1,092.00	2.50	910.00
254	HYDROSEEDING - DRYLAND MIX	193 SY	2.00	386.00	1.90	366.70	3.00	579.00	2.00	386.00
255	SEEDED LAWN INSTALLATION	171 SY	4.00	684.00	1.90	324.90	2.00	342.00	2.00	342.00
256	SOD INSTALLATION	128 SY	10.00	1,280.00	9.00	1,152.00	9.00	1,152.00	9.00	1,152.00
257	CONSTRUCT BIO-INFILTRATION SWALE	321 SY	9.00	2,889.00	8.00	2,568.00	9.00	2,889.00	7.75	2,487.75
258	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	321 SY	13.00	4,173.00	20.00	6,420.00	22.00	7,062.00	21.50	6,901.50
259	TOPSOIL TYPE A, 6 INCH THICK	281 SY	7.00	1,967.00	12.75	3,582.75	18.00	5,058.00	13.50	3,793.50
260	TIMBER CHECK DAM	14 EA	750.00	10,500.00	850.00	11,900.00	450.00	6,300.00	425.00	5,950.00
261	SWALE DRAIN PAD	4 SY	60.00	240.00	125.00	500.00	250.00	1,000.00	200.00	800.00
262	CURB DROP INLET	17 EA	100.00	1,700.00	90.00	1,530.00	40.00	680.00	130.00	2,210.00
263	4 IN. PVC IRRIGATION SLEEVE	33 LF	9.00	297.00	12.00	396.00	45.00	1,485.00	7.50	247.50
264	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	1,250.00	*****	1,800.00	*****	1,300.00
265	CEMENT CONCRETE CURB	147 LF	17.00	2,499.00	16.00	2,352.00	20.00	2,940.00	24.00	3,528.00
266	CEMENT CONC. CURB AND GUTTER	1824 LF	23.00	41,952.00	12.00	21,888.00	13.00	23,712.00	12.25	22,344.00
267	CEMENT CONCRETE DRIVEWAY	190 SY	40.00	7,600.00	36.00	6,840.00	46.00	8,740.00	38.25	7,267.50
268	CHAIN LINK FENCE - 4 FT TALL	40 LF	40.00	1,600.00	67.00	2,680.00	25.00	1,000.00	71.50	2,860.00
269	CEMENT CONC. SIDEWALK	357 SY	30.00	10,710.00	35.00	12,495.00	28.00	9,996.00	39.00	13,923.00
270	RAMP DETECTABLE WARNING	88 SF	25.00	2,200.00	21.00	1,848.00	22.00	1,936.00	22.00	1,936.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 02	REBECCA STREET				Public Street Improvement					
271	3 INCH CALIPER APPLE TREE	1 EA	300.00	300.00	750.00	750.00	900.00	900.00	800.00	800.00
272	MONUMENT FRAME AND COVER	13 EA	800.00	10,400.00	400.00	5,200.00	350.00	4,550.00	650.00	8,450.00
<i>Schedule Totals</i>				424,852.70		415,131.00		411,486.69		383,460.10

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> STORM SEWER REROUTE					Public Street Improvement					
301	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	127 LF	30.00	3,810.00	38.00	4,826.00	45.00	5,715.00	38.50	4,889.50
302	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	321 LF	36.00	11,556.00	45.00	14,445.00	48.00	15,408.00	42.50	13,642.50
303	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	88 LF	40.00	3,520.00	57.00	5,016.00	55.00	4,840.00	42.00	3,696.00
304	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	50 LF	80.00	4,000.00	75.00	3,750.00	68.00	3,400.00	57.00	2,850.00
305	MANHOLE TYPE I-48, BASIC PRICE	2 EA	2,500.00	5,000.00	2,600.00	5,200.00	1,900.00	3,800.00	2,650.00	5,300.00
306	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	4,200.00	12,600.00	2,100.00	6,300.00	4,400.00	13,200.00
307	DRYWELL TYPE 3	2 EA	4,500.00	9,000.00	6,500.00	13,000.00	3,500.00	7,000.00	5,900.00	11,800.00
308	CATCH BASIN TYPE 1	3 EA	2,200.00	6,600.00	2,200.00	6,600.00	1,900.00	5,700.00	2,000.00	6,000.00
309	CATCH BASIN TYPE 2	6 EA	2,700.00	16,200.00	2,000.00	12,000.00	2,100.00	12,600.00	2,000.00	12,000.00
310	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	6 EA	1,200.00	7,200.00	1,500.00	9,000.00	450.00	2,700.00	1,200.00	7,200.00
311	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	6 EA	1,850.00	11,100.00	1,500.00	9,000.00	500.00	3,000.00	1,225.00	7,350.00
312	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	213 CY	75.00	15,975.00	75.00	15,975.00	85.00	18,105.00	55.00	11,715.00
313	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	800.00	*****	1,500.00	*****	500.00
314	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	7 EA	400.00	2,800.00	750.00	5,250.00	400.00	2,800.00	675.00	4,725.00
<i>Schedule Totals</i>				107,761.00		117,462.00		92,868.00		104,868.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i> JULIA STREET					Public Street Improvement					
401	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	8,000.00	*****	2,500.00	*****	6,300.00
402	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	1,500.00	*****	800.00	*****	1,500.00	*****	500.00
403	REMOVE EXISTING CURB	124 LF	4.00	496.00	6.75	837.00	9.00	1,116.00	3.00	372.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	12 SY	10.00	120.00	6.75	81.00	125.00	1,500.00	4.00	48.00
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	2 EA	400.00	800.00	400.00	800.00	350.00	700.00	225.00	450.00
406	CLEARING AND GRUBBING	1 LS	*****	4,000.00	*****	4,500.00	*****	1,500.00	*****	2,600.00
407	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	18.00	180.00	35.00	350.00	10.00	100.00
408	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	30.00	150.00	125.00	625.00	10.00	50.00
409	SAWCUTTING CURB	4 EA	18.00	72.00	50.00	200.00	250.00	1,000.00	25.00	100.00
410	SAWCUTTING RIGID PAVEMENT	124 LFI	1.00	124.00	1.00	124.00	9.00	1,116.00	1.00	124.00
411	SAWCUTTING FLEXIBLE PAVEMENT	1458 LFI	0.40	583.20	0.35	510.30	1.25	1,822.50	0.50	729.00
412	ROADWAY EXCAVATION INCL. HAUL	610 CY	15.00	9,150.00	13.50	8,235.00	17.00	10,370.00	15.50	9,455.00
413	PREPARATION OF UNTREATED ROADWAY	1070 SY	1.80	1,926.00	1.65	1,765.50	1.45	1,551.50	1.00	1,070.00
414	CRUSHED SURFACING TOP COURSE	119 CY	32.00	3,808.00	38.00	4,522.00	185.00	22,015.00	46.50	5,533.50
415	CSTC FOR SIDEWALK AND DRIVEWAYS	24 CY	35.00	840.00	120.00	2,880.00	55.00	1,320.00	50.00	1,200.00
416	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	943 SY	15.00	14,145.00	16.00	15,088.00	26.00	24,518.00	16.00	15,088.00
417	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
418	COMPACTION PRICE ADJUSTMENT	1 EST	282.90	282.90	282.90	282.90	282.90	282.90	282.90	282.90
419	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	450.00	*****	2,400.00	*****	1,000.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 04	JULIA STREET				Public Street Improvement					
420	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	85 LF	30.00	2,550.00	37.00	3,145.00	45.00	3,825.00	38.75	3,293.75
421	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	60 LF	36.00	2,160.00	42.00	2,520.00	48.00	2,880.00	44.00	2,640.00
422	DRYWELL TYPE 3	3 EA	4,500.00	13,500.00	6,500.00	19,500.00	3,500.00	10,500.00	5,400.00	16,200.00
423	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	2 EA	500.00	1,000.00	500.00	1,000.00	375.00	750.00	375.00	750.00
424	CATCH BASIN TYPE 0	4 EA	1,800.00	7,200.00	2,000.00	8,000.00	2,200.00	8,800.00	1,600.00	6,400.00
425	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	400.00	*****	1,500.00	*****	500.00
426	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	400.00	400.00	725.00	725.00	400.00	400.00	675.00	675.00
427	CLEAN EXISTING SANITARY SEWER	1 EA	150.00	150.00	300.00	300.00	650.00	650.00	325.00	325.00
428	CLEAN EXISTING DRAINAGE STRUCTURE	3 EA	100.00	300.00	230.00	690.00	300.00	900.00	100.00	300.00
429	SOD INSTALLATION	381 SY	10.00	3,810.00	8.00	3,048.00	8.00	3,048.00	8.00	3,048.00
430	CONSTRUCT BIO-INFILTRATION SWALE	307 SY	9.00	2,763.00	8.00	2,456.00	9.00	2,763.00	8.00	2,456.00
431	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	307 SY	13.00	3,991.00	20.00	6,140.00	22.00	6,754.00	21.50	6,600.50
432	TOPSOIL TYPE A, 6 INCH THICK	90 SY	7.00	630.00	15.00	1,350.00	16.00	1,440.00	15.50	1,395.00
433	CURB DROP INLET	16 EA	100.00	1,600.00	90.00	1,440.00	50.00	800.00	130.00	2,080.00
434	TIMBER CHECK DAM	5 EA	750.00	3,750.00	850.00	4,250.00	500.00	2,500.00	400.00	2,000.00
435	4 IN. PVC IRRIGATION SLEEVE	59 LF	9.00	531.00	12.00	708.00	15.00	885.00	9.00	531.00
436	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	1,250.00	*****	350.00	*****	300.00	*****	325.00
437	CEMENT CONCRETE CURB	40 LF	17.00	680.00	16.00	640.00	25.00	1,000.00	18.00	720.00

Project Number: 2014090			Engineer's Estimate		Murphy Brothers Inc		T LaRiviere Equipment & Excavation Inc		Halme Construction Inc	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i>	JULIA STREET				Public Street Improvement					
438	CEMENT CONC. CURB AND GUTTER	568 LF	23.00	13,064.00	12.00	6,816.00	15.00	8,520.00	12.25	6,958.00
439	CEMENT CONCRETE DRIVEWAY	66 SY	40.00	2,640.00	35.00	2,310.00	34.00	2,244.00	38.25	2,524.50
440	CHAIN LINK FENCE - 4 FT TALL	62 LF	40.00	2,480.00	67.00	4,154.00	25.00	1,550.00	71.50	4,433.00
441	CHAIN LINK FENCE - 6 FT TALL	195 LF	50.00	9,750.00	23.00	4,485.00	18.00	3,510.00	23.75	4,631.25
442	CEMENT CONC. SIDEWALK	301 SY	30.00	9,030.00	35.00	10,535.00	28.00	8,428.00	39.00	11,739.00
443	RAMP DETECTABLE WARNING	32 SF	25.00	800.00	21.00	672.00	25.00	800.00	22.00	704.00
<i>Schedule Totals</i>				129,300.10		135,038.70		150,932.90		126,230.40

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Common Items					Public Street Improvement					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
102	SPCC PLAN	1 LS	*****	500.00	*****	2,500.00	*****	556.86	*****	3,500.00
103	POTHOLING	3 EA	150.00	450.00	400.00	1,200.00	423.34	1,270.02	750.00	2,250.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	200.00	800.00	250.00	1,000.00	281.75	1,127.00	500.00	2,000.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	2,000.00	*****	563.51	*****	685.00
106	MOBILIZATION	1 LS	*****	48,000.00	*****	51,000.00	*****	51,594.60	*****	40,000.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	9,000.00	*****	36,000.00	*****	13,240.49	*****	10,275.00
108	ESC LEAD	1 LS	*****	1,000.00	*****	2,500.00	*****	556.86	*****	2,740.00
109	SIGNING, PERMANENT	1 LS	*****	7,000.00	*****	6,100.00	*****	6,795.59	*****	8,800.00
110	MATERIAL ON HAND EROSION CONTROL	1 LS	*****	4,000.00	*****	500.00	*****	1,113.73	*****	1,350.00
<i>Schedule Totals</i>				71,751.00		102,801.00		76,819.66		71,601.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
201	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	12,000.00	*****	2,500.00	*****	8,717.50	*****	4,600.00
202	REMOVE EXISTING CURB	402 LF	4.00	1,608.00	9.00	3,618.00	4.99	2,005.98	5.50	2,211.00
203	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	62 SY	10.00	620.00	12.00	744.00	15.19	941.78	18.00	1,116.00
204	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	400.00	2,800.00	350.00	2,450.00	450.04	3,150.28	700.00	4,900.00
205	CLEARING AND GRUBBING	1 LS	*****	8,000.00	*****	2,500.00	*****	6,219.40	*****	5,800.00
206	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	3,000.00	*****	500.00	*****	1,113.73	*****	650.00
207	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	28.00	280.00	20.68	206.80	60.00	600.00
208	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	200.00	1,000.00	64.68	323.40	106.00	530.00
209	SAWCUTTING CURB	13 EA	18.00	234.00	50.00	650.00	27.84	361.92	42.00	546.00
210	SAWCUTTING RIGID PAVEMENT	736 LFI	1.00	736.00	1.00	736.00	1.11	816.96	1.00	736.00
211	SAWCUTTING FLEXIBLE PAVEMENT	3288 LFI	0.40	1,315.20	0.30	986.40	0.33	1,085.04	0.50	1,644.00
212	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	300.00	300.00	500.00	500.00	291.99	291.99	900.00	900.00
213	ROADWAY EXCAVATION INCL. HAUL	2525 CY	15.00	37,875.00	14.00	35,350.00	13.66	34,491.50	6.00	15,150.00
214	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	159 CY	75.00	11,925.00	85.00	13,515.00	98.60	15,677.40	55.00	8,745.00
215	PREPARATION OF UNTREATED ROADWAY	3783 SY	1.80	6,809.40	1.50	5,674.50	0.86	3,253.38	2.00	7,566.00
216	CRUSHED SURFACING TOP COURSE	421 CY	32.00	13,472.00	76.00	31,996.00	39.65	16,692.65	41.00	17,261.00
217	CSTC FOR SIDEWALK AND DRIVEWAYS	48 CY	35.00	1,680.00	100.00	4,800.00	54.50	2,616.00	24.00	1,152.00
218	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3385 SY	15.00	50,775.00	15.40	52,129.00	14.28	48,337.80	18.00	60,930.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 02	REBECCA STREET				Public Street Improvement					
219	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
220	COMPACTION PRICE ADJUSTMENT	1 EST	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10	1,015.10
221	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	2,200.00	*****	1,242.35	*****	1,000.00
222	CEMENT CONCRETE DRIVEWAY TRANSITION	212 SY	45.00	9,540.00	26.00	5,512.00	29.80	6,317.60	46.00	9,752.00
223	CEMENT CONCRETE CURB WALL	21 LF	30.00	630.00	45.00	945.00	52.46	1,101.66	214.00	4,494.00
224	SEGMENTAL CONCRETE RETAINING WALL	62 SF	32.00	1,984.00	39.00	2,418.00	81.76	5,069.12	57.00	3,534.00
225	ROCK RETAINING WALL	170 SF	40.00	6,800.00	20.00	3,400.00	17.81	3,027.70	22.00	3,740.00
226	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	199 LF	30.00	5,970.00	45.00	8,955.00	16.46	3,275.54	22.00	4,378.00
227	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	15 LF	65.00	975.00	957.05	14,355.75	140.43	2,106.45	223.00	3,345.00
228	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	237 LF	36.00	8,532.00	65.00	15,405.00	29.04	6,882.48	21.00	4,977.00
229	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	159 LF	70.00	11,130.00	160.50	25,519.50	78.83	12,533.97	113.00	17,967.00
230	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	26 LF	40.00	1,040.00	48.00	1,248.00	68.07	1,769.82	56.00	1,456.00
231	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	46 LF	80.00	3,680.00	72.00	3,312.00	53.54	2,462.84	62.00	2,852.00
232	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,500.00	7,500.00	1,900.00	5,700.00	1,940.59	5,821.77	2,600.00	7,800.00
233	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	1,500.00	1,500.00	3,184.29	3,184.29	3,000.00	3,000.00
234	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	2,100.00	6,300.00	3,393.36	10,180.08	4,000.00	12,000.00

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<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
235	DRYWELL TYPE 3	1 EA	4,500.00	4,500.00	3,800.00	3,800.00	3,995.15	3,995.15	5,500.00	5,500.00
236	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	3 EA	500.00	1,500.00	375.00	1,125.00	479.02	1,437.06	255.00	765.00
237	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	6 EA	250.00	1,500.00	225.00	1,350.00	282.23	1,693.38	250.00	1,500.00
238	CATCH BASIN TYPE 0	2 EA	1,800.00	3,600.00	2,400.00	4,800.00	1,504.14	3,008.28	2,000.00	4,000.00
239	CATCH BASIN TYPE 1	2 EA	2,200.00	4,400.00	2,100.00	4,200.00	1,898.58	3,797.16	2,500.00	5,000.00
240	CATCH BASIN TYPE 2	8 EA	2,700.00	21,600.00	4,500.00	36,000.00	1,909.42	15,275.36	2,300.00	18,400.00
241	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	8 EA	1,200.00	9,600.00	500.00	4,000.00	932.39	7,459.12	1,600.00	12,800.00
242	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	8 EA	1,850.00	14,800.00	500.00	4,000.00	1,448.47	11,587.76	1,200.00	9,600.00
243	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	320 CY	75.00	24,000.00	85.00	27,200.00	198.34	63,468.80	55.00	17,600.00
244	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	2,500.00	*****	556.86	*****	2,000.00
245	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	9 EA	400.00	3,600.00	400.00	3,600.00	484.01	4,356.09	570.00	5,130.00
246	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	1 EA	600.00	600.00	400.00	400.00	484.01	484.01	570.00	570.00
247	CONNECT 12 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	1 EA	700.00	700.00	225.00	225.00	394.37	394.37	1,100.00	1,100.00
248	CLEAN EXISTING SANITARY SEWER	3 EA	150.00	450.00	1,500.00	4,500.00	556.86	1,670.58	750.00	2,250.00
249	CLEAN EXISTING DRAINAGE STRUCTURE	2 EA	100.00	200.00	300.00	600.00	389.80	779.60	300.00	600.00
250	RECONNECT SIDE SEWER	1 EA	300.00	300.00	1,800.00	1,800.00	550.00	550.00	570.00	570.00
251	SIDE SEWER CLEANING AND VIDEO INSPECTION	1 EA	200.00	200.00	350.00	350.00	363.00	363.00	500.00	500.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
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<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
252	SEEDING, FERTILIZING, AND MULCHING	364 SY	2.00	728.00	2.00	728.00	2.12	771.68	2.75	1,001.00
253	SOIL BINDER OR TACKING AGENT	364 SY	2.00	728.00	2.25	819.00	2.38	866.32	3.00	1,092.00
254	HYDROSEEDING - DRYLAND MIX	193 SY	2.00	386.00	1.75	337.75	1.86	358.98	2.00	386.00
255	SEEDED LAWN INSTALLATION	171 SY	4.00	684.00	1.75	299.25	1.90	324.90	3.00	513.00
256	SOD INSTALLATION	128 SY	10.00	1,280.00	8.50	1,088.00	8.83	1,130.24	12.00	1,536.00
257	CONSTRUCT BIO-INFILTRATION SWALE	321 SY	9.00	2,889.00	9.00	2,889.00	16.53	5,306.13	21.00	6,741.00
258	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	321 SY	13.00	4,173.00	19.75	6,339.75	20.77	6,667.17	28.00	8,988.00
259	TOPSOIL TYPE A, 6 INCH THICK	281 SY	7.00	1,967.00	12.50	3,512.50	12.93	3,633.33	7.00	1,967.00
260	TIMBER CHECK DAM	14 EA	750.00	10,500.00	500.00	7,000.00	924.00	12,936.00	500.00	7,000.00
261	SWALE DRAIN PAD	4 SY	60.00	240.00	120.00	480.00	195.42	781.68	285.00	1,140.00
262	CURB DROP INLET	17 EA	100.00	1,700.00	85.00	1,445.00	30.14	512.38	225.00	3,825.00
263	4 IN. PVC IRRIGATION SLEEVE	33 LF	9.00	297.00	11.50	379.50	12.07	398.31	10.00	330.00
264	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	1,200.00	*****	1,279.34	*****	1,000.00
265	CEMENT CONCRETE CURB	147 LF	17.00	2,499.00	15.25	2,241.75	18.00	2,646.00	34.00	4,998.00
266	CEMENT CONC. CURB AND GUTTER	1824 LF	23.00	41,952.00	10.00	18,240.00	11.35	20,702.40	20.00	36,480.00
267	CEMENT CONCRETE DRIVEWAY	190 SY	40.00	7,600.00	32.50	6,175.00	44.48	8,451.20	59.00	11,210.00
268	CHAIN LINK FENCE - 4 FT TALL	40 LF	40.00	1,600.00	65.50	2,620.00	72.10	2,884.00	30.00	1,200.00
269	CEMENT CONC. SIDEWALK	357 SY	30.00	10,710.00	31.50	11,245.50	26.00	9,282.00	62.00	22,134.00
270	RAMP DETECTABLE WARNING	88 SF	25.00	2,200.00	20.00	1,760.00	20.00	1,760.00	29.00	2,552.00

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<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 02	REBECCA STREET				Public Street Improvement					
271	3 INCH CALIPER APPLE TREE	1 EA	300.00	300.00	715.00	715.00	757.20	757.20	1,000.00	1,000.00
272	MONUMENT FRAME AND COVER	13 EA	800.00	10,400.00	400.00	5,200.00	226.75	2,947.75	220.00	2,860.00
<i>Schedule Totals</i>				424,852.70		432,878.25		417,566.87		422,184.10

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> STORM SEWER REROUTE					Public Street Improvement					
301	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	127 LF	30.00	3,810.00	45.00	5,715.00	23.29	2,957.83	16.00	2,032.00
302	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	321 LF	36.00	11,556.00	48.00	15,408.00	25.66	8,236.86	19.00	6,099.00
303	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	88 LF	40.00	3,520.00	55.00	4,840.00	44.55	3,920.40	38.00	3,344.00
304	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	50 LF	80.00	4,000.00	68.00	3,400.00	69.04	3,452.00	116.00	5,800.00
305	MANHOLE TYPE I-48, BASIC PRICE	2 EA	2,500.00	5,000.00	1,900.00	3,800.00	2,075.34	4,150.68	2,600.00	5,200.00
306	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	2,100.00	6,300.00	3,207.92	9,623.76	4,100.00	12,300.00
307	DRYWELL TYPE 3	2 EA	4,500.00	9,000.00	3,500.00	7,000.00	4,784.25	9,568.50	5,500.00	11,000.00
308	CATCH BASIN TYPE 1	3 EA	2,200.00	6,600.00	1,900.00	5,700.00	1,914.69	5,744.07	2,100.00	6,300.00
309	CATCH BASIN TYPE 2	6 EA	2,700.00	16,200.00	2,100.00	12,600.00	2,280.63	13,683.78	2,000.00	12,000.00
310	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	6 EA	1,200.00	7,200.00	450.00	2,700.00	932.39	5,594.34	1,465.00	8,790.00
311	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	6 EA	1,850.00	11,100.00	500.00	3,000.00	1,448.47	8,690.82	1,100.00	6,600.00
312	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	213 CY	75.00	15,975.00	85.00	18,105.00	246.46	52,495.98	55.00	11,715.00
313	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	1,500.00	*****	1,656.75	*****	2,000.00
314	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	7 EA	400.00	2,800.00	400.00	2,800.00	484.01	3,388.07	575.00	4,025.00
<i>Schedule Totals</i>				107,761.00		92,868.00		133,163.84		97,205.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
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<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i> JULIA STREET					Public Street Improvement					
401	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	2,500.00	*****	1,685.20	*****	1,900.00
402	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	1,500.00	*****	500.00	*****	1,113.73	*****	1,300.00
403	REMOVE EXISTING CURB	124 LF	4.00	496.00	9.00	1,116.00	7.62	944.88	14.00	1,736.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	12 SY	10.00	120.00	125.00	1,500.00	15.19	182.28	113.00	1,356.00
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	2 EA	400.00	800.00	350.00	700.00	450.04	900.08	1,000.00	2,000.00
406	CLEARING AND GRUBBING	1 LS	*****	4,000.00	*****	1,500.00	*****	1,908.50	*****	6,000.00
407	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	35.00	350.00	316.80	3,168.00	30.00	300.00
408	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	150.00	750.00	25.96	129.80	50.00	250.00
409	SAWCUTTING CURB	4 EA	18.00	72.00	50.00	200.00	27.84	111.36	40.00	160.00
410	SAWCUTTING RIGID PAVEMENT	124 LFI	1.00	124.00	1.00	124.00	1.11	137.64	1.00	124.00
411	SAWCUTTING FLEXIBLE PAVEMENT	1458 LFI	0.40	583.20	0.30	437.40	0.33	481.14	0.50	729.00
412	ROADWAY EXCAVATION INCL. HAUL	610 CY	15.00	9,150.00	17.00	10,370.00	7.75	4,727.50	5.00	3,050.00
413	PREPARATION OF UNTREATED ROADWAY	1070 SY	1.80	1,926.00	1.50	1,605.00	1.31	1,401.70	9.00	9,630.00
414	CRUSHED SURFACING TOP COURSE	119 CY	32.00	3,808.00	47.50	5,652.50	34.62	4,119.78	48.00	5,712.00
415	CSTC FOR SIDEWALK AND DRIVEWAYS	24 CY	35.00	840.00	100.00	2,400.00	56.47	1,355.28	21.00	504.00
416	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	943 SY	15.00	14,145.00	13.75	12,966.25	24.33	22,943.19	31.00	29,233.00
417	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	1.00	-1.00	1.00	-1.00
418	COMPACTION PRICE ADJUSTMENT	1 EST	282.90	282.90	282.90	282.90	282.90	282.90	282.90	282.90
419	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	1,500.00	*****	1,911.51	*****	1,000.00

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<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 04	JULIA STREET				Public Street Improvement					
420	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	85 LF	30.00	2,550.00	45.00	3,825.00	27.42	2,330.70	19.00	1,615.00
421	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	60 LF	36.00	2,160.00	48.00	2,880.00	31.46	1,887.60	31.00	1,860.00
422	DRYWELL TYPE 3	3 EA	4,500.00	13,500.00	3,500.00	10,500.00	5,895.16	17,685.48	5,200.00	15,600.00
423	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	2 EA	500.00	1,000.00	375.00	750.00	479.02	958.04	550.00	1,100.00
424	CATCH BASIN TYPE 0	4 EA	1,800.00	7,200.00	2,200.00	8,800.00	1,914.84	7,659.36	1,600.00	6,400.00
425	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	1,500.00	*****	556.86	*****	2,000.00
426	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	400.00	400.00	400.00	400.00	484.01	484.01	675.00	675.00
427	CLEAN EXISTING SANITARY SEWER	1 EA	150.00	150.00	650.00	650.00	556.86	556.86	1,500.00	1,500.00
428	CLEAN EXISTING DRAINAGE STRUCTURE	3 EA	100.00	300.00	300.00	900.00	389.80	1,169.40	250.00	750.00
429	SOD INSTALLATION	381 SY	10.00	3,810.00	7.50	2,857.50	7.78	2,964.18	11.00	4,191.00
430	CONSTRUCT BIO-INFILTRATION SWALE	307 SY	9.00	2,763.00	9.00	2,763.00	16.53	5,074.71	22.00	6,754.00
431	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	307 SY	13.00	3,991.00	20.00	6,140.00	20.77	6,376.39	27.00	8,289.00
432	TOPSOIL TYPE A, 6 INCH THICK	90 SY	7.00	630.00	14.25	1,282.50	14.91	1,341.90	13.00	1,170.00
433	CURB DROP INLET	16 EA	100.00	1,600.00	85.00	1,360.00	37.36	597.76	155.00	2,480.00
434	TIMBER CHECK DAM	5 EA	750.00	3,750.00	500.00	2,500.00	920.00	4,600.00	585.00	2,925.00
435	4 IN. PVC IRRIGATION SLEEVE	59 LF	9.00	531.00	11.50	678.50	12.07	712.13	11.00	649.00
436	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	1,250.00	*****	300.00	*****	334.34	*****	380.00
437	CEMENT CONCRETE CURB	40 LF	17.00	680.00	15.25	610.00	21.00	840.00	75.00	3,000.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Spokane Rock Products Inc		William Winkler Company		Big Sky Development Inc	
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i>	JULIA STREET				Public Street Improvement					
438	CEMENT CONC. CURB AND GUTTER	568 LF	23.00	13,064.00	10.00	5,680.00	11.35	6,446.80	20.00	11,360.00
439	CEMENT CONCRETE DRIVEWAY	66 SY	40.00	2,640.00	32.50	2,145.00	32.50	2,145.00	78.00	5,148.00
440	CHAIN LINK FENCE - 4 FT TALL	62 LF	40.00	2,480.00	65.50	4,061.00	72.10	4,470.20	21.00	1,302.00
441	CHAIN LINK FENCE - 6 FT TALL	195 LF	50.00	9,750.00	21.75	4,241.25	24.20	4,719.00	21.00	4,095.00
442	CEMENT CONC. SIDEWALK	301 SY	30.00	9,030.00	31.50	9,481.50	26.00	7,826.00	62.00	18,662.00
443	RAMP DETECTABLE WARNING	32 SF	25.00	800.00	20.00	640.00	20.00	640.00	28.00	896.00
<i>Schedule Totals</i>				129,300.10		119,398.30		129,880.19		168,066.90

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 01</i> Common Items					Public Street Improvement					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	0.00	0.00	0.00	0.00
102	SPCC PLAN	1 LS	*****	500.00	*****	635.00	*****	0.00	*****	0.00
103	POTHOLING	3 EA	150.00	450.00	440.00	1,320.00	0.00	0.00	0.00	0.00
104	REFERENCE AND REESTABLISH SURVEY MONUMENT	4 EA	200.00	800.00	405.00	1,620.00	0.00	0.00	0.00	0.00
105	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	*****	1,000.00	*****	1,950.00	*****	0.00	*****	0.00
106	MOBILIZATION	1 LS	*****	48,000.00	*****	50,000.00	*****	0.00	*****	0.00
107	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	*****	9,000.00	*****	17,215.00	*****	0.00	*****	0.00
108	ESC LEAD	1 LS	*****	1,000.00	*****	2,500.00	*****	0.00	*****	0.00
109	SIGNING, PERMANENT	1 LS	*****	7,000.00	*****	7,865.00	*****	0.00	*****	0.00
110	MATERIAL ON HAND EROSION CONTROL	1 LS	*****	4,000.00	*****	1,000.00	*****	0.00	*****	0.00
<i>Schedule Totals</i>				71,751.00		84,106.00		0.00		0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
201	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	12,000.00	*****	20,340.00	*****	0.00	*****	0.00
202	REMOVE EXISTING CURB	402 LF	4.00	1,608.00	3.21	1,290.42	0.00	0.00	0.00	0.00
203	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	62 SY	10.00	620.00	13.88	860.56	0.00	0.00	0.00	0.00
204	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	7 EA	400.00	2,800.00	930.00	6,510.00	0.00	0.00	0.00	0.00
205	CLEARING AND GRUBBING	1 LS	*****	8,000.00	*****	12,000.00	*****	0.00	*****	0.00
206	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	3,000.00	*****	1,285.00	*****	0.00	*****	0.00
207	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	60.00	600.00	0.00	0.00	0.00	0.00
208	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	60.00	300.00	0.00	0.00	0.00	0.00
209	SAWCUTTING CURB	13 EA	18.00	234.00	100.00	1,300.00	0.00	0.00	0.00	0.00
210	SAWCUTTING RIGID PAVEMENT	736 LFI	1.00	736.00	1.00	736.00	0.00	0.00	0.00	0.00
211	SAWCUTTING FLEXIBLE PAVEMENT	3288 LFI	0.40	1,315.20	0.40	1,315.20	0.00	0.00	0.00	0.00
212	ABANDON EXISTING MANHOLE, CATCH BASIN OR DRYWELL	1 EA	300.00	300.00	450.00	450.00	0.00	0.00	0.00	0.00
213	ROADWAY EXCAVATION INCL. HAUL	2525 CY	15.00	37,875.00	13.21	33,355.25	0.00	0.00	0.00	0.00
214	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - ROADWAY EXCAVATION	159 CY	75.00	11,925.00	100.00	15,900.00	0.00	0.00	0.00	0.00
215	PREPARATION OF UNTREATED ROADWAY	3783 SY	1.80	6,809.40	2.40	9,079.20	0.00	0.00	0.00	0.00
216	CRUSHED SURFACING TOP COURSE	421 CY	32.00	13,472.00	65.00	27,365.00	0.00	0.00	0.00	0.00
217	CSTC FOR SIDEWALK AND DRIVEWAYS	48 CY	35.00	1,680.00	100.00	4,800.00	0.00	0.00	0.00	0.00
218	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	3385 SY	15.00	50,775.00	17.00	57,545.00	0.00	0.00	0.00	0.00

Project Number: 2014090			Engineer's Estimate		Zetin Contractors, LLC					
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

<i>Schedule Description</i>					<i>Tax Classification</i>					
Schedule 02 REBECCA STREET					Public Street Improvement					
219	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	0.00	0.00	0.00	0.00
220	COMPACTION PRICE ADJUSTMENT	1 EST	1,015.10	1,015.10	1,015.10	1,015.10	0.00	0.00	0.00	0.00
221	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	6,400.00	*****	0.00	*****	0.00
222	CEMENT CONCRETE DRIVEWAY TRANSITION	212 SY	45.00	9,540.00	37.00	7,844.00	0.00	0.00	0.00	0.00
223	CEMENT CONCRETE CURB WALL	21 LF	30.00	630.00	58.50	1,228.50	0.00	0.00	0.00	0.00
224	SEGMENTAL CONCRETE RETAINING WALL	62 SF	32.00	1,984.00	86.00	5,332.00	0.00	0.00	0.00	0.00
225	ROCK RETAINING WALL	170 SF	40.00	6,800.00	24.00	4,080.00	0.00	0.00	0.00	0.00
226	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	199 LF	30.00	5,970.00	43.00	8,557.00	0.00	0.00	0.00	0.00
227	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	15 LF	65.00	975.00	315.00	4,725.00	0.00	0.00	0.00	0.00
228	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	237 LF	36.00	8,532.00	50.00	11,850.00	0.00	0.00	0.00	0.00
229	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B AND PAVEMENT PATCH	159 LF	70.00	11,130.00	110.00	17,490.00	0.00	0.00	0.00	0.00
230	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	26 LF	40.00	1,040.00	130.00	3,380.00	0.00	0.00	0.00	0.00
231	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	46 LF	80.00	3,680.00	110.00	5,060.00	0.00	0.00	0.00	0.00
232	MANHOLE TYPE I-48, BASIC PRICE	3 EA	2,500.00	7,500.00	3,000.00	9,000.00	0.00	0.00	0.00	0.00
233	DRYWELL TYPE 1	1 EA	2,500.00	2,500.00	2,550.00	2,550.00	0.00	0.00	0.00	0.00
234	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	3,400.00	10,200.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
235	DRYWELL TYPE 3	1 EA	4,500.00	4,500.00	6,600.00	6,600.00	0.00	0.00	0.00	0.00
236	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	3 EA	500.00	1,500.00	600.00	1,800.00	0.00	0.00	0.00	0.00
237	ADJUST EXISTING VALVE BOX, MONUMENT OR CLEANOUT IN ASPHALT	6 EA	250.00	1,500.00	380.00	2,280.00	0.00	0.00	0.00	0.00
238	CATCH BASIN TYPE 0	2 EA	1,800.00	3,600.00	3,200.00	6,400.00	0.00	0.00	0.00	0.00
239	CATCH BASIN TYPE 1	2 EA	2,200.00	4,400.00	3,500.00	7,000.00	0.00	0.00	0.00	0.00
240	CATCH BASIN TYPE 2	8 EA	2,700.00	21,600.00	3,600.00	28,800.00	0.00	0.00	0.00	0.00
241	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	8 EA	1,200.00	9,600.00	2,000.00	16,000.00	0.00	0.00	0.00	0.00
242	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	8 EA	1,850.00	14,800.00	2,400.00	19,200.00	0.00	0.00	0.00	0.00
243	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	320 CY	75.00	24,000.00	100.00	32,000.00	0.00	0.00	0.00	0.00
244	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	4,450.00	*****	0.00	*****	0.00
245	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	9 EA	400.00	3,600.00	350.00	3,150.00	0.00	0.00	0.00	0.00
246	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	1 EA	600.00	600.00	300.00	300.00	0.00	0.00	0.00	0.00
247	CONNECT 12 IN. DIAMETER PIPE TO EXISTING CATCH BASIN, DRYWELL, OR MANHOLE	1 EA	700.00	700.00	1,400.00	1,400.00	0.00	0.00	0.00	0.00
248	CLEAN EXISTING SANITARY SEWER	3 EA	150.00	450.00	1,000.00	3,000.00	0.00	0.00	0.00	0.00
249	CLEAN EXISTING DRAINAGE STRUCTURE	2 EA	100.00	200.00	300.00	600.00	0.00	0.00	0.00	0.00
250	RECONNECT SIDE SEWER	1 EA	300.00	300.00	1,600.00	1,600.00	0.00	0.00	0.00	0.00
251	SIDE SEWER CLEANING AND VIDEO INSPECTION	1 EA	200.00	200.00	2,500.00	2,500.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 02</i> REBECCA STREET					Public Street Improvement					
252	SEEDING, FERTILIZING, AND MULCHING	364 SY	2.00	728.00	1.75	637.00	0.00	0.00	0.00	0.00
253	SOIL BINDER OR TACKING AGENT	364 SY	2.00	728.00	1.05	382.20	0.00	0.00	0.00	0.00
254	HYDROSEEDING - DRYLAND MIX	193 SY	2.00	386.00	1.55	299.15	0.00	0.00	0.00	0.00
255	SEEDED LAWN INSTALLATION	171 SY	4.00	684.00	1.90	324.90	0.00	0.00	0.00	0.00
256	SOD INSTALLATION	128 SY	10.00	1,280.00	5.00	640.00	0.00	0.00	0.00	0.00
257	CONSTRUCT BIO-INFILTRATION SWALE	321 SY	9.00	2,889.00	5.00	1,605.00	0.00	0.00	0.00	0.00
258	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	321 SY	13.00	4,173.00	10.00	3,210.00	0.00	0.00	0.00	0.00
259	TOPSOIL TYPE A, 6 INCH THICK	281 SY	7.00	1,967.00	5.70	1,601.70	0.00	0.00	0.00	0.00
260	TIMBER CHECK DAM	14 EA	750.00	10,500.00	920.00	12,880.00	0.00	0.00	0.00	0.00
261	SWALE DRAIN PAD	4 SY	60.00	240.00	155.00	620.00	0.00	0.00	0.00	0.00
262	CURB DROP INLET	17 EA	100.00	1,700.00	170.00	2,890.00	0.00	0.00	0.00	0.00
263	4 IN. PVC IRRIGATION SLEEVE	33 LF	9.00	297.00	9.50	313.50	0.00	0.00	0.00	0.00
264	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	3,000.00	*****	4,300.00	*****	0.00	*****	0.00
265	CEMENT CONCRETE CURB	147 LF	17.00	2,499.00	20.00	2,940.00	0.00	0.00	0.00	0.00
266	CEMENT CONC. CURB AND GUTTER	1824 LF	23.00	41,952.00	13.00	23,712.00	0.00	0.00	0.00	0.00
267	CEMENT CONCRETE DRIVEWAY	190 SY	40.00	7,600.00	42.00	7,980.00	0.00	0.00	0.00	0.00
268	CHAIN LINK FENCE - 4 FT TALL	40 LF	40.00	1,600.00	80.00	3,200.00	0.00	0.00	0.00	0.00
269	CEMENT CONC. SIDEWALK	357 SY	30.00	10,710.00	40.00	14,280.00	0.00	0.00	0.00	0.00
270	RAMP DETECTABLE WARNING	88 SF	25.00	2,200.00	26.00	2,288.00	0.00	0.00	0.00	0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 02	REBECCA STREET				Public Street Improvement					
271	3 INCH CALIPER APPLE TREE	1 EA	300.00	300.00	710.00	710.00	0.00	0.00	0.00	0.00
272	MONUMENT FRAME AND COVER	13 EA	800.00	10,400.00	400.00	5,200.00	0.00	0.00	0.00	0.00
<i>Schedule Totals</i>				424,852.70		520,835.68		0.00		0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 03</i> STORM SEWER REROUTE					Public Street Improvement					
301	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	127 LF	30.00	3,810.00	120.00	15,240.00	0.00	0.00	0.00	0.00
302	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	321 LF	36.00	11,556.00	80.00	25,680.00	0.00	0.00	0.00	0.00
303	DUCTILE IRON STORM SEWER PIPE 8 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	88 LF	40.00	3,520.00	110.00	9,680.00	0.00	0.00	0.00	0.00
304	DUCTILE IRON STORM SEWER PIPE 12 IN. DIAM., INCL. STRUCTURAL EXCAVATION CLASS B	50 LF	80.00	4,000.00	130.00	6,500.00	0.00	0.00	0.00	0.00
305	MANHOLE TYPE I-48, BASIC PRICE	2 EA	2,500.00	5,000.00	3,500.00	7,000.00	0.00	0.00	0.00	0.00
306	DRYWELL TYPE 2	3 EA	3,200.00	9,600.00	3,400.00	10,200.00	0.00	0.00	0.00	0.00
307	DRYWELL TYPE 3	2 EA	4,500.00	9,000.00	6,600.00	13,200.00	0.00	0.00	0.00	0.00
308	CATCH BASIN TYPE 1	3 EA	2,200.00	6,600.00	3,500.00	10,500.00	0.00	0.00	0.00	0.00
309	CATCH BASIN TYPE 2	6 EA	2,700.00	16,200.00	3,600.00	21,600.00	0.00	0.00	0.00	0.00
310	RETROFIT TYPE 2 CATCH BASIN WITH FRAME & DUAL VANED GRATE	6 EA	1,200.00	7,200.00	2,000.00	12,000.00	0.00	0.00	0.00	0.00
311	CATCH BASIN WSDOT TYPE 1 WITH FRAME AND GRATE (SPECIAL)	6 EA	1,850.00	11,100.00	2,400.00	14,400.00	0.00	0.00	0.00	0.00
312	EXTRA WORK ALLOWANCE FOR ROCK EXCAVATION - TRENCHES	213 CY	75.00	15,975.00	100.00	21,300.00	0.00	0.00	0.00	0.00
313	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	4,500.00	*****	0.00	*****	0.00
314	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	7 EA	400.00	2,800.00	500.00	3,500.00	0.00	0.00	0.00	0.00
<i>Schedule Totals</i>				107,761.00		175,300.00		0.00		0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i> JULIA STREET					Public Street Improvement					
401	REMOVAL OF STRUCTURE AND OBSTRUCTION	1 LS	*****	4,000.00	*****	20,000.00	*****	0.00	*****	0.00
402	MATERIAL ON HAND, TREE PROTECTION	1 LS	*****	1,500.00	*****	1,200.00	*****	0.00	*****	0.00
403	REMOVE EXISTING CURB	124 LF	4.00	496.00	4.00	496.00	0.00	0.00	0.00	0.00
404	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	12 SY	10.00	120.00	65.00	780.00	0.00	0.00	0.00	0.00
405	REMOVE MANHOLE, CATCH BASIN OR DRYWELL	2 EA	400.00	800.00	1,000.00	2,000.00	0.00	0.00	0.00	0.00
406	CLEARING AND GRUBBING	1 LS	*****	4,000.00	*****	4,500.00	*****	0.00	*****	0.00
407	REMOVE UNSUITABLE FOUNDATION MATERIAL	10 CY	30.00	300.00	60.00	600.00	0.00	0.00	0.00	0.00
408	REPLACE UNSUITABLE FOUNDATION MATERIAL	5 CY	45.00	225.00	60.00	300.00	0.00	0.00	0.00	0.00
409	SAWCUTTING CURB	4 EA	18.00	72.00	100.00	400.00	0.00	0.00	0.00	0.00
410	SAWCUTTING RIGID PAVEMENT	124 LFI	1.00	124.00	2.00	248.00	0.00	0.00	0.00	0.00
411	SAWCUTTING FLEXIBLE PAVEMENT	1458 LFI	0.40	583.20	0.40	583.20	0.00	0.00	0.00	0.00
412	ROADWAY EXCAVATION INCL. HAUL	610 CY	15.00	9,150.00	15.00	9,150.00	0.00	0.00	0.00	0.00
413	PREPARATION OF UNTREATED ROADWAY	1070 SY	1.80	1,926.00	2.40	2,568.00	0.00	0.00	0.00	0.00
414	CRUSHED SURFACING TOP COURSE	119 CY	32.00	3,808.00	65.00	7,735.00	0.00	0.00	0.00	0.00
415	CSTC FOR SIDEWALK AND DRIVEWAYS	24 CY	35.00	840.00	100.00	2,400.00	0.00	0.00	0.00	0.00
416	HMA CL. 1/2 IN. PG 64-28, 3 INCH THICK	943 SY	15.00	14,145.00	21.00	19,803.00	0.00	0.00	0.00	0.00
417	JOB MIX COMPLIANCE PRICE ADJUSTMENT	-1 CAL	1.00	-1.00	1.00	-1.00	0.00	0.00	0.00	0.00
418	COMPACTION PRICE ADJUSTMENT	1 EST	282.90	282.90	282.90	282.90	0.00	0.00	0.00	0.00
419	TEMPORARY ADJACENT UTILITY SUPPORT	1 LS	*****	1,500.00	*****	4,000.00	*****	0.00	*****	0.00

<i>Project Number:</i> 2014090			<i>Engineer's Estimate</i>		Zetin Contractors, LLC					
<i>Item No</i>	<i>Bid Item Description</i>	<i>Estimated Quantity</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>	<i>Unit Price</i>	<i>Amount</i>
<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule</i> 04	JULIA STREET				Public Street Improvement					
420	STORM SEWER PIPE 8 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	85 LF	30.00	2,550.00	100.00	8,500.00	0.00	0.00	0.00	0.00
421	STORM SEWER PIPE 12 IN. DIAM. INCL. STRUCTURAL EXCAVATION CLASS B	60 LF	36.00	2,160.00	100.00	6,000.00	0.00	0.00	0.00	0.00
422	DRYWELL TYPE 3	3 EA	4,500.00	13,500.00	6,600.00	19,800.00	0.00	0.00	0.00	0.00
423	ADJUST EXISTING MANHOLE, CATCH BASIN, DRYWELL, OR INLET IN ASPHALT	2 EA	500.00	1,000.00	500.00	1,000.00	0.00	0.00	0.00	0.00
424	CATCH BASIN TYPE 0	4 EA	1,800.00	7,200.00	3,200.00	12,800.00	0.00	0.00	0.00	0.00
425	TRENCH SAFETY SYSTEM	1 LS	*****	1,400.00	*****	2,000.00	*****	0.00	*****	0.00
426	MANHOLE OR DRYWELL FRAME AND COVER (STANDARD)	1 EA	400.00	400.00	500.00	500.00	0.00	0.00	0.00	0.00
427	CLEAN EXISTING SANITARY SEWER	1 EA	150.00	150.00	1,200.00	1,200.00	0.00	0.00	0.00	0.00
428	CLEAN EXISTING DRAINAGE STRUCTURE	3 EA	100.00	300.00	300.00	900.00	0.00	0.00	0.00	0.00
429	SOD INSTALLATION	381 SY	10.00	3,810.00	5.00	1,905.00	0.00	0.00	0.00	0.00
430	CONSTRUCT BIO-INFILTRATION SWALE	307 SY	9.00	2,763.00	5.00	1,535.00	0.00	0.00	0.00	0.00
431	TOPSOIL FOR BIO-FILTRATION SWALES, TYPE A, 12 INCH THICK	307 SY	13.00	3,991.00	10.50	3,223.50	0.00	0.00	0.00	0.00
432	TOPSOIL TYPE A, 6 INCH THICK	90 SY	7.00	630.00	6.50	585.00	0.00	0.00	0.00	0.00
433	CURB DROP INLET	16 EA	100.00	1,600.00	110.00	1,760.00	0.00	0.00	0.00	0.00
434	TIMBER CHECK DAM	5 EA	750.00	3,750.00	1,000.00	5,000.00	0.00	0.00	0.00	0.00
435	4 IN. PVC IRRIGATION SLEEVE	59 LF	9.00	531.00	20.00	1,180.00	0.00	0.00	0.00	0.00
436	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	*****	1,250.00	*****	4,200.00	*****	0.00	*****	0.00
437	CEMENT CONCRETE CURB	40 LF	17.00	680.00	20.00	800.00	0.00	0.00	0.00	0.00

Project Number: 2014090			Engineer's Estimate		Zetin Contractors, LLC					
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount

<i>Schedule Description</i>					<i>Tax Classification</i>					
<i>Schedule 04</i>	JULIA STREET				Public Street Improvement					
438	CEMENT CONC. CURB AND GUTTER	568 LF	23.00	13,064.00	13.00	7,384.00	0.00	0.00	0.00	0.00
439	CEMENT CONCRETE DRIVEWAY	66 SY	40.00	2,640.00	42.00	2,772.00	0.00	0.00	0.00	0.00
440	CHAIN LINK FENCE - 4 FT TALL	62 LF	40.00	2,480.00	80.00	4,960.00	0.00	0.00	0.00	0.00
441	CHAIN LINK FENCE - 6 FT TALL	195 LF	50.00	9,750.00	26.00	5,070.00	0.00	0.00	0.00	0.00
442	CEMENT CONC. SIDEWALK	301 SY	30.00	9,030.00	41.00	12,341.00	0.00	0.00	0.00	0.00
443	RAMP DETECTABLE WARNING	32 SF	25.00	800.00	26.00	832.00	0.00	0.00	0.00	0.00
<i>Schedule Totals</i>				129,300.10		183,292.60		0.00		0.00

Amended Bid Tab Summary

2014090 - Rebecca Street from Pratt Avenue to 7th Avenue and Julia Street from 7th Avenue to Hartson Avenue

	Schedule 1	Schedule 2	Schedule 3	Method 1	Schedule 4	Method 2
Engineer's Estimate	71,751.00	424,852.70	107,761.00	604,364.70	129,300.10	733,664.80
Red Diamond Construction, Inc.	79,001.00	333,792.39	92,915.13	505,708.52	110,428.85	616,137.37
MDM Construction, Inc	80,252.00	372,254.80	95,781.50	548,288.30	114,195.05	662,483.35
L & L Cargile, Inc.	83,473.00	374,218.90	96,655.00	554,346.90	118,417.20	672,764.10
Murphy Brothers, Inc.	61,526.00	415,131.00	117,462.00	594,119.00	135,038.70	729,157.70
T LaRiviere Equipment	77,401.00	411,486.69	92,868.00	581,755.69	150,932.90	732,688.59
Hamle Construction, Inc.	119,326.00	383,460.10	104,868.00	607,654.10	126,230.40	733,884.50
Spokane Rock Products, Inc.	102,801.00	432,878.25	92,868.00	628,547.25	119,398.30	747,945.55
William Winkler Company	76,819.66	417,566.87	133,163.84	627,550.37	129,880.19	757,430.56
Big Sky Development, Inc.	71,601.00	422,184.10	97,205.00	590,990.10	168,066.90	759,057.00
Zetin Contractors, LLC	84,106.00	520,835.68	175,300.00	780,241.68	183,292.60	963,534.28

Low Bid Contractor: Red Diamond Construction, Inc.

	Contractors Bid	Engineer's Estimate	% Variance	
Schedule 1	79,001.00	71,751.00	10.10%	Over Estimate
Schedule2	333,792.39	424,852.70	-21.43%	Under Estimate
Schedule3	92,915.13	107,761.00	-13.78%	Under Estimate
Method 1 - Total	505,708.52	604,364.70	-16.32%	Under Estimate
Schedule 4	110,428.85	129,300.10	-14.59%	Under Estimate
Method 2 - Total	616,137.37	733,664.80	-16.02%	Under Estimate

MINUTES OF SPOKANE CITY COUNCIL

Monday, December 8, 2014

BRIEFING SESSION

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref were present.

City Administrator Theresa Sanders, Assistant City Attorney Mike Piccolo, and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

Council received input from staff on the December 15, 2014, Advance Agenda items.

Emergency Budget Ordinance C35210

Motion by Council Member Allen, seconded by Council Member Waldref, **to suspend** the Council Rules; **carried 6-1 (Council Member Fagan voting “no”)**.

Motion by Council Member Waldref, seconded by Council Member Snyder, **to add** Emergency Budget Ordinance C35210 (recognizing lodging tax revenue in excess of budget to be remitted to the Public Facilities District) to next week’s Agenda (for December 15, 2014); **carried 6-1 (Council Member Fagan voting “no”)**.

Resolution 2014-0121 and Final Reading Ordinance C35202

Council Member Fagan provided an overview of: (1) Resolution 2014-0121 requesting the Spokane County Auditor to hold a special election on February 10, 2015, in conjunction with the scheduled special election to submit to the electors of the City of Spokane a proposition regarding an amendment to Section 7 of the Spokane City Charter providing for the establishment of the Mayor’s Salary by the Salary Review Commission and (2) related Final Reading Ordinance C35202 submitting a ballot proposition to the voters of the City of Spokane to amend Section 7 of the Charter of the City of Spokane relating to the establishment of the Mayor’s salary. Council President Stuckart thanked Council Member Fagan for bringing these forward. However, Council President Stuckart stated after a conversation with the Superintendent of Spokane Public Schools and its campaign team, he noted they have requested the Council defer this. He requested a motion to defer these matters to the April 20, 2015, Agenda so that Council can act in the next couple of weeks after that and place the matter on the August (2015) ballot. Council discussion and debate ensued. Subsequently, the following action was taken:

Motion by Council Member Mumm, seconded by Council Member Waldref, to so move [to defer these matters (Resolution 2014-0121 and Ordinance C35202) to the April 20 (2015) Agenda so that Council can act in the next couple of weeks after that and place the matter on the August (2015) ballot]; **carried 5-2 (Council Members Fagan and Stratton voting “no”)**.

Action to Approve December 15, 2014, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the December 15, 2014, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Allen, seconded by Council Member Stratton, **to approve** the Advance Agenda for Monday, December 15, 2014 (as amended); **carried unanimously**.

ADMINISTRATIVE SESSION

Current Agenda Review

Council considered the December 8, 2014, Current Consent Agenda items.

CONSENT AGENDA

Upon motion of Council Member Mumm, seconded by Council Member Fagan, Council unanimously approved Staff Recommendations for the following:

Contract with CH2M Hill Inc. (Spokane, WA) for the Post Street Bridge; Type, Size and Location Study—not to exceed \$400,000. (OPR 2014-0836)

Interlocal Agreement with Spokane County supporting prosecution and the public defense of defendants accepted into the joint City/County Mental Health Court for 2014. An important outcome resulting from this Court is improved public safety. (OPR 2014-0838)

Grant funding from Washington State Office of Public Defense for use by the City Public Defender’s Office effective January 1, 2015, through December 31, 2015—\$64,400 revenue. (OPR 2014-0839)

Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through December 1, 2014, total \$9,583,574.58 (Check Nos. 500903-501296; ACH Payment Nos. 16010-16129), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$8,928,090.08. (CPR 2014-0002)

Low Bid of Arc Electric & Lighting Corporation (OPR 2014-0837)

Upon consideration of the Low Bid of Arc Electric & Lighting Corporation (Spokane, WA) for Francis Avenue from Division Street to East City Limits I.T.S. for \$648,366, Council Member Snyder indicated he would oppose this expenditure as the City does not have a good and up to date I.T.S. Plan for the City, and he doesn't feel it's a good expenditure of public money. He noted this is CMAQ (Congestion, Mitigation, Air Quality) money, which can be used to pave streets, transit improvements, street sweeping, and other sorts of traffic flow improvements. He provided further comments and suggested that there are three other projects on the list for the funding that he would have ranked higher. Further Council discussion and response by City staff ensued, after which the following action was taken:

Motion by Council Member Allen, seconded by Council Member Snyder, **to defer** for one week (to December 15, 2014, Agenda) the Low Bid of Arc Electric & Lighting Corporation; **carried unanimously.**

Executive Session/Council Recess

The City Council adjourned to an Executive Session at 4:43 p.m. for approximately 10 minutes to discuss pending litigation. Assistant City Attorneys Mike Piccolo and Nate Odle were present during the Executive Session. The City Council reconvened at 6:00 p.m. for the Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref present. Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was lead by Council President Stuckart

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref were present.

Invocation/Words of Inspiration

Reverend Ryan Tinetti, pastor of Beautiful Savior Lutheran Church, provided an Invocation and Words of Inspiration.

There were no **Board Appointments.**

CITY ADMINISTRATION REPORTS

One-Year Anniversary of Community Court

Council Member Waldref noted she and Council Member Snyder were able to attend the one-year anniversary of Community Court, which is an innovative project at the City to address crimes in the Downtown area. She shared the plaque that Judge Logan of Municipal Court presented to the City Council at the event. The plaque recognizes the Council for its incredible leadership and outstanding support towards the improvement in the quality of life in the Downtown community.

COUNCIL COMMITTEE REPORTS

Public Works Committee

Council Member Waldref reported on the Public Works Committee meeting held earlier today (December 8). Minutes of the Public Works Committee meetings are filed with the City Clerk's Office and are available for review following approval by the Public Works Committee.

OPEN FORUM

Mr. Rick Bocook spoke regarding street performers and Downtown security and he commented on looking into the skywalk system as a public forum.

Ms. Catherine Isabel commented on her water bill and the water rates the City voted on.

Mr. George McGrath commented on ethics and ongoing legislation regarding marijuana. Council Member Stratton responded to remarks made by Mr. McGrath.

LEGISLATIVE AGENDA

There were no **Emergency Budget Ordinances**.

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2014-0115

Subsequent to Council comment and the opportunity for public testimony, with none provided, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2014-0115** setting hearing for January 12, 2015 for the vacation of Pearl Street from North line of Sharp Avenue to South line of Sinto Avenue;

Pearl Street from North line of Sinto Avenue to the South line of alley between Sinto Avenue and Mission Avenue, as requested by Vincent Dressel and Harlan Douglass.

Resolution 2014-0116

Council President Stuckart provided an overview of Resolution 2014-0116 relating to the early payoff of \$8.9 million by Spokane County for transfer stations. Council Member Snyder noted he would be voting against this. He stated he understands there are good arguments to do this, but he stated he feels the City could take the money out of reserves and have a larger discussion about what our reserves should be for Solid Waste. He also stated he feels the City is giving the County a pretty big price break here and it's not really clear why the City is doing that. Subsequent to additional Council commentary, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Snyder voting “no”), the City Council **adopted Resolution 2014-0116** relating to the early payoff of \$8.9 million by Spokane County for transfer stations.

FINAL READING ORDINANCES

Final Reading Ordinance C35193

Subsequent to public testimony from one individual and Council commentary, the following action was taken:

Upon Unanimous Roll Call, the City Council **passed Final Reading Ordinance C35193** relating to letters of credit in public/private partnership agreements; amending SMC section 7.16.030.

Final Reading Ordinance C35194

Subsequent to an overview of Final Reading Ordinance C35194 by Council President Stuckart, public testimony from two individuals, and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35194** relating to voter registration and election information; adopting a new section 7.01.020 to chapter 7.01 of the Spokane Municipal Code and amending the title to chapter 7.01.

Final Reading Ordinance C35195

Council Member Stratton provided an overview of Final Reading Ordinance C35195 and she presented a suggested change to the ordinance. The following action was then taken:

Motion by Council Member Stratton, seconded by Council Member Snyder, **to amend** Ordinance C35195 by adding “and the funding source

for the position” (at the end of the last sentence under 3.07.330); **carried 6-1 (Council Member Fagan voting “no”)**.

Public testimony was received on Ordinance C35195, as amended, with one individual testifying. Subsequent to commentary by Council President Stuckart, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Final Reading Ordinance C35195, as amended,** relating to the establishment of new exempt positions; adopting a new section 3.07.330 to chapter 3.07 of the Spokane Municipal Code.

Final Reading Ordinance C35196

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, and the opportunity for Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35196** relating to solid waste department, amending SMC sections 03.01A.450, 03.01A.470, 07.08.403, 13.02.0112, 13.02.0114, 13.02.0125, 13.02.0134, 13.02.0200, 13.02.0204, 13.02.0246, 13.02.0248, 13.02.0308, and 13.02.0350, of the Spokane Municipal Code.

FIRST READING ORDINANCES

The following Ordinances were read for the First Time with further action deferred:

- | | |
|-------------------|---|
| ORD C35197 | Relating to public defense standards, adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code, consisting of sections 3.10.010 and 3.10.020. |
| ORD C35199 | Relating to procurement; amending SMC section 7.06.100 and adopting a new section 7.06.225 to chapter 7.06 of the Spokane Municipal Code. |
| ORD C35200 | Relating to design-build project evaluation criteria; amending SMC section 7.06.160. |
| ORD C35201 | Relating to a Public Works Apprentice Program; adopting new sections 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.740, 7.06.750, 7.06.760 and 7.06.770 to chapter 7.06 of the Spokane Municipal Code to be designated as Article X. |
| ORD C35202 | Submitting a ballot proposition to the voters of the City of Spokane to amend Section 7 of the Charter of the City of Spokane relating to |

the establishment of the Mayor's salary. (The City Clerk noted during the reading of Ordinance C35202 that it is deferred to April 20, 2015.)

For Council action on First Reading Ordinance C35198, see section of minutes under "Hearings."

There were no **Special Considerations**.

HEARINGS

Hearing on Vacation of an Un-Named Portion of Right-of-way (North of 8018 W. Sunset Highway)

The City Council held a hearing on the vacation of an un-named portion of right-of-way, 60 feet by 447.97 feet approximately 650 feet north of 8018 West Sunset Highway. Subsequent to an overview by Eldon Brown of Planning and Development Services and the opportunity for public testimony, with none provided, the City Council took the following action:

Upon Unanimous Roll Call Vote, the City Council **approved subject to conditions** (in the Planning and Development Services Street Vacation Report dated November 4, 2014) the vacation of an un-named portion of right-of-way, 60 feet by 447.97 feet approximately 650 feet north of 8018 West Sunset Highway.

In conjunction with the hearing, related Ordinance C35198—vacating an un-named portion of right-of-way, 60 feet by 447.97 feet, approximately 650 feet north of 8018 West Sunset Highway, in Section 20, T25N, R42E, W.M., Spokane, Washington, as requested by Rodney Black and John McCormack—was read for the first time, with further action deferred.

No individuals requested to speak during the **second Open Forum**.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 6:41 p.m.

Minutes prepared and submitted for publication in the December 17, 2014, issue of the *Official Gazette*.

Terri Pfister, MMC
Spokane City Clerk

Minutes approved by Spokane City Council on _____, 2015.

Ben Stuckart
City Council President

MINUTES OF SPOKANE CITY COUNCIL

Monday, December 15, 2014

BRIEFING SESSION

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, and Stratton were present. Council Member Waldref arrived at 3:35 p.m.

Assistant City Attorney Mike Piccolo and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

There was no Advance Agenda Review as the City Council's regularly scheduled meetings on December 22 and December 29, 2014, are canceled.

ADMINISTRATIVE SESSION

Current Agenda Review

Council reviewed items on the December 15, 2014, Current Agenda for any changes and/or additions.

Purchase and Sale Agreement – Martin Luther King Family Center

Council President Stuckart requested that the Purchase and sale agreement for real property formerly known as Fire Station #6 (Martin Luther King Family Center) be moved to the 6:00 p.m. Legislative Session so it can be considered with related Resolution 2014-0117.

Requests to Take Items Separately

Council President Stuckart noted Council Member Snyder has requested that Item No. 10 (Low Bid of Arc Electric & Lighting Corporation) be considered separately. Council Member Fagan requested to have Item 4 (U-TAP Program Agreement) taken separately also.

Low Bid Meeting Specifications of Eljay Oil (OPR 2014-0870) and Graymont Western US Inc. (OPR 2014-0871)

Motion by Council Member Fagan, seconded by Council Member Mumm, **to suspend the Council Rules; carried unanimously (Council Member Waldref absent).**

Upon Unanimous Voice Vote (Council Member Waldref absent), the City Council **approved** placing items 11a (Low Bid meeting specifications of Eljay Oil) and 11b (Low Bid meeting specification of Graymont Western US Inc.) on the December 15 Current Consent Agenda.

(Council Member Waldref arrived at 3:35 p.m., during the reading of the Current Consent Agenda by the City Clerk.)

CONSENT AGENDA

Upon motion of Council Member Allen, seconded by Council Member Mumm, Council approved 6 to 1 (Council Member Fagan voting “no”) Staff Recommendations for the following:

Contract Amendment/Extension with Northwest Vital Records Center, Inc. (Spokane, WA) to provide offsite records storage and retrieval services from January 1, 2015, through December 31, 2015—Estimated \$50,000. (OPR 2010-0936)

Purchases by Fleet Services, for the Solid Waste Management Department, from Western Peterbilt (Seattle, WA) through an Interlocal Purchase Agreement with the City of Tacoma of:

- a. Six front loading refuse collection trucks as replacement units—\$2,366,134.05 (incl. tax). (OPR 2014-0850)
- b. Ten roll-off refuse collection trucks as replacement units—\$2,673,557.73 (incl. tax). (OPR 2014-0851)
- c. Four automated side-loading refuse collection trucks as replacement units—\$1,542,547.24 (incl. tax). (OPR 2014-0852)

Extend and Amend two-year contract to East Central Community Organization for the operation of the ECCC, including enhancement of service levels and community outreach—Total \$718,892 (2015—\$374,446 2016—\$344,446). (OPR 2012-0886)

Authorization to enter into Contract with Spokane Neighborhood Action Partners Single Family Rehabilitation program management and home rehabilitation utilizing \$1,155,000 of HUD CDBG funds. (OPR 2014-0855)

Low Bid of Bacon Concrete, Inc. (Spokane, WA) for Division Street Gateway—3rd Avenue to 4th Avenue—\$597,602.05. An administrative reserve of \$59,760.20, which is 10% of the contract price, will be set aside. (OPR 2014-0856)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through December 1, 2014, total \$4,305,840.84 (Check Nos. 501297-501550; ACH Payment Nos. 16130-16227), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$4,188,987.61. (CPR 2014-0002)
- b. Payroll claims of previously approved obligations through December 6, 2014: \$6,170,410.83 (Payroll Check Nos. 526987-527164). (CPR 2014-0003)

City Council Meeting Minutes: (a) December 1, 2014 and (b) December 4, 2014. (CPR 2014-0013)

Low Bid meeting specifications of Eljay Oil (Spokane Valley, WA) for Lube Products and Miscellaneous Associated Items—\$75,000 (incl. tax). (OPR 2014-0870)

Low Bid meeting specifications of Graymont Western US Inc. (Salt Lake City, UT) for High Calcium Quicklime—\$1,434,840 (incl. tax). (OPR 2014-0871)

(Council Member Fagan indicated he voted “no” on the Consent Agenda items as he intended to also request that item No. 6—Low Bid of Bacon Concrete, Inc. for Division Street Gateway—be considered separately. He stated a lot of his constituents are giving him information that the money could be spent on other things besides the beautification of the Division Street Gateway at this point, such as fixing pot holes.)

U-TAP Program Agreement with STA (OPR 2014-0854) (taken separately)

Council Member Fagan noted he can’t support this contract this year because of the pay and benefits provided to government employees. He stated he believes in general City employees, government employees in general, can afford to do something like this (pay for their own bus passes). Subsequent to Council commentary, the following action was taken:

Upon 6-1 Voice Vote (Council Member Fagan voting “no”), the City Council approved the U-TAP Program Agreement between City of Spokane and STA to continue a pass program authorizing City employees’ use of STA services—\$58,240.

Low Bid of Arc Electric & Lighting Corporation (OPR 2014-0837) (Deferred from December 8, 2014, Agenda) (taken separately)

Council Member Snyder noted he met with staff and had a really good meeting with staff on the genesis of this project, its use, its problematic match, and the utility of this project. He stated he begrudgingly admits that there is more utility to it than what he realized. Council Member Snyder further stated he would much rather spend the CMAQ (Congestion, Mitigation, and Air Quality) money on other uses and he feels in our region we have made poor use of our CMAQ dollars and putting an inordinate amount on I.T.S. and very little on bikes, pedestrians, and transit. However, he stated he didn’t want to see this project go incomplete because of that concern and because he feels the City

has done an excellent job of securing problematic match, which is where we use certain projects to leverage more federal dollars and he doesn't want to interrupt that. Council Member Snyder further remarked that when this project was voted on in 2011 there was no discussion or designation in the Six-Year Street Plan for a project that was a programmatic match so there was no way for a Council Member to know that were committing themselves to a programmatic match project. Therefore, he noted in the future he is going to request that designation be added to the Six-Year Street Plan. In addition, he stated he didn't want to see anymore I.T.S. projects in the Six-Year Street Plan until three things have happened: 1) get the governance for the SRTMC under control; 2) the Council needs to approve an I.T.S. SRTMC plan for the City of Spokane; and 3) he doesn't want to see CMAQ or REET funds on I.T.S. until the first two things are figured out and until we've exhausted other resources. Subsequent to further comments by Council Member Snyder, as well as other Council commentary, the following action was taken:

Upon Unanimous Voice Vote, the City Council **approved** the Low Bid of Arc Electric & Lighting Corporation (Spokane, WA) for Francis Avenue from Division Street to East City Limits I.T.S.—\$648,366. Administrative reserve of \$64,836.60, which is 10% of the contract price, will be set aside.

Executive Session/Council Recess

The City Council adjourned at 3:42 p.m. No Executive Session was held. The City Council reconvened at 6:00 p.m. for the Regular Legislative Session, with Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref present.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was lead by Council President Stuckart.

Roll Call

On roll call, Council President Stuckart and Council Members Allen, Fagan, Mumm, Snyder, Stratton and Waldref were present.

Words of Inspiration/Invocation

Andre Dove, Lead Pastor of Restoration Church, provided Words of Inspiration and an Invocation.

CITY ADMINISTRATION REPORTS

Office of Police Ombudsman Monthly Report

Police Ombudsman Tim Burns shared the work of the Office of the Police Ombudsman for the month of November. In November, he noted the newly seated Police Ombudsman Commission met twice, on November 4 and November 19. Part of the conversations in the Commission meetings was moving forward with a request for proposal for independent legal counsel, and they have since closed the RFP process, with five attorneys submitting a proposal of interest.

Mr. Burns reported that during the month the Office was contacted 83 times. So far through November 2014, the Office has been contacted 1,407 times. During the month, the Office received four complaints, and since January 1, the Office has received a total of 93 complaints. There were an additional four complaints received that were not within the jurisdiction of the Office that were referred to the appropriate jurisdiction. During the month, Mr. Burns noted he certified five completed Internal Affairs investigations as timely, thorough, and objective. He noted he did not decline certification on any during the month. During the month, there were three complaint investigations that were re-opened. Mr. Burns noted that one was as a result of information that was provided to him from Council Member Fagan and involved a situation where retaliation was alleged and there was new probative and persuasive information that would allow the investigation to be re-opened. In addition, he noted the Office of Police Ombudsman Commission authorized him to approach and ask the Chief of Police to open two completed Internal Affairs investigations, one involving the sit and lie ordinance and the second involving an excessive force complaint. He noted both of those have been re-opened at the Commission's direction.

Mr. Burns further reported during the month there was one critical incident which has been reported on several times. Additionally, during the month, there were two recommendations made to two different entities. The first one was as a result of a complaint involving a bartering of ammunition at the police range and the recommendation was made to the Council as well as the Office of the Mayor that an independent comprehensive financial performance audit be conducted on the range. The second recommendation was as a result of some in-service training Mr. Burns noted he had the opportunity to attend where there was a training component on water rescue where they used a device called a rope and a bag and it is thrown out to help somebody swim to shore. The recommendation, which was reinforced by the Commission, was that all police vehicles be equipped with this device, recognizing each device costs about \$50 a unit, and additionally a life vest be provided for all of the officers so that we don't lose an officer while trying to save somebody.

The final thing Mr. Burns suggested to Council, in recognizing he is vacating his position in the near future, was that maybe we reach out to potentially a retired judge or an attorney who might be able to temporarily fill this position until a comprehensive review can be done of the position and a national search be done to fill his position. Council Member Allen thanked Mr. Burns for his service to the community. Council President Stuckart stated he felt it would be appropriate to provide Mr. Burns a round of applause in recognition of his time in Spokane.

Chase Youth Commission

Gleb Liashedko, Chase Youth Commission Chair and senior at Spokane Valley High School, and Sydney Orr, senior at Central Valley High School, provided an overview of the Chase Youth Commission and provided highlights of accomplishments over the past year. The Chase Youth Commission's mission is to give youth a voice in bringing about change in our community. Ms. Orr provided an overview of accomplishments for the 2014 calendar year, which include: Legislative Youth Advisory Council, Chase Youth Enrichment Fund, youth sponsored police forum, Bully Busters Anti-Bullying Campaign, and Breakfast of Champions. Mr. Liashedko spoke regarding corroborating the City and County Departments and noted this year's collaborations included the following topics: Parks and Recreation, Riverfront Park Master Plan Advisory Committee, Spokane Regional Transportation Committee, Work Force Development Council, Marijuana Policy Subcommittee, Community and Neighborhood Services, sexual assault at high school and college level, Chase Youth Awards, and youth issues candidates' forum.

COUNCIL COMMITTEE REPORTS

Planning, Community, and Economic (PCED) Development Committee

Council Member Mumm reported on the PCED Committee meeting held earlier today (December 15). Minutes of the PCED Committee meetings are filed with the City Clerk's Office and are available for review following approval by the PCED Committee.

Public Safety Committee

Council Member Snyder reported on the Public Safety Committee meeting held earlier today (December 15). Minutes of the Public Safety Committee meetings are filed with the City Clerk's Office and are available for review following approval by the Public Safety Committee.

APPOINTMENTS

Reappointments to Hotel Advisory Commission, Design Review Board, and Northeast Public Development Authority

Motion by Council Member Fagan, seconded by Council Member Allen, **to approve** (and thereby confirm) the following re-appointments; **carried unanimously:**

- Reappointment of Mike McLeod to the Hotel Advisory Commission for a three-year term, expiring December 31, 2017. (CPR 2004-0017)
- Reappointment of Austin Dickey to the Design Review Board for a three-year term, expiring on December 31, 2017. (CPR 1993-0063)
- Reappointment of Joe Tortorelli to the Northeast Public Development Authority for a three-year term, expiring December 11, 2017. (CPR 2012-0032)

Appointment to Ombudsman Selection Committee

Council Member Snyder commented on the vacancy occurring in the Ombudsman Office, and noted that a special committee will be appointed of five individuals that will be used to select three candidates that will be forwarded to the Ombudsman Commission to replace Mr. Tim Burns. He noted the City Council is responsible for appointing one of those five individuals on the committee to select new Ombudsman candidates. Council Member Snyder stated he would like to nominate a member of the Police Ombudsman Commission to be on that committee and to be selected by the Commission instead of the Council. He further stated he would nominate the Council to delegate its selection to the Commission to appoint one of their members. Subsequent to Council inquiry and comment and response by Assistant City Attorney Mike Piccolo, the following action was taken:

Motion by Council Member Snyder, seconded by Council Member Mumm, **to nominate** the Council to delegate its selection to the Commission to appoint one of their members (to the special committee to select Ombudsman candidates); **carried 5-2 (Council Members Allen and Fagan voting “no”).**

OPEN FORUM

Mr. George McGrath commented on public transit and the use of tax dollars to pay for ads relating to the public transit system. He suggested that everything that public transit wants be turned down unless public transit can prove it is valuable to all of us.

Mr. Henry Valder commented on dreamcenter.org and he commented on prayer.

Mr. Gabriel Elliot commented on Signs of Spirituality at www.sos.org and invited people locally to go the Unity Center South to meditate with the signs of spirituality group. In addition, he made other remarks.

Ziggy commented on an article in *The Inlander* relating to the Black Lives Matter Movement and invited people to stand for a minute of silent support.

Mr. Michael Poulin commented that Spokane has the dubious distinction of being the home and origin of modern American torture, while citizens of Spokane nor the government of Spokane has any responsibility for the activities of Jessen and Mitchell who brought this label upon us. He feels it is incumbent upon the government, and specifically the Council, to say something about this to condemn torture, to repudiate torture, and particularly to do something about the stain that Jessen and Mitchell has brought upon the City.

Mr. David Brookbank also commented on Jessen and Mitchell and others in Spokane and acknowledged the reporting of journalists Bill Morlin and Karen Dorn Steele in May 2007 in *The Spokesman Review*. In addition he remarked on Fairchild and noted he does not support Fairchild.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

Emergency Budget Ordinance C35203

Subsequent to a brief overview by Council President Stuckart, public testimony, and Council commentary, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Emergency Budget Ordinance C35203** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Under Freeway Parking Fund

FROM: Unappropriated Reserves, \$260,000 and Construction of Fixed Assets, \$100,000;

TO: Transfer to Asset Management \$360,000;

and

Parking Fund

FROM: Unappropriated Reserves, \$12,500 and

TO: Transfer to Asset Management, same amount;

and

Asset Management Fund Capital

FROM: Various Accounts, \$672,500;

TO: Various Accounts, same amount

(This action completes the transfer of necessary funds to an expenditure fund for project construction related to the Division Street Gateway Project.) (Relates to Resolution 2014-0119)

Emergency Budget Ordinance C35204

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35204** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the

Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund – Public Safety & Judicial Grants
FROM: Various Accounts, \$24,400;
TO: Various Accounts, same amount.

(This action will allow hiring officers in 2014 rather than 2015 as previously expected).

Emergency Budget Ordinance C35205 (Relates to Resolution 2014-0120)

Subsequent to public testimony and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35205** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund
FROM: Local Retail Sales/Use Tax, \$600,000;
TO: Transfer to Asset Management Operations, same amount.

(This action is necessary to avoid using Asset Management capital funds to cover operating costs.)

Emergency Budget Ordinance C35206

Subsequent to a brief overview by Council President Stuckart and the opportunity for public testimony, with none provided, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Emergency Budget Ordinance C35206** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

General Fund

FROM: General Fund – Nondepartmental, Realized Gain/Loss, \$1,340,000;

TO: General Fund, Transfer to Reserves, same amount.

(This action recognizes realized investment gains and transfer to the General Fund Contingency Reserve.)

Emergency Budget Ordinance C35210

Subsequent to a brief overview by Council President Stuckart and public testimony, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Emergency Budget Ordinance C35210** amending Ordinance No. C35062 passed the City Council November 25, 2013, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2014, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2014, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

Hotel / Motel Fund

FROM: Lodging Tax Revenue, \$900,000;

TO: Intergovernmental Payment, same amount

(This action recognizes lodging tax revenue in excess of budget to be remitted to the Public Facilities District.)

EMERGENCY ORDINANCE

Emergency Ordinance C35207

Subsequent to an opportunity for public testimony, with none provided, the following action was taken:

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **passed Emergency Ordinance C35207** of the City of Spokane, Washington, providing for the issuance and sale of unlimited tax general obligation bonds of the City in the principal amount of not to exceed \$64,300,000 to provide funds for the renovation of Riverfront Park Buildings, facilities and infrastructure, enhancing security and safety facilities, improving parking, lighting, heating and cooling systems, and improving other capital facilities of Riverfront Park and the Parks System; providing for the annual levy of taxes to pay the principal of and interest on the bonds, as authorized by a resolution of the Council and approved by the qualified electors of the City at a special election held on November 4, 2014; delegating authority to the designated representative to determine the final principal amount, interest rates, principal maturities and other

terms of the bonds, and providing for the sale of such bonds under the conditions set forth herein, and declaring an emergency.

RESOLUTIONS

Resolution 2014-0117 Providing for the Sale of Surplus Property and OPR 2014-0857—Purchase and Sale Agreement: Martin Luther King Family Center

Subsequent to a brief overview by Council President Stuckart and Council commentary from one individual, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2014-0117** providing for the sale of surplus property located at 845 South Sherman Street, in the City of Spokane and **approved OPR 2014-0857—Purchase and sale agreement for the real property formerly known as Fire Station #6, located at 845 S. Sherman Street.** The Martin Luther King Family Center has been a long time tenant of the facility and has agreed to purchase the property for \$132,500 minus an applied credit for improvements made by the tenant over the life of the lease of \$123,000. The Martin Luther King Family Center shall pay the difference, \$9,500 plus closing costs for a total not to exceed of \$15,000 to complete the transaction.

Resolution 2014-0118

Council Member Snyder provided an overview of Resolution 2014-0118. Public testimony was received and Council commentary held. Council Member Fagan presented comments in opposition to the resolution. He stated he has seen no coordination or communication with School District 81 on this and feels they should be a full-fledged partner on this. In addition, he stated he feels the Council has not done its due diligence on this matter and feels there should be more drill down on what the Council is actually committing the citizens to and so he indicated he would not be supporting the resolution. Council Member Allen noted he supports the concept one hundred percent but he wants to make sure a pilot study is a study where there is another chance to check, and he noted he doesn't see that in this document. He presented a friendly amendment to add at the end of the resolution so it says "and a review of the pilot program in December 2015." Subsequent to Council commentary, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member Snyder, **to amend** Resolution 2014-0118 to include a review of the pilot program in December 2015; **carried 5-2 (Council Members Fagan and Mumm voting "no")**.

Upon 6-1 Roll Call Vote (Council Member Fagan voting "no"), the City Council **adopted Resolution 2014-0118, as amended**, regarding the school speed zone camera pilot program (at Finch Elementary and

Longfellow Elementary and examines strategies to improve pedestrian safety at Stevens Elementary).

Resolution 2014-0119 (Relates to Emergency Budget Ordinance C35203)

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **adopted Resolution 2014-0119** relating to an interfund loan from the Spokane Investment Pool to the Asset Management Fund of up to \$300,000 of Limited Tax General Obligation Bonds, 2014 Series B.

Resolution 2014-0120 (Relates to Emergency Budget Ordinance C35205)

Upon Unanimous Roll Call Vote, the City Council **adopted Resolution 2014-0120** approving the Interfund Loan from the General Fund to various grants operations funds for a loan of up to \$600,000 for on-going working capital purposes.

FINAL READING ORDINANCES

Final Reading Ordinance C35197

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35197** relating to public defense standards, adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code, consisting of sections 3.10.010 and 3.10.020.

For Council Action on Final Reading Ordinances C35199, C35200, and C35201, see section of minutes following “Hearings.”

For Council Action on Final Reading Ordinance C35208, see section under “Hearings.”

There were no **Special Considerations**.

HEARINGS

Hearing on the 2015 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area, Related Final Reading Ordinance C35208, and 2015 Downtown Business Improvement District Management Plan (OPR 2014-0853)

Subsequent to a presentation by Mark Richard, President of the Downtown Spokane Partnership, of the 2015 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area and the 2015 Downtown Business Improvement District Management Plan, Council commentary, and the opportunity for public testimony, with none provided, the following actions were taken:

Motion by Council Member Allen, seconded by Council Member Fagan, **to close** the hearing; **carried unanimously.**

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35208** approving and confirming the 2015 assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area (Business Improvement District - BID), prepared under Ordinance No. C32923, as amended.

Upon 6-1 Roll Call Vote (Council Member Fagan voting “no”), the City Council **approved** the 2015 Downtown Business Improvement District Management Plan. (OPR 2014-0853)

Council Recess

The City Council took a recess at 7:52 p.m. and reconvened at 7:58 p.m.

FINAL READING ORDINANCES (continued)

Final Reading Ordinance C35199 (Relates to Final Reading Ordinances C35200 and C35201)

Council President Stuckart provided an overview of Final Reading Ordinance C35199. Subsequent to public testimony from one individual and Council commentary, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35199** relating to procurement; amending SMC section 7.06.100 and adopting a new section 7.06.225 to chapter 7.06 of the Spokane Municipal Code.

Final Reading Ordinance C35200 (Relates to Final Reading Ordinances C35199 and C35201)

Council President Stuckart provided an overview of Final Reading Ordinance C35200. Subsequent to public testimony from one individual, the following action was taken:

Upon Unanimous Roll Call Vote, the City Council **passed Final Reading Ordinance C35200** relating to design-build project evaluation criteria; amending SMC section 7.06.160.

Final Reading Ordinance C35201 (Relates to Final Reading Ordinances C35199 and C35200)

Subsequent to an overview of proposed changes to Final Reading Ordinance C35201 by Council Member Waldref, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Mumm, **to replace** this newly filed version of Ordinance C35201 with the previously filed version; **carried 6-1 (Council Member Fagan voting “no”)**.

Council President Stuckart provided an overview of Ordinance C35201, as amended. Considerable public testimony was then received, after which the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Snyder, to strike on page 2, section D, everything after the words “Washington State and Apprenticeship Council,” since that is the appropriate body that approves apprenticeship programs; **carried 6-1 (Council Member Fagan voting “no”)**.

Council commentary and debate then ensued, after which the following action was taken:

Upon 5-2 Roll Call Vote (Council Members Allen and Fagan voting “no”), the City Council passed Final Reading Ordinance C35201, as amended, relating to a Public Works Apprentice Program; adopting new sections 7.06.700, 7.06.710, 7.06.720, 7.06.730, 7.06.740, 7.06.750, 7.06.760, 7.06.770 and 7.06.780 to chapter 7.06 of the Spokane Municipal Code to be designated as Article X.

FIRST READING ORDINANCES

The following Ordinance was read for the First Time with further action deferred:

ORD C35209 Relating to initiatives and referendums; amending SMC sections 2.02.020 and 2.02.130. (This amendment will clarify that a political committee must have a mailing address in the City and either its campaign manager, treasurer, or committee officers are a qualified, registered elector in the City.).

SECOND OPEN FORUM

Mr. John O’Day commented on a red light ticket he received back in June and expressed concerns of the court hearing notice being sent to him the day before the hearing. He further commented on the hearing and stated he was forced to have his wife transcribe the hearing so he could ask for a judicial review of the commissioner’s finding, of which he stated the response was that the City dropped the ticket, but that he was made to sit there for three hours. In addition, he commented on a bill he sent to the City for a \$1,000 for his time for being forced into court.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 10:08 p.m.

Minutes prepared and submitted for publication in the December 24, 2014, issue of the *Official Gazette*.

Terri Pfister, MMC
Spokane City Clerk

Approved by Spokane City Council on _____, 2015.

Ben Stuckart
City Council President

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

01/05/2015

<u>Date Rec'd</u>	12/19/2014
<u>Clerk's File #</u>	ORD C35213
<u>Renews #</u>	

<u>Submitting Dept</u>	POLICE	<u>Cross Ref #</u>	OPR 2014-0823
<u>Contact Name/Phone</u>	TIM 625-4109	<u>Project #</u>	
<u>Contact E-Mail</u>	TSCHWERING@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Emergency Budget Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0680-EBO-REVENUE CRIMINAL JUSTICE TRAINING COMMISSION-2015		

Agenda Wording

Amending Ordinance No. C35185 and appropriating funds in the General Fund from: Criminal Justice Training Commission. The amount for 2015 is \$142,904.00.

Summary (Background)

OPR 2014-0823 was approved on December 1, 2014 approving the reimbursement of 1.4 SPD officer positions from the Washington State Criminal Justice Training Commission. Reimbursement of FTE equivalent of 1.4 officers (Dollard & Everly) in the amount of \$142,904.00 is for the term January 1, 2015-December 31, 2015. Funds will be used for training software, training contracts, and overtime.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Revenue	\$ 142,904.00	#	0680-11300-99999-33821
Expense	\$ 30,000.00	#	0680-11300-94000-56403-68023
Expense	\$ 76,140.00	#	0680-11300-21400-54201
Expense	\$ 36,764.00	#	0680-11100-21221-51215
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	LYNDS, SARAH	<u>Study Session</u>	11/17/14
<u>Division Director</u>	DOBROW, RICK	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	slynds	
<u>For the Mayor</u>	SANDERS, THERESA	ewade	
<u>Additional Approvals</u>		achirowamangu	
<u>Purchasing</u>		rdobrow	

**Briefing Paper
City of Spokane
Spokane Police Department/Public Safety Committee
BLEA
November 17, 2014**

Subject

Interagency agreement between Spokane Police and Washington State Criminal Justice Training Commission (WSCJTC) for Basic Law Enforcement Academy (BLEA) training sessions.

Background

The Spokane Police Department will be hosting the Basic Law Enforcement Academy for two years, starting January 1, 2015-December 31, 2016.

The Basic Academy curriculum is designed to provide recruit officers with the basic knowledge and skills necessary for safe, proper, and effective law enforcement service.

Impact

This agreement will allow the WSCJTC academy to use SPD facilities to teach their BLEA training to applicants in Eastern Washington. WSCJTC will be responsible for funding the training which includes; instructors, supplies and contractual items and will be coordinating the procurement of these items.

Action

Approval of both the Interlocal agreement with SPD to host training and agreement for contributing revenue as reimbursement for 1.4 FTE's as instructors to the Academy.

Funding

1.4 FTE's - Officers budgeted in Patrol
Revenue-2015-\$143,000: & Revenue-2016-145,000

ORDINANCE NO C35213

An ordinance amending Ordinance No. C-35185, passed the City Council November 24, 2014, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2015, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2015, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2015 budget Ordinance No. C-35185, as above entitled, and which passed the City Council November 24, 2014, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0680-11300	General Fund – Police	
	99999-33821	IG Revenue	<u>\$ 142,904</u>
TO:	0680-11300	General Fund – Police	
	94000-56403	Capitalized Software	\$ 30,000
	0680-11300	General Fund – Police	
	21400-54201	Contractual Services	\$ 76,140
	0680-11300	General Fund – Police	
	21400-51215	Uniformed Overtime	<u>\$ 36,764</u>
			<u>\$ 142,904</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to reflect additional revenue and expenses from the Criminal Justice Training Center Basic Law Enforcement Academy reimbursements for OPR 2014-0823, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage..

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to form: _____
Assistant City Attorney

Mayor

Date

Effective Date

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	RES 2015-0001
<u>Renews #</u>	

<u>Submitting Dept</u>	INFORMATION TECHNOLOGY	<u>Cross Ref #</u>	OPR 2015-0013
<u>Contact Name/Phone</u>	MICHAEL 625-6468	<u>Project #</u>	
<u>Contact E-Mail</u>	MSLOON@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Resolutions	<u>Requisition #</u>	
<u>Agenda Item Name</u>	5300 HYLAND SOFTWARE (2015)		

Agenda Wording

Contract with Hyland Software, Inc. (Westlake, OH) for OnBase Software support of The City's document imaging system utilized by various City Departments. January 1, 2015 through December 31, 2015 for an estimated \$73,990.79 plus tax.

Summary (Background)

Hyland Software was selected and implemented in 2009 for the City of Spokane's Enterprise Document Imaging and Management System to include the City of Spokane Police Department and City Clerk's Department. This contract includes software assurance for Hyland Software.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Expense	\$ 73,990.79 plus tax	#	5300-73300-18850-54820
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SLOON, MICHAEL	<u>Study Session</u>	Finance, 12/1/14
<u>Division Director</u>	DOLAN, PAM	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT	Accounting - pdolan@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	Contract Accounting - mlesense@spokanecity.org	
<u>Additional Approvals</u>		Legal - hwhaley@spokanecity.org	
<u>Purchasing</u>		Taxes & Licenses	
		Purchasing - cwahl@spokanecity.org	
		IT - jhamilton@spokancity.org	
		Hyland - lew.holder@onbase.com	

RESOLUTION NO. 2015-0001

A Resolution declaring Hyland Software, Inc. who owns the rights to the patented software known as OnBase which is used all City Departments as sole source and thus authorizing its purchase from Hyland Software Inc., of Westlake, Ohio at an estimated cost for the first year of \$73,990.79, excluding taxes if applicable.

WHEREAS, The City has been using OnBase (developed by Hyland) as an enterprise document imaging system since 2009; and

WHEREAS, OnBase has custom-built workflows, e-forms, and queries currently used by the regional Law Enforcement agencies 24x7x365 (Spokane Police, Spokane County Sheriff, Spokane Valley Police, Spokane Airport Police), as well as the City Clerk, Water, Planning, Engineering, Building, and Engineering Departments for their day-to-day business operations; and

WHEREAS, additionally OnBase is also used by all City departments for the City Council's Agenda submittals and approvals; and

WHEREAS, the City Information Technology (IT) Department has recently decided to contract the annual maintenance support with Hyland directly since Hyland is the creator of OnBase instead of the previous City contract with a sub-Value Added Reseller of Hyland/OnBase; and

WHEREAS, by contracting directly with Hyland Software Inc., the City will have quicker and more direct access to Hyland's developers of OnBase for continued software support; and

WHEREAS, the 2014 public bid limit for the purchase of goods is \$47,400.00;

-- Now, Therefore,

BE IT RESOLVED by the city council for the City of Spokane that it hereby declares Hyland Software, Inc. who owns the rights to the patented software known as OnBase which is used all City Departments as sole source and authorizes its purchase, at an estimated cost for the first year of \$73,990.79, excluding taxes if applicable.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney

CONTRACT

THIS CONTRACT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and HYLAND SOFTWARE, INC., whose address is 28500 Clemens Road, Westlake, Ohio 44145, as "Consultant".

1. PERFORMANCE. The Consultant shall provide SOFTWARE ASSURANCE OF HYLAND SOFTWARE UTILIZED BY VARIOUS CITY DEPARTMENTS.

2. CONTRACT TERM. The Contract shall begin January 1, 2015 and run through December 31, 2015, unless terminated earlier.

3. COMPENSATION. The City shall pay the Consultant a maximum of SEVENTY THREE THOUSAND NINE HUNDRED NINETY AND 79/100 DOLLARS (\$73,990.79) plus applicable tax, as full compensation for everything furnished and done under this Contract.

4. PAYMENT. The Consultant shall send its applications for payment to the Information Technology Department, Administration Office, Seventh Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. Payment will be made within thirty (30) days after receipt of the Consultant's application.

5. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.

6. ASSIGNMENTS. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.

7. AMENDMENTS. This Contract may be amended at any time by mutual written agreement.

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

9. TERMINATION. Either party may terminate this Contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay the Consultant for all work previously authorized and performed prior to the termination date.

10. INDEMNIFICATION. The Consultant shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of the Consultant, its officers,

employees and subcontractors in connection with the performance of the Contract, except to the extent of those claims arising from the negligence of the City, its officers and employees.

11. SEVERABILITY. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in force and effect.

12. STANDARD OF PERFORMANCE. The silence or omission in the Contract regarding any detail required for the proper performance of the work, means that the Consultant shall perform the best general practice.

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

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

15. INSURANCE. During the term of the Contract, the Consultant shall maintain in force at its own expense, the following coverages:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers;
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,500,000 each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its agents, officers and employees are Additional Insureds but only with respect to the Consultant's services to be provided under this Contract; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$300,000.00 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverages required by this Contract,

the Consultant shall furnish an acceptable insurance certificate to the City at the time the Consultant returns the signed agreement.

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

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest: _____
City Clerk

Dated: _____

HYLAND SOFTWARE, INC.

E-mail address if available: _____

By: _____

Title: _____

Approved as to form:

Assistant City Attorney



Hyland Software, Inc.
28500 Clemens Road Westlake, OH 44145
Phone:(440) 788 - 5000 Internet:www.onbase.com

Customer:

City of Spokane, WA
Attention: Joan Hamilton
808 W. Spokane Falls Blvd.
SPOKANE,WA 99201
United States

Software Maintenance Invoice

Account#: 10294
Invoice#: 258909
Date: 12/12/2014
Territory: US
Status: Not Paid
Bill No.: 10294

Primary Support Provided By:

Hyland Software, Inc.
Attention: Joan Hamilton
28500 Clemens Rd
Westlake, OH 44145
United States

Billing Period	OnBase Version	Terms
Maintenance from 01/01/2015 to 12/31/2015	13.0.2	DUE: 12/31/2014

Module Code	Description	Rate	Quantity	Extended Rate
AEMPI2	Enterprise Application Enabler Maintenance	\$ 10,000.00	1	\$ 10,000.00
AGMPI1	Integration for ESRI ArcGIS Desktop Maintenance	\$ 1,400.00	1	\$ 1,400.00
AIMPW3	Desktop Document Imaging (Unlimited) Maintenance	\$ 300.00	5	\$ 1,500.00
AMMPW1	Agenda Management Maintenance	\$ 1,000.00	1	\$ 1,000.00
APMPQ3	Query API (Initial 500 queries/hour) (OnBase Unity/Core) Maintenan	\$ 2,000.00	1	\$ 2,000.00
ARMPW1	Automated Redaction Maintenance	\$ 4,000.00	1	\$ 4,000.00
CLMPW1	COLD/ERM Maintenance	\$ 2,000.00	1	\$ 2,000.00
CMMP11	Configuration Migration Utility Maintenance	\$ 0.00	1	\$ 0.00
CTMPC1	Concurrent Client (1-100) Maintenance	\$ 240.00	61	\$ 14,640.00
DMMP11	EDM Services Maintenance	\$ 1,000.00	1	\$ 1,000.00
DPMPW1	Document Import Processor Maintenance	\$ 1,000.00	1	\$ 1,000.00
DSMPI1	Distributed Disk Services Maintenance	\$ 1,000.00	1	\$ 1,000.00
GWMP11	Public Sector Constituency Web Access Maintenance	\$ 408.80	1	\$ 408.80
IDMPC1	Full-Text Indexing Concurrent Client for Autonomy IDOL Maintenan	\$ 60.00	1	\$ 60.00
IDMPI1	Full-Text Indexing Server for Autonomy IDOL Maintenance	\$ 2,000.00	1	\$ 2,000.00
ISMPW1	Production Document Imaging (ISIS or TWAIN) (1) Maintenance	\$ 1,000.00	1	\$ 1,000.00
ISMPW2	Production Document Imaging (ISIS or TWAIN) (2+) Maintenance	\$ 400.00	6	\$ 2,400.00
OBMPW1	Multi-User Server Maintenance	\$ 1,600.00	1	\$ 1,600.00
OCMPW1	Batch OCR Maintenance	\$ 300.00	1	\$ 300.00
OMMPW1-IPAD	Mobile Access for iPad Maintenance	\$ 1,000.00	1	\$ 1,000.00
PRMPI1	Physical Records Management Maintenance	\$ 3,000.00	1	\$ 3,000.00
PTMPC1	Virtual Print Driver Maintenance	\$ 1,000.00	1	\$ 1,000.00
SALESTAX	Tax (Type : Maintenance) : WA	\$ 5,921.99	1	\$ 5,921.99
STMPI1	StatusView Maintenance	\$ 0.00	1	\$ 0.00
UFMPI1	Unity Forms Maintenance	\$ 0.00	1	\$ 0.00
UIMPI1	Unity Integration Toolkit Maintenance	\$ 2,000.00	1	\$ 2,000.00
UNMPI1	Unity Client Server Maintenance	\$ 2,000.00	1	\$ 2,000.00

Payment by Wire Transfer:
Keybank, N.A.
Swift Code: KEYBUS33
Routing #: 041001039
Hyland Software, Inc.
Acct. #: 359681326518

This pro forma invoice has been generated based upon either the pending renewal of the annual maintenance contract or the beginning of the first annual maintenance contract. If maintenance coverage is not desired, please make a note on the invoice and mail or fax this invoice back to the Hyland Software Inc. accounting department. If annual maintenance is desired, please pay off this invoice. If this invoice is premature or the dates are incorrect, please notify us of the correct installation date. All renewal maintenance agreements are prorated to a calendar year unless otherwise agreed. The maintenance fee includes all major releases and bug fixes and must be paid retroactive to the install date if not contracted with the original installation. A 10% reinstatement fee will be charged if maintenance fees are not paid on time. Please call us with any questions. We will be happy to assist you.

EAR 758.6: To the extent applicable, these commodities, technology, or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.



Hyland Software, Inc.
28500 Clemens Road Westlake, OH 44145
Phone: (440) 788 - 5000 Internet: www.onbase.com

Customer:

City of Spokane, WA
Attention: Joan Hamilton
808 W. Spokane Falls Blvd.
SPOKANE, WA 99201
United States

Software Maintenance Invoice

Account#: 10294
Invoice#: 258909
Date: 12/12/2014
Territory: US
Status: Not Paid
Bill No.: 10294

Primary Support Provided By:

Hyland Software, Inc.
Attention: Joan Hamilton
28500 Clemens Rd
Westlake, OH 44145
United States

Billing Period	OnBase Version	Terms
Maintenance from 01/01/2015 to 12/31/2015	13.0.2	DUE: 12/31/2014

Module Code	Description	Rate	Quantity	Extended Rate
WLMP1	Workflow Concurrent Client SL (1-20) Maintenance	\$ 440.00	20	\$ 8,800.00
WLMP2	Workflow Concurrent Client SL (21-50) Maintenance	\$ 360.00	1	\$ 360.00
WTMP1	Conversion From Microsoft Office To Image Framework Maintenance	\$ 600.00	1	\$ 600.00
WTMPW1	Web Server Maintenance	\$ 2,000.00	1	\$ 2,000.00

Effective 10/01/2014, the list price of OBIPW1 Multi-User Server increased, resulting in a corresponding maintenance increase per the terms and conditions of your contract. For additional information, please contact your Hyland Account Manager.

Total: \$ 73,990.79

This amount is in USD

Payment by Wire Transfer:
Keybank, N.A.
Swift Code: KEYBUS33
Routing #: 041001039
Hyland Software, Inc.
Acct. #: 359681326518

This pro forma invoice has been generated based upon either the pending renewal of the annual maintenance contract or the beginning of the first annual maintenance contract. If maintenance coverage is not desired, please make a note on the invoice and mail or fax this invoice back to the Hyland Software Inc. accounting department. If annual maintenance is desired, please pay off this invoice. If this invoice is premature or the dates are incorrect, please notify us of the correct installation date. All renewal maintenance agreements are prorated to a calendar year unless otherwise agreed. The maintenance fee includes all major releases and bug fixes and must be paid retroactive to the install date if not contracted with the original installation. A 10% reinstatement fee will be charged if maintenance fees are not paid on time. Please call us with any questions. We will be happy to assist you.

EAR 758.6: To the extent applicable, these commodities, technology, or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.

Hamilton, Joan

From: Maintenance@onbase.com
Sent: Friday, December 12, 2014 12:34 PM
To: Hamilton, Joan
Subject: Hyland Software Maintenance Invoice #258909
Attachments: Maintenance Invoice #258909 - \$73,990.79.pdf



Hello,

Attached is your Hyland Software, Inc. pro forma maintenance invoice. This invoice will not be distributed by regular mail or fax so please process the attached invoice for payment.

There may be additional open Renewal Maintenance Invoices on your account. The statement of all of your open Renewal Maintenance Invoices can be viewed at <https://invoices.onbase.com>.

If you have any questions or if someone else should be receiving this notification, please contact our Maintenance Administrators at Maintenance@Hyland.com. Thank you.

Special OnBase Pre-paid Training Offer:

Hyland Software offers existing, directly supported customers the opportunity to pre-purchase training course credits at substantial savings. Customers who purchase training credits at the time of maintenance renewal will receive a 10% discount from regular prices, with the added benefit of being able to apply such credits to either a course instance taught in Westlake, Ohio or on-line. If you are interested in taking advantage of this offer, please complete the form found at the link below and send in both the form and the payment along with your maintenance renewal.

[OnBase Pre-Paid Training Form](#)

Hyland Software Inc.

Please consider the environment before printing this e-mail

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information from Hyland Software, Inc. The information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any

attached documents, is strictly prohibited. If you have received this communication in error, please notify the sender immediately by e-mail or telephone, at +1 (440) 788-5000, and delete the original message immediately. Thank you.

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

01/05/2015

<u>Date Rec'd</u>	12/16/2014
<u>Clerk's File #</u>	RES 2015-0002
<u>Renews #</u>	

<u>Submitting Dept</u>	POLICE	<u>Cross Ref #</u>	OPR 2015-0014
<u>Contact</u>	TIM SCHWERING 625-4109	<u>Project #</u>	
<u>Contact E-Mail</u>	TSCHWERING@SPOKANEPOLICE.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Contract Item	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0680 - EXTRA DUTY EMPLOYMENT PROGRAM		

Agenda Wording

Sole source resolution and contract between the City of Spokane Police Department and LAURI LUCAS (SPOKANE, WA) to administer the Police Extra Duty Employment program in accordance with the Scope of Services. Term January 1, 2015-December 31, 2019

Summary (Background)

The Spokane Police Department Extra-Duty Program was established in 1990 to formalize the practice of police officers working off duty-as commissioned officer and in other outside employment capacities. The Extra Duty program coordinates with a private entities that desire to hire off-duty officers. Contract is from January 1, 2015 to December 31, 2019 (5 year period). Total compensation over the five year period shall not exceed \$183,891.24.

Fiscal ImpactBudget Account

Expense	\$ 36,050.00	2015	# 0680-11110-21225-54201
Neutral	\$ 36,410.50	2016	# 0680-11110-21225-54201
Neutral	\$ 36,774.60	2017	# 0680-11110-21225-54201
Neutral	\$ 37,142.36 - 2018 / \$37,513.78 - 2019		# 0680-11110-21225-54201

ApprovalsCouncil Notifications

<u>Dept Head</u>	LYNDS, SARAH	<u>Study Session</u>	12/15/2014
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<u>Division Director</u>	DOBROW, RICK
--------------------------	--------------

Other

<u>Finance</u>	LESESNE, MICHELE
----------------	------------------

Distribution List

<u>Legal</u>	WHALEY, HUNT
--------------	--------------

achirowamangu

<u>For the Mayor</u>	SANDERS, THERESA
----------------------	------------------

ewade

Additional Approvals

kclaar

Purchasing

slynds

llucas

Contract Accounting - mlesesne

cwahl

Briefing Paper

City of Spokane

Extra Duty Program Contract

December 15, 2014

Subject

Five year Contract with Lauri Lucas, (Spokane, WA) to administer Spokane Police Department's Extra duty Program -- Not to exceed \$183,891.24. Term January 1, 2015-December 31, 2019.

Background

The Spokane Police Department's Extra Duty program was first established in 1990 by Chief Mangan at that time in order to formalize the practice of police officers working off duty-as commissioned officer and in other outside employment capacities. Through the coordinated effort of SPD, City Admin, and the Police Guild, the Extra Duty program was established.

The Extra Duty program coordinates with a private entity that desires to hire an off-duty officer and enters into a contract with the City and is billed the "Extra Duty rate" in order to recuperate the costs associated with that officer.

The Extra Duty Coordinator works closely with outside entities, SCSO, payroll, and police admin in order to help ensure that the community is safe during these private events.

Lauri Lucas, was originally hired by SPD as a temp seasonal in 1991 in order to start the efforts of the program, but over the years with budget cuts has spent the majority of time under a year to year contract.

Impact

The Extra Duty program is valuable to both SPD & SCSO and the community. Lauri's coordinated effort in the community and the agencies help keep the community safe and the formal process helps policies and procedures to be followed and not overlooked. Below is a schedule of financial impacts in the contract.

- Year (1) - 2015-16 = \$36,050.00
- Year (2) - 2016-17 = \$36,410.50
- Year (3) - 2017-18 = \$36,774.60
- Year (4) - 2018-19 = \$37,142.36
- Year (5) - 2019-20 = \$37,513.78

Action: Approve contract not to exceed \$183,891.24.

RESOLUTION NO. 2015-0002

A Resolution declaring Lauri Lucas as a sole source to administer Spokane Police department's Extra Duty program and thus authorizing a Contract with the Spokane Police Department (SPD) for a period of five years (January 1, 2015 to December 31, 2019) with total compensation over these five years not to exceed one hundred eighty three thousand eight hundred ninety one dollars and 24/100 dollars (\$183,891.24).

WHEREAS, SPD established the extra duty program in 1990 to formalize the practice of police officers working off duty-as commissioned officers and in other outside employment capacities.

WHEREAS, the police union contract includes extra-duty employment.

WHEREAS, Lauri Lucas has been coordinating all the department's extra duty contracts for over 20 years; and nobody within the city, the officers themselves included, has the in-depth knowledge and experience of working with local businesses and events that hire off-duty police officers.

WHEREAS, the 2014 public bid limit for the purchase of goods is \$47,400.00;

-- Now, Therefore,

BE IT RESOLVED by the city council for the City of Spokane that it hereby declares Lauri Lucas a sole source for the administration of SPD's Extra Duty Program, at an estimated cost of \$183,891.24, over a period of five years.

ADOPTED BY THE CITY COUNCIL ON _____

City Clerk

Approved as to form:

Assistant City Attorney

CONTRACT

THIS CONTRACT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City", and LAURI LUCAS, whose address is 1703 East Vanetta Avenue, Spokane, Washington 99217, as "Contractor".

The parties agree as follows:

1. PERFORMANCE. The Contractor shall ADMINISTER THE POLICE EXTRA DUTY EMPLOYMENT PROGRAM, in accordance with the attached Scope of Services.
2. CONTRACT TERM. The Contract shall begin January 1, 2015, and run through December 31, 2019, unless terminated sooner.
3. COMPENSATION. The City shall pay the Contractor in equal monthly installments according to the following annual compensation schedule over the five (5) year term of this Contract:

oYear (1) - 2015	=	\$36,050.00
oYear (2) - 2016	=	\$36,410.50
oYear (3) - 2017	=	\$36,774.60
oYear (4) - 2018	=	\$37,142.36
oYear (5) - 2019	=	\$37,513.78

Total Compensation over the five (5) year term of this Contract shall not exceed ONE HUNDRED EIGHTY THREE THOUSAND EIGHT HUNDRED NINETY ONE AND 24/100 DOLLARS (\$183,891.24).

4. PAYMENT. The Contractor shall send its applications for payment to the Spokane Police Department, Administration Office, 1100 West Mallon Avenue, Spokane, Washington 99260. Payment will be made within thirty (30) days after receipt of the Contractor's application.
5. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.
6. ASSIGNMENTS. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.
7. DISPUTES. This Contract shall be performed under the laws of the State of Washington. Any litigation to enforce this Contract or any of its provisions shall be brought in Spokane County, Washington.
8. AMENDMENTS. This Contract may be amended at any time by mutual written agreement.
9. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the

power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.

10. TERMINATION. Either party may terminate this Contract by ten (10) days written notice to the other party. In the event of such termination, the City shall pay the Contractor for all work previously authorized and performed prior to the termination date.

11. INDEPENDENT CONTRACTOR. The Contractor is an independent contractor and not an employee or agent of the City. The Contractor shall not make any claim of right, privilege or benefit which would accrue to a regular City employee.

12. INDEMNIFICATION. The Contractor shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims for damages, liability, cost and expense arising out of the negligent conduct of the Contractor, its officers, employees and subcontractors in connection with the performance of the Contract, except to the extent of those claims arising from the negligence of the City, its officers and employees.

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

14. STANDARD OF PERFORMANCE. The silence or omission in the Contract regarding any detail required for the proper performance of the work, means that the Contractor shall perform the best general practice.

15. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Contract because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

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

17. INSURANCE. During the term of the Contract, the Contractor shall maintain in force at its own expense, the following insurance coverages:

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers compensation coverage for all their subject workers; and

- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$300,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Contractor's services to be provided under this Contract; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$300,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from the Contractor or its insurer(s) to the City.

As evidence of the insurance coverages required by this Contract, the Contractor shall furnish acceptable insurance certificates to the City at the time it returns the signed Contract. The certificate shall specify all of the parties who are additional insured, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deductible or retention level, as well as policy limits. Insuring companies or entities are subject to City acceptance and must have a rating of A- or higher by Best. Copies of all applicable endorsements shall be provided and, if requested complete copies of insurance policies shall be provided to the City. The Contractor shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

18. AUDIT / RECORDS. The Contractor and its subcontractors shall maintain for a minimum of three years following final payment all records related to its performance of the Contract. The Contractor and its subcontractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner, to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest: _____

City Clerk

Dated: _____

LAURI LUCAS

E-Mail address, if available: _____

Approved as to form:

Assistant City Attorney

Attachment that is part of this Contract:
Scope of Services

SCOPE OF SERVICES

- Develop job duties and responsibilities for each Extra-Duty assignment, applying the Policies and Procedures of the Spokane City Police Department, the City of Spokane and the applicable Union contracts.
- Provide a contact phone and/or cell phone with voicemail for contact by officers and those who contract with the City for Extra Duty police work, herein after labeled "clients" for purposes of this Contract.
- Provide independent problem solving and management support for the Extra-Duty program.
- Monitor all Extra-Duty job working conditions to include changing of hours, needed equipment, number of officers, and any change in officers assigned to a job site.
- Coordinate Extra-Duty job assignments with the clients and with the assigned officers in order to provide acceptable level of customer service.
- Provide information and guidance to both clients and officers as to Extra-Duty job duties and responsibilities.
- Provide conflict resolution when necessary between clients and officers.
- Draft and process all Extra-Duty contracts between the clients and the Spokane Police Dept.
- Provide after-regular-business-hour access to both clients and officers and to implement needed adjustments to a contract or any job condition or assignment that may occur.
- Submit billing and balancing figures for completed Extra-Duty assignments.
- Review and approve Telestaff entries for payroll.
- Submit accounts receivable for all Extra-Duty jobs to Spokane Police Dept. Accounting staff.
- Select officers for assignment to Extra-Duty jobs, based on client's needs, officer safety issues and familiarity and compliance with all employee contract(s) including seniority and bidding issues.
- Monitor current and continuing job assignments, contacting and advising officers and clients as necessary as to the changing schedules or needs of each.
- Monitor and advise the Spokane Police Dept. as necessary on personnel issues.
- Provide officer orientation as to the duties and responsibilities for Extra-Duty assignments.
- Communicate frequently with the Spokane Police Dept. Special Events Sergeant regarding Extra-Duty processes, priorities, resources and client service requests.
- Collect, record, tabulate and store all documentation of Extra-Duty activities. This is to include officer history, monthly totals, statistical information and administrative summaries.

Approved by



Sgt John Gately

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	RES 2015-0003
<u>Renews #</u>	

<u>Submitting Dept</u>	FIRE	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BOBBY 625-7001	<u>Project #</u>	
<u>Contact E-Mail</u>	BWILLIAMS@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Resolutions	<u>Requisition #</u>	
<u>Agenda Item Name</u>	1970 UPDATE TO SPOKANE COUNTY HAZARD MITIGATION PLAN		

Agenda Wording

Adopt Resolution accepting all of Volume 1 and the City of Spokane portion of Volume 2 (Chapter 9) of the Spokane County Hazard Mitigation Plan Update

Summary (Background)

In October of 2012, a coalition of Spokane County cities and special purpose districts embarked on a planning process to prepare for and lessen the impacts of specified natural hazards. This effort represents a comprehensive update to the initial hazard mitigation plan, approved by the Federal Emergency Management Agency (FEMA) on May 2, 2007.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Neutral	\$ 0	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	SCHAEFFER, BRIAN	<u>Study Session</u>	PSC 11/17/2014
<u>Division Director</u>	SCHAEFFER, BRIAN	<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT	Fire: bschaeffer, korlob, mdoval	
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

RESOLUTION NO. 2015-0003
A RESOLUTION OF THE CITY OF SPOKANE
AUTHORIZING THE ADOPTION OF THE
SPOKANE COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, all of Spokane County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS; a coalition of Spokane County, Cities, Towns and Special Purpose Districts with like planning objectives has been formed to pool resources and create consistent mitigation strategies within the Spokane County planning area; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the City of Spokane:

- 1.) Adopts in its entirety, Volume I and the introduction (chapter 1), the City of Spokane jurisdictional annex, and the appendices of Volume II of the Spokane County Hazard Mitigation Plan Update (HMP).
- 2.) Will use the adopted and approved portions of the HMP to guide pre- and post-disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the HMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Steering Committee and continue to participate in the Planning Partnership as described by the HMP.
- 5.) Will help to promote and support the mitigation successes of all HMP Planning Partners.

PASSED AND ADOPTED on this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk, _____

Mayor, _____

STAFF REPORT
Spokane City Council Consent Agenda Item

DATE:

TO: Honorable Mayor and City Council members or Board of Directors

FROM: **Brian Schaeffer**

SUBJECT: Adopt Resolution 2015-0003 accepting all of Volume 1 and the City of Spokane portion of Volume 2 (Chapter 9) of the Spokane County Hazard Mitigation Plan Update.

STAFF RECOMMENDATION:

Adopt Resolution 2015-0003 accepting all of Volume 1 and the City of Spokane portion of Volume 2 (Chapter 9) of the Spokane County Hazard Mitigation Plan Update.

BACKGROUND

Hazard Mitigation Planning in Spokane County:

In October of 2012, a coalition of Spokane County cities and special purpose districts embarked on a planning process to prepare for and lessen the impacts of specified natural hazards by updating the Spokane County Hazard Mitigation Plan. Responding to federal mandates in the Disaster Mitigation Act of 2000 (Public Law 106-390), the coalition was formed to pool resources and to create a uniform hazard mitigation strategy that can be consistently applied to the defined planning area and used to ensure eligibility for specified grant funding success.

This effort represents a comprehensive update to the initial hazard mitigation plan, approved by the Federal Emergency Management Agency (FEMA) on May 2, 2007. The 11 member coalition of partners involved in this program includes Spokane County, 8 city and town governments and 2 special purpose districts. The planning area for the hazard mitigation plan was defined as all incorporated and unincorporated areas of Spokane County. The result of the organizational effort will be a FEMA and State Emergency Management Agency (WAEMD) approved multi-jurisdictional, multi-hazard mitigation plan.

Mitigation is defined in this context as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability, and minimize post-disaster community disruption.

The hazard identification and profiling in the hazard mitigation plan addresses the following hazards of concern within the planning area:

1. Drought
2. Earthquake
3. Flood (including dam failures)
4. Landslide and other mass movement
5. Severe weather (including severe winter weather)
6. Volcano (ash fall)
7. Wildfire

With the exception of dam failure, this plan does not provide a full risk assessment of technological and human-caused hazards. However, brief, qualitative discussions of the following hazards of interest are included: terrorism, hazardous materials incidents, infrastructure and utility failure, and transportation accidents.

The Spokane Department of Emergency Management has taken the lead agency role in developing the hazard mitigation plan. All participating local jurisdictions have been responsible for assisting in the development of the hazard and vulnerability assessments and the mitigation action strategies for their respective jurisdictions and organizations. The Plan presents the accumulated information in a unified framework to ensure a comprehensive and coordinated plan covering the entire Spokane County planning area. Each jurisdiction has been responsible for the review and approval of their individual sections of the Plan.

The plan was prepared in accordance with the Washington Mititary Department Emergency Management Division Local Hazard Mitigation Plan preparation guidelines. Additionally, the plan has been aligned with the goals, objectives and priorities of the State's multi-hazard mitigation plan and flood mitigation plan and was coordinated with the concurrent update to the Spokane County Community Wildfire Protection Plan.

A 15 member Steering Committee (SC) composed of representative stakeholders was formed early in the planning process to guide the development of the Plan. In addition, residents were asked to contribute by sharing local knowledge of their individual area's vulnerability to natural hazards based on past occurrences. Public involvement has been solicited via a multi-media campaign that included two rounds of public meetings, web-based information, a questionnaire and progress updates via the news media.

Why adopt this Plan?

Once the hazard mitigation plan is adopted by all of the jurisdictional partners and approved by FEMA, the partnership will collectively and individually become eligible to apply for hazard mitigation project funding from both the Pre-Disaster Mitigation Grant Program (PDM) and the Hazard Mitigation Grant Program (HMGP).

What is the Pre-Disaster Mitigation competitive grant program?

The PDM competitive grant program provides funds to State, Tribal, and local governments for pre-disaster mitigation planning and projects primarily addressing natural hazards. Cost-Effective pre-disaster mitigation activities reduce risk to life and property from natural hazard events before a natural disaster strikes, thus reducing overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. Funds will be awarded on a competitive basis for mitigation planning and project applications intended to make local governments more resistant to the impacts of future natural disasters (*For more details on this program see Attachment 1*).

What is the Hazard Mitigation Grant Program?

Authorized under Section 404 of the Stafford Act, the HMGP administered by FEMA provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster (*For more details on this program see Attachment 1*).

Where do we go from here?

Upon adoption of Volume I and the City of Spokane Annex of Volume II (Chapter9) of the Spokane County Hazard Mitigation Plan Update (HMP) and subsequent approval of said plan by WAEMD and FEMA, the City of Spokane will be eligible to apply for specified grants. The grant funds are made available to states and local governments and can be used to implement the long-term hazard mitigation measures specified within the City of Spokane annex of the RHMP before and after a major disaster declaration. The HMP is considered a living document such that, as awareness of additional hazards develops and new strategies and projects are conceived to offset or prevent losses due to natural disasters, the HMP will be evaluated and revised on a continual 5-year time frame.

RECOMMENDED COUNCIL ACTION:

Motion to adopt Resolution No. 2014-0003 and to read it by title only. Consent Calendar voice vote.

ATTACHMENTS:

1. Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation Grant Program (PDM) Fact Sheet
2. City of Spokane Annex of the Spokane County Hazard Mitigation Plan Update
3. Draft Resolution 2014-0003

Attachment 1
Hazard Mitigation Grant Program (HMGP)
Pre-Disaster Mitigation Grant Program (PDM)

FACT SHEET

I. HAZARD MITIGATION GRANT PROGRAM (HMGP)

What is the Hazard Mitigation Grant Program?

Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA) provides grants to States and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

Who is eligible to apply?

Hazard Mitigation Grant Program funding is only available to applicants that reside within a Presidentially declared disaster area. Eligible applicants are

- State and local governments
- Indian tribes or other tribal organizations
- Certain non-profit organizations

What types of projects can be funded by the HMGP?

HMGP funds may be used to fund projects that will reduce or eliminate the losses from future disasters. Projects must provide a long-term solution to a problem, for example, elevation of a home to reduce the risk of flood damages as opposed to buying sandbags and pumps to fight the flood. In addition, a project's potential savings must be more than the cost of implementing the project. Funds may be used to protect either public or private property or to purchase property that has been subjected to, or is in danger of, repetitive damage. Examples of projects include, but are not limited to:

- Acquisition of real property for willing sellers and demolition or relocation of buildings to convert the property to open space use
- Retrofitting structures and facilities to minimize damages from high winds, earthquake, flood, wildfire, or other natural hazards
- Elevation of flood prone structures
- Development and initial implementation of vegetative management programs
- Minor flood control projects that do not duplicate the flood prevention activities of other Federal agencies
- Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities
- Post-disaster building code related activities that support building code officials during the reconstruction process

What are the minimum project criteria?

There are five issues you must consider when determining the eligibility of a proposed project.

- Does your project conform to your State's Hazard Mitigation Plan?

- Does your project provide a beneficial impact on the disaster area i.e. the State?
- Does your application meet the environmental requirements?
- Does your project solve a problem independently?
- Is your project cost-effective?

II. **PRE-DISASTER MITIGATION GRANT PROGRAM (PDM)**

What is the Pre-Disaster Mitigation competitive grant program?

The Pre-Disaster Mitigation (PDM) competitive grant program provides funds to State, Tribal, and local governments for pre-disaster mitigation planning and projects primarily addressing natural hazards. Cost-Effective pre-disaster mitigation activities reduce risk to life and property from natural hazard events before a natural disaster strikes, thus reducing overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. Funds will be awarded on a competitive basis to successful Applicants for mitigation planning and project applications intended to make local governments more resistant to the pacts of future natural disasters.

Who can apply for a PDM competitive grant?

Eligible PDM competitive grant Applicants include State and Territorial emergency management agencies, or a similar office of the State, District of Columbia, U.S. Virgin Islands, Commonwealth of Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Federally-recognized Indian Tribal governments.

- ✓ Eligible Sub-applicants include State agencies; Federally-recognized Indian Tribal governments; and local governments (including State recognized Indian Tribal governments and Alaska native villages).
- ✓ Applicants can apply for PDM competitive grant funds directly to FEMA, while Sub-applicants must apply for funds through an eligible Applicant.
- ✓ Private non-profit organizations are not eligible to apply for PDM but may ask the appropriate local government to submit an application for the proposed activity on their behalf.

What are eligible PDM projects?

Multi-hazard mitigation projects must primarily focus on natural hazards but also may address hazards caused by non-natural forces. **Funding is restricted to a maximum of \$3M Federal share per project.** The following are eligible mitigation projects:

- ✓ Acquisition or relocation of hazard-prone property for conversion to open space in perpetuity;
- ✓ Structural and non-structural retrofitting of existing buildings and facilities (including designs and feasibility studies when included as part of the construction project) for wildfire, seismic, wind or flood hazards (e.g., elevation, flood proofing, storm shutters, hurricane clips);
- ✓ Minor structural hazard control or protection projects that may include vegetation management, Stormwater management (e.g., culverts, floodgates, retention basins), or shoreline/landslide stabilization; and,
- ✓ Localized flood control projects, such as certain ring levees and floodwall systems, that are designed specifically to protect critical facilities and that do not constitute a section of a larger flood control system.

Mitigation Project Requirements

Projects should be technically feasible (see Section XII. Engineering Feasibility) and ready to implement. Engineering designs for projects must be included in the application to allow FEMA to assess the effectiveness and feasibility of the proposed project. The project cost estimate should complement the engineering design,

including all anticipated costs. FEMA has several formats that it uses in cost estimating for projects. Additionally, other Federal agencies' approaches to project cost estimating can be used as long as the method provides for a complete and accurate estimate. FEMA can provide technical assistance on engineering documentation and cost estimation (see Section XIII.D. Engineering Feasibility).

Mitigation projects also must meet the following criteria:

1. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster, consistent with 44 CFR 206.434(c)(5) and related guidance, and have a Benefit-Cost Analysis that results in a benefit-cost ratio of 1.0 or greater (see Section X. Benefit-Cost Analysis). **Mitigation projects with a benefit-cost ratio less than 1.0 will not be considered for the PDM competitive grant program;**
2. Be in conformance with the current FEMA-approved State hazard mitigation plan;
3. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed, consistent with 44 CFR 206.434(b)(4);
4. Be in conformance with 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, consistent with 44 CFR 206.434(c)(3);
5. Not duplicate benefits available from another source for the same purpose, including assistance that another Federal agency or program has the primary authority to provide (see Section VII.C. Duplication of Benefits and Programs);
6. Be located in a community that is participating in the NFIP if they have been identified through the NFIP as having a Special Flood Hazard Area (a FHBM or FIRM has been issued). In addition, the community must not be on probation, suspended or withdrawn from the NFIP; and,
7. Meet the requirements of Federal, State, and local laws.

What are examples of Ineligible PDM Projects?

The following mitigation projects are ***not*** eligible for the PDM program:

- ✓ Major flood control projects such as dikes, levees, floodwalls, seawalls, groins, jetties, dams, waterway channelization, beach nourishment or re-nourishment;
- ✓ Warning systems;
- ✓ Engineering designs that are not integral to a proposed project;
- ✓ Feasibility studies that are not integral to a proposed project;
- ✓ Drainage studies that are not integral to a proposed project;
- ✓ Generators that are not integral to a proposed project;
- ✓ Phased or partial projects;
- ✓ Flood studies or flood mapping; and,
- ✓ Response and communication equipment.

Attachment 2
City of Spokane Jurisdictional Annex of the Spokane County Regional Hazard Mitigation
Plan Update

RESOLUTION NO. 2014-0003
A RESOLUTION OF THE CITY OF SPOKANE
AUTHORIZING THE ADOPTION OF THE
SPOKANE COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, all of Spokane County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

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WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

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- 2.) Will use the adopted and approved portions of the HMP to guide pre- and post-disaster mitigation of the hazards identified.
- 3.) Will coordinate the strategies identified in the HMP with other planning programs and mechanisms under its jurisdictional authority.
- 4.) Will continue its support of the Steering Committee and continue to participate in the Planning Partnership as described by the HMP.
- 5.) Will help to promote and support the mitigation successes of all HMP Planning Partners.

PASSED AND ADOPTED on this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

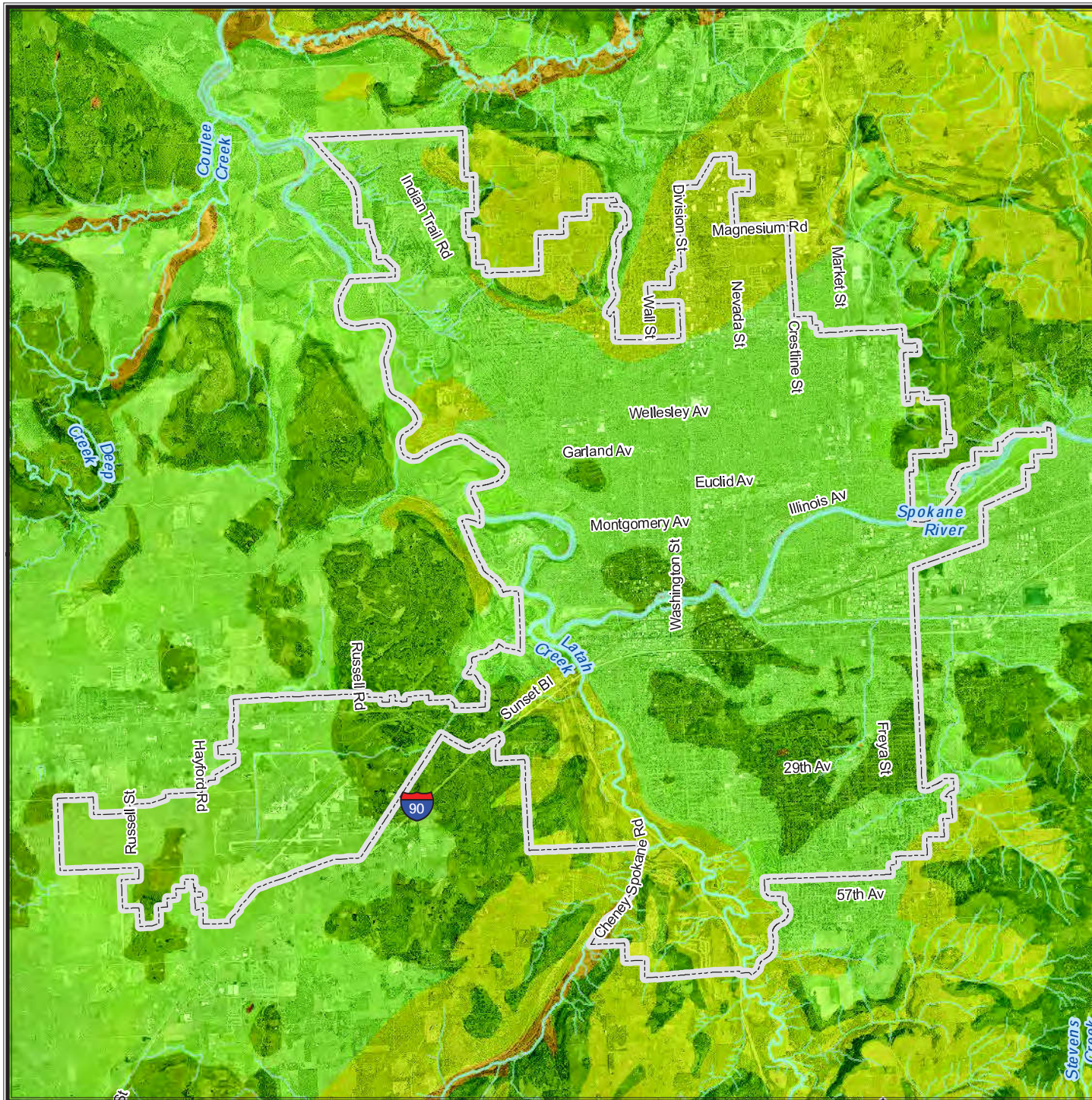
ABSENT:

ABSTAIN:

ATTEST:

City Clerk, _____

Mayor, _____



CITY OF SPOKANE

Soil Classification

National Earthquake Hazards Reduction Program (NEHRP)

Soil Types by Site Class

- Site Class B - Rock
- Site Class C - Very Dense Soil, Soft Rock
- Site Class D - Stiff Soil
- Site Class E - Soft Soil

This map is based on surficial geology published at a scale of 1:100,000 by the Washington State Department of Natural Resources, Division of Geology and Earth Resources (Washington Division of Geology and Earth Resources staff, 2001).

Designation of site classes was based on a large database of shear wave velocity data obtained in many of the geologic units shown in the 1:100,000-scale geologic mapping. For units without velocity measurements, site class was assigned based on similarity to units in the shear wave database.

In the methodology presented by BSSC (1997), site class B represents a soft rock condition, where earthquake shaking is neither amplified nor reduced by the near-surface geology. Site classes C, D, and E represent increasingly softer soil conditions which result in a progressively increasing amplification of ground shaking. Site class F is reserved for unusual soil conditions where prediction of the amplification of earthquake shaking can only be determined by a site-specific evaluation. Liquefiable soils also fall into site class F, but we have not included them on this map; please refer to the liquefaction susceptibility map for more information.

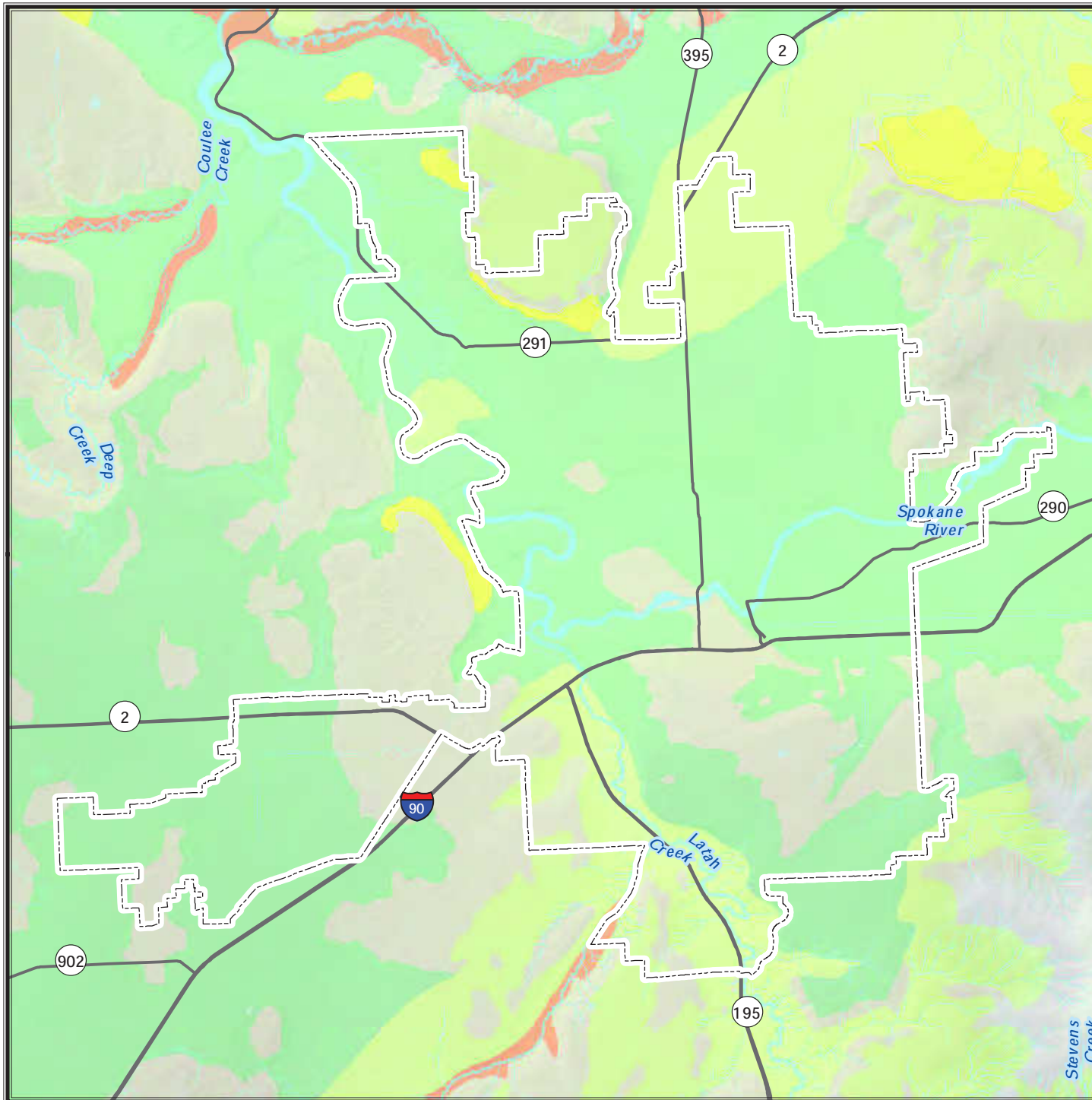
SPOKANE COUNTY
WASHINGTON

TETRA TECH



0 1 2 Miles





CITY OF SPOKANE

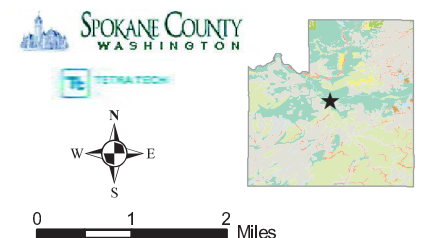
Liquefaction Susceptibility

Susceptible to Liquefaction	Not Susceptible
High	Bedrock
Moderate to High	Peat
Moderate	Water
Low to Moderate	Ice
Low	
Very Low to Low	
Very Low	

A liquefaction susceptibility map provides an estimate of the likelihood that soil will liquefy as a result of earthquake shaking. This type of map depicts the relative susceptibility in a range that varies from very low to high. Areas underlain by bedrock or peat are mapped separately as these earth materials are not liquefiable, although peat deposits may be subject to permanent ground deformation caused by earthquake shaking.

This map is based solely on surficial geology published at a scale of 1:100,000 by the Washington State Department of Natural Resources, Division of Geology and Earth Resources.

Liquefaction is a phenomenon in which strong earthquake shaking causes a soil to rapidly lose its strength and behave like quicksand. Liquefaction typically occurs in artificial fills and in areas of loose sandy soils that are saturated with water, such as low-lying coastal areas, lakeshores, and river valleys. When soil strength is lost during liquefaction, the consequences can be catastrophic.



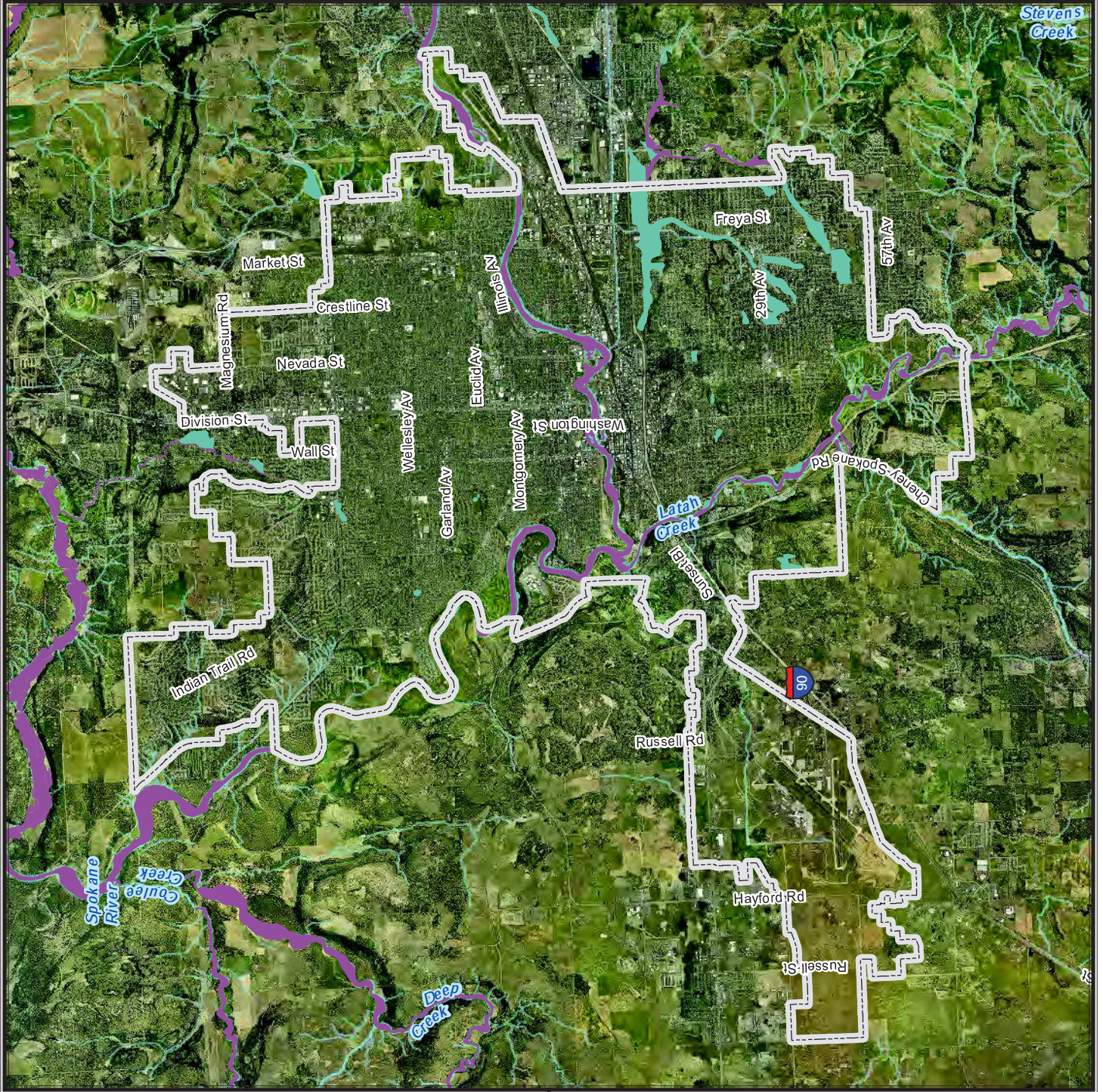
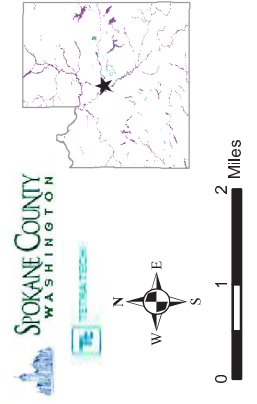
CITY OF SPOKANE

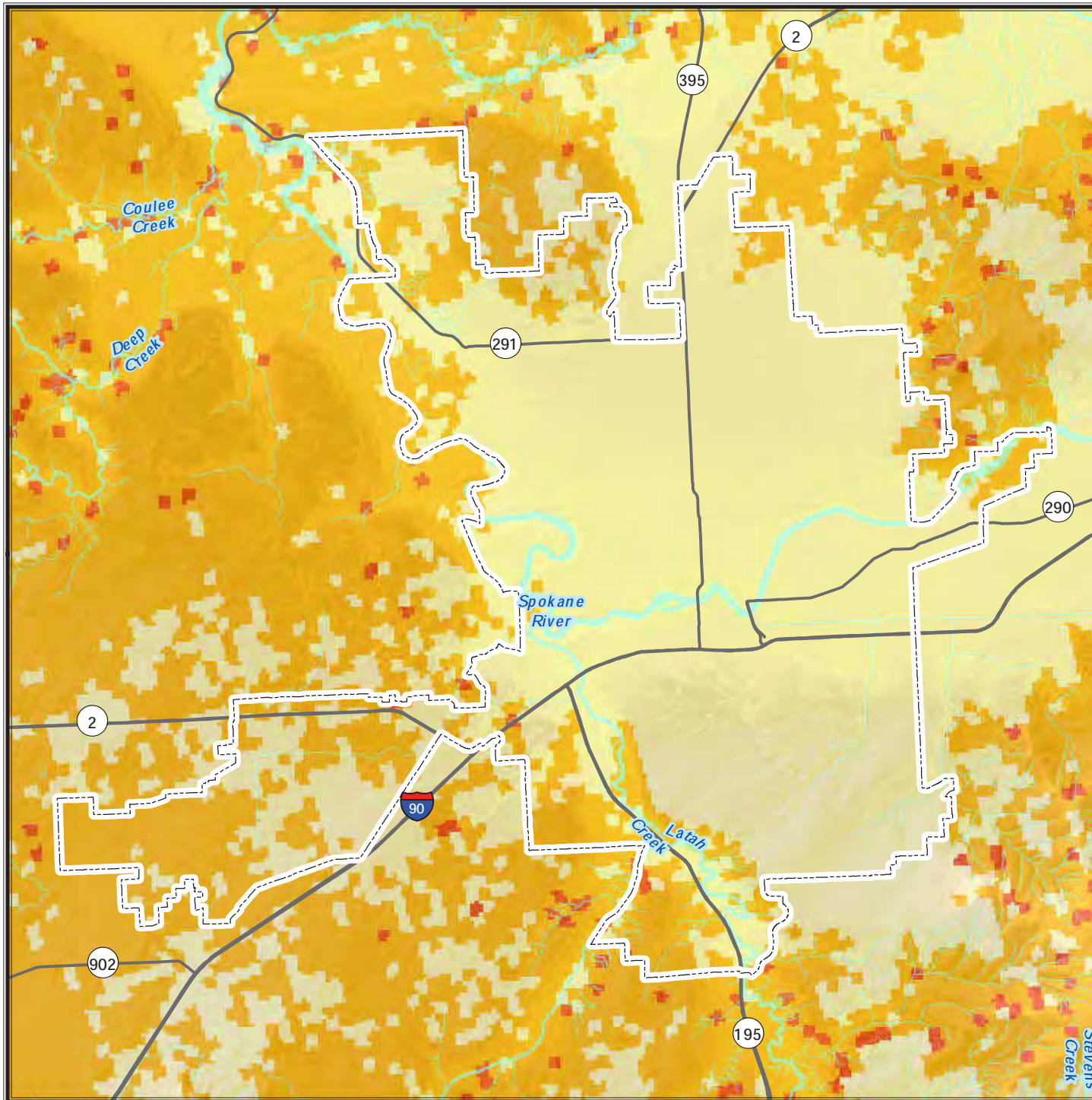
FEMA DFIRM

Flood Hazard Areas

- 1 percent annual flood risk (100 year)
- 0.2 percent annual flood risk (500 year)

Flood hazard areas as depicted on FEMA Flood Insurance Rate Maps.





CITY OF SPOKANE

Average Expected Flame Length

- 0 - 2 feet
- 2 - 6 feet
- 6 - 12 feet

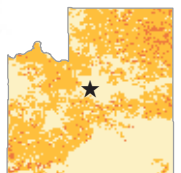
Burn probability raster data were generated using the large fire simulator - FSim - developed for use in the Fire Program Analysis (FPA). FSim uses historical weather data and current landcover data for discrete geographical areas (Fire Planning Units - FPU) and simulates fires in these FPU. Using these simulated fires, an overall burn probability and marginal burn probabilities at four fire intensities (flame lengths) are returned by FSim for each 270m pixel in the FPU. FSim produces burn probabilities for six flame length classes. Summing the product of these burn probabilities and their respective flame length class midpoints equals the Conditional Flame Length (CFL) for the pixel. If the pixel burns, it most likely will burn at this intensity (flame length).

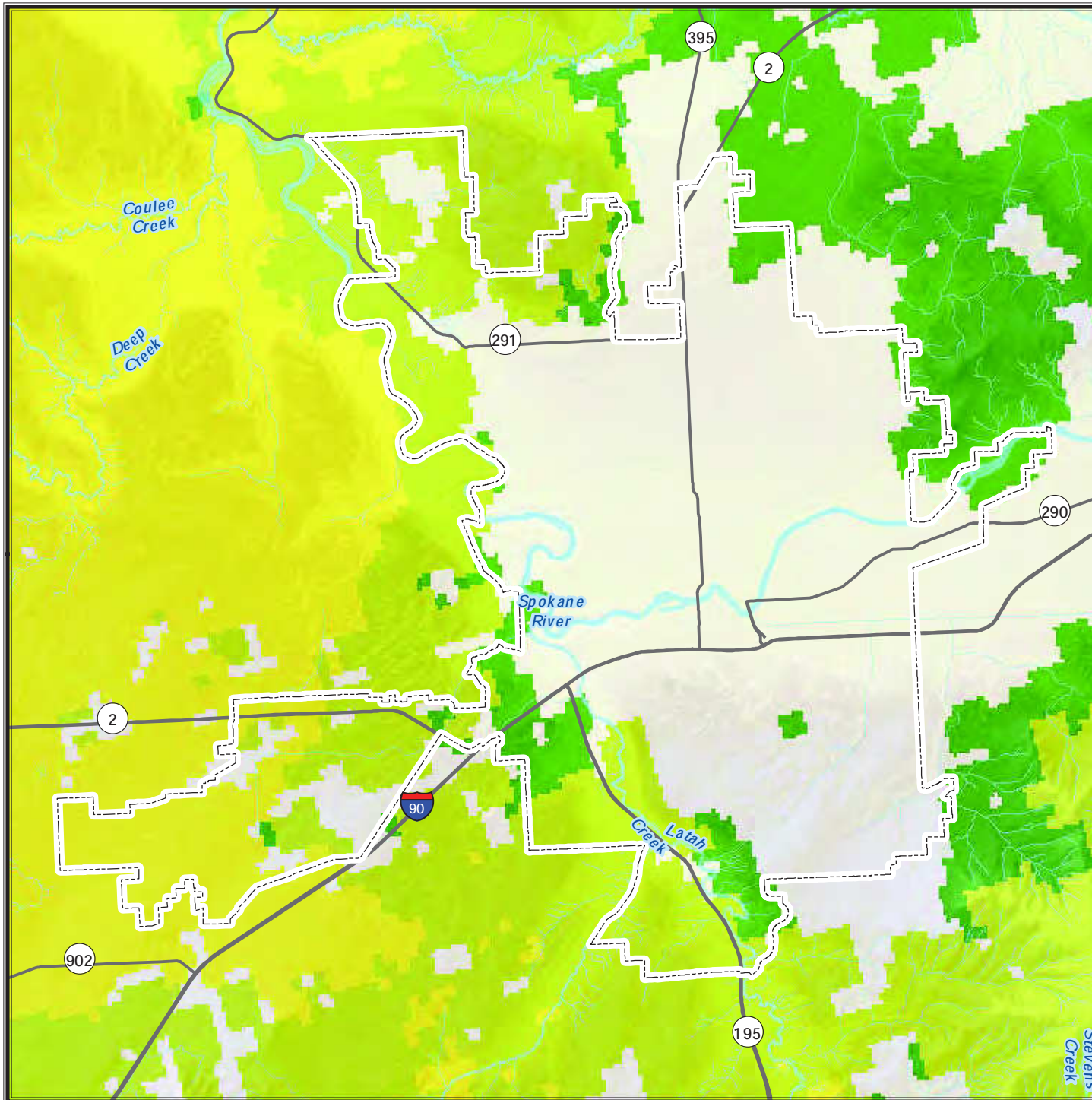


SPokane COUNTY
WASHINGTON



0 1 2 Miles





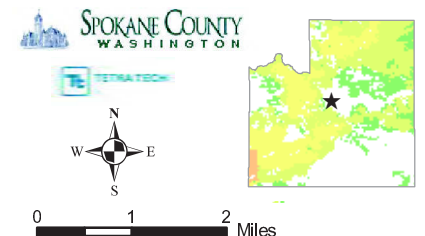
CITY OF SPOKANE

Estimates of Annual Burn Probability

- 0 - 0.000019
- 0.000019 - 0.0024
- 0.0024 - 0.0055
- 0.0055 - 0.0097
- 0.0097 - 0.019
- 0.019 - 0.041

Burn probability raster data were generated using the large fire simulator - FSim - developed for use in the Fire Program Analysis (FPA). FSim uses historical weather data and current landcover data for discrete geographical areas (Fire Planning Units - FPU) and simulates fires in these FPUs.

Using these simulated fires, an overall burn probability and marginal burn probabilities at four fire intensities (flame lengths) are returned by FSim for each 270m pixel in the FPU. FSim produces burn probabilities for six flame length classes. Summing the product of these burn probabilities and their respective flame length class midpoints equals the Conditional Flame Length (CFL) for the pixel. If the pixel burns, it most likely will burn at this intensity (flame length).



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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	RES 2015-0004
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	JON SNYDER 6254	<u>Project #</u>	
<u>Contact E-Mail</u>	JSNYDER@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Resolutions	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 RESO RE SPOKANE FEDERAL LEGISLATIVE AGENDA		

Agenda Wording

A resolution regarding the adoption of the City of Spokane's 2015 Federal Legislative Agenda.

Summary (Background)

This resolution adopts the City of Spokane's 2015 Federal Legislative Agenda.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	STUCKART, BEN	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

RESOLUTION NO. 2015-0004

A resolution regarding the adoption of the City of Spokane's 2015 Federal Legislative Agenda.

WHEREAS, efforts of representation on behalf of the City of Spokane to influence, effect or guide the passage of legislation in the federal legislative bodies are enhanced by a comprehensive package of proposals that have been officially adopted by the City Council after consultation with the Mayor pursuant to this resolution; -- Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPOKANE that the City Council adopts the attached City of Spokane 2015 Federal Legislative Agenda as the position of the City of Spokane on the items stated therein.

ADOPTED by the City Council this _____ day of January 2015.

City Clerk

Approved as to form:

Assistant City Attorney

City of Spokane 2015 Federal Legislative Agenda

- Integrated Water Plan/Cleaner River Faster
 - \$17 million included in federal grants or similar funding for Phase 2 of the Cochran Basin stormwater management project. This would match a Washington state capital funding request for \$17 million for Phase 1 of this project. The Cochran Basin project is part of the City's Integrated Clean Water Plan, which details \$310 million in projects to improve the health of the Spokane River. Cochran Basin is the largest stormwater basin in the City, delivering about 300 to 600 million gallons of stormwater to the River annually. The overall project will divert and treat 90 percent of that flow and include neighborhood amenities, including a river access point for rafts and kayaks.
- Marketplace Fairness Act
 - Authorizes each member state under the Streamlined Sales and Use Tax Agreement to require all sellers not qualifying for a small-seller exception to collect and remit sales and use taxes with respect to remote sales under provisions of the Agreement, but only if such Agreement includes minimum simplification requirements relating to the administration of the tax, audits, and streamlined filing. Defines "remote sale" as a sale of goods or services into a state in which the seller would not legally be required to pay, collect, or remit state or local sales and use taxes unless provided by this Act.
- Central City Line
 - Support for the Central City Line via the continued funding of the FTA Small Starts Program. The Central City Line is a modern electric trolley (MET) designed to operate between Browne's Addition and Spokane Community College via downtown, Gonzaga University and the University District. The Central City line will stimulate economic development and improve mobility and access to education.
- Gender Pay Equity
 - Amend the Civil Rights Act of 1964 to declare that an unlawful employment practice occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes subject to the decision or practice; or (3) an individual is affected by application of the decision or practice, including each time wages, benefits, or other compensation is paid. Allow liability to accrue, and allow an aggrieved person to obtain relief, including recovery of backpay, for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to practices that occurred outside the time for filing a charge.
- University District Bike/Ped Bridge
 - \$8.8 million to develop a non-motorized connection over the BNSF Railroad between the South University District/East Sprague Avenue area and the rapidly developing Riverpoint and Gonzaga University campuses. The bridge itself intends to provide a critical link between these areas, and its architectural design intends to provide a sense of place by setting a new tone for high quality development that will fuel revitalization and growth.

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

12/15/2014

<u>Date Rec'd</u>	12/3/2014
<u>Clerk's File #</u>	ORD C35209
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	
<u>Submitting Dept</u>	CITY COUNCIL
<u>Contact Name/Phone</u>	BEN STUCKART 625-6269
<u>Contact E-Mail</u>	AMCDANIEL@SPOKANECITY.ORG
<u>Agenda Item Type</u>	First Reading Ordinance
<u>Agenda Item Name</u>	0320 AN ORDINANCE RELATING TO INITIATIVES AND REFERENDUMS

Agenda Wording

An ordinance relating to initiatives and referendums; amending SMC sections 2.02.020 and 2.02.130

Summary (Background)

SMC 2.02.020 provides that an legal resident of the City of a political committee as defined in RCW 42.17.005 (37) may petition the city council though an initiative. SMC 2.02.130 provides the same ability relating to referendums. This amendment will clarify that the political committee must have a mailing address in the City and either its campaign manager, treasurer, or committee officers is a qualified, registered elector in the City.

Fiscal Impact**Budget Account**

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#

Approvals**Council Notifications**

<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	PCED
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE	Terri Pfister	
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

ORDINANCE NO. C35209

AN ORDINANCE relating to initiatives and referendums; amending SMC sections 2.02.020 and 2.02.130.

The City of Spokane does ordain:

Section 1. That SMC 2.02.020 is amended to read as follows:

2.02.020 In General

A legal resident of the City of Spokane or a political committee as defined in RCW 42.17A.005 (37), whose mailing address is in the City of Spokane and whose campaign manager, treasurer, or committee officer(s) is a qualified, registered elector in the City of Spokane, may petition the city council, under the authority of the Spokane City Charter, Article IX, section 82, to ordain a proposed measure, either an ordinance or a charter amendment.

Section 2. That SMC 2.02.130 is amended to read as follows:

2.02.130 Commencement of Referendum

A legal resident of the City of Spokane or a political committee as defined in RCW 42.17A.005(37), whose mailing address is in the City of Spokane and whose campaign manager, treasurer, or committee officer(s) is a qualified, registered elector in the City of Spokane, begins the referendum process by requesting from the city clerk the assignment of a referendum number and identifying the ordinance, or section(s) thereof, sought to be referred. If the ordinance has not yet taken effect, then the clerk assigns the measure a number and furnishes to the sponsor a copy of the ordinance.

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:**

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35121
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING & DEVELOPMENT	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	ELDON BROWN 625-6305	<u>Project #</u>	
<u>Contact E-Mail</u>	EBROWN@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - FIRST READING ORDINANCE - ROSEWOOD AVENUE		

Agenda Wording

Ordinance amending Ordinance No. C35121 vacating the north 30 feet of Rosewood Avenue 225 feet East from the East line of Helena Street to the West line of Pittsburg Street.

Summary (Background)

City Council passed Ordinance C35121 on August 11, 2014. Since that time it has become necessary to modify the ordinance to change the legal description of the vacation to more fully describe the area.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
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<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MEULER, LOUIS	<u>Study Session</u>	
<u>Division Director</u>	QUINTRALL, JAN	<u>Other</u>	PCED 5/19/14
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	RICHMAN, JAMES	lhattenburg@spokanecity.org	
<u>For the Mayor</u>	SANDERS, THERESA	edjohnson@spokanecity.org	
<u>Additional Approvals</u>		sbishop@spokanecity.org	
<u>Purchasing</u>			

City of Spokane
Planning and Development
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

(AMENDED) ORDINANCE NO. C35121

An ordinance vacating the north 30 feet of Rosewood Avenue 225 feet East from the East line of Helena Street to the West line of Pittsburg Street in the Southwest Quarter of Section 28, T26N, R43E, W.M., Spokane, Washington (hereinafter "Rosewood Avenue") from owners having an interest in real estate abutting the above right-of-way; and

WHEREAS, a petition for the vacation of the north 30 feet of Rosewood Avenue 225 feet East from the East line of Helena Street to the West line of Pittsburg Street in the Southwest Quarter of Section 28, T26N, R43E, W.M., Spokane, Washington, has been filed with the City Clerk by the owner of property abutting said street, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, a previous version of a non-user statute (RCW 36.87.090), adopted by the legislature in 1889, provided:

Any county road, or part thereof, which has heretofore been or may hereafter be authorized, which remains unopened for public use for the space of five years after the order is made or authority granted for opening the same, shall be and the same is hereby vacated, and the authority for building the same barred by lapse of time.

WHEREAS, Rosewood Avenue was dedicated in 1890 as part of the Gunn's Addition to Spokane Falls Wash plat, which plat was located in unincorporated Spokane County; and

WHEREAS, to the best of the City's knowledge and understanding, Rosewood Avenue has never been improved as a public street and opened for public use; and

WHEREAS, Rosewood Avenue and the areas surrounding it were annexed into the City of Spokane in 1994 by the Calkin's Annexation, more than five years after Rosewood Avenue was dedicated; and

WHEREAS, due in part to the fact that Rosewood Avenue has never been improved or used as a public street, various private improvements encroach into Rosewood Avenue; and

WHEREAS, by virtue of the RCW quoted above, the Spokane City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That the **north 30 feet of Rosewood Avenue 225 feet East from the East line of Helena Street to the West line of Pittsburg Street in the Southwest Quarter of Section 28, T26N, R43E, W.M., Spokane, Washington,** is hereby vacated. Parcel number not assigned.

Section 2. An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, Qwest, Comcast and the City of Spokane to protect existing and future utilities.

Section 3. That no compensation for the assessed value of the area herein vacated shall be required by virtue of the previous version of the non-user statute (RCW 36.87.090) which vacated Rosewood Avenue by operation of law many years ago.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

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

01/05/2015

<u>Date Rec'd</u>	12/19/2014
<u>Clerk's File #</u>	ORD C35211
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING & DEVELOPMENT	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BORIS BORISOV 625-6156	<u>Project #</u>	
<u>Contact E-Mail</u>	BBORISOV@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - ORDINANCE AMENDING LAND USE PLAN MAP		

Agenda Wording

An Ordinance amending the Land Use Plan Map of the City's Comprehensive Plan from "Residential 4-10" to "Centers & Corridors Core" for property located within the boundaries of the Hamilton Form Based Code Subarea Plan; and amending the zoning map

Summary (Background)

In July 2012, the Logan Neighborhood Stakeholder Team, with the City of Spokane Planning Department, began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area, and is designed to foster

<u>Fiscal Impact</u>		<u>Budget Account</u>
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<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	MEULER, LOUIS	<u>Study Session</u>
<u>Division Director</u>	QUINTRALL, JAN	<u>Other</u> PCED 12/15/14
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	RICHMAN, JAMES	lhattenburg@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	lmeuler@spokanecity.org
<u>Additional Approvals</u>		zetter@spokanecity.org
<u>Purchasing</u>		jrichman@spokanecity.org
		jneff@spokanecity.org
		jquintrall@spokanecity.org
		awaldref@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

to context areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within the boundaries of the Hamilton Form Based Code Subarea Plan, which generally includes a six block area along Hamilton Street bounded by the alley between Augusta Avenue and Nora Avenue on the north and Desmet Avenue on the south, all as set forth in Comprehensive Plan Land Use Plan Map amendment file No. Z1400055COMP.

Summary (Background)

economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses, and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 36.15 acres. Ordinance C35211 amends the City's Comprehensive Plan Land Use Plan map from "Residential 4-10" to "Centers & Corridors Core" for property located within the boundaries of the Hamilton Form Based Code Subarea Plan; and amends the Zonin

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

byrdkd50@gmail.com

mhughes@spokanecity.org

mlesesn@spokanecity.org

bborisov@spokanecity.org

ORDINANCE NO. C35211

AN ORDINANCE AMENDING THE LAND USE PLAN MAP OF THE CITY'S COMPREHENSIVE PLAN FROM "RESIDENTIAL 4-10" TO "CENTERS & CORRIDORS CORE" FOR PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE HAMILTON FORM BASED CODE SUBAREA PLAN; AND AMENDING THE ZONING MAP TO CONTEXT AREAS CA1, CA2, CA3, AND CA4 FORM BASED CODE ZONING CATEGORIES WITHIN THE BOUNDARIES OF THE HAMILTON FORM BASED CODE SUBAREA PLAN, WHICH GENERALLY INCLUDES A SIX BLOCK AREA ALONG HAMILTON STREET BOUNDED BY THE ALLEY BETWEEN AUGUSTA AVE AND NORA AVE ON THE NORTH AND DESMET AVE ON THE SOUTH, ALL AS SET FORTH IN COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT FILE NO. Z1400055COMP.

WHEREAS, in accordance with the Growth Management Act (GMA), the City of Spokane previously adopted a Comprehensive Plan (RCW 36.70A); and

WHEREAS, GMA provides that proposed amendments to a comprehensive plan may be considered by the governing body of a city no more frequently than once per year, but further provides that, so long as a subarea plan clarifies, supplements, or implements city-wide comprehensive plan policies, and so long as the cumulative impacts of the proposed subarea plan are addressed by appropriate environmental review under chapter 43.21C. RCW, the initial adoption of a subarea plan may occur outside of this annual process; and

WHEREAS, Per Article VIII of the City Charter, the Spokane City Council recognizes distinct neighborhood areas as neighborhood councils through the Neighborhood Councils Program and the Community Assembly; and

WHEREAS, The City Council allocated \$550,000 in the fall of 2007 to be used for planning activities by neighborhood councils; and

WHEREAS, The Logan Neighborhood Organization ("LNO") is the City Council-recognized neighborhood council for the area generally bounded by Division Street on the west, the Spokane River on the east, Euclid Street on the north, Trent Avenue on the south, and bisected north to south by Hamilton Street and west to east by Mission Avenue; and

WHEREAS, On March 8, 2011 the Logan Neighborhood Organization (LNO) was designated to initiate abbreviated neighborhood planning and LNO representatives endorsed a letter of intent to begin planning; and

WHEREAS, On March 30 and March 31, 2012, respectively, the manager of the Logan Neighborhood Stakeholders Team ("LNST"), Karen Byrd, and the chair of the Logan Neighborhood Organization, Jeanette Harras, signed a memorandum of

understanding with the Planning Services Department recognizing the LNST to conduct abbreviated planning; and

WHEREAS, Between August of 2012 and February 2013, a consultant, Studio Cascade worked with the Logan Neighborhood Stakeholder Team, property owners, business owners, residents, and other interested parties to prepare a form-based model zoning code through a series of planning sessions, interviews, charrettes, and an open house; and

WHEREAS, The Logan Neighborhood Identity Plan and Model Form-Based Code for the Hamilton Corridor were adopted via City Council resolution as credible representation of the desire for the Logan Neighborhood on May 12, 2014; and

WHEREAS, The Logan Neighborhood Stakeholder Team worked with the City of Spokane's Planning & Development staff between May 2014 and September 2014 to modify the Model Form-Based Code for the Hamilton Corridor from a model code to a specific regulatory document, Hamilton Form Based Code; and

WHEREAS, In September of 2014 City of Spokane's Planning & Development staff drafted the Hamilton Form Based Code Subarea Plan which amends the Comprehensive Plan Land Use Plan Map and implementing Form Based Code zoning categories; and

WHEREAS, The Hamilton Form Based Code Subarea Plan was submitted as a Comprehensive Plan amendment application Z1400055COMP on October 6, 2014; and

WHEREAS, The Hamilton Form Based Code Subarea Plan requires several actions including a Comprehensive Plan Land Use Map and Zoning Map Changes within the boundary of the Hamilton Form Based Code Subarea Plan; and

WHEREAS, staff requested comments from agencies and departments on October 6, 2014, and a public comment period ran from October 6, 2014 to October 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 October 23, 2014; and

WHEREAS, Notice of Application was mailed on October 27, 2014 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 project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014. Comments were provided by property owners and other interested parties; and

WHEREAS, Staff made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal; and

WHEREAS, the Spokane City Plan Commission held a substantive workshop to study the proposal on November 12, 2014; and

WHEREAS, A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on November 26, 2014 for the Hamilton Form Based Code Subarea Plan. The public appeal period for the SEPA determination ended on December 10, 2014 at 4pm; and

WHEREAS, Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was 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 project boundary on November 26, 2014; and

WHEREAS, Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014 and the *Official Gazette* on December 3, 2014; and

WHEREAS, The Planning Department prepared a staff report found that the amendment met all the review guidelines and required decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020. Comprehensive Plan Amendment Procedure (the "Staff Report"); and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on December 10, 2014 for Application Z1400055COMP, Hamilton Form Based Code Subarea Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z1400055COMP, Hamilton Form Based Code Subarea Plan is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 2 to recommend approval of Application Z1400055COMP, Hamilton Form Based Code Subarea Plan on December 10, 2014; 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: That the Spokane Comprehensive Plan Land use Plan Map and Zoning Map be amended as

presented in the attached land use and zoning maps for the Hamilton Form Based Code Subarea Plan Project Boundary.

PASSED BY THE CITY COUNCIL ON _____, 2015.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Exhibit A

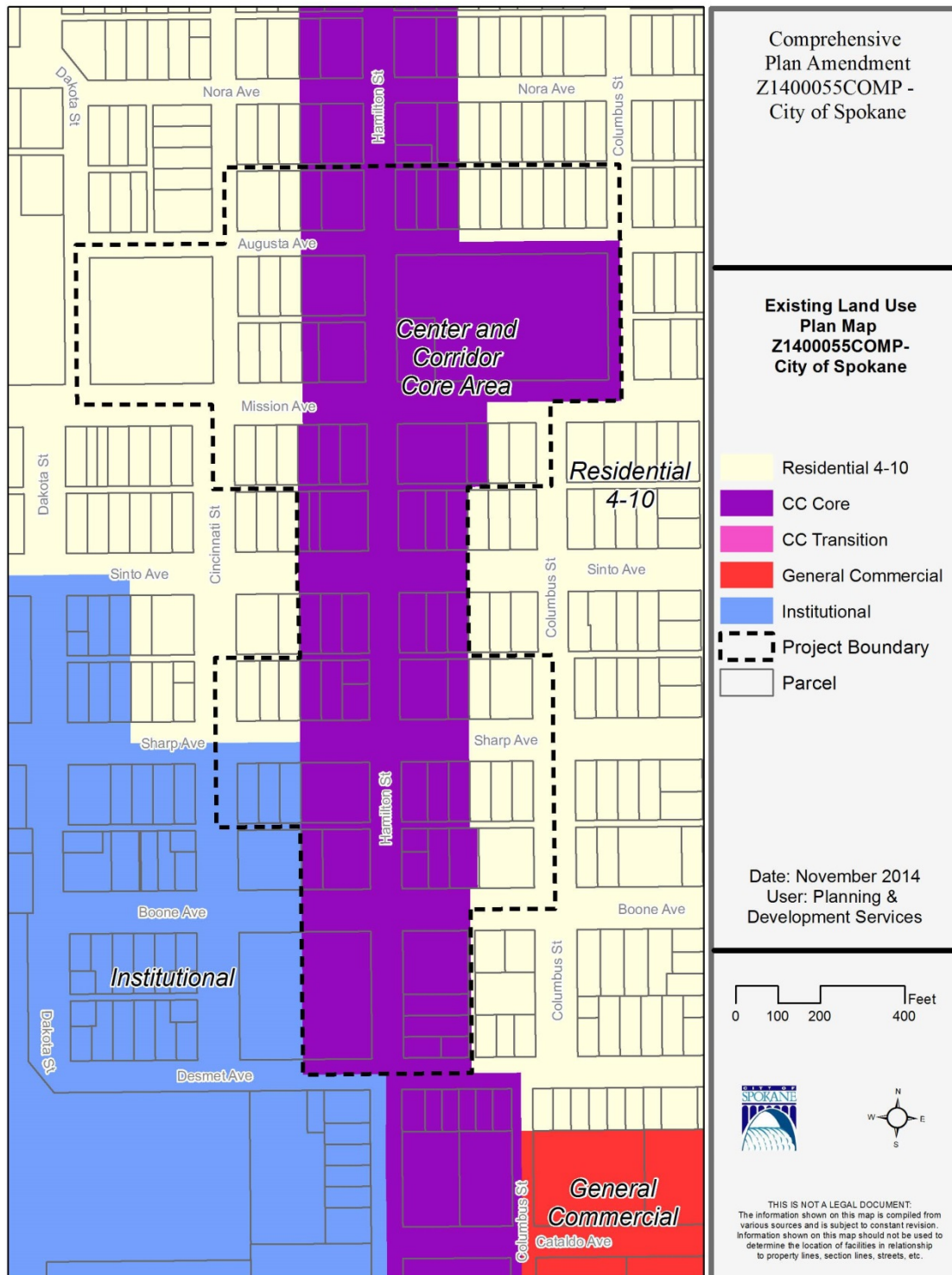


Exhibit B

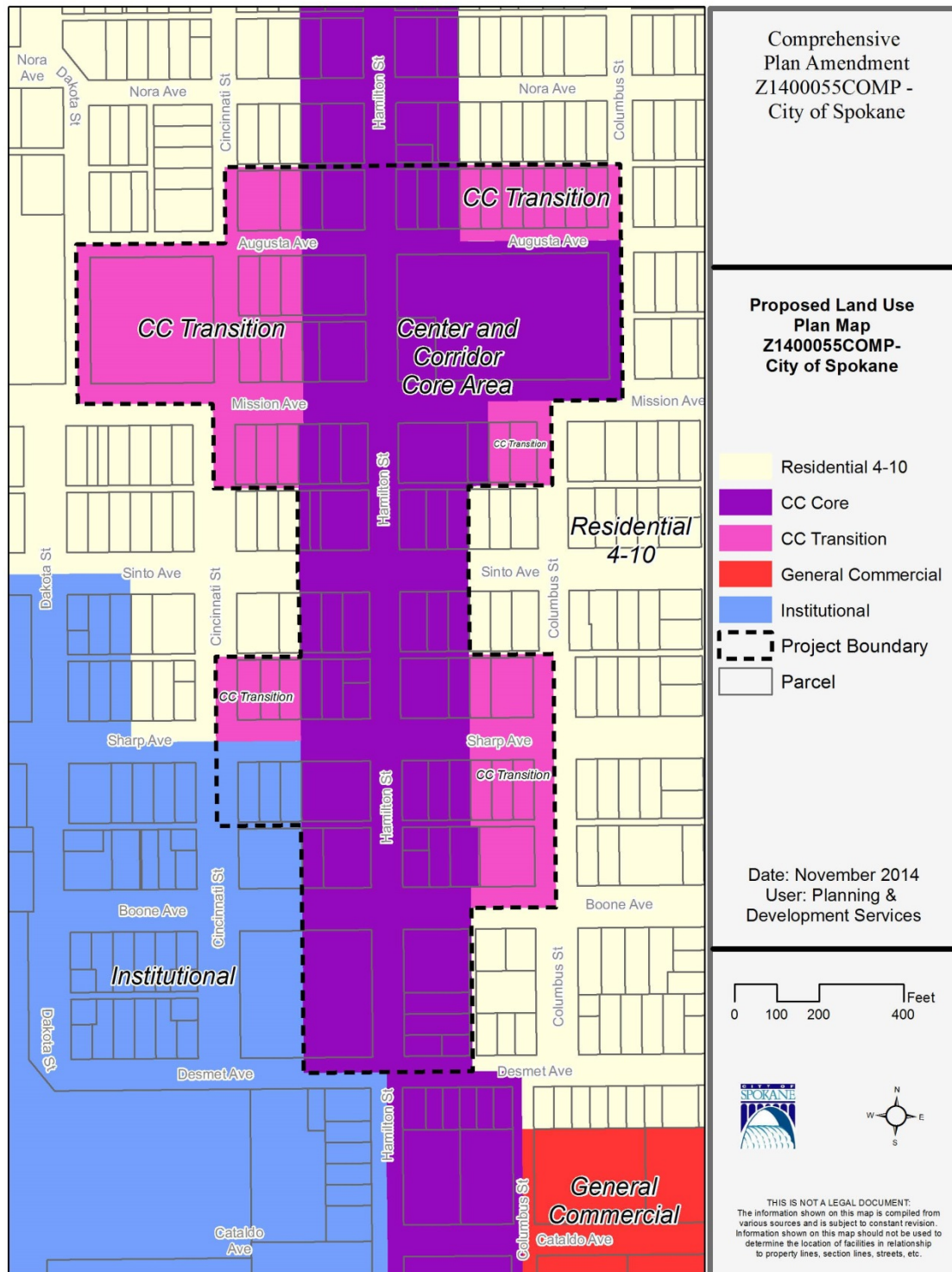


Exhibit C

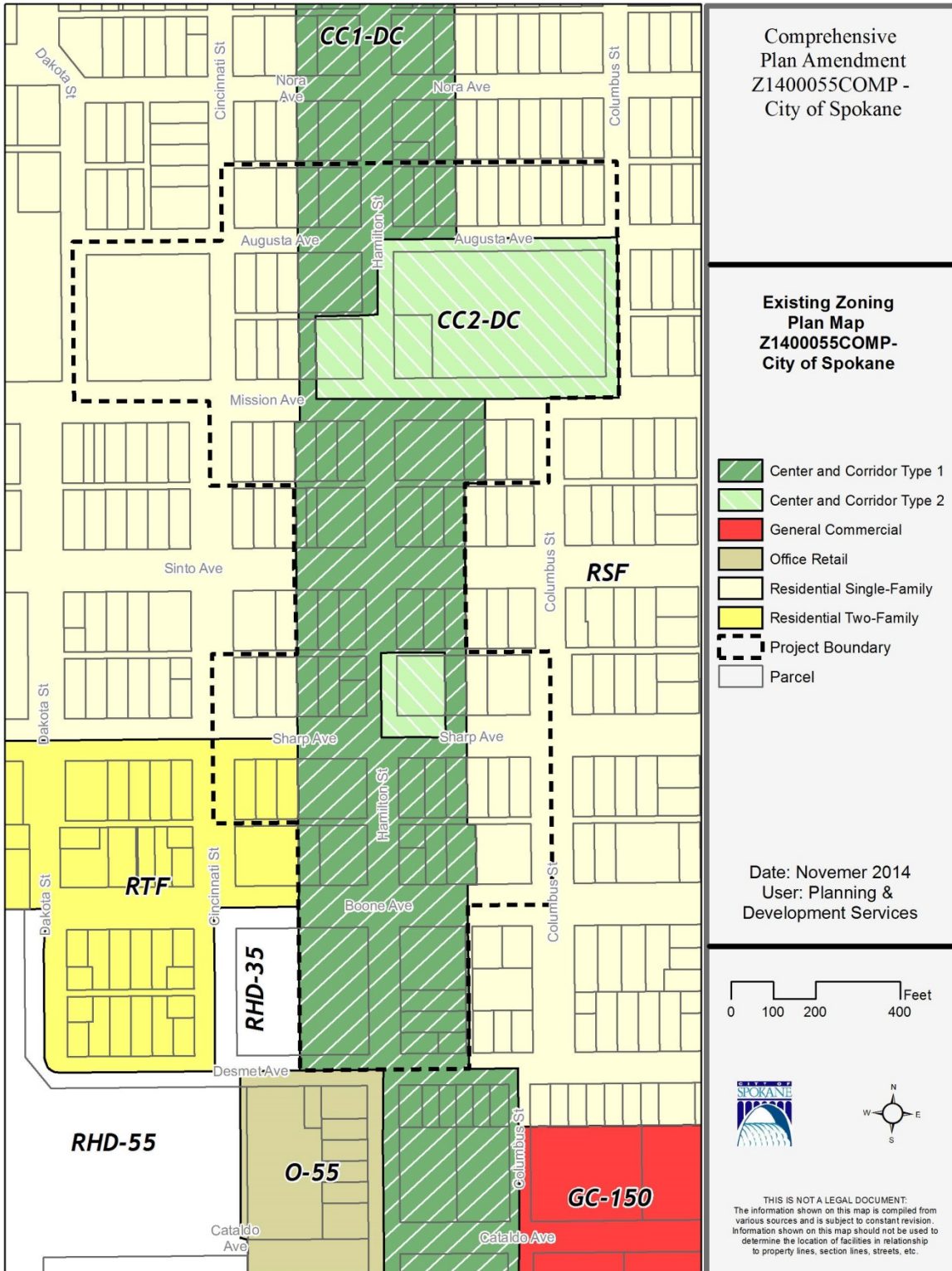
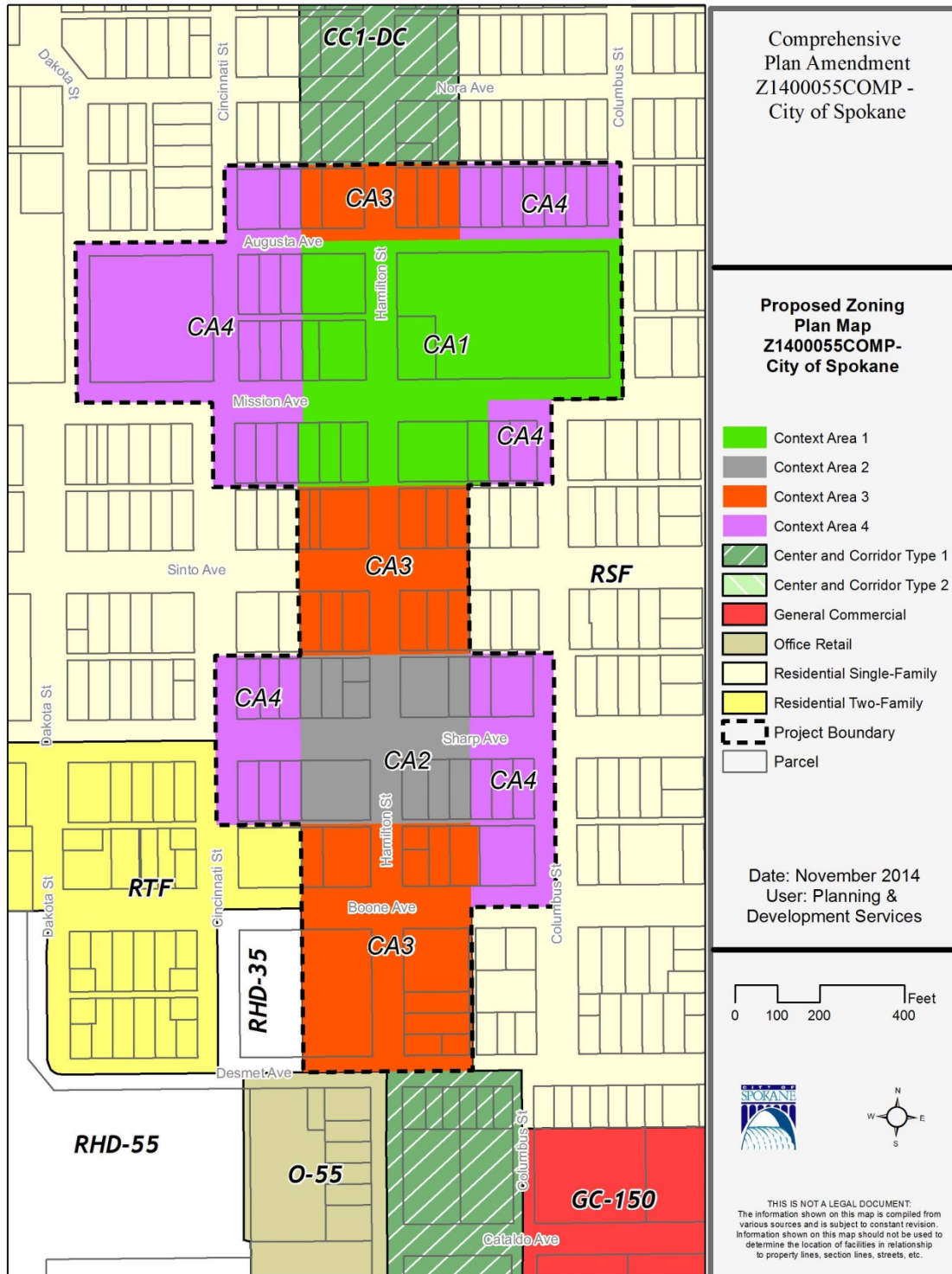


Exhibit D



HAMILTON

FORM-BASED CODE

SUBAREA PLAN

ORDINANCE # C35211
ORDINANCE # C35212
Information Packet

Spokane City Council
January 2015

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CITY OF SPOKANE PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE HAMILTON FORM BASED CODE SUBAREA PLAN - COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT FILE NO. Z1400055COMP

A Recommendation of the City of Spokane Plan Commission to the Spokane City Council approving the Hamilton Form Based Code Subarea Plan. The proposal falls into two actions: (1) Comprehensive Plan land use plan map amendment from “Residential 4-10” to “Center & Corridor Transition.” (2) Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC), Residential Single-Family (RSF), and Residential Two-Family (RTF) zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary (collectively the “Hamilton Subarea Form Based Code Proposal”).

FINDINGS OF FACT:

- A. In accordance with the Growth Management Act (GMA), the City of Spokane previously adopted a Comprehensive Plan (RCW 36.70A).
- B. GMA provides that proposed amendments to a comprehensive plan may be considered by the governing body of a city no more frequently than once per year, but further provides that, so long as a subarea plan clarifies, supplements, or implements city-wide comprehensive plan policies, and so long as the cumulative impacts of the proposed subarea plan are addressed by appropriate environmental review under chapter 43.21C. RCW, the initial adoption of a subarea plan may occur outside of this annual process.
- C. Per Article VIII of the City Charter, the Spokane City Council recognizes distinct neighborhood areas as neighborhood councils through the Neighborhood Councils Program and the Community Assembly.
- D. The City Council allocated \$550,000 in the fall of 2007 to be used for planning activities by neighborhood councils.
- E. The Logan Neighborhood Organization (“LNO”) is the City Council-recognized neighborhood council for the area generally bounded by Division Street on the west, the Spokane River on the east, Euclid Street on the north, Trent Avenue on the south, and bisected north to south by Hamilton Street and west to east by Mission Avenue.

- F. On March 8, 2011 the Logan Neighborhood Organization was designated to initiate abbreviated neighborhood planning and LNO representatives endorsed a letter of intent to begin planning.
- G. On March 30 and March 31, 2012, respectively, the manager of the Logan Neighborhood Stakeholders Team ("LNST"), Karen Byrd, and the chair of the Logan Neighborhood Organization, Jeanette Harras, signed a memorandum of understanding with the Planning Services Department recognizing the LNST to conduct abbreviated planning.
- H. On June 19, 2012 the Logan Neighborhood Organization approved the initial neighborhood planning direction proposed by the LNST, which states: "Pursue streetscape and intersection improvements, including bicycle and pedestrian connections along the Hamilton Corridor, as well as to pursue becoming one of the pilot neighborhoods the city choses for form-based zoning standards."
- I. On July 25, 2012 the Logan Neighborhood Stakeholder Team agreed by consensus both to pursue the drafting of a neighborhood "identity plan" using Res. 2008-0100 funds by a qualified volunteer planner, William Sinclair and to authorize the preparation of a form-based model zoning code which with a consultant, Studio Cascade. Form based codes are aimed at promoting public health, safety and general welfare by creating safe, attractive, pedestrian-friendly environments by regulating the location of buildings closer to the right-of-way, establishing building form, scale, treatment, and articulation and interaction with a vibrant public ream.
- J. Between August of 2012 and February 2013, Studio Cascade worked with the Logan Neighborhood Stakeholder Team, property owners, business owners, residents, and other interested parties to prepare a form-based model zoning code through a series of planning sessions, interviews, charrettes, and an open house.
- K. On June 26, 2013 The Logan *Neighborhood Identity Plan* and *Model Form-Based Code for the Hamilton Corridor* were approved by the Logan Neighborhood Stakeholder Team and by the Logan Neighborhood Organization on March 18, 2014.
- L. The Logan *Neighborhood Identity Plan* and *Model Form-Based Code for the Hamilton Corridor* were adopted via City Council resolution as credible representation of the desire for the Logan Neighborhood on May 12, 2014.
- M. The Logan Neighborhood Stakeholder Team worked with the City of Spokane's Planning & Development staff between May 2014 and September

2014 to modify the *Model Form-Based Code for the Hamilton Corridor* from a model code to a specific regulatory document, *Hamilton Form Based Code*.

- N. The Logan Neighborhood Stakeholder Team agreed that the *Hamilton Form Based Code* is to foster an economically vibrant, pedestrian-safe and walkable, mixed-use environment along the Hamilton Street corridor.
- O. Drive-through facilities are a necessary component of modern life in some areas, but drive-through facilities that are not designed with pedestrian traffic in mind, intrinsically create bad street frontage that is unsafe for pedestrians.
- P. Drive-through facilities are dependent on a high volume of vehicle traffic and a high turnover of customers, which can create significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic.
- Q. Drive-through facilities create the potential for exhaust fumes, noise and traffic congestion, and drive-through fast food restaurants require outdoor speakers/ordering board which may create visual and noise impacts.
- R. On July 30, 2014 the updated *Hamilton Form Based Code* was presented to the public at an open house. Notice was provided to all affected property owners/taxpayers/occupants within the project boundary and those within 400 feet of the project boundary.
- S. On August 18, 2014 the City of Spokane held a meeting with property owners within the project boundary to collect feedback on the *Hamilton Form Based Code Draft*.
- T. In September of 2014 City of Spokane's Planning & Development staff drafted the *Hamilton Form Based Code Subarea Plan* which amends the Comprehensive Plan Land Use Plan Map and implementing Form Based Code zoning categories.
- U. *The Hamilton Form Based Code Subarea Plan* was submitted as a Comprehensive Plan amendment application Z1400055COMP on October 6, 2014.
- V. *The Hamilton Form Based Code Subarea Plan falls into two actions: (1)* Comprehensive Plan land use plan map amendment from "Residential 4-10" to "Center & Corridor Transition." (2) Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC), Residential Single-Family (RSF), and Residential Two-Family (RTF) zones

with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary.

- W. Staff requested comments on the Environmental Checklist from City Departments and outside agencies on October 6, 2014. The consultation period ended on October 20, 2014. No adverse comments were received from agencies or departments.
- X. Notice of Application was mailed on October 27, 2014 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 project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014. Comments were provided by property owners and other interested parties.
- Y. Staff made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal.
- Z. The Spokane City Plan Commission held a substantive workshop to study the amendment on November 12, 2014.
- AA. A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on November 26, 2014 for the Hamilton Form Based Code Subarea Plan. The public appeal period for the SEPA determination ended on December 10, 2014 at 4pm.
- BB. On October 23, 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.
- CC. Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was 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 project boundary on November 26, 2014.
- DD. Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014 and the *Official Gazette* on December 3, 2014.
- EE. The Planning Department prepared a staff report found that the amendment met all the review guidelines and required decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020.

Comprehensive Plan Amendment Procedure (the “Staff Report”).

FF. The Plan Commission held a public hearing on the recommended amendment on December 10, 2014.

GG. The Plan Commission recommended, by a vote of 7 to 2, approval of the *Hamilton Form Based Code Subarea Plan* on December 10, 2014.

HH. 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.

II. The Plan Commission adopts the foregoing, together with the contents and findings in the Staff Report, as its finding of fact relating to this matter.

CONCLUSIONS:

A. The Hamilton Subarea Form Based Code Proposal is consistent with the decision criteria and review guidelines for Comprehensive Plan amendments, as listed in SMC 17G.020.030, and is further consistent with the Comprehensive Plan.

B. The Hamilton Subarea Form Based Code Proposal is consistent with applicable provisions of the Comprehensive Plan and bears a substantial relation to public health, safety, general welfare, and protection of the environment.

RECOMMENDATIONS:

Recommendation #1:

By a vote of 7 to 2, subject to the caveat set forth in Recommendation #3 below, the Plan Commission recommends to the City Council approval of the *Hamilton Form Based Code Subarea Plan* 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 “Center & Corridor Transition.”

Recommendation #2:

By a vote of 7 to 2, subject to the caveat set forth in Recommendation #3 below, the Plan Commission recommends to the City Council the approval of *Hamilton Form Based Code Subarea Plan* amendment to Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones; amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions; amending the City of Spokane Zoning Map and replacing Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC),

Residential Single-Family (RSF), and Residential Two-Family (RTF) zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within the project boundary.

Recommendation #3:

The Plan Commission requests that the City Council include in the Plan Commission's 2015 annual work schedule (i) the development of design standards for Context Area 4 of the Hamilton Subarea Form Based Code Proposal; (ii) design standards for drive-through facilities to replace the prohibition in the Hamilton Subarea Form Based Code Proposal; and (iii) review of request to expand the boundaries of the southern portion of Context Area 3 to include the following parcels: 35171.1415; 35171.1416; 35171.1405; 35171.1414; 35171.1402; and 35171.1401.

A handwritten signature in black ink, reading "Dennis Dellwo", written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
December 17, 2014**

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE MAP CHANGE & ZONING MAP CHANGE
HAMILTON FORM BASED CODE SUBAREA PLAN
FILE NO. Z1400055COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

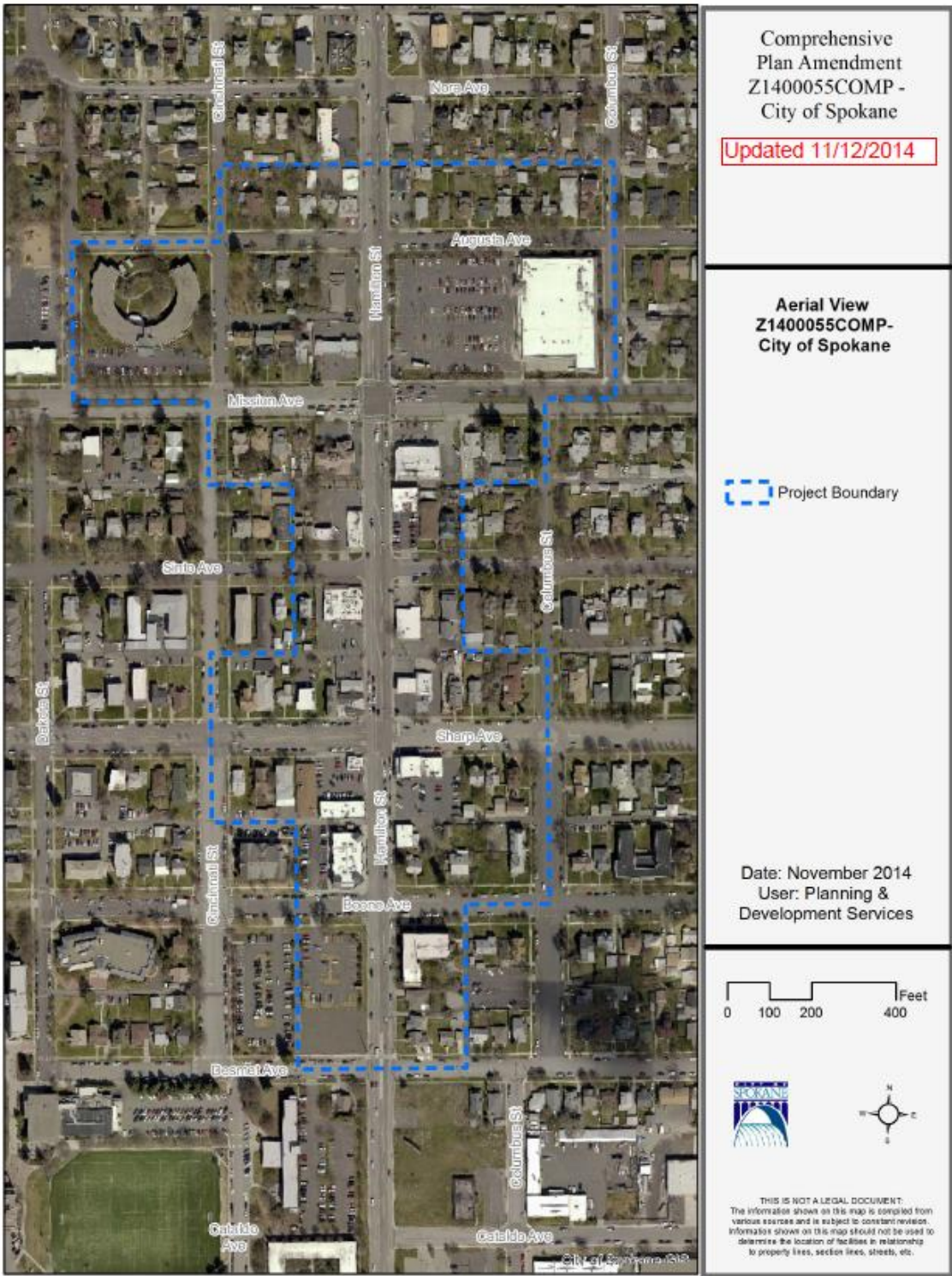
DESCRIPTION OF PROPOSAL: In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area.

II. GENERAL INFORMATION:

Applicant	City of Spokane
Location of Proposal:	The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area maps.
Legal Description	A full legal description of the subject properties and all related project documents are available at Planning and Development, located on the third Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329
Existing Land Use Plan Designation:	"Residential, 4 to 10 units per acre"
Proposed Land Use Plan Designation:	"Center & Corridor Transition"
Existing Zoning:	CC1-DC (Center & Corridor 1 District Center); CC2-DC (Center & Corridor 2 District Center); RSF (Residential Single Family); and RTF (Residential Two-family)
Proposed Zoning:	New, Form Based Code Zoning Categories: CA1, CA2, CA3, CA4 (Context Areas)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on November 26, 2014. The appeal period closed on December 10, 2014 at 4pm.
Enabling Code Section:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	December 10, 2014

Staff Contact:	Boris Borisov, Assistant Planner; bborisov@spokanecity.org
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III. FINDINGS OF FACT:



- A. Site Description: The proposed project area is approximately 36.15 acres. There are approximately 82 affected parcels. This proposal retains the current “Center and Corridor Core” Land Use Plan Map Designation along the Hamilton Corridor. The proposed zoning categories of Context Areas 1, 2, and 3 along Hamilton are commercial in nature and fit the current Land Use Designation of the Comprehensive Plan.

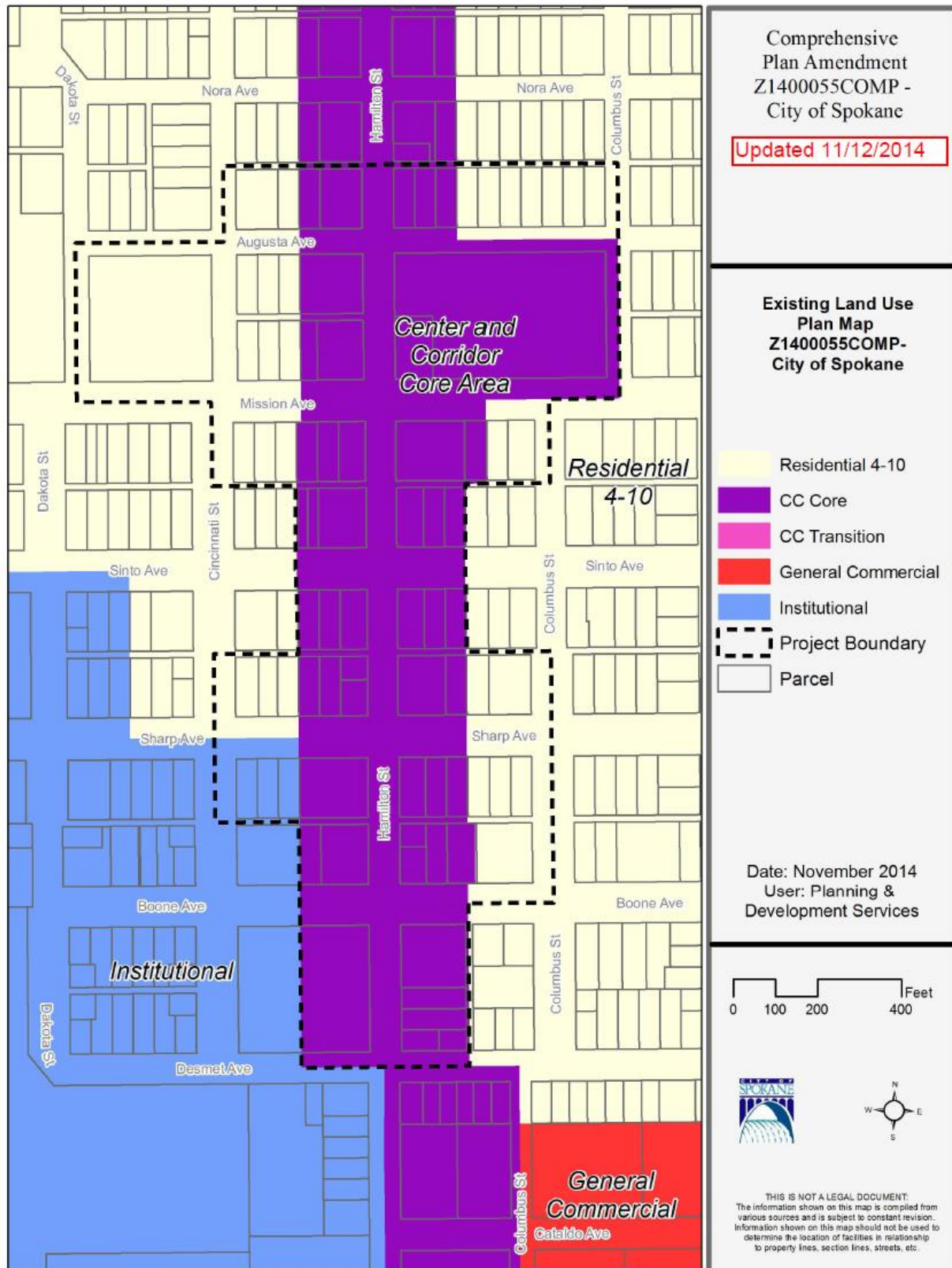
Context Area 4 (CA4) is a buffer zone between the commercial core and the residential neighborhood. The Hamilton Form Based Code Subarea Plan amends the Land Use Plan Map from Residential 4-10 to Center & Corridor Transition (see maps below). The newly proposed CA4 zoning category allows commercial on a small scale but is predominantly residential in nature. This new zoning category also retains current height standards of the residential single-family zoning standards for the purposes of keeping these areas residential in scale.

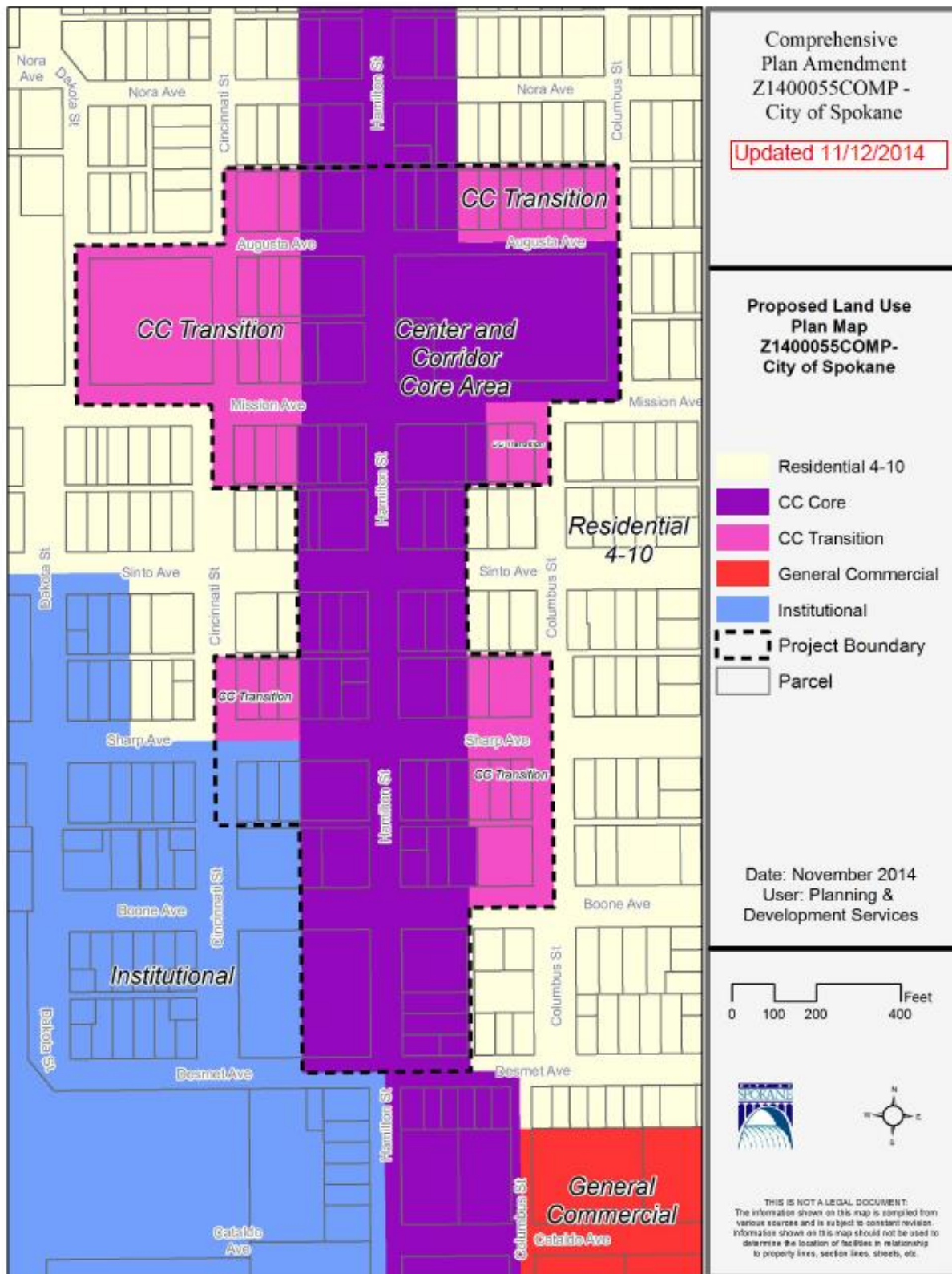
- B. Project Description: The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density.

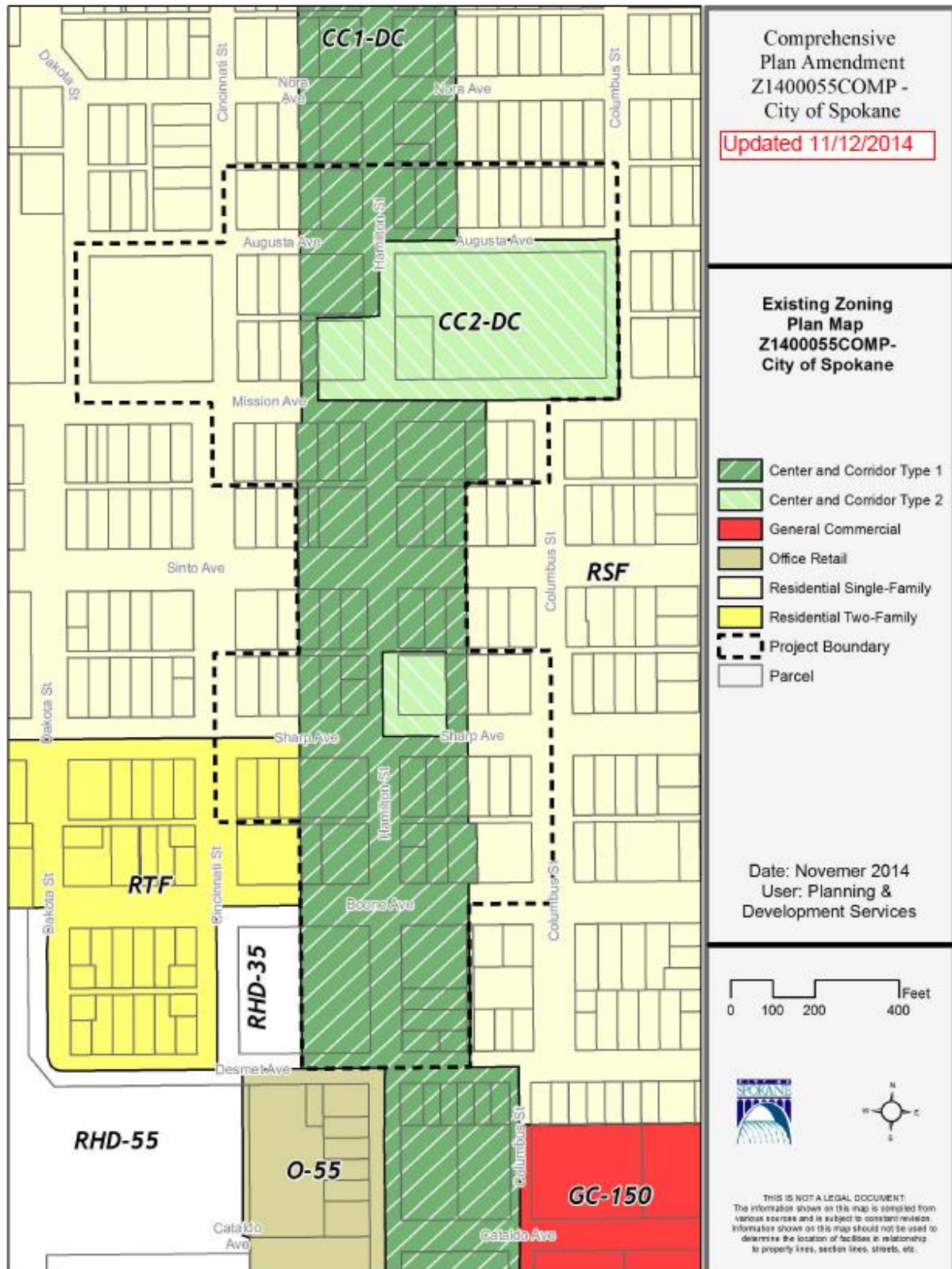
This proposal falls into two actions:

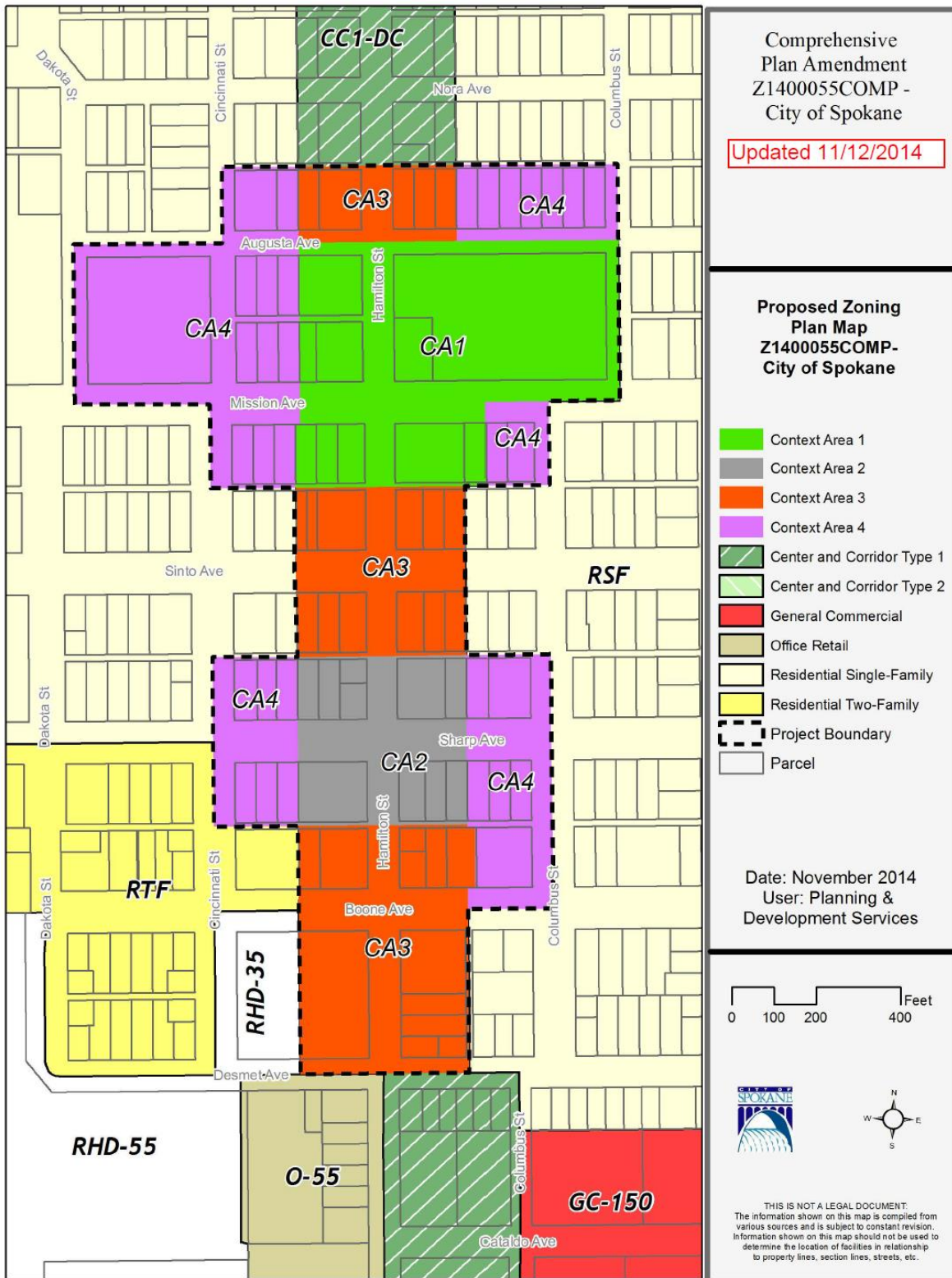
1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (see maps below).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories.

C. Existing Land Use Plan Map Designations



D. Proposed Land Use Plan Map

E. Existing Zoning Map

E. Proposed Zoning Map

G. Zoning and Land Use Designation History:

The 1982 Logan Neighborhood Design Plan had several Land Use Designations for the project area being considered as part of this proposal. Land along Hamilton Street was classified as Neighborhood Business and Community Business, while the surrounding land has historically been designated as Low Density Residential. Other designations included Medium Density Residential, Institutional/Residential, and Institutional. In 2006, the Land Use Designations within the project boundary were amended to Center & Corridor Core (CC Core) and Residential 4-10 (R4-10). Corresponding zoning was amended to Residential Single-Family (RSF) and Center & Corridor 1 District Center (CC1-DC).

H. Adjacent Land Use:

Land use to the south of the project boundary is designated as CC Core and Institutional. Gonzaga University is immediately to the west of the lower half of the project boundary and is designated Institutional. Land use to the east and west of project boundary is designated Residential 4-10. Hamilton Street, which runs through the center of the project area, is classified as a major arterial. Local streets running east/west within the boundary include Desmet Ave, Boone Ave, Sinto Ave, and Augusta Ave. Sharp Ave is a minor arterial and Mission Ave is a major arterial. Other north/south local streets within the project boundary include Cincinnati St. and Columbus St. Spokane Transit Authority Bus Route 28 has service on Hamilton Street. The most recent traffic counts indicate that the average daily total trips per day range from 26,000 to 30,800 depending on the block.

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

J. Outreach and Public Process:

- Meetings with the Logan Stakeholder Group (subcommittee of the Logan Neighborhood Council): May 29, 2014; June 25, 2014; August 19, 2014; and November 6, 2014.
- Open House, July 30, 2014: Mailed postcards to all affected property owners/taxpayers/occupants and those within 400 ft. of project boundary.
- Property Owner Meeting, August 18, 2014: Mailed invitation letter to all affected property owners/taxpayers/occupants within project boundary.

K. Procedural Requirements:

- Application was submitted on October 06, 2014.
- Environmental Checklist was routed to City Departments and outside agencies for review on October 6, 2014. Consultation period ended on October 20, 2014.
- Notice of Application was mailed on October 27, 2014 to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014.

- Planning & Development Services made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal.
- A SEPA Determination of Non Significance was issued on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was mailed to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014.
- Hearing Date is scheduled with the Plan Commission for December 10, 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.

As of the date of the staff report, several comments about the project were received from property owners and other interested parties via email, telephone calls, and letters. A summary of comments in addition to copies of correspondence are included in the file.

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 or 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 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."*
- ♦ *Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."*
- ♦ *Citizen participation and coordination. "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts."*

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. Comments are provided in the file.

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 implements the Centers and Corridor goals and policies of the Comprehensive Plan. In 2006, the Spokane Comprehensive Plan Land Use Chapter was changed, designating the Mission and Hamilton Center from Neighborhood Center to Hamilton Street Corridor District Center. This was done as part of the Center and Corridor planning aimed at implementing the City's Comprehensive Plan. The Form Based Code Subarea Plan builds on this designation and works to create an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The Comprehensive Plan Land Use Plan Map change is supplemented by new development regulations which are part of the proposal.

Below are applicable Goals and Policies from the Comprehensive Plan which support this proposal. Staff discussion follows:

Relevant Comprehensive Plan Goals and Policies

From Chapter 3, Land Use

Goal: LU 1 CITYWIDE LAND USE

Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

- Policy: LU 1.4 Higher Density Residential Uses: *Direct new higher density residential uses to centers and corridors designated on the land use plan map*

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: *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.*

Goal: LU 4 TRANSPORTATION

Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

- Policy: LU 4.2 Land Uses that Support Travel Options: *Provide a compatible mix of housing and commercial uses in neighborhood centers, districts centers, employment centers, and corridors.*
- Policy LU 4.4 Connections: *Design residential, commercial, and industrial development that takes into consideration the connections, both vehicular and pedestrian, to adjoining sites to reduce personal automobile trips.*
- Policy: LU 7.1 Regulatory Structure: *Develop a land use regulatory structure that utilizes creative mechanisms to promote development that provides a public benefit.*
- Policy: LU 7.4 Sub-Area Planning Framework: *Use the Comprehensive Plan overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively.*

From Chapter 4, Transportation

Goal: TR 2 TRANSPORTATION OPTIONS

Provide a variety of transportation options, including walking, bicycling, taking the bus, carpooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles.

- Policy: TR 2.1 Physical Features: *Incorporate site design and other physical features into developments that encourage alternatives to driving.*
- Policy: TR 2.4 Parking Requirements: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- Policy TR 2.6 Viable Walking Alternative: *Promote and provide for walking as a viable alternative to driving.*
- Policy TR 2.7 Safe Sidewalks: *Provide for safe pedestrian circulation within the city; wherever possible, this should be in the form of sidewalks with a pedestrian buffer strip or other separation from the street.*

Goal: TR 3 TRANSPORTATION AND LAND USE

Recognize the key relationship between the places where people live, work, and shop and their need to have access to these places; use this relationship to promote land use

patterns, transportation facilities, and other urban features that advance Spokane's quality of life.

- Policy: TR 3.1 Transportation and Development Patterns: *Use the City's transportation system and infrastructure to support desired land uses and development patterns, especially to reduce sprawl and encourage development in urban areas.*

Goal: TR 7 SENSE OF PLACE

Foster a sense of community and identity through availability of transportation choices and transportation design features, recognizing that both profoundly affect the way people interact and experience the city.

- Policy: TR 7.1 Character and Pride: *Create transportation improvements that promote Spokane's character, enhance the character of its neighborhoods, and foster community pride*
- Policy: TR 7.2 Street Life: *Promote a healthy street life in commercial areas, especially downtown, through transportation facilities that are designed with care to enhance both their use and the surrounding street environment.*
- Policy: TR 7.3 Street Trees: *Plant street trees wherever possible to enhance the transportation environment.*
- Policy: TR 7.4 Pedestrian Buffer Strips: *Develop pedestrian buffer strips in a way that is appropriate to the surrounding area and desired outcomes.*
- Policy TR 7.5 Building Setbacks: *Reduce building setbacks from the street and distances between buildings in neighborhood commercial areas to improve pedestrian access and develop an urban form.*
- Policy TR 7.6 Sidewalk Use: *Allow businesses to utilize available sidewalks as long as pedestrian travel is not unreasonably impacted and the sidewalk's use and design is in character with the neighborhood.*

Staff Discussion: The Hamilton Form Based Code Subarea Plan promotes a street environment for pedestrians by placing buildings close to the street with wide sidewalks and street trees, attractive landscaping, benches, and frequent transit stops. Parking lots are placed to the side or the back of buildings. This proposal promotes compatible mix of housing and commercial uses along the corridor and into the transition zones between the corridor and surrounding neighborhood. This provides opportunities for people to walk, enables less reliance on automobiles, reduces commuting times and distances, makes mass transit more viable, and provides greater convenience for area residents. By promoting a vibrant public realm, the proposal takes into consideration the connections, both vehicular and pedestrian to adjoining sites to reduce personal automobile trips. The proposal also regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public

spaces and a healthy mix of uses. This regulatory structure utilizes creative mechanisms to promote development that provides a public benefit. The proposal is a detailed sub-area neighborhood planning process that provides a forum to confront and reconcile issues by empowering the neighborhood to solve problems collectively. The Logan Neighborhood Stakeholder Team has been working on the preparation of the form-based model zoning code since 2012.

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: Per SMC 17G.020.040(A), this application is being reviewed as an initial adoption of a specific/subarea plan.

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 November 26, 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 application for 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 proposal amends several areas designated as Residential Single Family (RSF) to Center & Corridor Transition (CC Transition) which are adjacent to the Hamilton Corridor. A new Form Based Code zoning category, Context Area 4 (CA4) will replace current zoning. Context Area 4 allows small scale commercial but is predominately residential in nature and functions as a transition zone. Staff finds that these sites are suitable for the amendment being proposed.

- 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.

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: This proposal includes the adoption of new development regulations which specify corresponding rezones. Staff concludes that this criterion is met.

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 two actions be approved as part of the Hamilton Form Based Code Subarea Plan:

1. Action #1: Comprehensive Plan Amendment to Land Use Plan Map. Amend the Land Use designations within the project boundary from R 4-10 to CC Transition (as identified in the maps above).
2. Action #2: Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary (see maps above).

**SPOKANE ENVIRONMENTAL ORDINANCE
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

FILE NO(S): Z1400055COMP - Proposed Comprehensive Plan Amendment for the Hamilton Form Based Code Subarea Plan

PROPONENT: City of Spokane, Planning & Development

DESCRIPTION OF PROPOSAL: The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density. The entire project area is approximately 37.6 acres. This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map at: <https://beta.spokanecity.org/projects/logan>).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones (See Exhibit 1: SMC 17C.123 Form Based Code Zones Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning at: <https://beta.spokanecity.org/projects/logan>).

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area map or visit <https://beta.spokanecity.org/projects/logan/> for a project map.

LEAD AGENCY: City of Spokane, Planning & Development

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 must be submitted no later than December 10, 2014 at 4:00 p.m. if they are intended to alter the DNS.

Responsible Official: Louis Meuler

Position/Title: Interim Director, Planning and Development **Phone:** (509) 625-6300

Address: 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329

Date Issued: November 26, 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
UPDATED 11-7-2014

File No. Z1400055COMP

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.

A. BACKGROUND

1. Name of proposed project, if applicable: Hamilton Form Based Code Subarea Plan and Zoning Change.
2. Name of applicant: City of Spokane
3. Address and phone number of applicant or contact person: Planning & Development Services, 3rd Floor, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329, (509) 625-6300. Contact Person: Boris Borisov, Assistant Planner
4. Date checklist prepared: October 6, 2014
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): A Plan Commission hearing on this proposal is scheduled to take place in December of 2014. Then the subarea plan must be approved by City Council and signed by the Mayor to be adopted.
7.
 - a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, the Form Based Code is being applied to a small area of the Logan neighborhood as a pilot project. This type of zoning may be applied to other parts of the City if successful. A separate approval process, including SEPA would be completed if applied to other parts of the City.
 - b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None that is directly related to this proposal.
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. None.
10. List any government approvals or permits that will be needed for your proposal, if known. The adoption of new zoning categories utilizing a Form Based Code will require a Comprehensive Plan Amendment via a subarea plan for the affected geographical area. This Comprehensive Plan Amendment will modify land use in some areas within the affected geographical area and introduce new zoning categories. Additionally, a new chapter will be added to the Spokane Municipal Code that is specific to the affected geographical area. These amendments require approval of the Spokane City Council and Mayor.

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. In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 37.6 acres.

This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition and from Institutional to CC Transition. (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.XXX123 Form Based Code (See Exhibit 1: 17C.XXX123 Form Based Code Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning)

See Exhibit 6, Aerial Map of Project Boundary for an overview of entire affected geographic area.

All exhibits and supporting documents can be found at:
<https://beta.spokanecity.org/projects/logan>

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 affected geographic area is centered on the Hamilton corridor, bordering Desmet to the south and the alley between Augusta and Nora to the north. The east/west boundaries vary. Please see Exhibit 6: Aerial Map of Project Boundary at: <https://beta.spokanecity.org/projects/logan>.

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.)
Yes.

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).
Not applicable, this is a non-project action. Systems designed for stormwater disposal would be included in new development projects, if the adopted amendments will apply to new development. These are reviewed on a project basis and mitigated as required under SMC Section 17D.060.

- (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?
Not applicable, this is a non-project action.

- (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.
Not applicable, this is a non-project action.

- (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?

Not applicable, this is a non-project action.

b. Stormwater

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

Not applicable, this is a non-project action

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

Not applicable, this is a non-project action

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

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1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other.* The affected geographic area is predominately flat.
- b. What is the steepest slope on the site (approximate percent slope)? The affected geographic area is predominately flat. The slopes range from 0 to 16 percent.
- 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. The soils are generally described as Garrison gravelly loam 0 to 5% slope. Please see the "Soil Survey, Spokane County Washington, 1968" for additional information regarding this and other soil classifications within the City of Spokane.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. The affected geographic area has no history of unstable soils in the immediate vicinity according to the Potential Erosion Hazard map of the City of Spokane.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: There are no fills or grading proposed directly related to this proposal, this is a non-project action.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. There should not be any erosion directly related to this proposal, as this is a non-project action. Impacts would be project based and would be evaluated on a project-by-project basis.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Not applicable, this is a non-project action. The Form Based Code specifies maximum impervious coverage for specific zones in the affected geographic area. These standards would apply to new projects and would limit the amount of impervious surfaces (see Exhibit 1: 17C.XXX123 Form Based Code Draft, Section 17C.XXX123.040-1 at: <https://beta.spokanecity.org/projects/logan>).
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Not applicable, this is a non-project action. The Form Based Code sets maximum impervious surface coverage areas within the geographic area as well as landscaping standards.

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. Construction of required accesses and other infrastructure required as conditions of approval, if any, and other development permitted by the zoning code will generate emissions to the air. Impacts will be evaluated as projects are proposed.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No, this is a non-project action.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: This specific proposal contains no provisions to reduce or control emissions.

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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. There is no surface water body within the affected geographic area. The Spokane River is approximately ½ mile to the south of the project boundary and ¼ of a mile to the east
- (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.
There is no fill or dredge material that is proposed to be placed or removed in relation to this proposal, this is a non-project action. The development standards of the Shorelines Master Program (SMP) and the Title 17E.070 (wetlands) of the SMC regulate the filling and dredging of surface water and wetlands.
- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
No, this proposal will not require surface water withdrawals or diversions. This is a non-project action.
- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. The affected geographic area does not lie within a 100-year floodplain.
- (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, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

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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, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

- (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.

Not applicable, this is a non-project action. All buildings within the affected geographic area are served by city sewer.

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.

Not applicable, this is a non-project action.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a non-project action.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any. I

The provisions of SMC 17D.060 Stormwater Facilities regulates stormwater and requires appropriate on-site storage and disposal. New development is reviewed under these regulations and required to build appropriate stormwater facilities.

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4. Plants

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

x _____ Deciduous tree: *alder, maple, aspen, other.*

x _____ Evergreen tree: *fir, cedar, pine, other.*

x _____ Shrubs

x _____ Grass

_____ Pasture

_____ Crop or grain

_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*

_____ Water plants: *water lilly, eelgrass, milfoil, other.*

x _____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? No vegetation is proposed to be removed or altered as part of this proposal, this is a non-project action.

- c. List threatened or endangered species known to be on or near the site. Not-applicable, this is a non-project action.

- c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: The Form Based Code imposes landscaping standards prescribed in SMC 17C.200. These landscaping requirements ensure properties developed within the affected geographical area enhance vegetation on site (see: Supporting Amendments to SMC, Landscaping & Screening at: <https://beta.spokanecity.org/projects/logan/>)

3.

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:

Not-applicable, this is a non-project action.

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.

Not-applicable, this is a non-project action.

- a. Is the site part of a migration route? If so, explain.
Not-applicable, this is a non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any:
The provisions of Spokane Municipal Code Section 17E.020 Fish and Wildlife Habitat contain development standards for the protection of animals listed as threatened, endangered and priority species.

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.
Not applicable, this is a non-project action. New development in the affected geographic area could use any combination of electric, natural gas, wood stove, and/or solar to meet energy needs.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not applicable, this is a non-project action.
- 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:
The Form Based Code is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The affected geographic area will benefit from an environment that supports multiple modes of transportation including automobile, walking, cycling, and transit.

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. No, this proposal is a non-project action and should not directly increase the risk of any of these hazards.
- (1) Describe special emergency services that might be required.
Not applicable, this is a non-project action.
- (2) Proposed measures to reduce or control environmental health hazards, if any:

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Not applicable, this is a non-project action.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a non-project action.

- (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.

New development could create construction noise as redevelopment occurs with the affected geographic area. Any such noise would be subject to the provisions of SMC 10.0D Noise Control.

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

Noise is regulated under SMC 10.D Noise Control. This section of the Spokane Municipal Code outlines maximum permissible environmental sound levels by zone type (residential, commercial, office, retail, industrial, etc). Projects within the affected geographic area would be subject to these standards.

8. Land and shoreline use

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

Uses within the affected geographic area are a mix of residential and commercial. Approximately 39% of the parcels within the boundary are zoned for residential use and 61% are zoned Center & Corridor. The Centers and Corridor zones have a variety of uses including retail, commercial and personal services.

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

- c. Describe any structures on the site. The affected geographic area has numerous structures. Approximately 39% of the area is zoned for residential use and has single family/multi-family. The Center and Corridor zones which make up roughly 61% of the affected geographic area has commercial structures that range from 3,000 sf to 10,000 sf.

- d. Will any structures be demolished? If so, which? This is a non-project action and as such demolition of structures is not being proposed. Structures could be demolished as part of normal redevelopment activity.

- e. What is the current zoning classification of the site? The affected geographic area has a mix of zones including

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residential single family (RSF), residential two-family (RTF), and center and corridor (CC1, and CC2).

- f. What is the current comprehensive plan designation of the site? The Comprehensive Land Use Map designation for the affected geographic area is Center and Corridor Core Residential 4-10, and Institutional.
- 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. Yes. The entire affected geographic area is within the critical aquifer recharge area.
- i. Approximately how many people would reside or work in the completed project? Not applicable, this is a non-project action
- j. Approximately how many people would the completed project displace? Not applicable, this is a non-project action
- k. Proposed measures to avoid or reduce displacement impacts, if any: Not applicable, this is a non-project action
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: This project implements the centers and corridors goals and policies and land use map designations of the comprehensive plan. Several areas of the affected geographic area will require a Comprehensive Plan Amendment to the Land Use Plan Map.

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9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing. Not applicable, this is a non-project action.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. Not applicable, this is a non-project action.
- c. Proposed measures to reduce or control housing impacts, if any: Not applicable, this is a non-project action.

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? This is a non-project action and does not include the construction of buildings. The standards for building height are regulated in this proposal. There are four Context Areas (zones) within the affected geographic area. The tallest building allowed would be in a Context Area 1 zone at 6 5 stories or 80-66 feet (see figures 17C.XXX123.040GD through 17C.XXX123.040FG under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>) along a shop front street (designated along Hamilton and commercial nodes/intersections). A wide variety of building materials will be allowed within each zone.
- b. What views in the immediate vicinity would be altered or obstructed? Views may be altered if developers take advantage of allowable maximum height standards within the affected geographic area. The proposal has design requirements to ensure the proper “fit” within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community. (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). Areas adjacent to residential zones have lower height maximum standards to ensure smooth transitions between intense uses and a neighborhood context.
- c. Proposed measures to reduce or control aesthetic impacts, if any: The proposal has design requirements to ensure the proper “fit” within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.
- c. What existing off-site sources of light or glare may affect your proposal? Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).
- d. Proposed measures to reduce or control light and glare impacts, if any: The Hamilton Form Base Code prescribes lighting standards within parking lots to reduce glare and contribute to the character and safety of sites and adjacent right of way. Pedestrian scale fixtures are required for all lighting illuminating pedestrian paths. Vehicle scale fixtures are allowed for general surface lot and site lighting. Parking lot lighting is required to provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting is required to be shielded to minimize off-site glare, directing light downward and away from adjacent properties (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? Not applicable, this is non-project action
- b. Would the proposed project displace any existing recreational uses? If so, describe. Not applicable, this is non-project action
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Not applicable, this is non-project action

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. A portion of the Mission Avenue Historic District is within the northwest part

of the affected geographic area. This accounts for approximately 10 parcels that are both within the affected geographic area and the Mission Avenue Historic District. One parcel, located at 1226-1228 N. Hamilton is on the local preservation register. This property commonly known as Jack and Dan's, is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site. Jack and Dan's Tavern, located at 1226-1228 N. Hamilton is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.
- c. Proposed measures to reduce or control impacts, if any: This proposal does not specifically have measures to reduce impacts on historic properties. The proposal encourages compatible use of existing properties with the surrounding neighborhood.

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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. The main north/south route in the affected geographic area is served by Hamilton Street. This street supports a mixed-use corridor environment. Mission Ave serves existing east/west arterial needs and includes a median with turn lanes. Boone Ave, Sharp Ave, and Sinto Ave serve east/west arterial needs and provide for and support a mixed-use district environment. Augusta Ave, Columbus St, Cincinnati St, and Dakota St, provide for and support an environment bridging between mixed-use and residential areas. Access to all streets would not change as part of this proposal as this is a non-project action.
- 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? This is a non-project action. The proposal has maximum parking requirements for each context area. Context Areas 1, 2, and 3 have a maximum of 2 spaces/500 sf of floor area. Context Area 4 (residential in character) has a minimum off-street parking requirement of 1 space per dwelling unit.

- 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. Not applicable, this is a non-project action.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. Not applicable, this is a non-project action.

(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: Not applicable, this is a non-project action.

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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. This proposal is a non-project action and should not directly increase the need for fire, police, health care or school services.
- d. Proposed measures to reduce or control direct impacts on public services, if any: Impacts will be addressed at the time of permit application.

16. Utilities

- a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.* The project area is fully served with urban utilities.
- 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. Not applicable, this is non-project action.

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: _____

Signature: _____

Please Print or Type:

Proponent: City of Spokane

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

Phone: 509-625-6300

Person completing
form (if different

from proponent): Boris Borisov, Assistant Planner

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

Phone: 509-625-6156

Email: bborisov@spokanecity.org

[Updated November 7, 2014](#)

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.

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 proposal would not directly increase discharge to water, emissions to air, the production and storage of toxic or hazardous substances or noise.

Proposed measures to avoid or reduce such increases are:
No such measures are included in this proposal.

2. How would the proposal be likely to affect plants, animals, fish or marine life?
This proposal is unlikely to directly affect plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are:
No measures are proposed to specifically address the conservation of plants and animals in this proposal. However, the SMC includes standards related to protection of critical areas and habitat.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed code amendments will not directly affect energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:
The proposal does not directly address energy and natural resource conservation.

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?

This proposal will not directly affect environmentally sensitive areas. If the amendments adopted will apply to new development, the new development will be subject to the critical area standards of the Spokane Municipal Code.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No new measures are proposed. Project impacts will be addressed at the time of permit application in accordance with the standards of the Spokane Municipal Code.

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 amendments are intended to implement the policies of the City's Comprehensive Plan. Development approved under the proposed amendments are required to meet the development regulations adopted under the Comprehensive Plan.

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

No additional measures are proposed.

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

This proposal increases the height maximum in the Context Area 1 zone from 54' to 66' along Shopfront streets. It also increases the height maximum in Context Area 2 from 54' to 66' along Shopfront streets (See Figure 17C.XXX.040-DC through Figure 17C.XXX.040-ED under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). This type of increase is only allowed on streets adjacent to Hamilton and corner lots. This is consistent with the Comprehensive Plan's Corridor designations which call for increase of densities.

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

Any development proposals would individually go through the SEPA process and would be required to mitigate impacts on transportation or public services and utilities.

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

The proposal should not conflict with local, state or federal laws or requirements for the protection of the environment.

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: _____ Signature: _____

Please Print or Type:

Proponent: City of Spokane

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

Phone: 509-625-6300

Person completing
form (if different

from proponent): Boris Borisov, Assistant Planner

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

Phone: 509-625-6156

Email: bborisov@spokanecity.org

[Updated November 7, 2014](#)

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.

HAMILTON FORM-BASED CODE

SUBAREA PLAN

Public Comment Packet

Comments From July through September 2014 (pre-official public comment period for Comp Plan Amendments)

Comments	Date	Format	Contact Name
<p>Input on Context Areas: Input on Context Areas: We are strongly opposed to the mandatory height minimum for the CA-1 Context Area. This 4-story requirement, for our 15,000 sf lot located at Mission and Hamilton will deprive from any reasonable use of the property. It amounts to a taking of private property.</p> <p>Input on Street Type Designations: Generally no significant concerns Other Comments: The requirement to place any buildings at the corner of our property. Placing parking away from the street is already making it difficult for us to find a new tenant for the property. The prohibition on drive-through facilities has taken away most of the demand for the property from the brokers and national tenants we have talked to. I have talked to numerous commercial brokers.</p>	7/30/2014	Comment Card from July Open House	Mike Dempsey
<p>I believe there is a drafting error in the July 11, 2014 draft of the HFBC, on page 5. The reference to "figures 17.XXX.050-C through 17.XXX.050-F", in subsection 17C.XXX.040(A), should instead be to "figures 17C.XXX.040-C through 17C.XXX.040-F". The figures were in Section 17.XXX.050 in an earlier draft, but are now in Section 17C.XXX.040.</p> <p>There are also errors on page 6, in the references to "Figure 17C.XXX.050-A" and "17C.XXX.050-B", in Section 17C.XXX.040(G)(5). You also need to insert the "C" in the references to "figures 17.XXX.040-C through 17.XXX.050-F" in Section 17C.XXX.040(H).</p>	7/30/2014	Email	Mike Dempsey
<p>I have several comments regarding the HFBC draft. They are as follows; --reference should be made to the Logan Identity Plan within the document. --shrubs aren't mitigation enough for blank walls --clarity is needed around the allowance of retail in CA4 to prevent just home businesses within a residence and if a retail use is included then I think the regs for retail use (i.e. design/landscaping/parking) should be required.</p>	8/4/2014	Email	Karen Byrd
<p>Owns the 3 west lots on Hamilton and Augusta. Wanted to know if he will have to comply with new zoning rules once adopted. Staff explained current buildings are grandfathered.</p>	8/1/2014	Phone Call	Rod Scroggin
<p>Concern about sidewalk width and building height minimums: It will be difficult to lease site with height minimum requirement.</p>	8/4/2014	Phone Call	Greg Byrd
<p>Inquired about impacts the code may have on her property. Staff explained the property is outside of the project boundary</p>	8/5/2014	Email	Annabelle Leith
<p>Opposition to moratorium and Draft HBFC. See attached email</p>	8/18/2014	Email	Mike Dempsey

I just wanted to respond to the work that has been undertaken by the Logan Neighborhood over the last year or so. The development of the Form Based Code, I believe, is exemplary, very well thought out, and should be enacted by the City Council. I grew up at 808 E Augusta, and after 4 decades away living in NYC, I presently live and work at this address. Any movement toward enhancing pedestrian activity, and providing increased density will be good for the Logan Neighborhood, and for the City of Spokane. Thank you.	9/30/2014	Email	Gregory J. Higgins
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Logan Form Based Code Public Comments Period October 27th - November 25th, SUMMARY

Comments	Date	Format	Contact Name
Property owner of 929 E Boone requested his property be within the HFBC boundary as part of the CA4 zone. The zone was expanded to include the property per direction of the Planning Director	10/3/2014	Email	Stephen Kraft
Needed more info about the project. Referred to Website, provided project overview. Mr. Faridnia is not within project boundary, just needed more info.	10/28/2014	Voicemail/Phone Call	Mannie Frednya
Called Back Nov 3rd. Mr. Blemo wanted to know more about the project as he is in the process of purchasing 902 E Boone. I explained the vision of the neighborhood and what FBC strives to accomplish.	10/28/2014	Voicemail/Phone Call	Joe Blemo
Mr. Kuntz asked about the timeline for adoption. Informed Mr. Kuntz we are looking at the proposal to be in front of City Council in January of 2015.	10/27/2014	Voicemail	Greg Kuntz
Mr. Byrd stated he is opposed to the height minimum standards and the prohibition of drive-throughs	11/7/2014	Phone Call	Greg Byrd
Stated they were glad height minimum requirements were eliminated. Opposed to prohibition on drive-throughs	11/9/2014	Email	Rod & Glenice Scroggin
Asked why the changes were needed. Staff replied via email explaining the neighborhood planning process that resulted in this proposal and elements of the code. Staff provided a link to the website with full project details.	11/9/2014	Email	Margie Clarity
Mr. Byrd asked where the 18' Foot 1st floor height minimum came from	Week of 11/17	Phone Call	Greg Byrd
Councilman Fagan inquired why the road diet was dropped from the HFBC. Staff explained this was due to traffic numbers being too high on Hamilton to allow for a 3 lane section. Mr. Fagan also asked about angle parking and staff responded this proposal does not call for angle parking.	11/20/2014	Email	Councilman Mike Fagan
Mr. Dempsey submitted a letter on behalf of Carmela Dempsey and Pete Anderson, owners of the NW corner of Hamilton and Mission; see attached letter	11/24/2014	email	Mike Dempsey
Mr. Byrd submitted a letter with comments. See attached.	11/25/2014	Email	Greg Byrd

Logan Form Based Code Comments After Official Comment Period Nov 26th - Current

Comments	Date	Format	Contact Name
1) 35' height max in CA4; is there flexibility to go higher? 2) Recommended increasing impervious service in CA4 to 60% or 70% 3) Concern with language about Frontage Types (porches) - Staff stated this was under the guideline section of the code	12/2/2014	Meeting	Greg Kuntz

Public Comments July 2014 – September 2014

Public Open House July 30, 2014

Property Owner Meeting August 18, 2014

HAMILTON FORM-BASED CODE

We Want To Hear From You!

Leave your comments and input on this card

Name:

M. L. Demsey

ADDRESS:

3224 S. Whipple Rd

PHONE NUMBER:

E-MAIL CONTACT:

demseyml@comcast.net

RESPONSE REQUESTED: YES NO

Context Areas: What are your thoughts on the context areas including regulations for height, parking, land uses, building lines, etc?

We are strongly opposed to the mandatory height minimum for the CA-1 context area.

This 4-story requirement for our 15,000 sq ft lot located at Mission & Hamilton ^{with defective} from any reason ^{use of the property, it is tantamount to a taking of private property} because

Street Type Designations: Street types describe amenities based upon intended use and desired qualities. What are your thoughts with regards to required amenities including street trees, a planting zone, pedestrian zone, benches, trash receptacles, and pedestrian scale lighting?

Generally no significant concerns.

Other Comments/Feedback:

We the requirements to place the large building at the corner of our property. I have placed parking away from the street is already making it difficult for us to find a new tenant for the property. The prohibition on drive-thru facilities has taken away most of the demand for the property from the numerous brokers and ~~commercial~~ ^{national} tenants we have talked to. I have talked to numerous commercial brokers.

Borisov, Boris

From: dempseymc@comcast.net
Sent: Wednesday, July 30, 2014 4:51 PM
To: Borisov, Boris
Subject: Re: Form Based Code Open House

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Boris,

I believe there is a drafting error in the July 11, 2014 draft of the HFBC, on page 5. The reference to "figures 17.XXX.050-C through 17.XXX.050-F", in subsection 17C.XXX.040(A), should instead be to "figures 17C.XXX.040-C through 17C.XXX.040-F". The figures were in Section 17.XXX.050 in an earlier draft, but are now in Section 17C.XXX.040.

There are also errors on page 6, in the references to "Figure 17C.XXX.050-A" and "17C.XXX.050-B", in Section 17C.XXX.040(G)(5). You also need to insert the "C" in the references to "figures 17.XXX.040-C through 17.XXX.050-F" in Section 17C.XXX.040(H).

I will be at the meeting tonight.

Mike Dempsey
477-7427 (Spokane County Hearing Examiner)

From: "Boris Borisov" <bborisov@spokanecity.org>
To: "Chris Kelly" <cmk@tipperary-press.com>, "Chris Nichols" <chris@chairscoffee.com>, "Jeanette Harras" <logandnc@gmail.com>, "Karen Byrd" <byrdkd50@gmail.com>, "Ken Sammons" <ksammons@plant.gonzaga.edu>, "Ken Wenhien" <kssw@msn.com>, "Mike Dempsey" <dempseymc@comcast.net>, "Mitch Moczulski" <Mitch@chairscoffee.com>, "Paul Harrington" <pharrington@southhenry.com>, "Paul Kropp" <pkropp@fastmail.fm>, "Rod & Glenia Singh" <flyrod3@comcast.net>
Sent: Tuesday, July 29, 2014 1:33:26 PM
Subject: Form Based Code Open House

Good Afternoon,

This is a friendly reminder that the Form Based Code Open House is tomorrow night from 6-8pm. Attached is a flyer with information. Hope to see you there.

Best Regards,



Boris Borisov | Assistant Planner | Planning & Development Services

Borisov, Boris

From: Karen Byrd <byrdkd50@gmail.com>
Sent: Monday, August 04, 2014 7:44 AM
To: Borisov, Boris
Subject: HFBC Comments & next mtg

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Boris,

I have several comments regarding the HFBC draft. They are as follows; --reference should be made to the Logan Identity Plan within the document.

--shrubs aren't mitigation enough for blank walls --clarity is needed around the allowance of retail in CA4 to prevent just home businesses within a residence and if a retail use is included then I think the regs for retail use (ie design/landscaping/parking) should be required.

Do you think there has been enough time for public comment for the stakeholder group to meet tomorrow? I am available to meet tomorrow or Thursday at 430p.

Have you received very many comments or concerns?

Thanks,

Karen Byrd

Sent from my iPhone

Borisov, Boris

From: Borisov, Boris
Sent: Monday, August 11, 2014 10:50 AM
To: ann4sure@comcast.net
Subject: RE: Hamilton corridor model

Hi Annabelle,

Thank you for the email and question. Your property at 1104 E August is outside of the boundary area for the Form Based Code. It seems that your property is about six parcels east of the project boundary.

Feel free to contact me if you have further questions.

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: ann4sure@comcast.net [<mailto:ann4sure@comcast.net>]
Sent: Tuesday, August 05, 2014 2:26 PM
To: Borisov, Boris
Subject: Hamilton corridor model

I wanted to know how this impacts my home in this area, I live at 1104 E. Augusta. Does this mean that they will be able to build apartment's around me or next door to me?

Thank you, Annabelle Leith ann4sure@comcast.net

- • Updated – Hamilton Corridor Model Form Based Code – July 2014

Borisov, Boris

From: dempseymc@comcast.net
Sent: Monday, August 18, 2014 3:15 PM
To: Borisov, Boris
Subject: Re: Hamilton Form Based Code Feedback

Thanks, Boris. I meant to say that the owners of the site have had to put off prospective tenants due to the moratorium and the current restrictions in the draft HFBC.

From: "Boris Borisov" <bborisov@spokanecity.org>
To: dempseymc@comcast.net
Sent: Monday, August 18, 2014 2:37:57 PM
Subject: RE: Hamilton Form Based Code Feedback

Hi Mike,

Thank you for the comments and feedback. I look forward to hearing more input from stakeholders and will keep you updated during this process.

Best Regards,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

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

From: dempseymc@comcast.net [mailto:dempseymc@comcast.net]
Sent: Monday, August 18, 2014 1:49 PM
To: Borisov, Boris
Cc: pete anderson; curran dempsey; Mark J. Rosenblum
Subject: Re: Hamilton Form Based Code Feedback

Boris,

I'm sorry that due to one of our cars being in the shop today, I will not be able to attend tonight's meeting.

My 88-year old mother, Carmela Dempsey, owns 70% of the 15,600-square foot lot located at the northwest corner of the intersection of Hamilton and Mission. This property has been in the Dempsey family since my great-grandfather, C.C. Dempsey, a Spokane pioneer who was a former Sheriff of Spokane County (1896-1898) and owned the large Dempsey Hotel in downtown Spokane for many years, lived on the property in a 13-room mansion. The property housed a Shell Oil gas station after

that, and then a carwash starting in 1985 until the owners had it torn down early in 2014.

My mother is very much opposed to the draft HFBC, and the moratorium adopted by the City that is in effect along the Hamilton corridor. The lot is perfect for drive-through retail, with ingress along Mission and egress along Hamilton. It is clearly not large enough to support a minimum 54-foot/4-story tall building, with mixed uses, now or in the future; nor is there a market for such use now or in the foreseeable future. The prospective tenants who have shown interest in the property over the last several months since the carwash was removed are single-story, drive-through retail and retail strip development. This includes a number of national tenants, who we have had to put off due to the uncertainties over t.

Of most concern is the 4-story minimum building height under the HFBC in the CA-1 context area that applies to my mother's property. If this minimum is adopted, it would appear to take all reasonable use of the property away, which would be a compensable taking.

The City cannot argue that the site could be combined with other adjoining parcels in the future, to make a 4-story building marketable; which assemblage and use appears completely speculative anyway. The single-parcel test requires that this parcel be viewed on its own merits.

The height minimums that are proposed in the various context areas under the HFBC would make nearly all existing buildings along the corridor in their respective context areas nonconforming (including the new Clementine Square). This is against the concept of typical form-based zoning, which is not intended to force such drastic changes to the character of an existing neighborhood.

There is also concern regarding the impact of the inordinately wide improvements and setbacks required along a shopfront street like Hamilton and Mission, which would require a whopping 24-foot set aside for my mother's property along both Mission and Hamilton. This represents approximately 6,000 square feet of a 15,600-square foot lot, or 38% of the lot.

Personally, I have long been an admirer of the City of Spokane, and appreciate the City trying to make a positive impact on the Hamilton corridor and adjoining neighborhoods. However, the proposed zoning from my mother's point of view is a disaster in the making. From my own experience, this sort of restrictive zoning, that takes away most reasonable uses of the property in the existing market, is what brought form-based zoning down in the City of Spokane Valley; not just an argument over aesthetics.

Respectfully submitted,

Mike Dempsey

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

From: "Boris Borisov" <bborisov@spokanecity.org>

To: byrdkd50@gmail.com
Cc: "Scott Chesney" <schesney@spokanecity.org>, "Louis Meuler" <LMeuler@SpokaneCity.org>
Sent: Monday, August 18, 2014 9:47:21 AM
Subject: Hamilton Form Based Code Feedback

Dear Stakeholders,

This is a friendly reminder we are meeting today with property owners to discuss the Hamilton Form Based Code:

Date: Monday, August 18, 2014

Time: 5-6:30pm

Location: Gonzaga Plant Service Building, 1004 N. Ruby.

Directions: The entrance is around on the east side of the building. From the south, take Ruby north to DeSmet Avenue. Turn right and go about ½ block and turn into the driveway on the south side of the street. The building is the second one on the right. From Division, going south, turn left onto DeSmet, go a block and a half and turn south into the driveway as noted above.

Please RSVP to this email if you plan on attending. If you cannot attend, please review the attached draft and provide your feedback via email or phone.

Thank you,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

Borisov, Boris

From: Greg Higgins <gjharch@comcast.net>
Sent: Tuesday, September 30, 2014 3:28 PM
To: Borisov, Boris
Cc: 'Karen Byrd'
Subject: COMMENT-HAMILTON FORM BASED CODE

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Borisov,
I just wanted to respond to the work that has been undertaken by the Logan Neighborhood over the last year or so. The development of the Form Based Code, I believe, is exemplary, very well thought out, and should be enacted by the City Council.

I grew up at 808 E Augusta, and after 4 decades away living in NYC, I presently live and work at this address. Any movement toward enhancing pedestrian activity, and providing increased density will be good for the Logan Neighborhood, and for the City of Spokane. Thank you.

Best regards,

Greg

GREG HIGGINS architecture

Gregory J. Higgins, Architect
808 E. Augusta Ave., Unit A
Spokane, WA 99207
T: 509.482.2764

Official Public Comment Period
October 27, 2014 – November 25, 2014

Borisov, Boris

From: Cho <kraftproperties@comcast.net>
Sent: Friday, November 21, 2014 6:01 PM
To: Borisov, Boris
Subject: Re: 929 E Boone Ave

Boris

Thank you very much for making that change. It makes a lot of sense.

Yes that is our LLC and the loan is under that name as well.

Stephen Kraft

On Nov 20, 2014, at 1:55 PM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:

> Hi Stephen,
>
> Please take a look at the attached map. We've added 929 E Boone do the CA4 transition area. Also, assessor info indicated the owner of this property is Olivia, LLC. Is that your LLC? Thanks for the assistance.
>
> Best,
>
> Boris Borisov
> Assistant Planner
> 509-625-6156
>
> -----Original Message-----
> From: Cho [<mailto:kraftproperties@comcast.net>]
> Sent: Thursday, October 30, 2014 8:48 AM
> To: Borisov, Boris
> Subject: Re: 929 E Boone Ave
>
> Boris
>
> Thank you for your reply. Please talk to Scott Chesney as he already said the city agrees with me on the 929 E. Boone and neighboring vacant land to the west of it.
> I've been stating this since Nikole Coleman first had the meeting February 2013!
>
> Stephen Kraft
>
> On Oct 30, 2014, at 8:17 AM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:
>
>> Hi Stephen,
>>
>> Thank you for the email and follow-up. When we last spoke the entire proposal was being submitted for review under State Environmental rules. That review lasted 2 weeks. Following this review we are required to kick off what is called a public comment period during which we send out letters to every property owner (the one you received). We must send out the draft that was submitted for review originally (thus the letter you received does not yet include those

changes). The letter your received kicks off a public comment period in which we will continue to get feedback about the proposal.

>>

>> We then take this feedback and look at possible changes to the code and map and have it reviewed by the Plan Commission and City Council as part of an adoption process. We plan on making the changes you requested after the public comment period expires on November 26th, before the draft goes to the Plan Commission and City Council.

>>

>> There is a lot of process involved in these type of changes and we appreciate your feedback as we work towards incorporating feedback.

>>

>> If you have any questions, don't hesitate to contact me.

>>

>> Best,

>>

>>

>>

>> Boris Borisov | Assistant Planner | Planning & Development Services

>> 509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

>>

>>

>>

>>

>>

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

>> From: Cho [<mailto:kraftproperties@comcast.net>]

>> Sent: Wednesday, October 29, 2014 5:37 PM

>> To: Borisov, Boris

>> Cc: Borisov, Boris; thekraftfamily1@comcast.net

>> Subject: Re: 929 E Boone Ave

>>

>> Boris

>>

>> Hello, I sent this earlier this month to Scott Chesney as well and he responded that the city agreed that it should be within the boundaries of the transition and should not be the lone part of that block left out.

>>

>> The map that I just received a letter from the City Of Spokane planning still does not show it within the project site. When will the map reflect what you've agreed to do?

>>

>> He did say at the time that the very next map coming out wouldn't reflect it but It's now been four weeks. As a property owner I need something a little more definite please.

>>

>> Sincerely,

>>

>> Stephen Kraft

>>

>> On Oct 3, 2014, at 3:43 PM, Stephen Kraft <kraftllc@hotmail.com> wrote:

>>

>>> Hello Mr Borisov

>>>

>>> We are the owners of 929 East Boone Ave., which includes the almost two city lots (one parcel) to the west of it.

>>>

>>> Back when this whole project started with the meeting that was held at Gonzaga University on February 6, 2013, I noticed an immediate problem with the project study area, as it did not include our families lot at the south and east part of that block--which includes Jack and Dan's.

>>>

>>> As I stated in an email on February 20, 2013 after attending the meeting organized by Nikole Coleman, "with Jack and Dans just down the alley to the west and GU dorms and properties to the east, this area is already in transition.

>>> To exclude it from a higher intensity development area is not right, and probably just an oversight. It would be terrible to be the only less developed island on the block so to speak."

>>>

>>> Nikole stated in response "the boundary needs to be drawn somewhere for this model, but that doesn't mean that the eventual rezone can go no further. Your comments and others that we've received will certainly inform what the city decides to do..."

>>>

>>> I just examined the latest draft of September 30, 2014 and my property is still not considered within the transitional area even. I want to know why it is not included?

>>>

>>>

>>> Sincerely

>>>

>>> Stephen Kraft

>>> 509-990-0869

> <logan-subarea-proposed-zoning-map-11-12-2014.pdf>

Borisov, Boris

From: flyrod3@comcast.net
Sent: Sunday, November 09, 2014 6:36 PM
To: Borisov, Boris
Subject: Hamilton Formed Based Code

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Boris,

1. We are glad the minimum and maximum height requirements have been eliminated. This would have a hardship on many property owners and nothing would have been gained from it.
2. We think drives thrus are a good thing if they are done properly and they are a service to the public.
3. Why did you not have more pictures of property north of Sharp? Example Clarks Cleaners. That is one of best looking properties on Hamilton. He has a drive thru.

Thanks,

Rod & Glenice Scroggin

Borisov, Boris

From: Borisov, Boris
Sent: Monday, November 10, 2014 1:25 PM
To: 'Marguerite Clarity'
Subject: RE: Hamilton zoning change

Dear Margie,

Thank you for the email. The change proposed are part of a neighborhood planning process that began in 2012. We worked with the neighborhood on creating this proposal before the McDonald's project. What this proposal does is try to create an urban, pedestrian friendly, and walkable environment along Hamilton. Part of this is having buildings closer to the street and creating a streetscape with amenities like trees, benches, lighting, etc. The changes that affect the property next to yours include the measures I mentioned above. You can get full project details at:
<https://beta.spokanecity.org/projects/logan/>

If you have further questions, don't hesitate to contact me directly.

Best,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

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

From: Marguerite Clarity [<mailto:clarity007@hotmail.com>]
Sent: Sunday, November 09, 2014 9:17 PM
To: Borisov, Boris
Subject: Hamilton zoning change

Hi,

My house is next to the change, but looks like it is not affected. 918 E Boone. Can you tell me why the changes are needed? Is it because people were upset McDonald's went in? What are people trying to control by these proposed changes?

Thanks,
Margie

Sent from my iPad

Borisov, Boris

From: Fagan, Mike
Sent: Thursday, November 20, 2014 9:00 AM
To: Borisov, Boris
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Boris,

Thank you once again.

The area that I am keying on is outside of the FBC boundary area.

Regards,

Mike Fagan

From: Borisov, Boris
Sent: Thursday, November 20, 2014 8:55 AM
To: Fagan, Mike
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Councilman Fagan,

Attached is the project map. This proposal does not call for angle parking or any change to the streets from curb-to-curb. We scaled back the project to control the environment from the back of the curb to the building. This is more of an incremental approach.

You can find the updated code document and other related maps here: <https://beta.spokanecity.org/projects/logan/> (look under Form Based Code Subarea Plan Documents).

Thank you,

Boris

From: Fagan, Mike
Sent: Thursday, November 20, 2014 8:46 AM
To: Borisov, Boris
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Boris,

Thank you for the update.

One more thing; Please forward a copy of the project map.

I have an issue with regards to angle parking and I am wanting to see if the request is coming from inside or outside.

Thank you

Mike Fagan

From: Borisov, Boris
Sent: Thursday, November 20, 2014 8:38 AM
To: Fagan, Mike
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Good Morning Councilman Fagan!

The traffic numbers are too high to support narrowing Hamilton. There has been some conversation about doing on street parking on Hamilton during off-peak hours. However, the proposal as it stands now only gives guidance to the form, mass, and bulk of the buildings and the space from the back of the curb to the building frontage.

Let me know if I can be of further assistance.

Best Regards,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: Fagan, Mike
Sent: Wednesday, November 19, 2014 8:17 AM
To: Borisov, Boris
Cc: McGrath, Sheryl
Subject: LOGAN MEETING LAST NIGHT

Boris,

Good Morning !

Do you know what the reason(s) are that prompted Logan to drop the road diet ?

Regards,

Mike Fagan

Mike Fagan

Spokane City Councilman

City of Spokane

808 W. Spokane Falls Blvd.

Spokane, WA 99201-3335

509-625-6257

fax 509-625-6550

mfagan@spokanecity.org

PLEASE NOTE THIS EMAIL IS PUBLIC RECORD AND WILL BE RETAINED ACCORDING TO THE CITY OF SPOKANE DOCUMENT POLICY

Borisov, Boris

From: dempseymc@comcast.net
Sent: Monday, November 24, 2014 9:34 AM
To: Borisov, Boris
Cc: pete anderson; dempsey, curran; Mark J. Rosenblum
Subject: Comments by Carmela Dempsey and Pete Anderson on SEPA review of draft HFBC
Attachments: 20141124091157347.pdf

Boris,

Please find attached a letter from me submitted on behalf of Carmela Dempsey and Pete Anderson, who own the lot at the northwest corner of Hamilton and Mission; regarding SEPA review on the draft HFBC.

If you have any questions, please free to contact me by email or by telephone at 979-5328.

Thank you for all the courtesies that you have extended to our group.

Mike Dempsey

November 24, 2014

Boris Borisov
Spokane Planning Services
808 W. Spokane Falls Boulevard #3
Spokane, WA 99201

RE: SEPA Review of Hamilton Form Based Code-Subarea Plan, Ordinance #s 1 and 2;
Comments submitted by Carmela Dempsey and Peter Anderson

Dear Mr. Borisov:

I submit these comments on the September 30, 2014 draft of the Hamilton Form Base Code ("HFBC") that is currently under SEPA review; at the request of my mother, Carmela Dempsey, and my cousin Peter Anderson. They strongly oppose the draft, based on the adverse impacts that the regulations in the draft would have on the commercial lot they own at the northwest corner of Hamilton Street and Mission Avenue.

The chief concerns of the owners are the mandatory minimum building height of 42 feet and three (3) stories, including an 18-foot high ground floor, applicable in the CA-1 context area along both Mission and Hamilton as "Shopfront" streets; as well as the ban on drive-through facilities in the CA-1 context area (and the other context areas in the HFBC).

None of the City's zones mandate a minimum building height for commercial uses or other development. Further, the Center and Corridor 1 (CC1) zone that currently applies to the owners' property, and the City's other main commercial zones, do not ban drive-through facilities on Principal Arterial streets such as Mission or Hamilton.

The November 3, 2014 redraft of the HFBC discussed at the November 6, 2014 stakeholder meeting deleted Mission Avenue as a Shopfront street, and removed the minimum building heights; from the HFBC. The owners endorse such changes. However, the draft retained the 18-foot minimum ground floor height, which appears excessive to them; and still banned drive-through facilities in all context areas.

You indicated at the stakeholder meeting that City Planning staff recently attended a conference on form-based codes in Salt Lake City, and received comments critical of the HFBC draft from other jurisdictions. This included the fact that most local jurisdictions do not impose a minimum building height, no other streets in the corridor besides Hamilton should be designated as a Shopfront street, single-story commercial buildings can work in the corridor, an economic feasibility study would be needed to justify requiring commercial buildings to be higher than single story, both the height minimums and height maximums in

the HFBC appear excessive, incentives could be used to encourage building height rather than minimum heights, transitions in height are needed between commercial buildings/parking lots and nearby residential uses to avoid adverse impacts, and market forces along the corridor should be considered by the code.

You advised that City legal staff had weighed in on the building height minimums in the HFBC; and was uncomfortable supporting them based on the lack of an economic feasibility study that supports such minimums, and legal taking issues that could be raised by commercial property owners along Hamilton. The comments from City legal staff, and from the Salt Lake City conference, drove the revisions contained in the November 3, 2014 draft.

You advised that the recently adopted Cincinnati Form Based Code was used as a model for the HFBC. I note that the Main Street Transect (T5MS) zone in the Cincinnati FBC requires a 14-foot minimum ground floor ceiling, considerably lower than the 18-foot minimum floor in the HFBC; and does not prohibit drive-through facilities, although it requires that drive-through lanes not be located between buildings and adjacent streets.

The impetus for the drafting of the HFBC was the desire of the Logan Neighborhood to reduce Hamilton from five (5) lanes down to (3) lanes, to allow a more pedestrian friendly corridor. City Traffic Engineering logically found this proposal impossible; since Hamilton is the second busiest north-south arterial in the City for traffic volumes, has a busy freeway interchange at Interstate 90, and is unlikely to see any traffic mitigation until the North Spokane Corridor is extended to Interstate 90 (at least several years down the road).

Form-based codes primarily regulate an intended physical form, regulate use secondarily, and attempt to enhance the form and character of a place.

The property at Hamilton and Mission has been in the family for generations, and once housed a 13-room mansion lived in by my great grandfather, C.C Dempsey; a Spokane pioneer who was one of the first elected Sheriffs of Spokane County (1898-1899), and owned the Dempsey Hotel and Restaurant downtown on Trent Avenue that closed prior to Expo '74. After the mansion was removed, the property was used as a Shell Station for many years; and then for a carwash the last 30 years, until the carwash was removed earlier this year.

The owners have an attachment to the property, would like to leave it to their heirs, and prefer to find a new tenant rather than sell the property.

The traffic along Hamilton makes the property highly desirable for retail uses that can attract the pass-by traffic, including drive-through uses. Traffic can enter the site on Mission and

Dempsey/Anderson
SEPA Review Comments on HFBC
November 24, 2014
Page 3

exit onto Hamilton, and a drive-through lane could be put on the side of the building away from the street if necessary.

The small lot lying west of the property is improved with an older residence, but is zoned for commercial use. The lot to the north has already been developed with McDonald's, which was allowed to have a drive-through along Hamilton. Safeway dominates the land across Hamilton to the east. Most of the commercial buildings along Hamilton are single-story, with some being 2-story.

Clarks Cleaners located across Mission to the south is a desirable use in the neighborhood, and has a drive-thru service (see enclosed photo). A great neighborhood use like Starbuck's, or Einstein Bros Bagels, cannot locate on the property without a drive-through feature.

A viable retail use that doesn't depend on drive-through service cannot economically locate on the property with the mandatory minimum building height contained in the September 30, 2014 draft of the HFBC. There is no off-street parking available along Mission and Hamilton near the property to serve multi-story use, and this 15,600-square foot lot is too small to construct a parking structure. Residential use of the site is undesirable, because the lot is at the crossing of two busy arterials.

The HFBC can make the corridor pedestrian friendly in this location through the requirement that the building be constructed along the street, together with the other performance standards in the draft that do not mandate height or ban drive-through facilities.

The owners respectfully request that the minimum building heights and the prohibition on drive-through facilities in the draft HFBC be removed, as unwarranted and unwise restrictions on development rights.

Thank you for consideration.

Sincerely,



Michael C. Dempsey
For Carmela Dempsey and Peter Anderson

c: Carmela Dempsey, Peter Anderson
Curran Dempsey, Attorney at Law
Mark Rosenblum, Attorney at Law, Eisenhower Carlson PLLC

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Created by the Web Design students of Interface College

Borisov, Boris

From: Greg Byrd <greg@byrdrealestategroup.com>
Sent: Tuesday, November 25, 2014 4:30 PM
To: Borisov, Boris
Attachments: HFBC.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the attached and add it to my previous comments regarding the Hamilton Form Based Code.

Greg Byrd
509-326-8080
509-994-4345 (cell)
greg@byrdrealestategroup.com



Byrd Real Estate Group LLC
PRODUCING PROPERTY SOLUTIONS
1912 N. Division St., Suite 201
Spokane WA 99207

November 25, 2014
Boris Borisov
Spokane Planning & Development Services
808 W. Spokane Falls Boulevard #3
Spokane, Washington 99201

RE: Hamilton Form Based Code ("HFBC")

Dear Mr. Borisov,

I have attended numerous meetings regarding the "HFBC". These meetings have included a preliminary meeting with Studio Cascade, a couple of open houses, meetings with stakeholders, meetings at Spokane Planning, and numerous Logan Neighborhood meetings. I am the manager of an LLC that owns 17 parcels along the Hamilton corridor south of Sharp. The LLC clearly has a vested interest in any new regulations and restrictions along this corridor.

The original sales pitch for a form based code was that it allowed more flexibility for good development. I am sorry that this is not what I find in the final "HFBC". This plan dictates or regulates height, placement, facade treatment, lighting and the look of any new buildings. It also prohibits some uses and eliminates all drive-through facilities. Where is the flexibility?

I often feel like we are trying to hit a moving target as the plan changes. The original plan at the open houses had recommended height minimums and somehow those were turned into regulated minimum height standards. No one has been able to tell me how this happened. I attended a planning meeting and was questioning the height minimum and asking for the economic analysis to show that this was feasible. I felt like this landed on deaf ears until you met the same response at the Salt Lake City Form Based Code session. I am pleased that the height minimum has been removed from the latest "HFBC".

The original design of this code was predicated on reducing Hamilton into a 3 lane boulevard. This discussion was shut down at least for the time being yet all the other plans that coincided with this did not change even though traffic on Hamilton will not be reduced or slowed down. I understand the desire to make Hamilton more pedestrian friendly, yet I find it difficult to imagine if there is no change in the traffic. Orienting the buildings closer to the street will have very little impact on pedestrians feeling more comfortable walking along Hamilton.

The property owners along Hamilton have not received a satisfactory answer as to why drive-through facilities are not allowed. When the topic is broached at a meeting it is not discussed or answered except for a statement that "we disagree and that property owners are able to bring it up at the hearing before City Council and the Planning Commission". In a private phone conversation you tell me the restriction is to make Hamilton more pedestrian friendly. Hamilton with the existing traffic is not pedestrian friendly and

prohibiting drive-through facilities is not going to improve this. A car coming out of a parking lot is not any different than a car coming out of a drive-through. I think proper planning should and can improve the streetscape by orienting the drive-through on the back side of the buildings. I understand and can appreciate that the new McDonalds on Hamilton with the drive through on the street side is not a desirable look. Clarks Cleaners on the corner of Hamilton and Mission is an attractive building that has a drive-through. Someone has yet to tell me how this orientation and architecture is objectionable as most would not even know the drive-thru is there. There are solutions other than prohibiting a use.

I had a discussion with you last week regarding the 18-foot minimum height requirement for the ground floor. You did not know how this requirement came about and could not tell me the justification for this minimum. It is more expensive to build and would certainly be more expensive to heat and cool this additional space. I can understand a more reasonable and common 14-foot minimum. You told me you would get back to me with clarification as to why and where this requirement came from. As of today, I have not heard back from you.

We know that it would be beneficial to all to have new development along the Hamilton corridor. Removing the minimum height requirement was a positive step in the right direction. My concern is that the other regulations and requirements will have a negative impact on developer interest. We are not convinced that prohibiting a future drive-thru facility and requiring 18 foot ground floor store fronts are beneficial to this neighborhood that is in need of new development.

Thank you for your attention and consideration regarding these matters.

Sincerely,

Greg Byrd
Byrd Real Estate Group LLC
Manager LLC & M,L.L.C.
509-994-4345

Comments after Official Public Comment Period

November 26, 2014 - Present

Borisov, Boris

From: Borisov, Boris
Sent: Wednesday, December 03, 2014 4:31 PM
To: 'nomotumos@comcast.net'
Subject: Re: Form Code Meeting

Hi Greg,

Thanks for meeting up about questions related to Form Code. Here's what I captured from our discussion:

1. 35' height max in CA4. You were asking if the code would be flexible if that went over by a couple of feet
2. Impervious Surface coverage percentages: your comment is to increase the CA4 standard of 50% to either 60% or 70%
3. Porches: You were concerned about the language. I informed you these were guidelines

Let me know if you this sums it up. I'll include these comments in our documentation. Please remember we have a Plan Commission Hearing December 10, 2014 at 4pm in the City Council Chambers, 808 W. Spokane Falls Blvd.

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



Borisov, Boris

From: dempseymc@comcast.net
Sent: Wednesday, December 10, 2014 1:04 PM
To: Borisov, Boris
Cc: pete anderson; dempsey, curran; Mark J. Rosenblum
Subject: Dempsey/Anderson comments to City Planning Commission, on amendments to SMC to implement HFBC
Attachments: 20141210124755111.pdf

Boris,

Please find attached a scanned copy of a 6-page letter from me to the City Planning Commission, on behalf of Carmela Dempsey and Peter Anderson, commenting on the proposed changes to the Spokane Municipal Code that seek to implement the November 12, 2014 draft of the Hamilton Form Based Code.

I will bring the original letter to the Planning Commission's hearing today at 4:00 p.m., and plan to testify at the hearing.

Thank you for all the courtesies that you have shown to me, my mother and my cousin during this process.

Mike Dempsey

December 10, 2014

Spokane City Planning Commission
c/o City of Spokane Planning & Development, Attn: Boris Borisov
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Amendment of SMC, to implement Hamilton Form Based Code (HFBC)
Comments submitted by Carmela Dempsey and Peter Anderson

Dear Planning Commission Members:

I respectfully submit the following comments on the amendments proposed to the Spokane Municipal Code (SMC), to implement the November 12, 2014 draft of the Hamilton Form Based Code ("HFBC"); at the request of my 79-year old mother, Carmela Dempsey, and my cousin Peter Anderson.

Mrs. Dempsey and Mr. Anderson own the 15,600-square foot lot located at the northwest corner of the intersection of Hamilton and Mission, which is currently zoned Type 1 Center and Corridor (CC1). The carwash that was located on the property for over 28 years was removed this past spring, and the owners are searching for a new commercial tenant.

I have been an attorney for 36 years. For the past 34 years, I have practiced in the field of drafting, interpreting, applying and/or enforcing land use regulations for local governments in Spokane County and other counties in Washington. This includes the last 18 years as a hearing examiner for counties and cities; and the previous 16 years as a deputy prosecuting attorney, including nine (9) years as a senior deputy.

The owners oppose some of the proposed changes to the SMC, based on the adverse impacts they would have on the use and market value of their commercial lot. Their chief concerns are the arbitrary ban on drive-through facilities in the CA-1 context area that would apply to the property, and the minimum 18-foot ground floor required under the building height maximum specified in the CA-1 context area.

The owners also strongly oppose any attempt to reinsert the draconian minimum building heights that were present in earlier drafts of the HFBC. This included a minimum building height of 54 feet (4 stories with 18-foot ground floor) along shopfront streets in the CA-1 context area, in the July 11, 2014 draft; and a still whopping minimum building height of 42 feet (3 stories with 18-foot ground floor) in the September 30, 2014 draft. The existing commercial buildings along the Hamilton corridor are mostly single story, along with some 2-story structures.

None of the City's zones mandate a minimum building height for commercial uses or other development. Further, the CC1 zone and the City's other main commercial zones do not ban drive-through facilities on Principal Arterial streets such as Mission or Hamilton.

The model HFBC drafted in March 2013, and adopted at the June 26, 2013 stakeholder's meeting, planned for the reduction of Hamilton from five (5) lanes to three (3) lanes, called for a 10-foot sidewalk section, required buildings along "shopfront streets" to abut the sidewalk, and imposed minimum building heights along shopfront streets. However, the draft contained no restrictions on drive-through facilities.

On April 14, 2014, the City Council adopted Ordinance No. C-35093; which imposed a moratorium on all land use applications for drive-through facilities, and new construction of commercial buildings set back from the street, in all CC1 and CC2 zones on the Hamilton corridor between Trent and North Foothills Drive. The moratorium has been extended into 2015, pending consideration of the HFBC.

Ordinance No. C-35093 found that drive-through facilities that are "automobile-oriented", or set back from the street, contradict the "pedestrian orientation" of CC1 and CC2 zones and the pending form-based code; and would have a detrimental impact on the implementation and goals for form-based development on the Hamilton corridor, and render moot many of the goals of form-based development. However, such findings were not well supported because the model HFBC under consideration at the time did not call for a prohibition on drive-through facilities; the CC1 and CC2 zones have performance standards for, but do not prohibit drive-through facilities; and all drive-through facilities are by nature "automobile-oriented."

To the owners, the main impetus for the City's adoption of the Hamilton moratorium on April 14, 2014 appeared to be the recent issuance of a building permit for the construction of a McDonald's drive-in restaurant along Hamilton Street, directly north of the Dempsey/Anderson lot, without any interior seating and with drive-through lanes located between the building and the street; the Logan Neighborhood's unsuccessful campaign to prevent the construction of the McDonald's use; the pending redevelopment of the Dempsey/Anderson lot, where the carwash had just closed; and the Logan Neighborhood's desire to prevent a drive-through facility from being constructed on the Dempsey/Anderson lot, even one that did not propose drive-through lanes between the building and the sidewalk.

The draft of the HFBC presented at the May 28, 2014 stakeholder's meeting, held after the passage of City Ordinance No. C-35093, also did not ban drive-through facilities. However, Section 17C.XXX.080 of the draft required that access and stacking lanes serving drive-

through businesses not be located between the building and any adjacent street, and be designed to minimize the impact to the sidewalk environment; and that drive-through facilities be designed to minimize pedestrian conflicts both on and off the site, and comply with the additional standards for drive-through facilities set forth in SMC Chapter 17C.325.

The drafts of the HFBC prepared on July 11, 2014 through November 12, 2014 no longer planned for the reduction of Hamilton Street from five (5) lanes to three (3) lanes; but banned drive-through uses, and required buildings along shopfront streets to be located adjacent to a wider 12-foot sidewalk.

The November 3, 2014 redraft of the HFBC discussed at the November 6, 2014 stakeholder meeting deleted Mission Avenue as a shopfront street, and removed the minimum building heights, from the HFBC. The owners strongly endorsed such changes.

City Planning staff at the November 6, 2014 stakeholder meeting advised that they had recently attended a conference on form-based codes in Salt Lake City, and received comments critical of the HFBC draft from other jurisdictions. This included comments that most local jurisdictions do not impose minimum building heights, no other streets in the corridor besides Hamilton should be designated as a “shopfront” street, single-story commercial buildings can work in the corridor, an economic feasibility study would be needed to justify requiring commercial buildings to be higher than single story, both the height minimums and height maximums in the HFBC appear excessive, incentives could be used to encourage building height rather than minimum heights, transitions in height are needed between commercial buildings/parking lots and nearby residential uses to avoid adverse impacts, and market forces along the corridor should be considered in the HFBC.

City Planning staff also advised that the City Attorney’s Office had weighed in on the building height minimums in the HFBC; and was uncomfortable supporting them based on the lack of an economic feasibility study that supports such minimums, and taking issues that could be raised by commercial property owners along Hamilton. The comments from City legal staff, and from the Salt Lake City conference, drove the revisions contained in the November 3, 2014 and November 12, 2014 drafts of the HFBC.

City Planning staff further advised that the recently adopted Cincinatti Form Based Code was used as a model for the HFBC. I note that the Main Street Transect (T5MS) zone in the Cincinatti FBC, which appears comparable to the CA-1 context area in the HFBC, requires a 14-foot minimum ground floor ceiling, considerably lower than the 18-foot minimum floor in the HFBC; and does not prohibit drive-through facilities, although it requires that drive-through lanes not be located between buildings and adjacent streets.

City Planning staff has provided no rationale for a minimum 18-foot building height for the first floor of a building, in the CA-1 context area or other context areas of the HFBC. Such mandatory height could significantly increase the cost of building the first floor of a commercial use on the owners' property, with speculative gain to the neighborhood.

Over the past several months, I have consulted with licensed real estate brokers from three (3) different brokerages that represent or market property in the Hamilton corridor, as well as a prominent local land use attorney in Spokane, about the minimum building heights that were in the earlier drafts of the HFBC. They all agree that such standards would likely work a taking of the owners' small lot; because it would next to impossible to find a marketable commercial use that would want or try to build this high on the property, considering economics and the low profile of most other buildings in the corridor. They were also critical of the ban on drive-through uses, since this significantly devalues the use of this property located along a high-traffic corridor and at the juncture of two principal arterials.

The impetus for the drafting of the HFBC was the desire of the Logan Neighborhood to reduce Hamilton from five (5) lanes down to (3) lanes, to allow a more pedestrian friendly corridor. City Traffic Engineering logically found this proposal impossible; since Hamilton is the second busiest north-south arterial in the City for traffic volumes, has a busy freeway interchange at Interstate 90, and is unlikely to see any traffic mitigation until the North Spokane Corridor is extended to Interstate 90 (at least several years down the road). Where else would the traffic go that currently congests Hamilton Street during peak hours?

Form-based codes primarily regulate an intended physical form, regulate use secondarily, and attempt to enhance the form and character of a place. The ban on drive-through facilities in the moratorium and the draft HFBC has had a chilling effect on the marketing and development of the owners' property, which has been sitting vacant without a new tenant for months.

The ban on drive-through facilities would work a significant downzone of the owners' property from the current CC1 zoning. The downzoning of property along Sprague Avenue in the form-based code adopted by the City of Spokane Valley a few years ago eventually led to its wholesale repeal, not the form-based performance standards adopted in such code.

The property at Hamilton and Mission has been in the family for generations, and once housed a 13-room mansion resided in by my great grandfather, C.C Dempsey; a Spokane pioneer who was one of the first elected sheriffs of Spokane County (1898-1899), and owned the Dempsey Hotel and Restaurant downtown on Trent Avenue that closed prior to Expo '74. After the mansion was removed, the property was used as a Shell Station for many years; and then for a carwash the last 28 plus years, before it was removed this past spring.

The owners have an attachment to the property, would like to leave the property to their heirs, care about what uses are developed on the property, and prefer to find a new tenant rather than sell the property.

The traffic along Hamilton makes the owners' property highly desirable for retail uses that can attract the pass-by traffic, including drive-through uses. Traffic can enter the site on Mission and exit onto Hamilton, and a drive-through lane could be put on the side of the building away from the street if needed for the commercial use.

The small lot lying west of the property is improved with an older residence, but is zoned for commercial use. The lot to the north has already been developed with McDonald's, which was allowed to have a drive-through lane along Hamilton. Safeway dominates the land across Hamilton to the east.

Clarks Cleaners located across Mission to the south is a desirable use in the neighborhood, and has drive-thru service (see enclosed photo). A great neighborhood use like Starbuck's or Einstein Bros Bagels, or a pharmacy or bank branch with a drive-through feature, could not be developed on the owners' property if drive-through facilities are banned.

There is no off-street parking available along Mission and Hamilton near the property to serve multi-story use, and the 15,600-square foot lot is too small to construct a parking structure. Residential use of the site is undesirable, because the lot is located at the crossing of a high capacity traffic corridor and another busy arterial.

The proposed amendments to the SMC can make the Hamilton corridor "pedestrian friendly" through the requirement that the building be constructed adjacent to the 12-foot sidewalk along shopfront streets like Hamilton; together with the other performance standards in the amendments that do not mandate height or ban drive-through facilities, and the existing performance standards for drive-through facilities in the SMC.

The owners respectfully request that the 18-foot minimum building height for first floor construction along shopfront streets, and the prohibition on drive-through facilities, be deleted from the proposed amendments; as unwarranted and unwise restrictions on development rights.

Thank you for consideration.

Dempsey/Anderson
Comments to Planning Commission on HFBC
December 10, 2014
Page 6

Sincerely,



Michael C. Dempsey
Attorney at Law

c: Carmela Dempsey, Peter Anderson
Curran Dempsey, Attorney at Law
Mark Rosenblum, Attorney at Law, Eisenhower Carlson PLLC

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Borisov, Boris

From: Borisov, Boris
Sent: Tuesday, December 09, 2014 3:15 PM
To: 'kraftproperties@comcast.net'
Cc: Meuler, Louis
Subject: RE: 929 E Boone Ave

Mr. Kraft,

I cannot change the boundaries at this point as we are going to Plan Commission hearing tomorrow. You are welcome to come and testify at the hearing. I will also forward your comments to the Plan Commission. Details below:

Plan Commission Hearing
4pm
City Hall, City Council Chambers
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: kraftproperties@comcast.net [mailto:kraftproperties@comcast.net]
Sent: Tuesday, December 09, 2014 2:13 PM
To: Borisov, Boris
Subject: RE: 929 E Boone Ave

Boris,

Thank you for getting back to me with the requested change and the map as well. I think it benefits the neighborhood in the long run.

One other thing that I feel strongly enough to write a follow-up email to, is that the area on the west side of Columbus St, between Boone and Desmet should be included in the CA3. These five homes are all rentals and furthermore, the huge bland asphalt parking area, which is rarely used by the way, comes inbetween. This half

block is an eyesore, and does not need to be preserved as some single family area. Disclosure: I am an owner (aka the guy who pays the mortgage and taxes and manages the place, etc) of two of the places, 929 E. Boone and 917 E. Desmet.

What is your opinion on this at this time?

Stephen

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

From: Boris Borisov <bborisov@spokanecity.org>

To: Cho <kraftproperties@comcast.net>

Sent: Thu, 20 Nov 2014 21:55:38 -0000 (UTC)

Subject: RE: 929 E Boone Ave

Hi Stephen,

Please take a look at the attached map. We've added 929 E Boone do the CA4 transition area. Also, assessor info indicated the owner of this property is Olivia, LLC. Is that your LLC? Thanks for the assistance.

Best,

Boris Borisov

Assistant Planner

509-625-6156

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

From: Cho [<mailto:kraftproperties@comcast.net>]

Sent: Thursday, October 30, 2014 8:48 AM

To: Borisov, Boris

Subject: Re: 929 E Boone Ave

Boris

Thank you for your reply. Please talk to Scott Chesney as he already said the city agrees with me on the 929 E. Boone and neighboring vacant land to the west of it.

I've been stating this since Nikole Coleman first had the meeting February 2013!

Stephen Kraft

On Oct 30, 2014, at 8:17 AM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:

> Hi Stephen,

>

> Thank you for the email and follow-up. When we last spoke the entire proposal was being submitted for review under State Environmental rules. That review lasted 2 weeks. Following this review we are required to kick off what is called a public comment period during which we send out letters to every property owner (the one you received). We must send out the draft that was submitted for review originally (thus the letter you received does not yet include those changes). The letter you received kicks off a public comment period in which we will continue to get feedback about the proposal.

>

> We then take this feedback and look at possible changes to the code and map and have it reviewed by the Plan Commission and City Council as part of an adoption process. We plan on making the changes you requested after the public comment period expires on November 26th, before the draft goes to the Plan Commission and City Council.

>

> There is a lot of process involved in these type of changes and we appreciate your feedback as we work towards incorporating feedback.

>

> If you have any questions, don't hesitate to contact me.

>

> Best,

>

>

>

> Boris Borisov | Assistant Planner | Planning & Development Services

> 509.625.6156 bborisov@spokanecity.org www.spokaneplanning.org

>

>

>

>

>

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

> From: Cho [<mailto:kraftproperties@comcast.net>]

> Sent: Wednesday, October 29, 2014 5:37 PM

> To: Borisov, Boris

> Cc: Borisov, Boris; thekraftfamily1@comcast.net

> Subject: Re: 929 E Boone Ave

>

> Boris

>

> Hello, I sent this earlier this month to Scott Chesney as well and he responded that the city agreed that it should be within the boundaries of the transition and should not be the lone part of that block left out.

>

> The map that I just received a letter from the City Of Spokane planning still does not show it within the project site. When will the map reflect what you've agreed to do?

>

> He did say at the time that the very next map coming out wouldn't reflect it but It's now been four weeks. As a property owner I need something a little more definite please.

>

> Sincerely,

>

> Stephen Kraft

>

> On Oct 3, 2014, at 3:43 PM, Stephen Kraft <kraftllc@hotmail.com> wrote:

>

>> Hello Mr Borisov

>>

>> We are the owners of 929 East Boone Ave., which includes the almost two city lots (one parcel) to the west of it.

>>

>> Back when this whole project started with the meeting that was held at Gonzaga University on February 6, 2013, I noticed an immediate problem with the project study area, as it did not include our families lot at the south and east part of that block--which includes Jack and Dan's.

>>

>> As I stated in an email on February 20, 2013 after attending the meeting organized by Nikole Coleman, "with Jack and Dans just down the alley to the west and GU dorms and properties to the east, this area is already in transition.

>> To exclude it from a higher intensity development area is not right, and probably just an oversight. It would be terrible to be the only less developed island on the block so to speak."

>>

>> Nikole stated in response "the boundary needs to be drawn somewhere for this model, but that doesn't mean that the eventual rezone can go no further. Your comments and others that we've received will certainly inform what the city decides to do..."

>>

>> I just examined the latest draft of September 30, 2014 and my property is still not considered within the transitional area even. I want to know why it is not included?

>>

>>

>> Sincerely

>>

>> Stephen Kraft

>> 509-990-0869

>>

>>

>>

>>

>>

Borisov, Boris

From: Greg Kuntz <nomotumos@comcast.net>
Sent: Monday, December 08, 2014 3:22 PM
To: Borisov, Boris
Subject: Re: Form Code Meeting

Looks good.

More reasoning for amending would be that the way the percentages are written now are in line with RSF. If FBC 4 is truly transition. Percentages should be higher.

When I look at the areas that allow FBC 4 development they all stop at street intersections so you will have the width of street 60ft or so of buffer between RSF. Also if increased density is a goal of this code change then subject properties should have less restriction then current zoning.

Again

RSF allows to 35ft and a .5 FAR which essential is 50% impervious coverage. If you can achieve the required setback from property line why should it matter? Kind of a catch 22. No problem with building big attractive buildings with design standards.

Just thoughts thanks again for your time.

Greg

Sent from my iPhone

On Dec 3, 2014, at 4:30 PM, Borisov, Boris <bborisov@spokanecity.org> wrote:

Hi Greg,

Thanks for meeting up about questions related to Form Code. Here's what I captured from our discussion:

1. 35' height max in CA4. You were asking if the code would be flexible if that went over by a couple of feet
2. Impervious Surface coverage percentages: your comment is to increase the CA4 standard of 50% to either 60% or 70%
3. Porches: You were concerned about the language. I informed you these were guidelines

Let me know if you this sums it up. I'll include these comments in our documentation. Please remember we have a Plan Commission Hearing December 10, 2014 at 4pm in the City Council Chambers, 808 W. Spokane Falls Blvd.

Thank you,

<image001.jpg>

Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

<image002.gif>

<image003.gif><image004.gif><image005.gif>

HAMILTON

FORM-BASED CODE

SUBAREA PLAN

Additional Resources



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 10, 2010

FROM: Planning Services

PD-024-10

DATE: April 19, 2010

SUBJECT: Drive-Through Facilities Zoning By-Law Amendment

LOCATION: Town wide

WARD: Town wide

Page 1

RECOMMENDATION:

That Zoning By-law Amendment 2010-047, a by-law to amend the Town's Comprehensive Zoning By-law 1984-63, as amended, regarding drive-through facilities, be passed.

KEY FACTS:

- On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.
- On September 14, 2009, Planning and Development Council brought forward a report entitled "Drive-through Facilities Study and Proposed Directions" which was received. Planning Services staff were directed to proceed with additional public consultation and also requested to review the setback requirements of drive-throughs from residential zones.
- Planning Services staff has held additional consultation with the public, further assessed the issues raised and prepared updated recommendations to the Town's Zoning By-law relating to drive-throughs.
- Planning Services staff are recommending amendments to the Town's Zoning By-law to define drive-throughs, restrict them from the Central Business District and Growth Area locations as provided for in Livable

From: Planning Services
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Subject: Drive-Through Facilities Zoning By-Law Amendment

Oakville, require locational criteria and setbacks in C1, C2 and C6 zones; and define additional regulations for buffers and stacking spaces.

BACKGROUND

On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff with the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.

Planning Staff completed the Drive-Through Study in the summer of 2009 and it was presented to Planning and Development Council on September 14, 2009 for endorsement. Due to time limitations the drive-through study was not dealt with at the September 14th meeting and was forwarded onto the September 28, 2009 meeting for consideration. Discussions at that meeting focused largely on the proposed 15m separation distance from residential areas as suggested in the staff report and the need for further consultation on the proposed recommendations in general. There was consensus that further consultation should be undertaken and that an extension to the Interim Control By-law be passed to allow additional time for this consultation to be undertaken. The Interim Control By-law was therefore extended at the September 28, 2009 and the following motion was passed by Council:

- "1 The Planning Services Report #PD-072-09 entitled "Drive-Through Facilities Study and Proposed Direction" be received.*
- 1. That Planning Services be requested to review the setback requirements from residential zones taking into consideration the comments received at the public meeting and the setback requirements of other municipalities.*
 - 2. That Planning Services be requested to undertake further consultation and prepare a draft Zoning By-law for consideration at a future Planning and Development Council meeting."*

Following the Council resolution, staff undertook a further review of the setback requirements by updating its analysis of the regulations and setback requirements of other municipalities. Staff also undertook further consultation with the industry stakeholders and the community.

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POLICY FRAMEWORK

The policy framework applicable to drive-throughs was set out in detail in PD-072-09. It is summarized again to provide the policy context in which the analysis has taken place.

Official Plan

The Town's current Official Plan does not provide specific policies related to drive-through facilities. The Livable Oakville Plan prohibits new drive-through facilities within all of the Growth Areas:

- Downtown Oakville;
- Kerr Village;
- Uptown Core;
- Palermo Village;
- Bronte Village; and,
- Midtown Oakville.

These areas represent the majority of the areas where Mixed Use land use designations are applied. There are also some commercially designated areas, outside of the Growth Areas where the Mixed Use land use designations apply and as such drive-through facilities are not permitted. These areas include the Central Business District south of Kerr Village and west of the Downtown.

The Livable Oakville Plan also provides for a hierarchy of commercial land use designations to allow for a distribution of commercial centres to serve the community. Drive-throughs are generally permitted within the Core Commercial and Community Commercial centres as well as Business Commercial nodes which are predominantly located along arterial roads. The Livable Oakville Plan also contains numerous urban design policies which will work in conjunction with the Drive-Through Urban Design Guidelines to provide further direction for drive-through facilities throughout Oakville. The new urban design policies in the Livable Oakville Plan contain direction regarding site access, circulation, landscaping, parking, service, loading and storage areas, and signage and lighting.

The Urban Design Guidelines for drive-throughs will be updated as part of the comprehensive review being undertaken to develop a town-wide set of urban design guidelines which will further implement the Livable Oakville Plan.

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Existing Zoning Regulations

The Town of Oakville Zoning By-law permits drive-through facilities in the majority of commercial and employment zones subject to varying regulations. Drive-throughs are currently permitted within the C1, C2, C6 and C3R zone subject to certain regulations. They are permitted through interpretation as “take-outs” in these zones (as noted by the “x” in the chart). Drive-throughs are also permitted within the C3, C3A, E1, E2 and T1 zones. However they are not permitted on a lot abutting a residential zone within these zones. The table below provides a summary of the current zoning regulations pertaining to drive-throughs.

Zone	Take outs	Drive-through	Regulation
Commercial			
C1	✓	X	9m side yard abutting a residential zone 13.5m rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
C2	✓	X	15m side and rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
C3	✓		Not permitted on a lot abutting a residential zone
C3R	✓		3m side and rear yard abutting a residential zone
C3A	✓		Not permitted on a lot abutting a residential zone
C4			Not a permitted use
C5			Not a permitted use
C6	✓	X	15m abutting a residential zone
C7			Not a permitted use
	Take outs	Drive – through	Regulation
Employment			
E1		✓	Not permitted on a lot abutting a residential zone
E2		✓	Not permitted on a lot abutting a residential zone
T1		✓	Not permitted on a lot abutting a residential zone

North Oakville Secondary Plans and Zoning By-law

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

The North Oakville East Secondary Plan specifically restricts drive-throughs in the Trafalgar Urban Core Area. The North Oakville West Secondary Plan does not have any specific references to drive-throughs. The North Oakville Zoning By-law defines drive-throughs but they are not identified as a permitted use in any of the existing zones.

Since the North Oakville lands were not part of the Interim Control By-law, any changes to the regulations for drive-throughs in the North Oakville Zoning By-law would have to come from a separate amendment. It is recommended that any resulting regulations approved through this Interim Control By-law study process be implemented into the North Oakville Zoning By-law by separate amendment to ensure a consistent approach to drive-throughs is applied to all areas of Town.

COMMENTS/DISCUSSION

Review of setback requirements

Planning staff have undertaken a further review of setback requirements imposed by other municipalities, particularly those located within the GTA, as directed by Council. Staff has compiled these regulations within a table which is attached to this report as Appendix "A". As shown in the table the setbacks vary among the municipalities surveyed and generally range anywhere from 10 meters to 60 metres. There is also a significant difference with respect to setbacks required from a residential zone to a building containing a drive through or to an intercom ordering station. It was also noted that some municipalities have provided for unique situations which could result in a reduction to the setback being considered such as the installation of noise attenuation barriers and/or landscaped buffers.

The review undertaken by planning staff reveals that there is not a consistent setback utilized by municipalities in dealing with drive-through facilities. In fact the setback requirements imposed by other municipalities vary greatly and are based on a variety of factors including the specific context of each community.

Additional Public Consultation

In total six meetings have been held to receive input from the public on drive-through facilities. In addition to the public meetings, an informal qualitative on-line survey was undertaken to collect information on the views and attitudes towards drive-throughs. The on-line survey responses are not reliable as a source of statistically valid data by which to develop future policy on drive-through facilities and were only used to consider views and opinions..

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Subject: Drive-Through Facilities Zoning By-Law Amendment

The first public meeting hosted by Planning Staff was a public open house held on May 7, 2009 to hear the views of the community on drive-throughs. Two residents and several stakeholders attended this open house. The second meeting was a statutory public meeting on September 14, 2009 before Planning and Development Council. Members of the public and stakeholders groups were present at this meeting and expressed their comments and concerns to Council.

As directed by Council at the September 14th, 2009 Planning and Development Council meeting additional meetings were held to further consult with the community. Four additional meetings were held to provide further opportunity for discussion and clarification of the issues. A summary of the additional meetings is provided as follows:

Stakeholder Consultation Meeting

The first meeting was a stakeholder meeting held on January 14, 2010. It was a well attended meeting with representatives from the Ontario Restaurant Hotel and Motel Association, McDonalds and Tim Horton's. There was a review of the current policies and design guidelines and there was discussion on the proposed directions as presented to the Planning and Development Council meeting on September 14, 2010. The stakeholders were concerned that any further regulations and restrictions would compromise the interests of local businesses in providing drive-through facilities which they believe are an essential customer service. The industry stakeholders also stressed the need to use evidentiary based noise and impact setbacks. The provision of a minimum site size was also discussed and the industry stressed that smaller sites can be very efficient if appropriately located. The industry further presented and discussed the RWDI study on air emissions and noted that the science was clear to show drive-throughs had less impact on air emissions than parking lots.

Public Workshop Session

The second meeting was a facilitated workshop session for those members of the public who attended and addressed Council at the September 14th P/D Council meeting as well as representatives from resident/neighbourhood groups were also invited to attend this meeting. The session provided an update on the drive-through study and generated considerable input from those who attended using the POWER tool for consultation. The discussion was focused around what people thought about the recommendations from the September 14th meeting including the positive aspects, objections to the recommendations, what else was important to people (other ideas and questions) as well as enhancements and other remedies. A summary of the session is found in Appendix "B". Among the many concerns expressed throughout the meeting the main issue was that drive-throughs should

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not be permitted within residential neighbourhoods and should be directed away from residential uses.

Second Stakeholder Meeting

The third consultation meeting was held with the Canadian Petroleum Products Institute and followed the same format as the meeting held on January 14, 2010 with the larger stakeholders group. The main issues conveyed to staff by the group were similar to those expressed in the first industry meeting and those outlined in the Institute's letter to the Town dated March 18, 2010.

Public Open House

A fourth consultation meeting was a Public Open House held on April 7th, 2010. There were approximately 80 people in attendance at this meeting. A brief presentation was followed by a question and answer period and an opportunity for attendees to express their comments and concerns to the group as a whole and on an individual basis with staff. A request was also made for written comments using the POWER tool. A summary of the comments provided at this meeting is attached to this report as Appendix "B".

Summary of Additional Comments and Information

The focus of the additional consultation was in relation to the original six recommendations proposed within the Drive-Through Facilities Study and Proposed Directions report as presented to Planning and Development Council on September 14th, 2009, specifically:

1. that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of Downtown Oakville, Bronte and Kerr Villages and further the Midtown Core, Palermo Village and the Uptown Core growth areas.
2. that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
3. that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
4. that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
5. that a minimum site size of 0.3 hectares be established.
6. that new definitions for "*drive-through facility*" and "*stacking lane*" be provided.

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Stakeholders and Industry Representative Input and Responses

In the meetings with the stakeholders and industry representatives there was general discussion regarding existing zoning regulations for drive-throughs and the design guidelines that were approved in 2003. It was noted by the industry representatives that the Town's Urban Design Guidelines function relatively well when assessing site plan applications for drive-throughs and they felt that additional zoning regulations relating to setbacks and buffer areas were not necessary. They did agree that clarification on the definition of drive-throughs in the zoning by-law would be useful. They recognize that drive-throughs are not permitted in the Growth Areas through the Livable Oakville Plan and strongly disagree with this position. However, there are only two site specific appeals to the Livable Oakville Plan related to this restriction.

Although planning staff acknowledge that the Urban Design Guidelines have been an effective mechanism in the past by which to assess applications they are still only guidelines which are not mandatory and may not be adhered to on a site by site basis. Planning staff therefore remain of the opinion that Urban Design Guidelines need to be strengthened through an amendment to the Zoning By-law which will implement the guidelines.

Another concern expressed from the industry stakeholders was with respect to the proposed minimum site size for drive-throughs of 0.3 ha. They felt that requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may restrict flexibility in site design. Staff noted that a minimum site size requirement may not be necessary if all the other regulations proposed by staff in the initial report were approved. Based on these discussions staff have given this matter some further consideration and are not recommending a minimum site size requirement be added to the Zoning By-law. Staff recognizes the industry's efforts to continue to improve drive-through functions and efficiencies to reduce impacts and minimize idling. While the RWDI study identifies less impact from idling than parking lots, the fundamental direction for redevelopment through the Livable Oakville Plan and the plans for North Oakville are to reduce car usage and increase active transportation in communities.

Community and Public Input and Responses

In the meetings with the public the primary concern expressed was with respect to the incompatibility of drive-through facilities in close proximity to residential uses and neighbourhoods. Many clearly stated that drive-throughs do serve a function by providing a convenience choice to consumers but the impacts associated with the operations and functions of drive-throughs as well as the built form they represent do not make them suitable land uses to be developed within or adjacent to stable

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residential areas. Many referred to the protection and enhancement of Oakville's stable residential areas being provided in the Livable Oakville Plan and the need for future development to uphold that principle. Most agreed that clarification of the definition of drive-throughs was needed. They also agreed that where drive-throughs are appropriate, zoning regulations should be in place to address stacking lanes and design and setbacks.

Setback Regulations

As noted earlier in the report, the setbacks imposed in the zoning regulations of other municipalities vary greatly. The intent of a setback used to separate a use or building from another use or building should ensure the area between the uses and/or buildings is utilized in a way that mitigates impacts. Setbacks alone, however, do not ensure impacts are completely mitigated. Impacts related to traffic are best addressed through the zoning of uses at site locations that have adequate traffic capacity to provide for the use. The information provided through the Interim Control By-law study identified that most drive-throughs are located on major arterials to maximize usage and accommodate traffic volumes. Staff is recommending that this locational criteria be implemented in the zoning regulations in addition to the setbacks.

Staff Analysis and Recommendations

Through the Interim Control By-law study a review of existing official plan policies, zoning regulations, drive-through guidelines and other municipalities' policies and guidelines was undertaken. Staff also reviewed the location of existing facilities and existing conditions. This review, in addition to the public consultation, identified a number of issues with respect to drive-through facilities which can generally be classified into the following categories:

- *Compatibility of drive-throughs and Impacts on adjacent residential land uses;*
- *Traffic and noise;*
- *Streetscape and urban design; and.*
- *Air quality.*

Drive-through facilities are dependent on a high volume of vehicular traffic and a high turnover of customers. As such they can have significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic. Drive-through fast food restaurants also require outdoor speakers/ ordering boards which may create visual and noise impacts.

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Issues relating to drive-through facilities are often addressed through land use planning policies, provisions and regulations to ensure impacts are minimized and uses are adequately separated from residential uses. The Town's Urban Design Guidelines have proven to be an effective mechanism by which to mitigate the negative impacts associated with drive-through facilities in many cases. While the Town's Drive-Through guidelines provide assistance on these issues, the Town's current Zoning By-law does not implement the approved guidelines.

In addition, the Livable Oakville Plan is intended to move the Town towards greater sustainability. Sustainability is not just about reducing current environmental impacts but must address a change in policy to affect behaviour to eliminate such impacts. Staff understands there is a need to provide the community with a choice for convenience but also recognizes the importance of ensuring development within the stable residential communities and the commercial centres within those communities is in a form that is appropriate and one that moves away from car dependency. It is therefore being proposed that the zoning by-law be amended to implement the policies and direction as set out in the Livable Oakville Plan, as well as the implementation of the existing design guidelines on sites where drive-throughs would be permitted.

1. Locational criteria

Staff has investigated numerous ways to address the land use compatibility issue associated with drive-through facilities. While many municipalities have addressed compatibility through setback requirements, staff believes that the most appropriate method of regulating drive-throughs in Oakville is to address compatibility through locational criteria. The most acceptable and the most appropriate location for drive-through facilities, even by admission of the industry stakeholders, is along major arterial roads where traffic volumes are significant. This locational criterion has been reviewed and considered in accordance with the current drive-through facility locations and the Town's Livable Oakville Plan as well as the current zoning provisions for drive-through facilities.

The drive-through guidelines currently discourage the location of drive-throughs in certain areas of the Town such as the downtowns where a traditional main street with a pedestrian streetscape is encouraged. In addition downtown locations have lot sizes and lot patterns that are generally not conducive to drive-throughs. The Growth Areas and Central Business Districts are all evolving urban areas. They are not appropriate areas in which to locate drive-throughs. It is recommended that the Zoning By-law be amended to prohibit the location of new drive-throughs in these areas to be consistent with the Town's Livable Oakville policies.

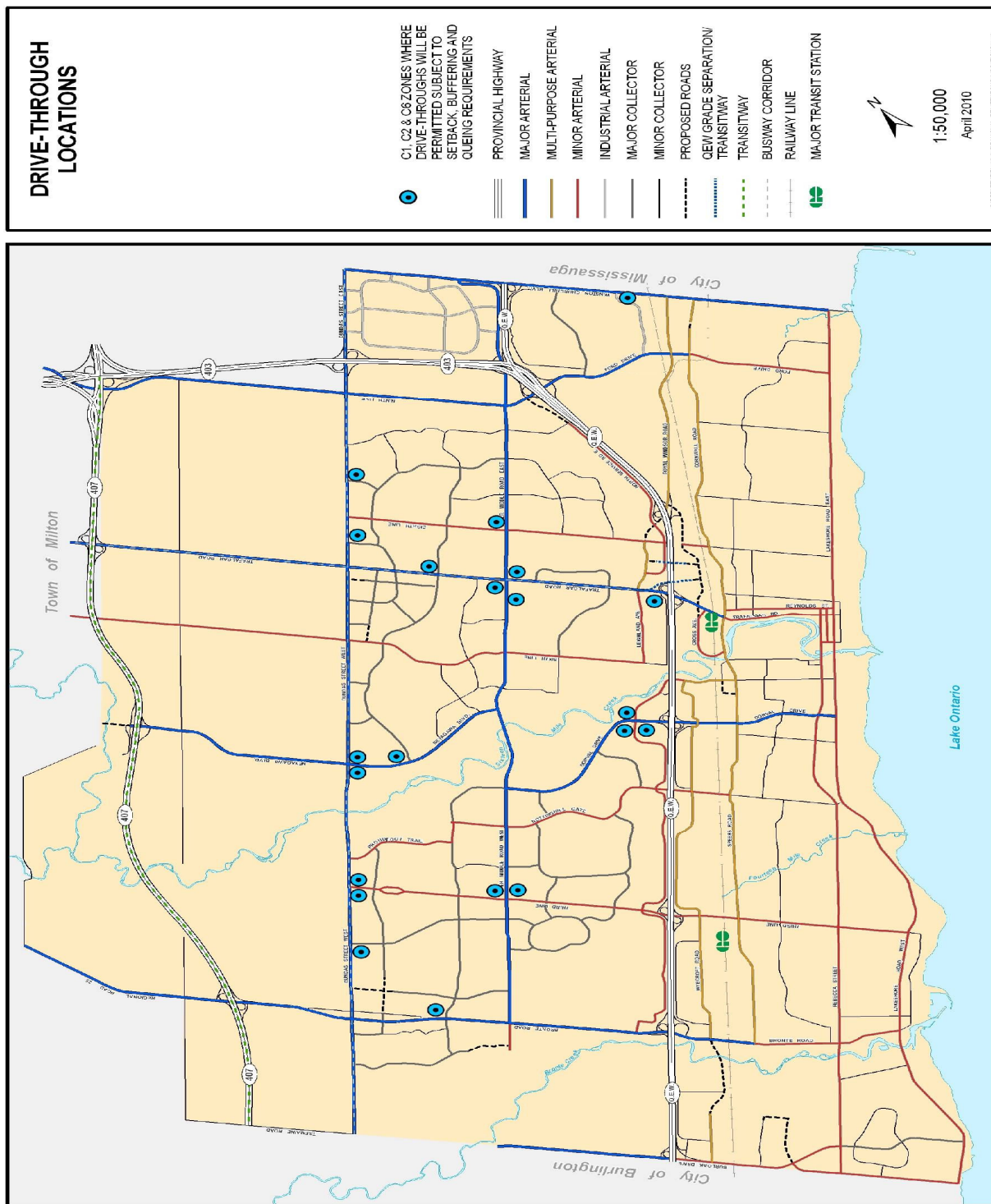
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Staff are proposing to allow drive-throughs to continue to be permitted within the C1, C2 and C6 zones, but with the added requirement that they only be permitted in these zones where the sites are on roadways which are classified as major arterials within the Town's Official Plan. These locations are designed to facilitate large volumes of traffic moving between communities. Limiting drive-through facility locations within the C1, C2 and C6 zones to only major arterials will direct them away from residential neighbourhood areas.

Drive-throughs therefore would only be permitted to locate within the C1, C2 and C6 commercial zones on the following roads as depicted on the following map:

- Burloak – north of the Q.E.W.
- Bronte Road – north of Speers Road
- Dorval Drive-north of Lakeshore Road to Upper middle Road
- Neyagawa Blvd. – entire length
- Trafalgar – north of the Q.E.W.
- Ford Drive/ Ninth Line – north of Cornwall
- Winston Churchill Blvd.
- Upper Middle Road – entire length
- Dundas Street – entire length

Drive-throughs at these locations would also continue to be subject to all the additional regulations which implement the design guidelines



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Existing drive-throughs which are not at these locations would be deemed legal non-conforming and would be permitted to continue and could also apply to enlarge or expand in accordance with the applicable regulations.

2. Separation distance from adjacent residential uses

The existence of drive-through facilities adjacent to residential uses creates a number of concerns, particularly regarding noise and traffic impacts related to fast food restaurants. Drive-through facilities are traffic intensive, with a large amount of vehicles driving through the site during the day and evening hours and as such has the potential to affect adjacent residential areas with exhaust fumes, noise and traffic congestion. An additional tool by which to reduce the negative impacts on drive-through facilities is to provide a separation distance from abutting residential uses. A 15 m separation distance has proven in the past to be an effective separation distance from residential uses when used in conjunction with landscaped buffers and acoustic fencing. A minimum 15m setback is therefore being recommended for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

3. Landscaped buffers and fencing

As previously mentioned one of the main concerns of drive-throughs next to residential uses is the noise related to the order station of fast food restaurants and the idling of vehicles awaiting service. In order to offset these concerns order stations and stacking lanes should ideally be located as far away from the abutting residential uses as possible. In addition, acoustic and visual barriers in the form of fencing and landscaped buffers should be provided along property lines abutting residential uses. Staff are proposing a 7.62m wide landscaped buffer be required for all yards abutting a residential zone, and further, that a 1.8m high solid board fence or masonry wall be provided along all property boundaries abutting a residential zone for the purpose of screening the drive-through use. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

4. Stacking or queuing spaces

Adequate vehicle stacking spaces is critical to preventing on and off-site traffic problems. Typically for fast food eating establishments, there are two component parts of a stacking lane as follows:

- The area between the beginning of the stacking area and the order station

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- The area between the order station and the pick up window.

There is a marked difference between the stacking requirements for fast food establishments and others such as financial institutions. Generally, drive-throughs for financial institutions require less stacking spaces as there is no need for an order board for a bank machine patron. A number of municipalities have studied this issue and found that different uses require different amounts of stacking spaces.

Oakville's urban design guidelines for drive-throughs require fast food establishments provide 10 stacking spaces whereas 4 are required for banking institutions. The primary objective is to ensure that the queuing spaces are all maintained on private property and do not back up onto the public road allowance. These stacking space requirements have proven to be appropriate for effective vehicular traffic flow since the adoption of the guidelines in 2003. Staff is recommending that a minimum of 10 vehicle stacking spaces be provided for fast food eating establishments, 7 of which shall be accommodated between the entrance to the stacking lane and the order station, and further, that for all other drive-throughs a minimum of 4 vehicle stacking spaces shall be provided. It should be noted that the 10 and 4 requirement is a minimum requirement set out in the drive through guidelines. Through the development process the Town has the right to request a queuing study to confirm minimum lengths are appropriate.

5. Definitions

The Zoning by-law contains two definitions pertaining to drive-through facilities. It is being proposed to create one consistent drive-through definition to be applied Town-wide and also to provide a definition of stacking lane for clarity of interpretation of the by-law regulations as follows:

"drive-through facility" means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses. A drive-through facility does not include a car washing establishment, automobile service station or a gas bar.

"stacking lane" means a continuous on-site queuing lane that includes stacking tandem spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs."

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CONCLUSION

Permitting drive-through facilities in certain locations with restrictions is an effective way of minimizing their impacts on surrounding land uses, particularly residential uses, while providing a needed service to the community. It is also a balanced approach that meets the needs of the business community and the traveling public while at the same time addressing the concerns of residents regarding noise, air quality, traffic and litter.

The prohibition of drive-throughs in the downtown areas of the Town and the Growth Areas will help maintain and promote these areas as urban centres consistent with the Livable Oakville Plan. The restriction of drive-throughs within the residential communities by requiring them to be located on major arterial roads will also implement the direction of Livable Oakville to maintain and protect stable residential areas and address sustainability.

In summary, the proposed recommended zoning amendments are as follows:

- that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of the Central Business Districts including Downtown Oakville, Bronte and Kerr Villages, the Midtown Core, Palermo Village and the Uptown Core.
- That drive-through only continue to be permitted in the C1, C2 and C6 zones abutting a residential zone if they are located on a classified as a major arterial within the Town's Official Plan.
- that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
- that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
- that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
- that new definitions for "*drive-through facility*" and "*stacking lane*" be provided.

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

CONSIDERATIONS:

(A) PUBLIC

A statutory public meeting to gather public input was held on September 14th, 2009 and May 10th, 2010.

(B) FINANCIAL

There have been costs associated with the drive-through study which have been accommodated through the Planning Services Department budget.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Other Town Departments and agencies were consulted through the study process and had no comments within the proposed directions contained within the report. The Environmental Policy staff responded that in summary they were in support of the proposed enhanced regulations and were pleased with the direction the Planning Department was moving on this issue although they would prefer to see a complete ban on drive-throughs.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The proposed amendments for drive-throughs have been evaluated in the context of the Town's Corporate Strategic Goals to ensure that they address the principles of responsible land use planning and promotion of a vibrant, attractive and healthy community.

(E) COMMUNITY SUSTAINABILITY

This report addresses the pillars of environmental and social sustainability by recommending the development of appropriate regulations for drive-through facilities in the Town.

APPENDICES:

Appendix A - Setbacks and stacking spaces required in other municipalities

Appendix B - Notes from public consultation

From: Planning Services

Date: **April 19, 2010**

Subject: **Drive-Through Facilities Zoning By-Law Amendment**

Prepared by:

Ramona Boddington, MCIP, RPP
Long Range Planning

Recommended by:

Diane Childs, MCIP, RPP
Manager, Long Range Planning

Submitted by:

Dana Anderson, MCIP, RPP
Director of Planning Services

Setbacks and stacking spaces required in other municipalities

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Aurora	10m	--	--	--
Burlington	30m	15m	--	
Caledon	10.5m-12m -- side yard 19.5m -- rear yard	--	10 - restaurant 3 - other	There is a Council direction to prepare a zoning by-law amendment to establish a 90 m setback for new drive-throughs from a residential zone or lot containing a residential use. This is expected to occur in the spring of 2010.
Kitchener	1.2m -- 6.0m for a side yard 4.0 – 14.0 m for a rear yard **refer to notes section for further details	--	--	<p>All commercial uses having a drive-through facility which contains an intercom order station shall comply with the Ministry of the Environment's noise levels for stationary sources of noise. Where a drive-through facility contains an intercom order station and is situated within 60 metres of a Residential Zone, or an Institutional Zone the drive-through facility shall not be permitted unless:</p> <ul style="list-style-type: none"> a) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels specified by the Ministry of the Environment in publication NPC-206 as amended from time to time; b) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels set out in clause a) above by the employment of measures to mitigate noise and such measures are employed prior to occupancy of the drive-through facility; or c) a noise wall certified by a professional engineer is installed prior to occupancy of the drive-through facility which will ensure that noise levels do not exceed the maximum levels set out in clause a) above.

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
London	6m-15m for side and or rear yard depending on zone in which it is situated	15m with a 2.4m nose attenuation fence 30m with a privacy fence Note: these setbacks also apply to stacking lanes	12 -- restaurant 4 - other	SEPARATION DISTANCE - INTERIOR AND REAR YARD The minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use lot line and/or zone line shall be 30 metres. This setback may be reduced to 15 metres if a 2.4 metre high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant. A minimum 3 metre wide landscaped strip is required consisting of new and/or existing vegetation immediately adjacent to any noise barrier.
Milton	5m to 6m depending which zone they are located in however buildings containing a drive-through service use are required to be located an additional 2.0m from the front lot line or exterior side lot line	7.5 m Note: these setbacks also apply to stacking lanes	10 - restaurant 3 - other	

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Mississauga	60m for a convenience restaurant which includes a drive through window		10 - restaurant 5 - other	
Newmarket	9m to 15m – rear yard setback 9m– side yard setback		12- restaurant 2 to 5 -- other	
Orangeville	30m	30m for outdoor speakers and or order boxes but <i>not</i> including stacking lanes		
Ottawa	3m – side yard 6m – rear yard	3m including stacking lanes ** please refer to notes	11 - restaurant 3 - other	where a queuing line, drive-through window or order board is located 3 metres or more from a residential zone, but is still within a yard abutting a residential zone, it must be screened from view from that residential zone by an opaque screen with a minimum height of 1.5 metres.
Toronto	30m	30m	10 - restaurant 4 - other	

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Windsor	15m Please refer to note *	30m	12 - restaurant 5 - other--	*Where there is a noise barrier wall having a minimum height of 1.8m or a building wall located between the stacking spaces and the dwelling unit, a minimum separation shall be 15m

Notes of meeting held with drive-through stakeholders**Thursday January 14, 2010 – Trafalgar Room****10 – 12 noon****Attendees:**

Michelle Saunders, Manager of Government Relations	ORHMA
Maurice Luchich, Planning Manager	Tim Hortons
Paul Hower	McDonalds
Victor Labreche, Planner	Labreche Patterson & Ass. On behalf of ORHMA+
Dana Anderson	Planning Director
Diane Childs	Acting Manager of Long Range Planning
Lynn Rogers	Traffic Engineering Co-ordinator
Trisha Collingwood	Transportation Planner
Ramona Boddington	Polciy Planner,
Brenda Stan	Current Planner

Regrets:

Jean Roy, Engineer	Canadian Petroleum Products Institute
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1. Welcome and Introductions

The meeting commenced with a brief welcome and introduction session.

2. Overview of progress to date

- Planning Report went to Council September 14, 2009 outlining proposed directions (report was distributed at meeting)
- Council passed a motion to defer recommendation of report to allow for additional consultation with both the stakeholders and the general public and also to allow for further research of other municipalities practices
- This meeting is the first step in the additional consultation directed by Council
- Comment, concerns and additional input would be appreciated at this time.

3. Overview of progress to date

There was a general discussion regarding existing zoning provisions for drive-throughs and the design guidelines that were approved in 2003.

4. Discussion on directions from September 14, 2009 staff report

Each of the six directions were discussed as follows:

a) Direction 1 – Locational Criteria

There was a lengthy discussion regarding the prohibition of drive-throughs in the C3R zones and the growth areas. It was conveyed that Livable Oakville prohibited the location of drive-throughs in these areas and therefore the by-law must be updated to implement Livable Oakville – the new official plan.

b) Direction 2 – Separation Distance from adjacent residential uses

A table was distributed outlining other municipality's setback requirements for drive throughs abutting residential uses. Staff undertook to review the table based on the discussion which evolved and update the table as necessary.

Staff also explained the rationale used in arriving at the 15m from residential as proposed in the staff report.

c) Direction 3 – Landscape Buffers and fencing

It was noted that the landscape buffer was an existing requirement in the by-law however the 1.8 m high fencing would be a new requirement for such uses.

d) Direction 4 – Stacking or queuing spaces

There was little discussion on this topic. The issue of reduced parking standards for drive-throughs was also discussed. The rationale was brought forward that drive-throughs require less parking spaces as the cars using the drive through portion of the facility would not require a parking space. The Ottawa example, which allows for a 20% reduction in required spaces for drive throughs, was used as an example. Staff agreed to investigate this example further and give it further consideration.

e) Direction 5 – Minimum site size

It was noted by the industry representatives that a minimum site size may not be required if the previous 4 directions were implemented. Requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may also restrict flexibility in site design. Staff agreed and will give consideration to removing this direction.

f) Direction 6 – Definitions

There is currently no definition in the zoning by-law for drive-through facilities. A definition will provide clarity for interpretation purposes.

5. Next Steps

A number of possibilities for the manner in which the next public meeting might be undertaken. Input from the group was solicited and will be given consideration.

6. Adjournment

The meeting adjourned at 11:40am.

Notes taken by Ramona Boddington

Drive Through Study — March 4/10 Information Meeting

Summary of Flip-Chart Notes

Noted Questions and Information Requests:

- What is the separation distance requirement between restaurant patios and residential areas in Oakville? [Note: Question was addressed later in the meeting.]
- What were the protocols/data quality protection mechanisms/overall methodology used in the online survey? Can the survey data be proven to be reliable and statistically accurate? Can the respondent e-mail addresses be checked for multiple questionnaire completions; the residential address of the respondent (to ensure the person resides in Oakville); time of survey completion; etc.? If the survey cannot be proven to be reliable and an accurate picture of community sentiment — and not over-weighted with industry-generated responses — then less emphasis should be placed on it.
- What are the profiles of drive-through facility users — what demographic or other segments of the public use them...and for what and how frequently?

Positives (noted ‘likes/strengths’ of the Town’s proposed directions)

- The explicit Town understanding that drive through facilities do require some level of restriction and regulation.
- The attempt — though as yet inadequate — to provide some measure of protection for neighbourhoods.
- The Town’s ongoing work on the drive through issue and the determination to finalize an approach (including a By-law or By-laws).
- The 0.3 hectare site requirement may help reduce drive through applications.
- The drive through prohibitions identified in the locational criteria (i.e. not allowing drive throughs in certain parts of the Town).
- Willingness to consider community input.

Objections (noted ‘dislikes/weaknesses’ of the Town’s proposed directions)

- No explicit reference to or policies concerning the tendency for drive throughs to attract rodents/raccoons/other animals — there is nothing explicit in the directions concerning the storage of garbage/waste.
- Failure to fully consider the safety issues associated with drive throughs — from vehicle egress/ingress (criteria re: safely

entering/exiting the site), to potential car-jackings, to accidents caused by distracted drivers.

- The 15m setback is inadequate — this distance does not allow for appropriate mitigation of noise (voice-box chatter, car stereos, general in vehicle chatter, vehicle/motor sounds, etc.), air pollutants, etc, [the participant recommended minimum distance was 75-100 metres].
- Insufficient requirements re: screening/buffers around drive through facilities — and consideration of such things as fences, lighting, etc.
- Allowing drive throughs in C2 zoned areas, particularly in cases where they abut residential areas — drive throughs shouldn't be allowed in C2 zones; such zones were never intended to accommodate them.
- The proposed 10 vehicle stacking spaces are insufficient — vehicles will back-out on roads or otherwise cause congestion/safety issues [a minimum of 20 spaces was proposed].
- The need to add extra stacking spaces means a site size requirement larger than 0.3 hectares.
- The 7.62 metre landscaped buffer is insufficient in size [there was a suggestion to quadruple the size of the buffer or remove the need for a buffer by ensuring that no drive through is placed adjacent to a residential area].
- The directions insufficiently speak to the Town's anti-idling By-law — this By-law needs to be more aggressively enforced.
- The directions are too permissive — they should be seeking to reduce or eliminate drive throughs in keeping with the spirit and intent of Livable Oakville.
- In there totality, the directions do not do enough to keep drive throughs out of Oakville or minimize their number.
- This second report from the Town is too liberal/soft with regard to allowing the placement of drive-throughs in some parts of Oakville (the requirements to be met are fewer/lesser) — the first report was more restrictive.
- There is an absence of retailer justification for the use of drive throughs.
- The Town's approach places no cap on the number of drive throughs permitted in a particular area or territory.
- The directions place no time limits on the use of the external intercoms ('squawk boxes') — other municipalities do this.
- The Town's directions are not as enlightened as those in place in other jurisdictions — Oakville is not showing enough leadership...there is an opportunity to do so.
- There is an absence of references to or directions in support of attractive streetscaping.
- There is a need for more official and consistent terminology — for example, the term 'restaurant drive through' should be used if the establishment serves any food or beverages; there should be different terms for food-related drive throughs, banking-related drive throughs, etc.

- The directions do not adequately challenge assumptions and the status quo — there is an opportunity for the Town to remove the choice for people to use drive throughs (particularly in residential areas).

Enhancements and Remedies (noted ideas for addressing objections and strengthening the directions — beyond those already noted above)

- Require mandatory emissions and noise sensors at drive through locations — periodically measure performance against standards (successful performance should be a pre-condition of annual renewal of the ability to offer a drive through service at the location).
- Use site-specific drive through zoning for new areas of the Town — establish a minimum/maximum number for a particular population size and, in so doing, provide certainty to both residents and industry re: locations and available drive through spots.
- Place a tax on those businesses offering drive throughs or on the products they sell through the drive through (simply put, make it either more expensive to offer a drive through or to use a drive through).
- Tie allowance of drive throughs to road requirements — i.e. make drive throughs acceptable or unacceptable based on certain road characteristics.

What Else? (noted additional ideas and questions)

- Setbacks from residential areas are the key issue.
- Look at trends in other jurisdictions regarding drive throughs — and allow Oakville to set new trends.
- Look at whether drive throughs can be restricted to a single type of business or service.
- Should consumers who use drive throughs require a license (for example, a person with a disability or parent with young children would have to obtain a license that permits their use of a drive through)?
- License drive throughs — subject to annual renewals based on performance against established criteria.
- Consider banning drive throughs altogether in the Town of Oakville.

CPPI meeting with Town of Oakville, March 17, 2010

CPPI summary comments for consideration regarding Drive-through Facilities:

1. Drive-through Facilities serve a useful purpose if designed and located properly within the Town.
2. The Oakville Drive-through Facilities guidelines (# 25, 32) may reflect the preference for not having drive-Through Facilities located between the building and the street but should indicate that it can be an alternative which may be accommodated if necessary with proper siteplan design and landscaping. (Refer to existing drawing examples)
3. In general the zoning bylaw should be modified to focus the minimum 15 m setback distances on the area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the stacking lane.
4. The minimum setback for the remaining portion of the stacking lane should be as per existing commercial Buffer Strip abutting residential zone as stated in section #42 of the zoning bylaw which may vary between 3m and 7.62m.
5. The 15m minimum setback to residential should be flexible to contemplate a possible relief down to a minimum of 7.5m if supported by some site specific noise mitigation measures identified by a noise study prepared by a qualified noise consultant and acceptable to the Town.
6. The minimum 1.8m fence required immediately adjacent to any lot line abutting a lot in a residential zone should be limited to the area of the stacking lane which is within the minimum setback area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the full lot line.
7. In part III, Section 41 1) within the permitted use table on the drive-through facilities line; the footnote #1 (“not permitted on a lot abutting a residential zone”) should be deleted as it is somewhat inconsistent (and/or confusing) with regards to footnote #13

Notes from April 7th, 2010 Public Open House

Trafalgar Room, Town Hall

7:00pm – 9:00pm

There were approximately 80 people in attendance.

The meeting commenced with a brief presentation followed by a question and answer session. Many viewpoints, comments and concerns regarding drive throughs were expressed which included but not limited to:

- Emissions from vehicles idling excessive
- air quality concerns
- Restricting drive throughs excessively
- Drive throughs are a growing trend
- No regard for how residents are affected
- Need to find middle ground between residents and drive through operators
- Convenience for the average person, disabled individuals, and mothers with young children
- There is a demand for drive throughs that is why they exist
- Prefer at least a 60m separation distance
- traffic congestion
- Efficient use of land to facilitate a large amount of customers in a short period of time
- Average person gets through in 17 seconds
- Average wait is no longer than 45 seconds

Approximately 30 written responses were received by staff which largely reiterated the above comments.

Resources/Studies on Drive-Through Facilities

From: Carol Tobin

Sent: Tuesday, November 25, 2014 9:48 AM

To: Jim Doherty

Subject: Drive-through facilities and walkability

Jim,

I didn't find any studies, but perhaps the following might be useful:

- Quotation from Andres Duany (nationally known traditional neighborhood development pioneer) - <http://walkablestreets.wordpress.com/roaddiets/>
 - There are components of modern life that are necessary but which intrinsically create bad street frontage: They are the parking lot, the drive-through, and the solid walls of certain businesses and institutions that can't have windows. So there is a certain percentage of modern street frontage that will not deliver pedestrian quality. The only questions are: what percentage of your city must you give over to these uses and where do you locate them. – Andres Duany
- Phoenix Walkable Urban Code - <https://www.phoenix.gov/pdds/site/Documents/FINAL%20DRAFT%20Walkable%20Urban%20Code.pdf> – Includes limits on drive-through facilities
- Montgomery County, PA New Town Mixed-Use District (walkable) <http://www.montcopa.org/DocumentCenter/View/4101> (See p. 25 – Drive-through prohibited)
- Guide to Creating Walkable Communities (May 9, 2012) - http://www.wrcog.cog.ca.us/uploads/media_items/guide-to-walkable-communities.original.pdf (See p. 26) "Discourage automobile-oriented users such as drive-through businesses, auto sales, and large retail outlets."
- "Take A Walk," *Green Living Arizona* - <http://www.greenlivingaz.com/2014/09/18/take-a-walk/> (see paragraph 2)
- "To Drive-Through or Not to Drive Through," *CalcoastNews.com*, April 3, 2014 - <http://calcoastnews.com/2014/04/drive-drive/>
- "West Hollywood Named Most Walkable in California," *NBC News* - <http://www.nbclosangeles.com/news/local/West-Hollywood-Named-Most-Walkable-126210613.html> (City prohibits drive-through facilities)

Carol

Carol Tobin

Planning Consultant

206.625.1300 | MRSC.org | [Local Government Success](#)

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

01/05/2015

<u>Date Rec'd</u>	12/19/2014
<u>Clerk's File #</u>	ORD C35212
<u>Renews #</u>	

<u>Submitting Dept</u>	PLANNING & DEVELOPMENT	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	BORIS BORISOV 625-6156	<u>Project #</u>	
<u>Contact E-Mail</u>	BBORISOV@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0650 - ORDINANCE RELATING TO HAMILTON FORM BASED CODE SUBAREA		

Agenda Wording

An Ordinance relating to the Hamilton Form Based Code Subarea Plan; adopting a new chapter 17C.123 Form Based Code Zones to Title 17C Land Use Standards of the Spokane Municipal Code; amending SMC 17C.200.010, 17C.200.040 and 17C.200.050, relating to

Summary (Background)

In July 2012, the Logan Neighborhood Stakeholder Team, with the City of Spokane Planning Department, began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area, and is designed to foster

<u>Fiscal Impact</u>		<u>Budget Account</u>
Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
<u>Approvals</u>		<u>Council Notifications</u>
<u>Dept Head</u>	MEULER, LOUIS	<u>Study Session</u>
<u>Division Director</u>	QUINTRALL, JAN	<u>Other</u> PCED 12/15/14
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>
<u>Legal</u>	RICHMAN, JAMES	lhattenburg@spokanecity.org
<u>For the Mayor</u>	SANDERS, THERESA	lmeuler@spokanecity.org
<u>Additional Approvals</u>		zetter@spokanecity.org
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		jneff@spokanecity.org
		awaldref@spokanecity.org
		jquintrall@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Landscaping & Screening; amending SMC 17C.230.100, 17C.230.120, 17C.230.130, 17C.230.140, 17C.230.145, and 17C.230.200, relating to Parking & Loading; and amending SMC 17A.020.010, SMC 17A.020.020, 17A.020.030, 17A.020.050, 17A.020.060, 17A.020.070, 17A.020.090, 17A.020.150, 17A.020.160 and 17A.020.220, relating to Definitions.

Summary (Background)

an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses, and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 36.15 acres. Ordinance No. C35212 implements the Hamilton Form Based Code Subarea Plan by amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.123 Form Based Code Zones; amending SMC 17C.200.010, 17C.200.040

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

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ORDINANCE NO. C35212

AN ORDINANCE relating to the Hamilton Form Based Code Subarea Plan; adopting a new chapter 17C.123 Form Based Code Zones to Title 17C Land Use Standards of the Spokane Municipal Code; amending SMC 17C.200.010, 17C.200.040 and 17C.200.050, relating to Landscaping & Screening; amending SMC 17C.230.100, 17C.230.120, 17C.230.130, 17C.230.140, 17C.230.145, and 17C.230.200, relating to Parking & Loading; and amending SMC 17A.020.010, SMC 17A.020.020, 17A.020.030, 17A.020.050, 17A.020.060, 17A.020.070, 17A.020.090, 17A.020.150, 17A.020.160 and 17A.020.220, relating to Definitions.

WHEREAS, in accordance with the Growth Management Act (GMA), the City of Spokane previously adopted a Comprehensive Plan (RCW 36.70A); and

WHEREAS, GMA provides that proposed amendments to a comprehensive plan may be considered by the governing body of a city no more frequently than once per year, but further provides that, so long as a subarea plan clarifies, supplements, or implements city-wide comprehensive plan policies, and so long as the cumulative impacts of the proposed subarea plan are addressed by appropriate environmental review under chapter 43.21C. RCW, the initial adoption of a subarea plan may occur outside of this annual process; and

WHEREAS, Per Article VIII of the City Charter, the Spokane City Council recognizes distinct neighborhood areas as neighborhood councils through the Neighborhood Councils Program and the Community Assembly; and

WHEREAS, The City Council allocated \$550,000 in the fall of 2007 to be used for planning activities by neighborhood councils; and

WHEREAS, The Logan Neighborhood Organization ("LNO") is the City Council-recognized neighborhood council for the area generally bounded by Division Street on the west, the Spokane River on the east, Euclid Street on the north, Trent Avenue on the south, and bisected north to south by Hamilton Street and west to east by Mission Avenue; and

WHEREAS, On March 8, 2011 the Logan Neighborhood Organization (LNO) was designated to initiate abbreviated neighborhood planning and LNO representatives endorsed a letter of intent to begin planning; and

WHEREAS, On March 30 and March 31, 2012, respectively, the manager of the Logan Neighborhood Stakeholders Team ("LNST"), Karen Byrd, and the chair of the Logan Neighborhood Organization, Jeanette Harras, signed a memorandum of understanding with the Planning Services Department recognizing the LNST to conduct abbreviated planning; and

WHEREAS, Between August of 2012 and February 2013, a consultant, Studio Cascade worked with the Logan Neighborhood Stakeholder Team, property owners, business owners, residents, and other interested parties to prepare a form-based model zoning code through a series of planning sessions, interviews, charrettes, and an open house; and

WHEREAS, form-based codes are intended to foster an economically vibrant, walkable, mixed-use environmental; and

WHEREAS, although drive-through facilities are a necessary component of modern life in some cases, drive-through facilities that are not designed with pedestrian traffic in mind, intrinsically create bad street frontage that is unsafe for pedestrians; and

WHEREAS, drive-through facilities are dependent on a high volume of vehicle traffic and a high turnover of customers, which can create significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic; and

WHEREAS, drive-through facilities create the potential for exhaust fumes, noise and traffic congestion, and drive-through fast food restaurants require outdoor speakers/ordering board which may create visual and noise impacts; and

WHEREAS, The Logan Neighborhood Identity Plan and Model Form-Based Code for the Hamilton Corridor were adopted via City Council resolution as credible representation of the desire for the Logan Neighborhood on May 12, 2014; and

WHEREAS, The Logan Neighborhood Stakeholder Team worked with the City of Spokane's Planning & Development staff between May 2014 and September 2014 to modify the Model Form-Based Code for the Hamilton Corridor from a model code to a specific regulatory document, Hamilton Form Based Code; and

WHEREAS, In September of 2014 City of Spokane's Planning & Development staff drafted the Hamilton Form Based Code Subarea Plan which amends the Comprehensive Plan Land Use Plan Map, Zoning Map and implements Form Based Code zoning categories through the adoption of new development regulations; and

WHEREAS, The Hamilton Form Based Code Subarea Plan was submitted as a Comprehensive Plan amendment application Z1400055COMP on October 6, 2014; and

WHEREAS, The Hamilton Form Based Code Subarea Plan requires several actions including a Comprehensive Plan Land Use Map and Zoning Map Changes within the boundary of the Hamilton Form Based Code Subarea Plan; and

WHEREAS, staff requested comments from agencies and departments on October 6, 2014, and a public comment period ran from October 6, 2014 to October 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 October 23, 2014; and

WHEREAS, Notice of Application was mailed on October 27, 2014 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 project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014. Comments were provided by property owners and other interested parties; and

WHEREAS, Staff made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal; and

WHEREAS, the Spokane City Plan Commission held a substantive workshop to study the proposal on November 12, 2014; and

WHEREAS, A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on November 26, 2014 for the Hamilton Form Based Code Subarea Plan. The public appeal period for the SEPA determination ended on December 10, 2014 at 4pm; and

WHEREAS, Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was 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 project boundary on November 26, 2014; and

WHEREAS, Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014 and the *Official Gazette* on December 3, 2014; and

WHEREAS, The Planning Department prepared a staff report found that the amendment met all the review guidelines and required decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020. Comprehensive Plan Amendment Procedure (the "Staff Report"); and

WHEREAS, the Spokane Plan Commission conducted a public hearing and deliberated on December 10, 2014 for Application Z1400055COMP, Hamilton Form Based Code Subarea Plan; and

WHEREAS, the Spokane Plan Commission found that Application Z1400055COMP, Hamilton Form Based Code Subarea Plan is consistent with and implements the Comprehensive Plan; and

WHEREAS, the Plan Commission voted 7 to 2 to recommend approval of Application Z1400055COMP, Hamilton Form Based Code Subarea Plan on December 10, 2014; 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:

Section 1. That there is adopted a new chapter 17C.123 Form Based Code Zones to Title 17C SMC Land Use Standards as follows:

**Chapter 17C.123
Form Based Code Zones**

Sections.

17C.123.010	Purpose
17C.123.020	Code Organization
17C.123.030	Regulating & Street Section Plans
17C.123.040	Land Use, Height, Placement and Parking
17C.123.050	Streetscape Requirements
17C.123.060	Architectural Requirements
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17C.123.080	Building Type Catalogs

17C.123.010 Purpose

The form-based zoning categories implement the centers and corridors goals and policies and land use map designations of the comprehensive plan. This form-based code (FBC) is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of the code. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses.

The FBC is a pilot program and is configured as a plug-in set of regulations, replacing existing zoning and design guidelines within the FBC Limits. This pilot program is consistent with the Logan Identify Plan. All code provisions expressed herein present development requirements unless otherwise indicated, including information preceded by the word “Guidelines.” Additional, specific City of Spokane standards may be required as referenced.

17C.123.020 Code Organization

Using this code: Criteria for development within the code boundaries is expressed in six sections. Use of the FBC, relating to each of these sections, is described below:

- A. Regulating & Street Section Plans.
Find the property of interest, noting its location relative to the “Context Areas” established by the Regulating Plan, as well as the location of any “Shopfront Streets” abutting the property. These elements direct many of the allowances provided in the FBC.
- B. Height, Placement & Coverage.
Using criteria from the Regulating Plan, note the allowed maximum building heights; build-to lines; minimum building frontages, and impervious surface coverage allowances detailed in this section.
- C. Parking Criteria & Site Access.
Using criteria from the Regulating Plan and the Street Section Plan, note the various allowances regarding off-street surface parking, lot placement, lot and site lighting.
- D. Streetscape Requirements.
Using type criteria from the Street Section Plan, note the basic configuration and feature specifications for sidewalks and pedestrian buffer zones within the FBC Limits.

- E. Architectural Requirements.
Using criteria from the Regulating Plan, note the various façade treatments, screening, detailing and other requirements specific to the appearance and public-realm function of buildings.
- F. Additional Requirements.
This section identifies additional requirement not covered by the HFBC.
- G. Building Type Catalogs.
This section provides a visual catalog of desired building characteristics.

17C.123.030 Regulating & Street Section Plans

This section provides and describes the FBC Regulating Plan and Street Section Plan - two map illustrations showing the location and limits of various features and physical characteristics required under this code. The Regulating Plan also indicates placement and extents of “Shopfront Street” areas, triggering specific use, building placement and other requirements.

- A. Regulating Plan.
The Regulating Plan for the FBC is included here as Figure 17C.123.030-1, and provides the organizing framework for many of the requirements described herein. The Regulating Plan divides land within the code boundaries into four distinctive context areas and identifies shopfront streets, listed and described as follows:
 - 1. CA-1: Context Area 1 provides for and supports the most intense development patterns, generally allowing greater height and building intensities than other context areas. CA-1 is intended to grow as a mixed-use center and focal point for the neighborhood and corridor, supporting significant commercial offerings, service activities, and high-density housing.
 - 2. CA-2: Context Area 2 provides for and supports mid-range development intensities, allowing somewhat lesser height and building intensities than CA-1. CA-2 is intended to grow as a second-tier mixed-use center for the neighborhood and corridor, supporting commercial offerings, service activities, and high-density housing.
 - 3. CA-3: Context Area 3 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than CA-1 or CA-2. CA-3 is intended to grow as a second-tier mixed-use area for the neighborhood and corridor, providing continuity along Hamilton by linking CA-1 and CA-2, while at the same time acting as a transition zone between the corridor environment and CA-4 and neighborhood areas immediately outside the HFBC Limits.

4. CA-4: Context Area 4 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than other context areas. CA-4 is intended to grow as a third-tier mixed-use area for the neighborhood and corridor, acting as a transition zone between the corridor environment and lower-density residential development immediately outside the FBC Limits. Though a mix of uses are allowed in CA-4, the area is envisioned as generally residential in scale and character.
5. Shopfront Street: provides for areas where specific uses, building placement, and other requirements apply. The shopfront street is generally applied to areas where business or retail use level with and directly along the public right-of-way is seen as critical.

B. Street Section Plan.

The Context Area Zones are complemented by the Street Section Plan which is included here as Figure 17C.123.030-2 and guides public and private development within the FBC Limits. The Street Section Plan defines four section types and describes amenities based upon the intended use, desired qualities, and community objectives. Right-of-ways shall not be vacated as the space is needed to incorporate the elements described in street designations below. Curb to property line and the sidewalk width shall not be reduced in order to allow for future Street Section elements. The four section types are listed and generally described in order of intensity, as follows:

1. Street Type 1 (Hamilton Street): Type 1 provides for and supports a mixed-use corridor environment (CA-1, CA-2, CA-3). Type 1 streets have wide, well-maintained sidewalks and pedestrian amenities to encourage strolling, walking, and shopping. They maintain a Planting Zone and Clear Pedestrian Zone on each side of the street.
2. Street Type 2 (Mission Avenue): Type 2 provides for and supports a blend of mixed-use and residential environments (CA-1, CA-4). Type 2 serves existing east/west arterial needs, and includes a median with turn lanes (at Hamilton), a Planting Zone and Clear Pedestrian Zone on each side of the street.
3. Street Type 3 (Includes Sinto, Sharp, Boone): Type 3 provides for and supports a mixed-use district environment (CA-2, CA-3, CA-4). Type 3 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.
4. Street Type 4 (Includes Augusta and Dakota): Type 4 provides for and supports an environment bridging between mixed-use and residential areas (CA-4). Type 4 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.

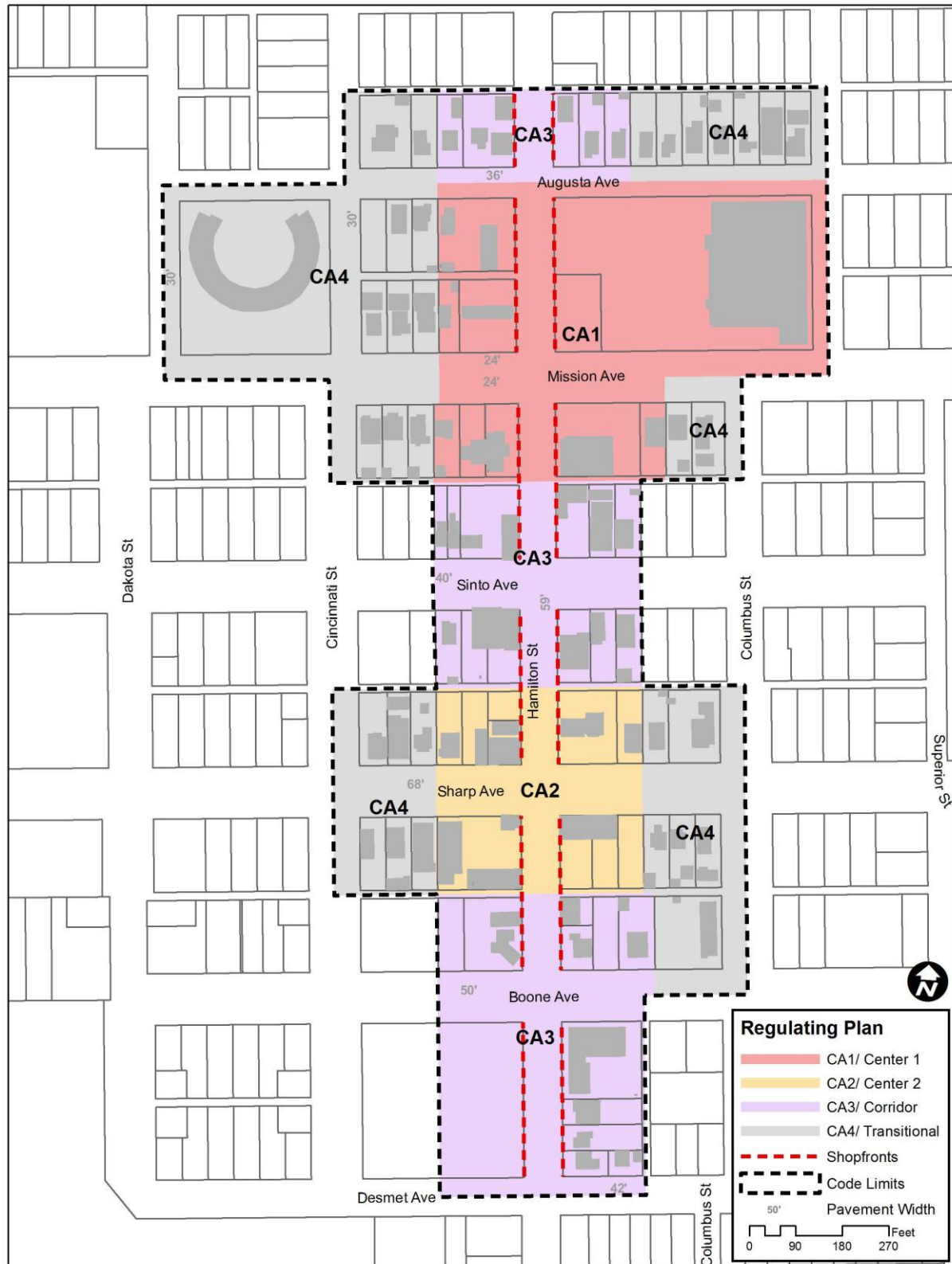


Figure 17C.123.030-1 Regulating Plan for the Form Based Code

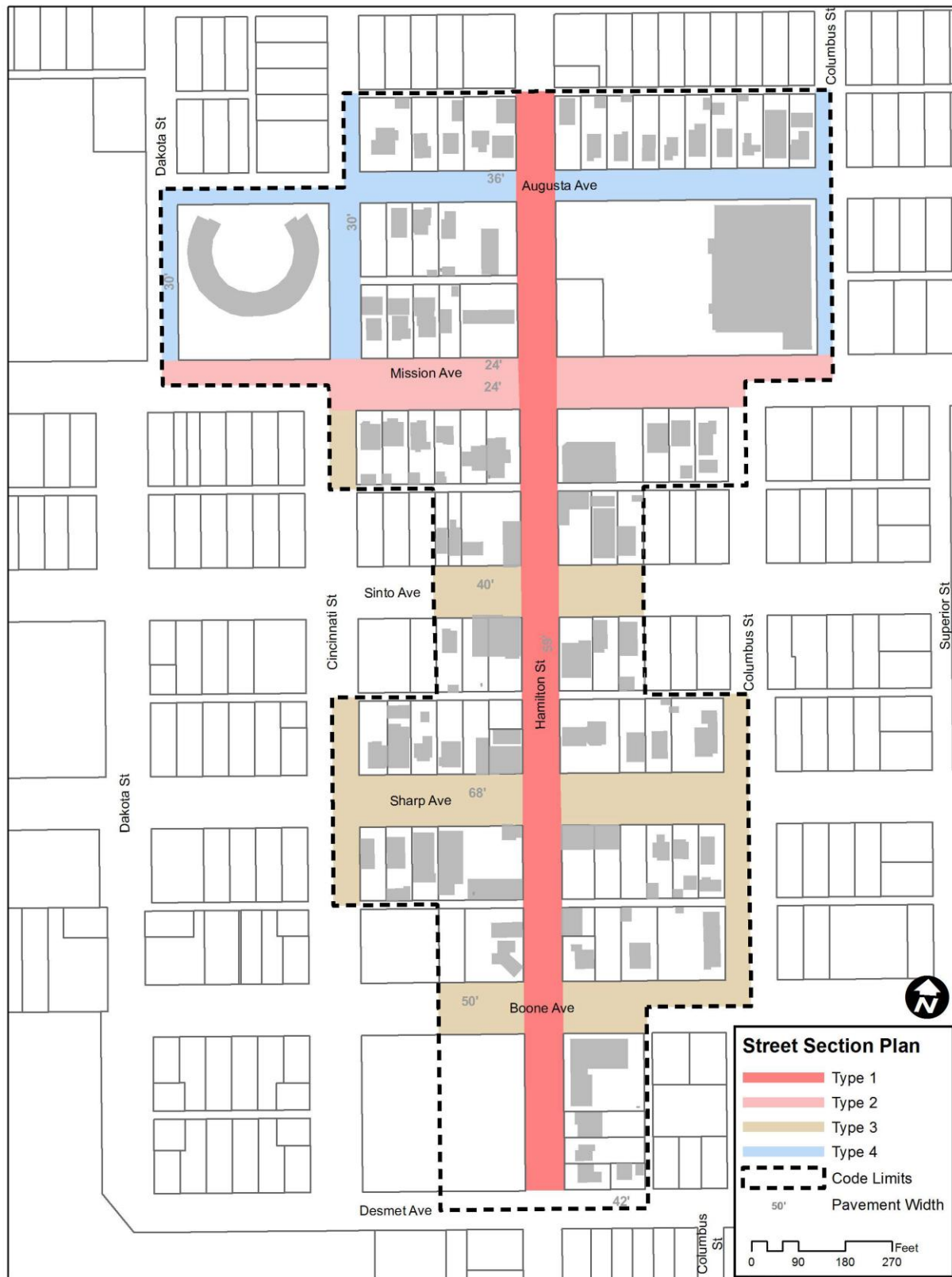


Figure 17C.123.030-2 Street Section Plan for the Form Based Code

17C.123.040 Land Use, Height, Placement and Parking

This section provides a broad range of allowable use categories within the Regulating Plan limits, specifying permitted and prohibited uses according to building story reflecting the development patterns expressed in the Regulating Plan. This section also regulates building height, placement, frontage and impervious surface coverage, specifying each within the Context Areas provided in the Regulating Plan and managing the transition between high-intensity mixed-use areas and low-intensity residential areas outside the limits of this form-based code. This section also regulates parking, parking lot location and treatment, and site lighting, consistent with the Regulating Plan. Conformance with these standards is critical to establishing the type of pedestrian and vehicular access patterns needed for the area to thrive as a vibrant, walkable district.

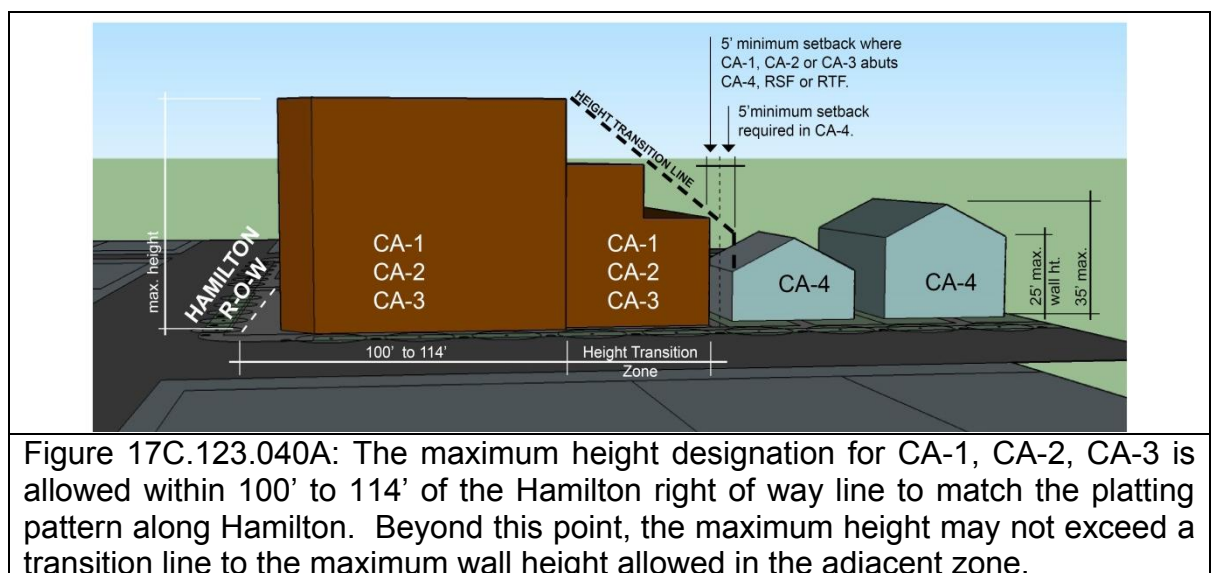
A. Use Provisions.

Use regulations are provided in figures 17.123.040-D through 17.123.040-G for all areas within the Regulating Plan. Uses deemed unsuitable for areas within the Regulating Plan area are specifically identified.

B. Building Height.

The height of buildings shall be measured from mean grade to top of cornice or roof eave and shall meet the specifications provided in figures 17.123.040-D through 17.123.040G. Building height measurements express regulatory standards.

1. Maximum height limits in CA-1, CA-2, and CA-3 are allowed only within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond 100' from Hamilton, proposals shall be designed with respect for the height, scale and character of adjacent zone as described in Figure 17C.123.040-A:



- C. Story listings are provided for reference purposes only, expressing typical outcomes for listed heights. Allowable height exceptions apply to the overall distance extending beyond the measured building height, as follows:
1. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.
 2. For flat roofs, Open Roof Structures (pergolas, arbors) and Architectural Roof Structures (turrets, etc.) may extend beyond the height limit by no more than 12'.
 3. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back no less than 20'.
- D. Shopfront Street Provisions.
Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces or other lot features at street corners.
- E. Impervious Surface Coverage.
Impervious surfaces shall not exceed the maximum impervious surface percentages (calculated on the basis of the lot) specified in Table 17C.123.040-1.

Table 17C.123.040-1 Impervious Surface Coverage

	CA-1	CA-2	CA-3	CA-4
Maximum Impervious Surface	90%	80%	70%	50%

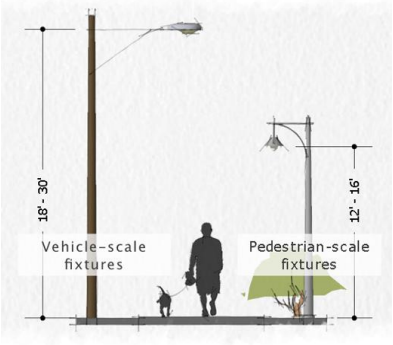
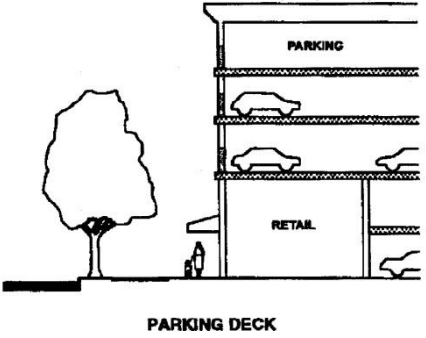
- F. Parking
1. Off-Street Surface Parking: Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.
 2. Parking Space and Aisle Dimensions: Standards for parking space and aisle dimension can be found in SMC 17C.230.140.
 3. Bicycle Parking: Requirements for bicycle parking are found in SMC 17C.230.200. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.
 4. Other Provisions: Additional parking requirements are stated in 17C.230 SMC, Parking and Loading. The FBC supersedes the location and

amount requirements for parking; these standards are identified for each context area in figures 17.123.040-D through 17.123.040-G.

G. Surface parking and site lighting.

Surface parking lot and site lighting shall contribute to the character and safety of the site and adjacent rights of way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:

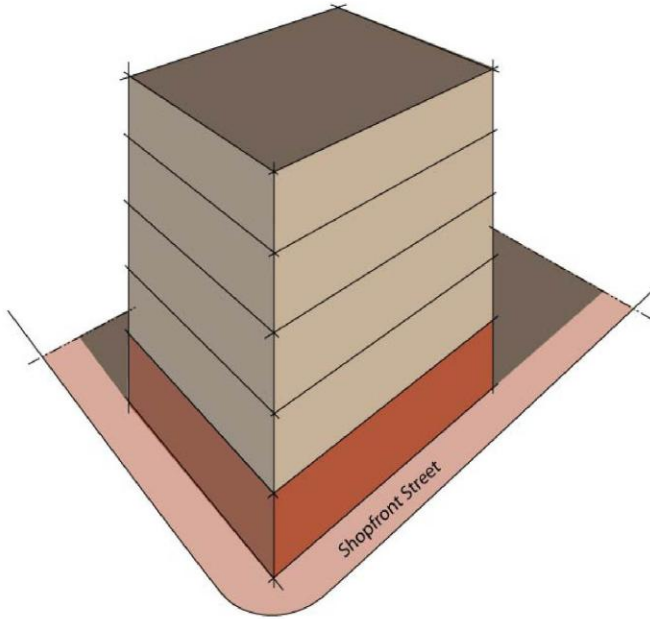
1. Lighting types - Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. (See Figure 17C.123.040-B)
2. Performance - Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.
3. Driveways/Site Access - Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.
4. Pedestrian Walkways - Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:
 - a. Six-inch vertical curbing
 - b. Textured paving, including across vehicle lanes
 - c. Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway
5. Shopfront Street Provisions - If fronting on a Shopfront Street, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-C).

	
<p>Figure 17C.123.040-B: Unless otherwise specified, Vehicle-Scale and Pedestrian Scale lighting fixtures must meet height criteria illustrated here.</p>	<p>Figure 17C.123.040-C: Parking garages (decks) along shopfront streets must provide ground-level retail, commercial or office space fronting the street.</p>

- H. Regulatory Cutsheets – The information presented in the tables in figures 17.123.040-D through 17.123.040-G represent the regulations for height, parking, land uses, build-to-lines, and building frontage for all Context Areas.
- I. Figure 17C.123.040-H supplements the regulatory cutsheets by providing visual representation for build-to-lines, interior lot lines and other standards.

Figure 17C.123.040-D

Context Area 1 (CA-1)



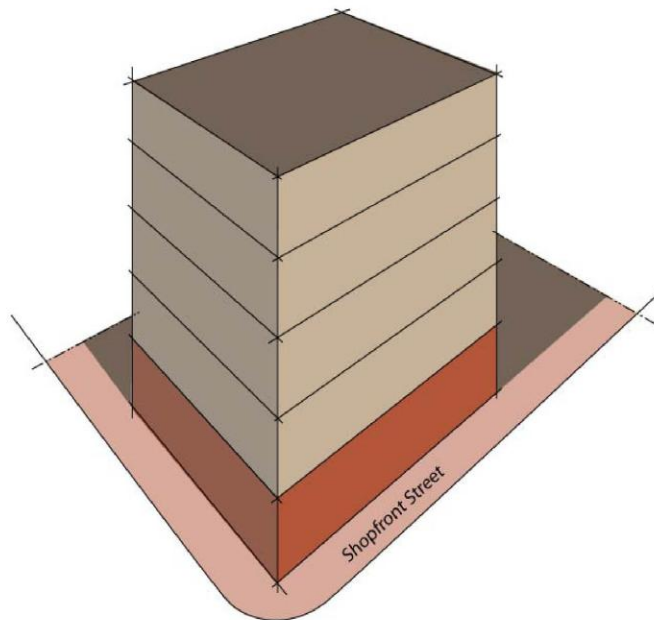
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, build-to-lines, coverage and frontage.

^[1] Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100'-114' of Hamilton property line	66' (five stories)	Height max.
Beyond 100'-114' Hamilton property line	Transition Standards as identified in 17C.123.040-A	
Maximum surface parking	2 spaces/500 sf floor area	Parking
Landscaping	See Section SMC 17C.200	
Location	To side or rear of building	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.200	
Residential, except where prohibited		Land uses
Non-Residential all floors		
Prohibited uses: Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses Residential uses on shopfront street Structured parking on shopfront street Auto-Related Uses Drive-through Facilities		
Street Type 1	5'min - 15' max ^[1]	Build-to line
Street Type 2 and 4	0'	
When within 50' of CA4	5'	
Street Type 3	Not applicable	
Alley	0'	Setback line
Interior lot line	0'	
Interior lot line if abutting CA-4	5'	
Street Type 1	80%	Building frontage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	0%	

Figure 17C.123.040-E

Context Area 2 (CA-2)



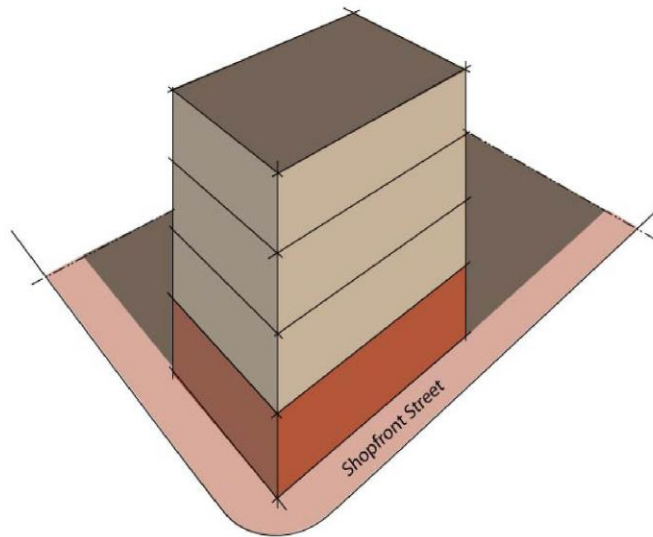
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

^[1] Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100'-114' of Hamilton property line	66' (five stories)	Height max.
Beyond 100'-114' Hamilton property line	Transition Standards as identified in 17C.123.040-A	
Maximum surface parking	2 spaces/500 sf floor area	Parking
Landscaping	See Section SMC17C.200	
Location	To side or rear of building	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.200	
Residential, except where prohibited		Land uses
Non-Residential all floors		
Prohibited uses: Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses Residential uses on shopfront street (ground floor) Structured parking on shopfront street (ground floor) Auto Related Uses Drive-Through Facilities		
Street Type 1	5'min - 15' max ^[1]	Build-to line
Street Type 2	Not applicable	
Street Type 3	0'	
When within 50' of CA4	5'	
Street Type 4	Not applicable	Setback line
Alley	0'	
Interior lot line	0'	
Interior lot line if abutting CA-4	5'	
Street Type 1	80%	Building frontage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

Figure 17C.123.040-F

Context Area 3 (CA-3)



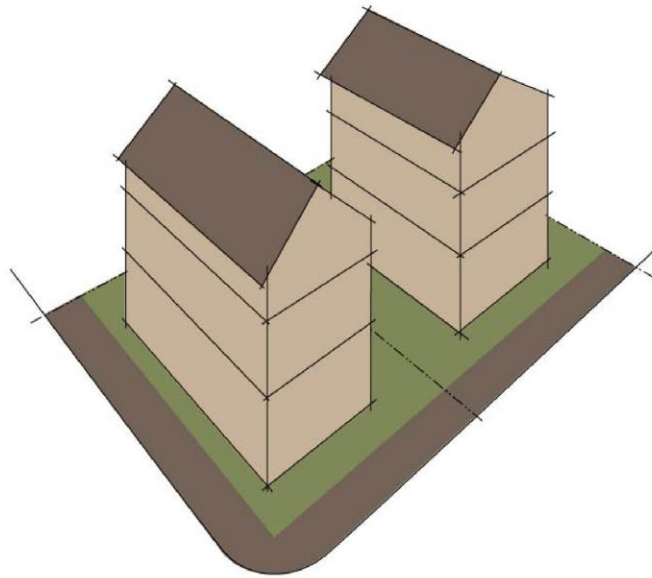
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

^[1] Build-to-lines shall establish a 12' foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type I. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shopfront within 100' -114' of Hamilton property line	54' (four stories)	Height max.
Beyond 100' -114' Hamilton property line	Transition Standards as identified in 17C.123.040-A	
Maximum surface parking	2 spaces/500 sf floor area	Parking
Landscaping	Section SMC 17C.200	
Location	To side or rear of building	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.200	
Residential, except where prohibited		Land uses
Non-Residential all floors		
Prohibited uses: Single-family (detached and townhouse) Heavy industrial, storage or warehouse Adult businesses Residential uses on shopfront street (ground floor) Structured parking on shopfront street (ground floor) Auto Related Uses Drive-Through Facilities		
Street Type 1	5' min - 15' max ^[1]	Build-to line
Street Type 2	Not Applicable	
Street Type 3, 4	0'	
When within 50' of CA4, RSF, or RTF	5'	
Alley	0'	Setback line
Interior lot line	0'	
Interior lot line if abutting CA4, RSF, or RTF		
Street Type 1	70%	Building frontage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

Figure 17C.123.040-F

Context Area 4 (CA-4)

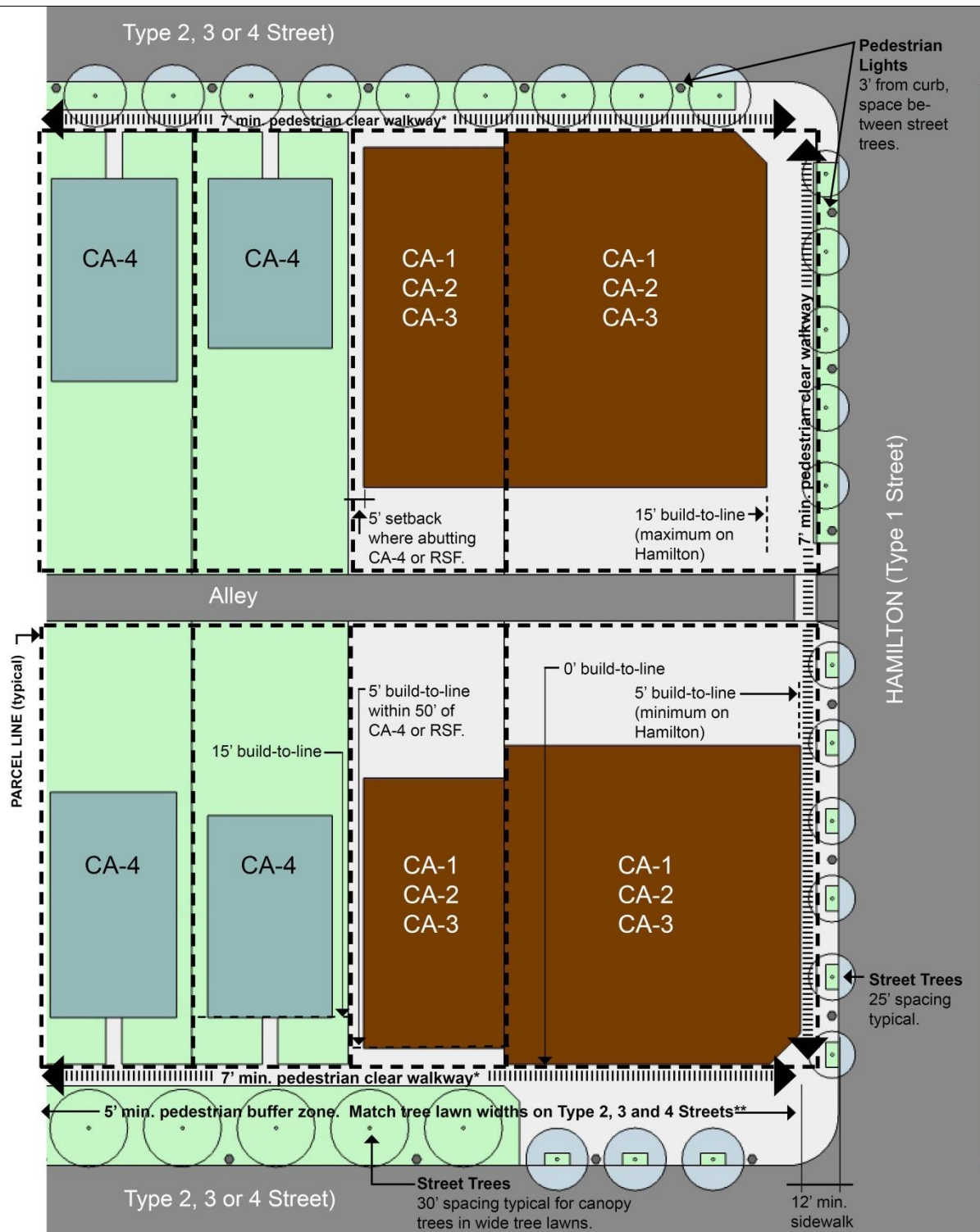


Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (building lines), coverage and frontage.

^[1] Attached garage or carport entrance is required to be setback twenty feet from the property line.

^[2] See SMC 17C.110.220(D)(1), setbacks regarding the use of front yard averaging.

Roof Height	35 feet	Height max.
Wall Height	25 feet	
Minimum off-street parking	1 space/ dwelling unit	Parking
Landscaping	See Section SMC17C.200	
Location	See Section SMC 17C.200	
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.140 SMC 17C.230.145	
Residential		Land uses
Non-Residential (on ground floor)		
Non-Residential Development shall have a Residential Component. Non Residential shall be no more than 3,000 sf floor area		
Prohibited uses: All industrial categories Parking (primary use), adult business, outdoor retail sales, outdoor storage, vehicle repair and servicing, and drive-through facility Mining Auto Related Uses Drive-Through Facilities Cell Towers		
Street Type 1	N/A	Build-to line
Street Type 2	15' ⁽¹⁾ (2)	
Street Type 3	15' ⁽¹⁾ (2)	
Street Type 4	15' ⁽¹⁾ (2)	
Alley	0'	Setback line
Interior lot line	5'	
Street Type 1	N/A	Building frontage min.
Street Type 2	60%	
Street Type 3	50%	
Street Type 4	None	



*If necessary to meet minimum standard widths, a portion of the pedestrian walkway may be on private property.

**Existing tree lawn widths vary on Type 2, Type 3 and Type 4 Streets. For tree health and enhanced pedestrian comfort, a wide pedestrian buffer zone to match existing is encouraged. Please see 17C.200.050 for additional street tree requirements.

Figure 17C.123.040-H Visual Diagram

17C.123.050 Streetscape Requirements

This section identifies features and specifications for commercial and residential streets and alleys within FBC Limits, keyed to the street types identified in the Street Section Plan and to Shopfront Street areas noted on the Regulating Plan. These criteria work to establish the type of active, economically vibrant public realm sought by the community, balancing vehicular access with the safety and convenience of pedestrians and other non-motorized modes of travel.

- A. Streetscape Requirements.
Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.

Table 17C.123.050-1 Streetscape Requirements ^[1]

	Type 1	Type 2	Type 3	Type 4	Alley
Sidewalks					
Overall Width (each side)	12' to 22'	12'	12'	12'	N/A
Type	A	A	A	A	N/A
Clear Pedestrian Zone	7'	7'	7'	7'	N/A
Planting Zone (each side) ^[2]	5'	5'	5'	5'	N/A
Street Furnishings					
Lighting, types	P ^[3]	P ^[3]	P ^[3]	P ^[3]	V
Planting, types	S	S/M	S/M	S	N/A
Benches	R	R	R	N/R	N/A
Trash receptacles	R	R	R	N/R	N/A
Bicycle parking	N/R	N/R	N/R	N/R	N/A

[1] See City of Spokane Department of Engineering Design Standards for additional specifications.

[2] Minimum size; Existing tree lawn widths vary on Type 2, 3 and 4 Streets. Additional setbacks, if any, should match existing tree lawn widths in the CA-4 zone. Please see 17C.200 for additional street tree requirements.

[3] See Figure 17C.123.050-B (below) for Pedestrian-Scale Lighting Standards

Parking Stall types: "A" = 8.5' W x 18' L parallel stalls; "B" = 9' W x 16' L angled stalls, back-in (60° ∠)

Sidewalk types: "A" = 4' x 2' scored concrete

Lighting types: "P" = Pedestrian scale; "V" = Vehicle scale

Planting types: "S" = Street trees; "M" = Median planting

Benches, Trash receptacles, Bicycle parking: "R" = Required; "N/R" = Not required

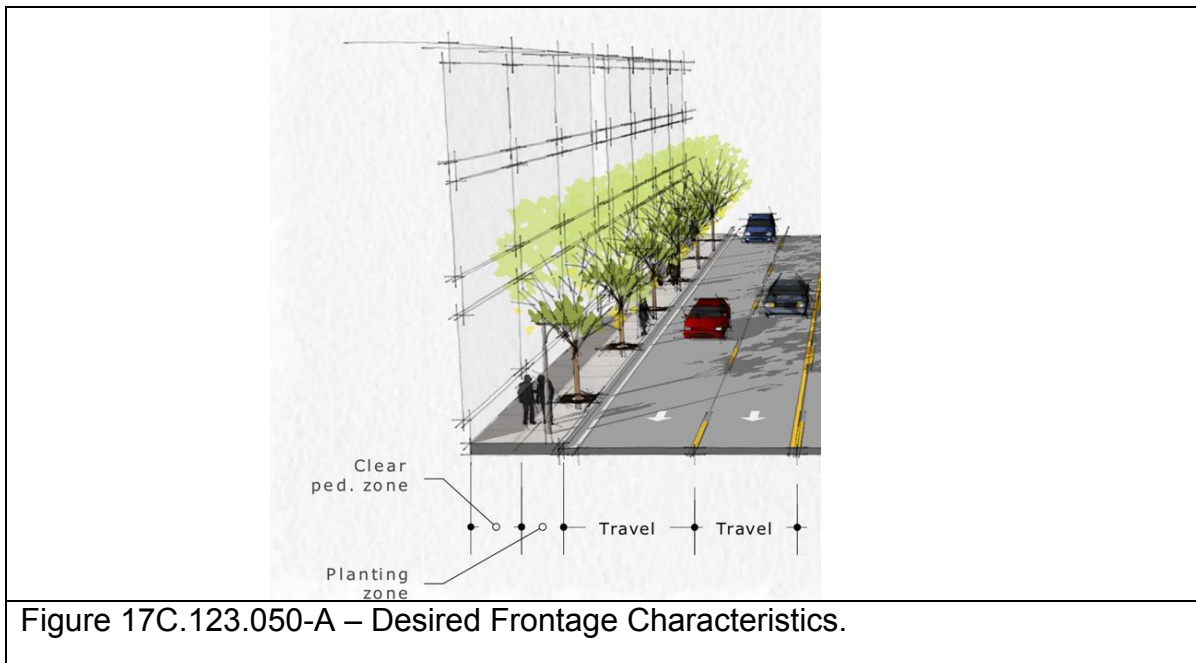


Figure 17C.123.050-A – Desired Frontage Characteristics.

B. Sidewalks.

The composition and color of sidewalks shall be as described in Table 17C.123.050-1, and shall be continued as they cross-vehicular driveways (See Figure 17C.123.050-E).

1. When the existing sidewalk width is less than 12 feet structures shall be allowed no closer than 12 feet from the back of the curb.
2. When the existing sidewalk width is greater than the bare minimum of 12 feet the sidewalk environment shall be designed to meet the intent of the Street Type designation of the street. Existing sidewalk width shall not be reduced or encroached upon by new development.

C. Street Furnishings, Placement.

Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-F). Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200(1)(b). Street furnishings

required in Table 17C.123.050-1 are to be provided in all Context Areas as follows:

1. Planting – Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200, Landscaping and Screening.
2. Lighting - City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-B (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36") from the curb to ensure a uniform distance from the street edge along the entire street.
3. City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.

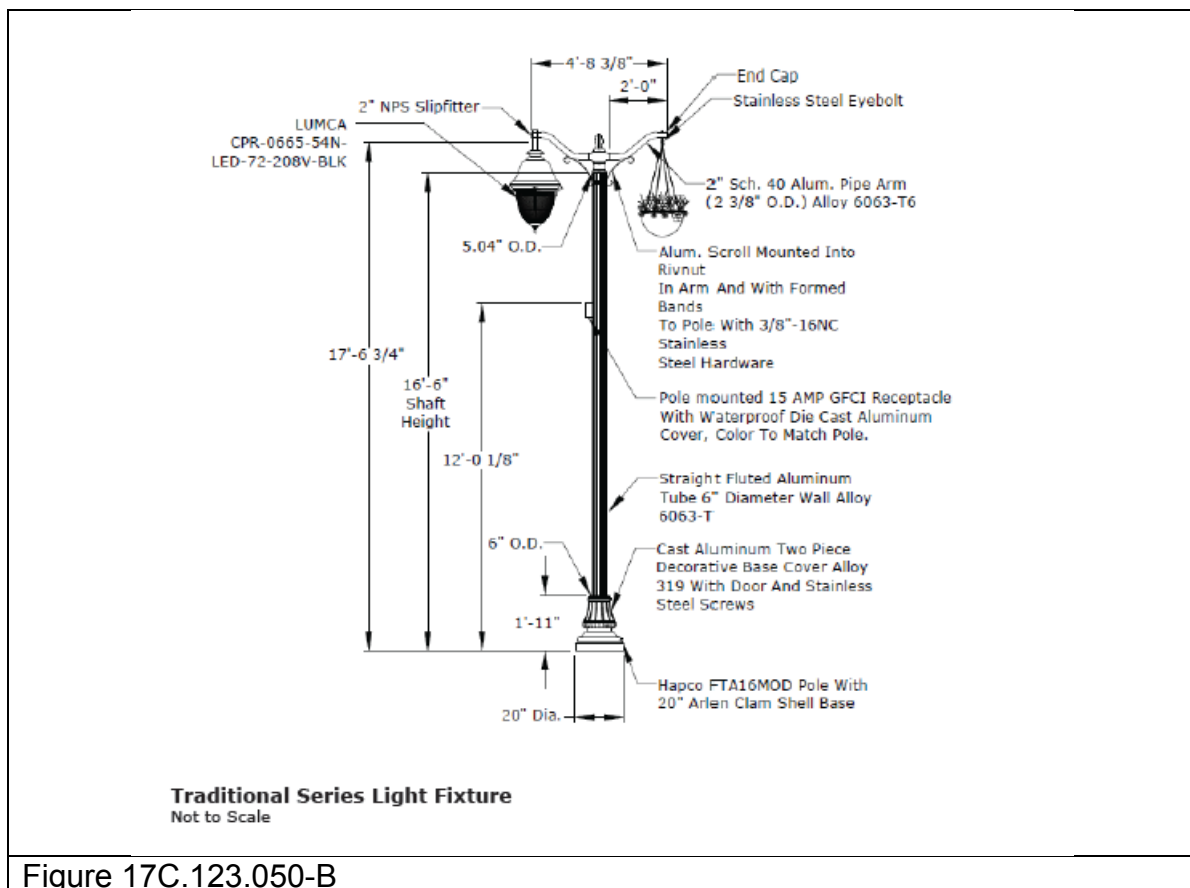




Figure 17C.123.050-E: Curb cuts and driveways may not interrupt sidewalk material and pattern requirements. Ramps may not encroach on Clear Pedestrian Zones.



Figure 17C.123.050-F: Temporary sidewalk encroachments are allowed in the Planting Zone, or in the Clear Pedestrian Zone as per Table 17C.123.060-1.

17C.123.060 Architectural Requirements

This section identifies general architectural requirements and guidelines, articulating basic façade requirements, roofline objectives, mechanical screening and other considerations. These requirements and guidelines establish important functional and aesthetic characteristics sought by the community and expressed by the Regulating Plan, ensuring the proper “fit” within the surrounding neighborhood.

A. Building Base.

For CA-1, CA2, CA3 and all Shopfront Street areas, building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9” and 16” above adjacent grade, and utilize at least one of the following:

1. “Heavier” material composition, such as a stronger, more permanent material than used on upper portions of the façade.
2. A horizontal projection showing visible thickening of the wall surface that may be accompanied by a change of material and/or color.
3. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing

visual separation between the first two floors (See Figure 17C.123.060-A).

B. Primary Building Entries.

For CA-1, CA2, CA3 and all Shopfront Street areas, Primary Building Entries shall face the street and be made visually prominent, including the use of a recommended accent material and at least one of the following:

1. Recessed entrance. Recessed entrance shall be recessed at least 3' from the building face.
2. Canopy or awning. Canopy or awning shall extend at least 5' from the building face, with a minimum height clearance of 8' above the sidewalk.
3. Inclusion of a volume that protrudes from the rest of building surface or an Architectural Roof Structure element physically or visually integrated with the Primary Building Entry (See Figure 17C.123.060-B).
4. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

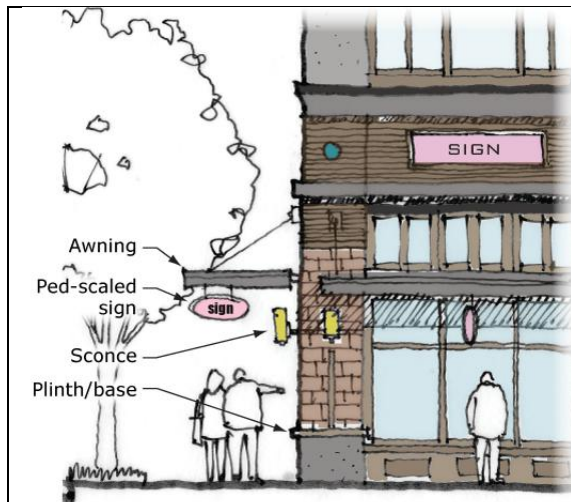


Figure 17C.123.060-A: Illustration of building base, pedestrian scale signs and other building elements described in the FBC.



Figure 17C.123.060-B: Primary Building Entrances must face the street and be made visually prominent using one or more architectural approaches listed in 17C.123.070 B.

C. Street-level Detailing.

For CA-1, CA2, CA3 and all Shopfront Street areas, street-level façades shall help create a more welcoming, aesthetically rich pedestrian environment by incorporating at least four of the following elements:

1. Canopies or awnings spanning at least 25% of the building façade. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.
2. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.
3. Decorative sconce, lantern or similar lighting, mounted to the building.
4. Projecting windowsills.
5. Decorative kick plates for entry doors.
6. Hanging planters supported by brackets mounted to the building.

D. Façade Transparency.

Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:

1. If fronting along a Shopfront Street, ground floor glazing shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.
2. If facing a public street, upper floor façades shall include a minimum of 30% clear glass windows.
3. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.

Table 17C.123.060-1 Glazing minimums, ground floor facades*

	CA-1	CA-2	CA-3	CA4
Along Shopfront Street	60%	60%	50%	N/A
Along Non-Shopfront Street	40%	30%	30%	30%

*Glazing percentages may include windows and doors.

- E. Blank Walls.
Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. In all CA areas, blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:
1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
 2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.
- F. Roof Lines.
In all CA areas, roofline elements shall adhere to the following standards:
1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).
 2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.
 3. Non-Enclosed, Enclosed and Architectural Roof Structure elements as defined by this code in are exempt from sections 17C.123.060 F.1 and 17C.123.060 F.2. Height limitations for such elements are provided in 17C.123.040.
- G. Equipment Screening.
In all CA zones visible from public rights-of-way, mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes shall be screened from view, adhering to the following standards:
1. Rooftop mechanical and electrical equipment shall be screened by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.
 2. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements, or screened by features designed to coordinate with the architectural character of the primary structure. Picket or chain-link fencing may not be used (See Figure 17C.123.060–C).
- H. Service Area Screening.
In all CA zones, service, loading and trash collection areas shall be hidden or screened from view along public rights-of way, and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood or metal, designed to coordinate with the architectural character of the primary structure. Screen walls shall also include one or more of the following:

1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.

I. Sign Standards.

For sign standards applying to all CA zones, see City of Spokane Municipal Code, Chapter 17C.240. For the purposes of signs standards CA1 and CA2 shall be evaluated as CC1 zone; CA3 shall be evaluated as CC2; and CA4 shall be evaluated as a residential zone.

J. Materials.

Use of quality building materials ensures that projects contribute to the overall value and character of properties within and adjacent to HFBC Limits. Buildings shall employ durable and high quality materials, such as steel, glass, brick, stone, and/or wood. (See Figure 17C.123.060–D).

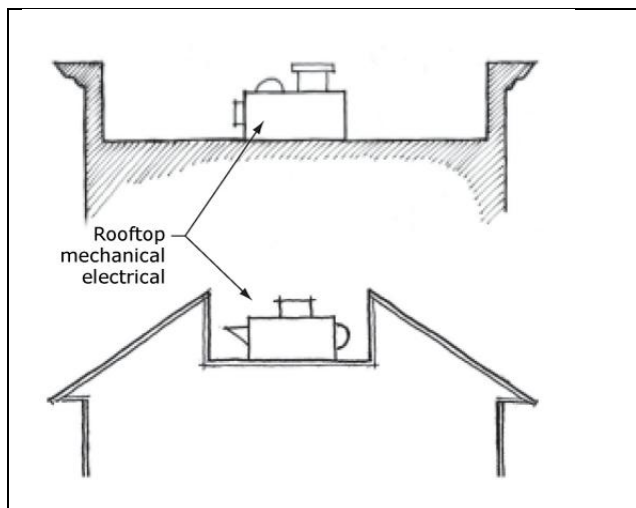


Figure 17C.123.060-C: Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.



Figure 17C.123.060-D: The HFBC provides standards and guidelines regarding building materials, helping realize community expectations for the corridor and neighborhood.

K. Guidelines.

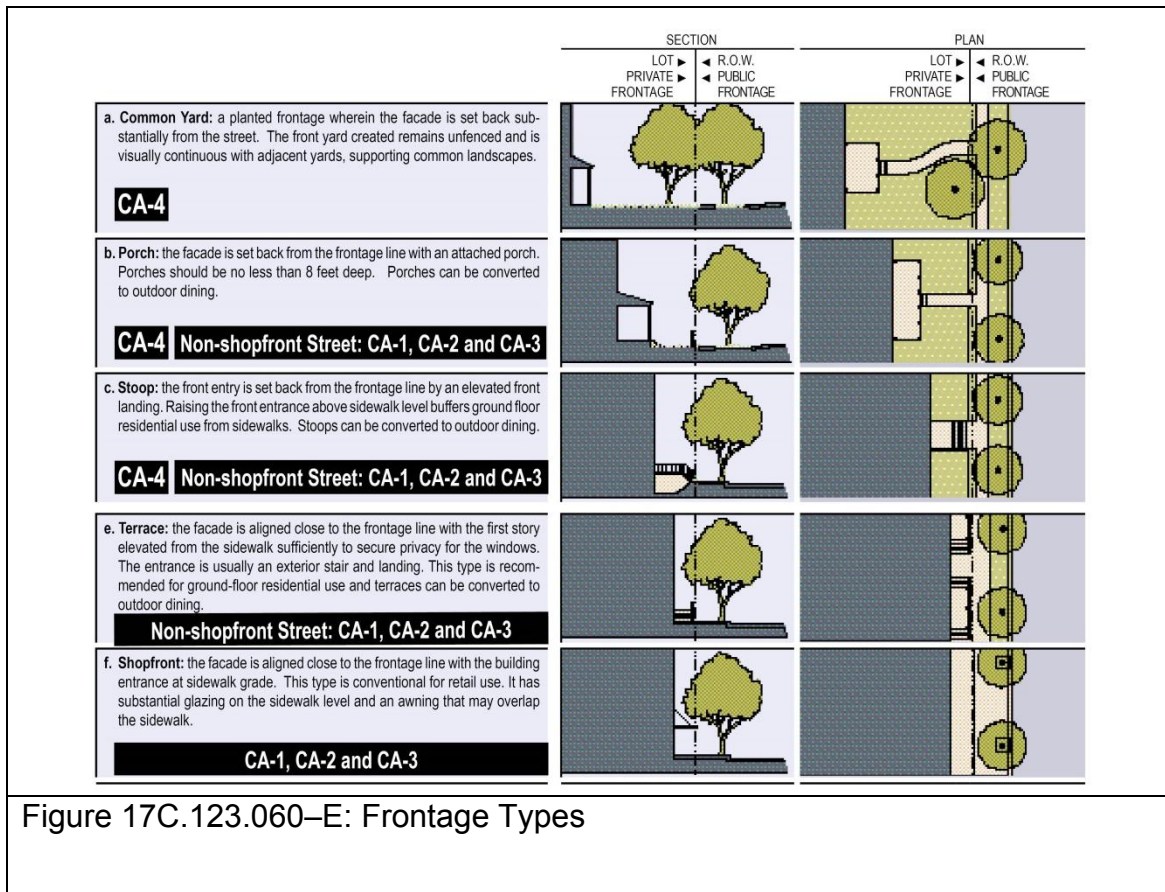
In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within all CA zones within Regulating Plan limits. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.

1. The use of sustainably harvested, salvaged, recycled reused products is encouraged wherever possible.
2. Optional - Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.
3. Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher-value materials and construction types may be used for reasons of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.
4. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including use of wrap-around corner pieces.
5. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.
6. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings and site features.
7. Recommended cladding materials include:
 - a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - e. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood

siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.

- f. Fiber-cement or cementitious siding. Fiber-cement planks, panels and shingles and are an acceptable substitute for wood siding when used in the formats described above under “Wood.”
 - g. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.
8. Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:
- a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - e. Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.
 - f. Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.

9. Rooflines. Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.
10. Recommended materials for roofs exposed and visible from public rights of way include:
 - a. Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.
 - b. Slate or slate-like materials.
 - c. Sheet metal shingles.
 - d. Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials, and be provided with adequate trim elements.
11. Special Paving. Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips
12. Frontage Types. Figure 17C.123.060E clarifies expectations for how buildings will meet the street.



17C.123.070 Additional Requirements

- A. Drive Through Facilities.
Drive-Through Facilities are prohibited in all Context Areas of the FBC.
- B. Nonconforming Situations.
Existing development that does not conform to the development standards of this chapter is subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.
- C. Nuisance-related Impacts.
 - 1. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 17C.220, Off Site Impacts.
 - 2. Other nuisances are further regulated by state and local laws.
- D. Outdoor Activities.

1. The standards of this section are intended to assure that outdoor sales, display, storage, and work activities:
 - a. will be consistent with the desired character of the zone;
 - b. will not be a detriment to the overall appearance of an area;
 - c. will not have adverse impacts on adjacent properties, especially those with residential uses; and
 - d. will not have an adverse impact on the environment.
2. Outdoor activities associated with permitted uses shall be permitted subject to the standards of the zone and as described below.
3. Outdoor Sales and Display Areas.
 - a. In the CA1 – CA3 zones, outdoor sales, and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.
 - b. Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA zones.
 - c. In the CA 4zone, outdoor sales and display areas are prohibited.
4. Outdoor Storage Areas.
 - a. Outdoor storage areas are not permitted in the CA1 – CA3 zones.
 - b. Outdoor storage areas in CA4 zones are subject to the standards of SMC 17C.110.270 Exterior Storage – Residential Zones.
5. Outdoor Activity Area Improvements.
 - a. Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.
 - b. In order to control dust and mud, all vehicle circulation areas must be paved.

E. Fences.

1. Purpose: The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any

required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

2. Type of Fences The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
3. Location, Height, and Design.
 - a. Street Setbacks.
 - i. No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.060.
 - ii. Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.
 - iii. Fences up to six feet high are allowed in required setback that is measured from a side lot line.
 - iv. Fences shall not reduce the required setback width of SMC 17C.123.060.
 - v. Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
 - vi. The height for fences that are not in required setbacks is the same as the regular height limits of the zone.
 - b. Sight-obscuring Fences and Walls.
 - i. Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.
4. Prohibited Fences.

- a. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.
 - b. No person may maintain a fence or barrier charged with electricity.
 - c. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
 - d. No permanent fence may reduce the required sidewalk width.
5. Visibility at Intersections.
- a. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets
 - b. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
 - i. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or
 - ii. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five-foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or
 - iii. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
 - 1. the inside line of the sidewalk; or
 - 2. if there is no sidewalk, a line seven feet inside the curb line.
6. Enclosures for Pools, Hot Tubs, or Ponds.
- a. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is

required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.

- b. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
- c. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
- d. No opening, except a door or gate may exceed four inches in any dimension.
- e. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.
- f. Outside of the door or gate must be at least fifty-four inches above the ground.

7. Reference to Other Standards.

- a. Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

E. Creation of new lots is subject to the standards of chapter 17G.080 SMC

This section provides a visual catalog of desired building characteristics for each Context Area. The purpose is to create a visual representation of building styles that are typical of the valued neighborhood character.

Context Area 1 (CA-1)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 1. Images are representational only.



CA-1 Non-Shopfront

See also CA-2, CA-3 and CA-4 Non-Shopfront.



CA-1 Corner

See also CA-2 and CA-3 Corner.



CA-1 Shopfront

See also CA-2 and CA-3 Shopfront.



CA-1 - 1 to 5 Story Buildings

Context Area 2 (CA-2)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 2. Images are representational only.



CA-2 Non-Shopfront

See also CA-3 and CA-4 Non-Shopfront.



CA-2 Corner

See also CA-3 Corner.

CA-2 Shopfront

See also CA-3 Shopfront.



CA-2 - 1 to 4 Story Buildings

Context Area 3 (CA-3)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 3. Images are representational only.



CA-3 Non-Shopfront

See also CA-4.



CA-3 Corner



CA-3 Shopfront



CA-3 - 1 to 2 Story Buildings

Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

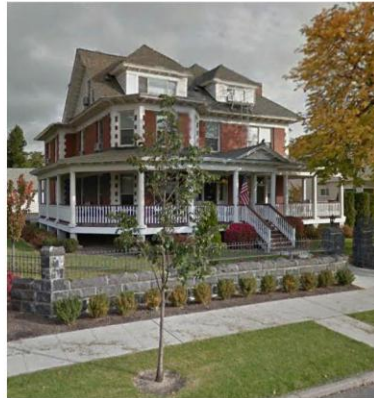
This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Small Footprint



CA-4 Medium Footprint



Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Large Footprint



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Image borrowed from daybreakutah.com

Section 2. That SMC section 17C.200.010 is amended to read as follows:

17C.200.010 Purpose

- A. The City of Spokane recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:
1. promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
 2. maintain and protect property values;
 3. enhance the visual appearance of the City;
 4. enhance the compatibility of new development with surrounding properties;
 5. preserve and enhance Spokane's urban forest;
 6. preserve and enhance existing vegetation;
 7. reduce stormwater runoff pollution, temperature, and volume;
 8. aid in energy conservation by providing shade and shelter from the wind; and
 9. promote water conservation and reduced maintenance.
- B. The following landscaping and screening standards are applicable to all sites in RA, RSF, RTF, RMF, RHD, O, OR, NR, NMU, CB, GC, CC, LI, PI HI, ~~((and))~~ downtown zones and FBC zones. These standards address materials, placement, layout, and timing of installation.

Section 3. That SMC section 17C.200.040 is amended to read as follows:

17C.200.040 Site Planting Standards

Sites shall be planted in accordance with the following standards:

- A. Street Frontages.
1. The type of plantings as specified below shall be provided inside the property lines:
 - a. along all commercial, light industrial, and planned industrial zoned properties except where buildings are built with no setback from the property line: a six-foot wide planting area of L2 see-through buffer,

including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.

- b. along all downtown, CC1, CC2, ~~((and))~~ CC4, and FBC zoned properties except where buildings are built with no setback from the property line, or along a Type 1 Street of the FBC: a five-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#), Street Tree Requirements. Remaining setback areas shall be planted in L3. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, or raised masonry planters (overall height including any plantings shall not exceed three feet) may be used to screen parking lots from adjacent streets and walkways.
 - c. in the heavy industrial zone, along a parking lot, outdoor sales, or
 - d. outdoor display area that is across from a residential zone: a six-foot wide planting area of L2 see-through buffer, including street trees as prescribed in [SMC 17C.200.050](#). Remaining setback areas shall be planted in L3.
 - e. in industrial zones, all uses in the commercial categories (see [chapter 17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the standards for uses in the general commercial (GC) zone.
 - f. along all RA, RSF, RTF, RMF, and RHD zones, except for single-family residences and duplexes: six feet of L3 open area landscaping, including street trees as prescribed in [SMC 17C.200.050](#). For residential development along principal and minor arterials, a six-foot high fence with shrubs and trees may be used for screening along street frontages. The fence and landscaping shall comply with the standards of [SMC 17C.120.310](#) for the clear view triangle and must be placed no closer than twelve feet from the curb line. A minimum of fifty percent of the fence line shall include shrubs and trees. The landscaping is required to be placed on the exterior (street side) of the fence.
2. Except for attached and detached single-family residences and duplexes, plantings may not exceed thirty-six inches in height or hang lower than ninety-six inches within the clear view triangle at street intersections on corner lots and at driveway entries to public streets. The clear view triangle is defined in [SMC 17C.120.310](#). The director of engineering services may further limit the height of plantings, landscaping structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



B. Other Property Perimeters.

A planting strip of five feet in width shall be provided along all other property lines except where buildings are built with no setback from the property line or where a parking lot adjoins another parking lot. The type of planting in this strip varies depending upon the zone designation of the properties sharing the property line (with or without an intervening alley) as indicated in the matrix below. Where properties with dissimilar zones share a common boundary, the property with the more intense zone shall determine the required type of planting. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries. Therefore, instead of each property providing a five-foot wide planting strip, they together could provide one five-foot wide planting strip, so long as the required planting type, as indicated in the matrix, is provided. Types of landscaping to be provided in planting strips alongside and rear property lines:

SUBJECT PROPERTY ZONE (vertical)	ADJACENT PROPERTY ZONE (horizontal)												
	RA	RSF	RTF	RMF	RHD	O, OR	NR, NMU	CB	GC	CC, <u>FBC</u>	LI, PI	HI	DT
RA	--	--	--	--	--	--	--	--	--	--	--	--	--
RSF	--	--	--	--	--	--	--	--	--	--	--	--	--
RTF	--	--	--	--	--	--	--	--	--	--	--	--	--
RMF	L2	L2	L2	L3	L2	L2	L2	L1	L1	L1	--	--	L1
RHD	L2	L2	L2	L2	L3	L2	L2	L2	L2	L2	--	--	L2
O, OR	L2	L2	L2	L2	L2	L3	L2	L2	L2	--	--	--	L2
NR, NMU	L2	L1	L2	L2	L2	L2	L3	L3	L2	--	--	--	L3
CB	L1	L1	L1	L1	L2	L2	L3	L3	L3	--	--	--	L3
GC	L1	L1	L1	L1	L2	L2	L2	L3	L3	--	--	--	L3
CC, <u>FBC</u>	L1	L1	L1	L1	L2	--	--	--	--	--	--	--	--
LI, PI [3]	L1	L1	L1	L1	L1	L1	L2	--	--	--	--	--	--
HI [3]	L1	L1	L1	L1	L1	L1	L1	--	--	--	--	--	--
DT	L1	L1	L1	L1	L1	L2	L2	L3	L3	--	--	--	--

Notes:

[1] In the industrial zones, all uses in the commercial categories (see [chapter 17C.190 SMC](#), Use Category Descriptions, Article III, Commercial Categories) are subject to the

standards for uses in the general commercial (GC) zone.

C. Planning Director Discretion.

The planning director shall have the discretion to waive or reduce the requirements of subsections (A)(1) and (B) of this section based on the following factors:

1. No useable space for landscaping exists between the proposed new structure and existing structures on adjoining lots or alleys because of inadequate sunlight or inadequate width.
2. The building setback provided in front of the new structure is less than six feet or is developed as a plaza with decorative paving/pavers, trees, planters, or other amenities.
3. Xeriscape landscaping is utilized in designated stormwater control areas.
4. When existing trees and other vegetation serves the same or similar function as the required landscaping, they may be substituted for the required landscaping if they are healthy and appropriate for the site at mature size. When existing trees are eight inches or more in diameter, they shall be equivalent to three required landscape trees. If necessary, supplemental landscaping shall be provided in areas where existing vegetation is utilized to accomplish the intent of this chapter.

D. Other Areas.

All other portions of a site not covered by structures, hard surfaces, or other prescribed landscaping shall be planted in L3 open area landscaping until the maximum landscape requirement threshold is reached (see [SMC 17C.200.080](#)).

E. Parking Lot Landscaping Design.

1. Purpose.

To reduce the visual impact of parking lots through landscaped areas, trellises, and/or other architectural features that complement the overall design and character of developments.



2. Parking Lot Landscaping Design Implementation.

This section is subject to the provisions of [SMC 17C.120.015](#), Design Standards Administration.

3. The parking lot landscape shall reinforce pedestrian and vehicle circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots. (P)

4. Planted areas next to a pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level. (R)



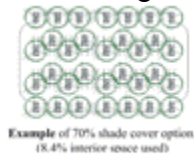
5. Low walls and raised planters (a maximum height of three feet), trellises with vines, architectural features, or special interest landscape features shall be used to define entrances to parking areas. Where signs are placed on walls, they shall be integrated into the design and complement the architecture or character of other site features. (P)
6. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design. (C)

F. Parking, Outdoor Sales, and Outdoor Display Areas.

1. In residential, commercial, ~~((and))~~ center and corridor, and FBC zones, a six-foot wide planting area of L2 see-through buffer landscaping shall be provided between any parking lot, outdoor sales, outdoor display area, and a street right-of-way. Living ground cover shall be used, with non-living materials (gravel, river rock, etc.) as accent only. In addition, earthen berms, trellises, low decorative masonry walls, raised masonry planters, or L1 visual screen landscaping shall be used to screen parking lots from adjacent streets and walkways (overall height including any plantings or structures shall not exceed three feet). Trees required as a part of the L2 landscape strip shall be located according to the standards for street trees in [SMC 17C.200.050](#), Street Tree Requirements.
2. In residential, commercial, ~~((and))~~ center and corridor, and FBC zones all parking stalls shall be within sixty feet of a planted area with L3 open area landscaping. All individual planting areas within parking lots shall be at least one hundred fifty square feet in size.
3. In residential, commercial, ~~((and))~~ center and corridor, and FBC zones all paved parking areas on a site with more than fifty cumulative parking spaces shall have plantings that satisfies one of the following options:
 - a. Option 1.
Interior landscaping consisting of L3 open area landscaping, including trees amounting to at least ten percent of the total area of the paved parking area, excluding required perimeter and street frontage strips. A minimum of one interior tree shall be planted for every six parking spaces.

b. Option 2.

Tree plantings shall be spaced in order that tree canopies cover a minimum of seventy percent of the entire paved area of the parking lot within fifteen years of project completion. Canopy coverage shall be measured in plan view, and be based on projected mature size of the selected tree species. All individual planting areas within parking lots shall be a minimum of eight feet in width, be at least one hundred fifty square feet in size, and in addition to the required trees, shall be planted with a living groundcover. See the “Landscape Plants for the Inland Northwest” issued by the Washington State University cooperative extension and the U.S. department of agriculture, available from the City planning services department, for acceptable mature tree size to be used when calculating canopy size.



4. Where parking lots are located between the building and a street, the amount of required interior landscaped area shall be increased by fifty percent and the minimum amount of tree shade cover shall increase to eighty percent. Where parking lots are behind buildings, the amount of interior landscaping may be decreased by fifty percent of what the code requires and the minimum amount of tree shade cover shall decrease to fifty percent.
5. A planting strip of five feet in depth with L1 visual screen landscaping or site-obscuring decorative wood, iron, etc. fences or masonry walls at least six feet in height shall be installed along property lines where any adjacent single-family residential zone would have views of parking or service areas.

6. A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.



7. In industrial zones, parking lots, outdoor sales, and outdoor display areas that are abutting or across the street from residential zones are subject to all of the requirements of subsections (E) and (F) of this section.
8. In industrial zones, all uses in the commercial categories (see [chapter 17C.190 SMC](#), Use Category Descriptions, Article III, Commercial

Categories) are subject to the standards for uses in the general commercial (GC) zones.

9. In downtown zones an applicant must demonstrate to the director that the following required elements meet the intent of the Downtown Design Guidelines. Key design elements for these features include integrating storm water facilities, improving the pedestrian environment, and adding public amenities next to surface parking; outdoor sales and outdoor display areas so that they help to define space and contribute to a more active street environment.

- a. **Surface Parking Lot Liner Walls in the Downtown Zones.**
Surface parking lots must have a solid, decorative concrete or masonry wall adjacent to a complete street and behind a sidewalk. The wall must have a minimum height above the surface of the parking lot of two and one-half feet and a maximum height of three feet. The wall shall screen automobile headlights from surrounding properties. A wrought iron fence may be constructed on top of the wall for a combined wall and fence height of six feet. An area with a minimum width of two feet, measured from the property line, must be provided, landscaped and maintained on the exterior of the required wall. Such walls, fences, and landscaping shall not interfere with the clear view triangle. Pedestrian access through the perimeter wall shall be spaced to provide convenient access between the parking lot and the sidewalk. There shall be a pedestrian access break in the perimeter wall at least every one hundred fifty feet and a minimum of one for every street frontage. Any paving or repaving of a parking lot over one thousand square feet triggers these requirements.



Parking liner walls with plantings contribute to an interesting pedestrian environment. The parking liner wall and screen pictured above is enhanced by larger wall sections near automobile crossing points and a change in sidewalk scoring pattern. Both give cues to pedestrians and drivers.

- b. Surface parking lots in the Downtown zones are subject to the interior parking lot landscaping standard sections (F)(2) through (F)(6).
- c. The exterior boundary of all surface parking lots adjacent to any public right-of-way must include trees spaced no more than twenty-five feet apart. The leaves of the trees or any other landscaping

features at maturity shall not obscure vision into the parking lot from a height of between three and eight feet from the ground. The species of trees shall be selected from the city's street tree list. If street trees exist or are provided consistent with [SMC 17C.200.050](#) then this landscaping strip may be omitted.

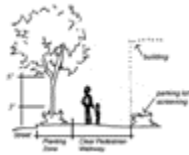
- d. Outdoor sales and display areas shall contribute to an interesting streetscape by providing the following:
 - i. Monument Features or Artistic Elements along the Street Edge between the Outdoor Display Area and the Sidewalk. These shall be integrated with display area lighting and pedestrian amenities.
 - ii. Additional Streetscape Features in the Sidewalk Environment.
Items may include elements that improve the health of street trees and plantings, improve storm water management, or artistic features that improve the pedestrian environment. This may include items such as permeable pavers in the pedestrian buffer strip, increased soil volumes for street trees, suspended sidewalks around the street tree to increase the amount of un-compacted soils, and engineered soils to support larger and healthier trees.

Section 4. That SMC section 17C.200.050 is amended to read as follows:

17C.200.050 Street Tree Requirements

- A. Purpose.
To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Spokane's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Spokane landscape and add to the livability of Spokane. They provide aesthetic and economic value to property owners and the community at large.
- B. Street Tree Implementation.
 - 1. Street trees are required along all city streets in downtown, commercial, center and corridor, industrial zones, ~~((and in))~~ residential zones, and in FBC zones.

2. Street trees shall be planted between the curb and the walking path of the sidewalk.



3. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner.
4. If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should be of a similar form, character and planting pattern.
5. For a full list of approved trees in the city of Spokane, see the urban forestry program's approved street tree list. Species selection should be guided by individual site conditions including hydrology, soil, solar orientation, and physical constraints.

C. Planting Zones.

1. Provide continuous planting strips or individual planting areas per Table 17C.200.050-1, Tree Planting Dimensional Standards.

TABLE 17C.200.050-1 Tree Planting Dimensional Standards [1]		
ZONE	CONTINUOUS PLANTING STRIP (minimum width as measured from back of curb)	INDIVIDUAL PLANTING AREA (width as measured from back of curb)
Downtown	Individual Planting Areas (tree vaults) required [1]	4 ft. minimum 6 ft. maximum [2]
CC	5 ft.	4 ft. minimum 6 ft. maximum [2]
<u>FBC</u>	<u>Individual Planting Areas (tree vaults) required [1]</u>	<u>5 ft [2]</u>
Commercial	5 ft.	4 ft. minimum 6 ft. maximum [2]
Industrial	6 ft.	Continuous Planting Strip required [3]
RA, RSF, RTF	6 ft.	Continuous Planting Strip required [3]
RMF, RHD	6 ft.	Continuous Planting Strip

		required [3]
School/Church Loading Zone	Not Applicable	4 ft. minimum 6 ft. maximum [2, 4]

Notes:

[1] Individual Planting Areas (tree vaults) are the standard for the Downtown and FBC Zones. Proposals for Continuous Planting Strips may be evaluated on a case by case basis.

[2] Un-compacted soils are necessary for street trees. Individual planting areas (or tree vaults) must be of a size to accommodate a minimum of 100 cubic feet of un-compacted soils per tree at a maximum depth of three feet. Refer to the Engineering Design Standards for examples of potential options in individual planting areas.

[3] Continuous Planting Strips are the standard for Industrial and Residential Zones. However, individual planting areas meeting the CC standard may be proposed and evaluated on a case by case basis in Industrial, RMF and RHD Zones.

[4] In all zones, within a school/church loading zone, street tree location may vary from the standard as long as street trees are located within the right-of-way.

[5] In all zones, when a continuous planting strip will double as a stormwater swale, the minimum width shall be 6.5 feet.

2. Continuous Planting Strips.

- a. Continuous planting strips may be planted with living ground cover or low plantings that are maintained at a height less than three feet from ground level.
- b. When auto traffic is immediately adjacent to the curb, new street trees must be planted at least three feet from the edge of the automobile travel way.



3. Individual Planting Areas.

- a. When an individual planting area is not symmetrical, the longer dimension shall run along the curb.
- b. Tree grates or plantings are acceptable. However, when there is on-street parking, a tree grate or a paved walk eighteen inches wide behind the curb are encouraged to help avoid conflicts with car doors and foot traffic. The minimum clear pedestrian walking path as required for the zone shall be maintained.

Tree Grates



Street Trees with plantings up to 3 ft.



- c. Where tree grates are used, they shall be ADA accessible and have a similar size and material as tree grates found in adjacent developments. Where tree grates are used, tree guards are encouraged for tree protection.

Tree Grate with Tree Guard



- d. Un-compacted soils are necessary for street trees. A minimum of one hundred cubic feet per tree at a maximum depth of three feet is required. See Engineering Design Standards for examples of potential options in individual planting areas and for retrofitting sidewalks.



D. Size Requirements for New Street Trees.

1. Street trees shall meet the most recent ANSI standards for a two-inch caliper tree at the time of planting
2. Larger shade trees with spreading canopies or branches are desirable where possible. Species of street trees within the public rights-of-way shall be approved by the City urban forester and reviewed by the director of engineering services.
3. If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and

maintenance crews.

E. Spacing Requirements for Street Tree Spacing.

The objective is to create a continuous tree canopy over the sidewalk.

1. Continuous planting strips.
Average spacing shall be twenty five feet for small and columnar trees and thirty feet for canopy trees. The planning director may allow increased spacing for exceptionally large trees or upon the recommendation of the urban forester.
2. Individual planting areas.
Average spacing for all tree sizes and types shall be twenty-five feet. Trees planted adjacent to parallel parking stalls with meters may be spaced twenty feet apart.
3. Street tree plantings shall consider the location of existing utilities, lighting, driveways, business entrances and existing and proposed signs. See the Engineering Design Standards for required dimensions.

F. Clear View Zone.

Landscaped areas between the curb and sidewalk, as well as landscaped areas within the clear view triangle as defined in [SMC 17C.120.310](#) shall be maintained or plant material chosen to maintain a vertical clear view zone between three and eight feet from ground level.



Section 5: that SMC section 17C.230.100 is amended to read as follows:

17C.230.100 General Standards

A. Where the Standards Apply.

The standards of this chapter apply to all parking areas in RA, RSF, RTF, RMF, RHD, O, OR, NR, NMU, CB, GC, Downtown, CC, ~~((and))~~ industrial ~~((zones))~~, and FBC zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a commercial parking use, or for a park and ride facility in the basic utilities use category. Some zoning categories have unique parking standards as provided in [Table 17C.230-1](#).

B. Occupancy.

All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in [chapter 17C.200 SMC](#), Landscaping and

Screening.

C. Calculations of Amounts of Required and Allowed Parking.

1. When computing parking spaces based on floor area, floor area dedicated for parking is not counted.
2. The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. For joint use parking, see [SMC 17C.230.110\(B\)\(2\)](#).
3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.

D. Use of Required Parking Spaces.

Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces, except for group living and residential household living uses. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces must be made available to employees; it cannot be restricted only to customers. See [SMC 17C.230.110\(B\)\(2\)](#). Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

E. Proximity of Parking to Use.

1. Required parking spaces for all industrial and commercial zones, except center and corridor zones, must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site. In center and corridor zones, parking is required to be located within six hundred feet of the use.
2. Required parking spaces for uses in the RA, RSF, RTF, and RMF zones must be located on the site of the use. Required parking for the uses in the RHD zone must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

F. Stacked Parking.

Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking.

- G. **On-Street Parking.**
The minimum number of required parking spaces may be reduced by the number of on-street parking spaces immediately adjacent to a site's public right-of-way frontages, located on the same side of the street. The street must be paved, with sidewalks that are ADA accessible. Each complete twenty linear foot section of right-of-way where parallel parking is permitted is considered a parking space. Where parallel, diagonal or other on-street parking is marked on the street or officially designated by other means; the number of complete parking spaces that are adjacent on the same side of the street to the site's frontage are counted. An on-street parking space shall not be counted if it is restricted in its use as a designated loading, taxi or other special use zone or if parking is prohibited for more than five hours any twenty four-hour period. When calculating the number of required bicycle parking spaces per [SMC 17C.230.200](#), the number of vehicle off-street parking spaces that would be required before this reduction is applied is the figure that is used.
- H. **Curb Cuts.**
Curb cuts and access restrictions are regulated by the City engineering services department. Other zoning standards or design guidelines may apply.

Section 6: that SMC section 17C.230.120 is amended to read as follows:

17C.230.120 Maximum Allowed Parking Spaces

- A. **Purpose.**
Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.
- B. **Maximum Number of Parking Spaces Allowed.**
Standards in a plan district or overlay zone may supersede the standards in this subsection.
1. **Surface Parking.**
The maximum number of parking spaces allowed is stated in Table 17C.230-1 and [Table 17C.230-2](#), except as specified in subsection (B)(2) of this section.
 2. **Structure Parking.**
Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed.

TABLE 17C.230-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230-2 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, RSF, RTF, RMF, RHD O, OR, NR, NMU, CB, GC, Industrial	All Land Uses	Minimum and maximum standards are shown in Table 17C.230-2 .
CC1, CC2, CC3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
CC4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.
Downtown [2]	All Land Uses	See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
<u>FBC [2]</u>	<u>All Land Uses</u>	<u>See SMC 17C.123.040, Hamilton Form Based Code for off-street parking requirements.</u>

Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3.
<p>[1] Standards in a plan district or overlay zone may supersede the standards of this table.</p> <p>[2] See exceptions in SMC 17C.230.130, CC and Downtown Zone Parking Exceptions.</p>		

Section 7: that SMC section 17C.230.130 is amended to read as follows:

17C.230.130 Parking Exceptions

- A. In center and corridor ~~((and))~~ downtown ~~((zones))~~, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.
- B. The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.
- C. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.
- D. Except in the residential single-family and residential two-family zones existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

**TABLE 17C.230-2
PARKING SPACES BY USE**
(Refer to [Table 17C.230-1](#) for Parking Space Standards by Zone)
CU = Conditional Use

RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
Residential Household Living		1 per unit plus 1 per bedroom after 3 bedrooms; 1 per Accessory Dwelling Unit (ADU); Single Resident Occupancy (SRO) are exempt	None
COMMERCIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area

	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area
INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft.	1 per 200 sq. ft. of floor area

		of floor area thereafter	
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom
	High School	7 per classroom	10.5 per classroom
OTHER CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review

Rail Lines and Utility Corridors		None	None
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Section 8: that SMC section 17C.230.140 is amended to read as follows:

17C.230.140 Development Standards

- A. Purpose
The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles.
- B. Where These Standards Apply
The standards of this section apply to all vehicle areas whether required or excess parking.
- C. Improvements
 - 1. Paving.
In order to control dust and mud, all vehicle areas must be surfaced with a minimum all-weather surface. Such surface shall be specified by the city engineer. Alternatives to the specified all-weather surface may be provided, subject to approval by the city engineer. The alternative must provide results equivalent to paving. All surfacing must provide for the following minimum standards of approval:
 - a. Dust is controlled.
 - b. Stormwater is treated to City standards; and
 - c. Rock and other debris is not tracked off-site.

The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the City determines that the alternative is not providing the results equivalent to paving or is not complying with the standards of approval, paving shall be required.
 - 2. Striping.
All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of subsection (E) of this section, except parking for single-family residences, duplexes, and accessory dwelling units.
 - 3. Protective Curbs Around Landscaping.
All perimeter and interior landscaped areas must have continuous, cast in place, or extruded protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards or other protective barriers may be used

at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers. This provision does not apply to single-family residence, duplexes and accessory dwelling units.

D. Stormwater Management

Stormwater runoff from parking lots is regulated by the engineering services department.

E. Parking Area Layout

1. Access to Parking Spaces.

All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

2. Parking Space and Aisle Dimensions.

a. Parking spaces and aisles in RA, RSF, RTF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC, and industrial zones must meet the minimum dimensions contained in Table 17C.230-3.

b. Parking spaces and aisles in Downtown ((~~and~~)) CC, and FBC CA1, CA2, CA3 zones must meet the minimum dimensions contained in Table 17C.230-4.

c. In all zones, on dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

3. Parking for Disabled Persons.

The city building services department regulates the following disabled person parking standards and access standards through the building code and the latest ANSI standards for accessible and usable buildings and facilities:

a. Dimensions of disabled person parking spaces and access aisles.

b. The minimum number of disabled person parking spaces required.

c. Location of disabled person parking spaces and circulation routes.

d. Curb cuts and ramps including slope, width and location; and

e. Signage and pavement markings.

4. A portion of a standard parking space may be landscaped instead of paved, as follows:

a. The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown in Figure 17C.230-3. Any vehicle overhang must be free from interference from sidewalks, landscaping, or other required elements.

b. Landscaping must be ground cover plants; and

- c. The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.
5. Engineering Services Department Review
The engineering services department reviews the layout of parking areas for compliance with the curb cut and access restrictions of [chapter 17H.010 SMC](#).

Table 17C.230-3
RA, RSF, RTF, RMF, RHD, FBC CA4, O, OR, NR, NMU, CB, GC and Industrial Zones
Minimum Parking Space and Aisle Dimensions [1, 2]

Angle (A)	Width (B)	Curb Length (C)	1-way Aisle Width (D)	2-way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	20 ft.	12 ft.	22 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	22 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	22 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	22 ft.	18 ft.
90°	8 ft. 6 in.	8 ft. 6 in.	22 ft.	22 ft.	18 ft.

Notes:

[1] See Figure 17C.230-4.

[2] Dimensions of parking spaces for the disabled are regulated by the building code. See [SMC 17C.230.140\(E\)\(3\)](#).

Table 17C.230-4
Downtown ((and)) CC, FBC CA1, CA2, and CA3 Zones
Minimum Parking Space and Aisle Dimensions [1, 2]

Angle (A)	Width (B)	Curb Length (C)	1-way Aisle Width (D)	2-way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	20 ft.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	20 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	20 ft.	17 ft. 6 in.
90°	8 ft. 6 in.	8 ft. 6 in.	20 ft.	20 ft.	16 ft.

Notes:

[1] See Figure 17C.230-4.

[2] Dimensions of parking spaces for the disabled are regulated by the building code. See [SMC 17C.230.140\(E\)\(3\)](#).

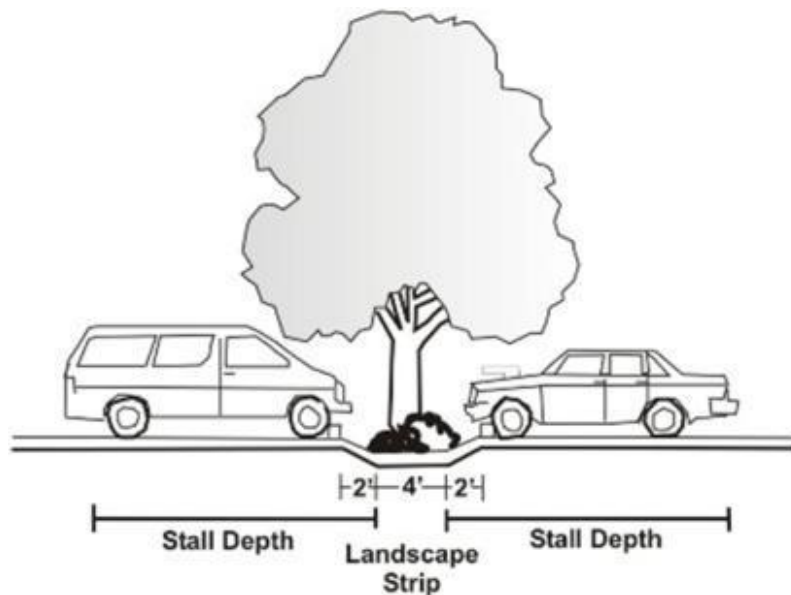


Figure 17C.230-3 Landscaped area at front of parking space

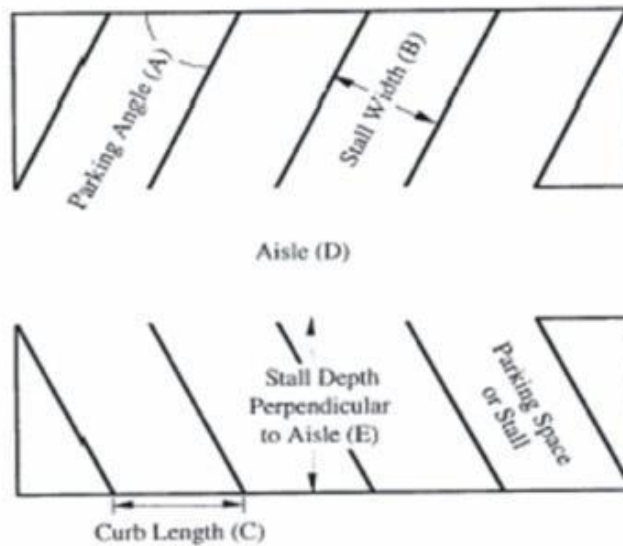
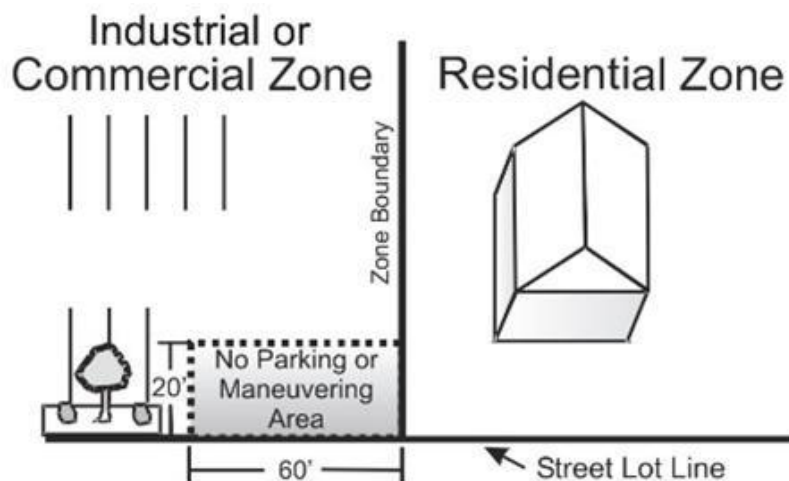


Figure 17C.230-4 Parking Dimension Factors

F. Parking Area Setbacks and Landscaping

1. For parking areas on sites abutting residential zoning districts, parking spaces or maneuvering areas for parking spaces, other than driveways that are perpendicular to the street, are not allowed within the first twenty feet from a street lot line for the first sixty feet from the boundary of the residential zoning district.



2. All landscaping must comply with the standards of [chapter 17C.200 SMC](#), Landscaping and Screening.

Section 9: that SMC section 17C.230.145 is amended to read as follows:

17C.230.145 Development Standards for Residential Uses

A. Purpose

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.



B. Structures These Regulations Apply To

The regulations of this section apply to residential uses in the RA, RSF, RTF, RMF, ((and)) RHD, FBC CA4 zones. The regulations apply to required and excess parking areas. Parking for mobile home parks is regulated in [chapter 17C.345 SMC](#), Manufactured Homes and Manufactured Home Parks.

C. Parking Area Locations

1. Required Parking.
Required parking spaces are not allowed within the first twenty feet from a front lot line or within side street lot line setback.
2. Non-required Parking.
Non-required parking spaces for personal passenger vehicles may be located in the first twenty feet from a front lot line or the side lot line setback in a driveway. The vehicle cannot overhang or block the sidewalk.
3. Utility trailers, motorized recreations vehicles and non-motorized accessory recreational vehicles cannot be stored in the first twenty feet from the front lot line nor the side street line.

4. Driveway Width.

- a. In the RA and RSF zones, no more than forty percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots, no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this subparagraph, a lot is allowed at least a nine-foot wide vehicle area.
- b. In the RTF, RMF, ((and)) RHD, FBC CA4 zones, no more than twenty percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. As an exception to the area limitations in this paragraph, a lot is allowed at least a nine-foot wide vehicle area.
- c. Exception.
Driveway coverage in the residential zones may exceed the size limitations of (4)(a) and (4)(b) above when the subject property is located on a principal arterial and the increase in site coverage is due to inadequate maneuvering area for the safe exit of vehicles from the site. The exception to driveway coverage is reviewed by the engineering services department as a portion of the driveway access permit.



5. Parking in Garages.
Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.
- D. Parking Space Sizes
A parking space must be at least nine feet by eighteen feet. The minimum driveway width on private property is nine feet.
- E. Paving
1. Generally.
All driveways and parking areas must be covered in an all weather surface.
 2. Exceptions.
 - a. Gravel surfaces may be approved by engineering services when the abutting street is not paved, and the applicant executes a covenant agreeing to pave the area if the street is paved in the future.
 - b. Utility trailers, motorized recreational vehicles and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

Section 10: that SMC section 17C.230.200 is amended to read as follows:

17C.230.200 Bicycle Parking

- A. Purpose.
Bicycle parking is required to encourage the use of bicycles by providing safe and convenient places to park bicycles.
1. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in RMF, RHD, CC1, CC2, CC3, CC4, O, OR, NR, NMU, CB, GC, and industrial zones for any new use which requires twenty or more automobile parking spaces according to [Table 17C.230-1](#) or [Table 17C.230-2](#). All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
 - a. The number of required bicycle parking spaces shall be five percent of the number of required off-street auto parking spaces.
 - b. When any covered automobile parking is provided, all bicycle parking shall be covered.
 2. Within downtown and FBC CA1, CA2, CA3, zones bicycle parking facilities, either off-street or in the street right-of-way, shall be provided.

The number of spaces shall be the largest amount based on either subsections (a) or (b) below.

- a. The number of required bicycle parking spaces shall be five percent of the number of off-street auto parking spaces being provided, whether the auto parking spaces are required by code or not.
 - b. A minimum of one bicycle parking space shall be provided for every ten thousand square feet of building area. When a building is less than ten thousand square feet in building area at least one bicycle parking space shall be provided.
 - c. When any covered automobile parking is provided, all bicycle parking shall be covered.
 - d. All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
3. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred feet of the lot. Bicycle parking accessory to residential uses shall be located on-site. Bicycle parking facilities shared by more than one use are encouraged. Bicycle and automobile parking areas shall be separated by a barrier or painted lines.

Section 11: that SMC section 17A.020.010 is amended to read as follows:

17A.020.010 “A” Definitions

- A. Abandoned Sign Structure.
A sign structure where no sign has been in place for a continuous period of at least six months.
- B. Aboveground Storage Tank or AST.
Any one or connected combination of tanks that is used to contain an accumulation of liquid critical materials and the aggregate volume of which (including the volume of piping connected thereto) is more than sixty gallons and the entire exterior surface area of the tank is above the ground and is able to be fully visually inspected. Tanks located in vaults or buildings that are to be visually inspected are considered to be aboveground tanks.
- C. Accepted.
A project for which the required plans have been found to be technically adequate.
- D. Accessory Dwelling Unit (ADU).
An accessory dwelling unit is a separate additional living unit, including separate

kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit, on a single-family lot. ADUs are known variously as:

1. "Mother-in-law apartments,"
2. "Accessory apartments," or
3. "Second units."

E. Accessory Structure.

A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure.

1. Accessory structures may be attached or detached from the primary structure.
2. Examples of accessory structures include:
 - a. Garages,
 - b. Decks,
 - c. Fences,
 - d. Trellises,
 - e. Flagpoles,
 - f. Stairways,
 - g. Heat pumps,
 - h. Awnings, and
 - i. Other structures.
3. See also [SMC 17A.020.160](#) ("Primary Structure").

F. Accessory Use.

A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

G. Activity.

See Regulated Activity.

H. Administrative Decision.

A permit decision by an officer authorized by the local government. The decision may be for approval, denial, or approval with conditions and is subject to the applicable development standards of the land use codes or development codes.

I. Adult Bookstore or Adult Video Store.

1. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any

one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified anatomical areas,” as defined in [SMC 17A.020.190](#), or “specified sexual activities,” as defined in [SMC 17A.020.190](#). A “principal business activity” exists where the commercial establishment meets any one or more of the following criteria:

- a. At least thirty percent of the establishment’s displayed merchandise consists of said items; or
- b. At least thirty percent of the retail value (defined as the price charged to customers) of the establishment’s displayed merchandise consists of said items; or
- c. At least thirty percent of the establishment’s revenues derive from the sale or rental, for any form of consideration, of said items; or
- d. The establishment maintains at least thirty percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
- e. The establishment maintains at least five hundred square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in “floor space maintained for the display, sale, and/or rental of said items”); or
- f. The establishment regularly offers for sale or rental at least two thousand of said items; or
- g. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using “adult,” “XXX,” “sex,” “erotic,” or substantially similar language, as an establishment that caters to adult sexual interests.

- 2. For purposes of this definition, the term “floor space” means the space inside an establishment that is visible or accessible to patrons, excluding restrooms.

J. Adult Business.
An “adult bookstore or adult video store,” an “adult entertainment establishment,”

or a “sex paraphernalia store.”

K. Adult Entertainment Establishment.

1. An “adult entertainment establishment” is an enclosed building, or any portion thereof, used for presenting performances, activities, or material relating to “specified sexual activities” as defined in [SMC 17A.020.190](#) or “specified anatomical areas” as defined in [SMC 17A.020.190](#) for observation by patrons therein.
2. A motion picture theater is considered an adult entertainment establishment if the preponderance of the films presented is distinguished or characterized by an emphasis on the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. A hotel or motel providing overnight accommodations is not considered an adult entertainment establishment merely because it provides adult closed circuit television programming in its rooms for its registered overnight guests.

L. Adult Family Home.

A residential use as defined and licensed by the state of Washington in a dwelling unit.

M. Agency or Agencies.

The adopting jurisdiction(s), depending on the context.

N. Agricultural Activities.

1. Pursuant to WAC 173-26-020(3)(a), agricultural uses and practices including, but not limited to:
 - a. Producing, breeding, or increasing agricultural products;
 - b. Rotating and changing agricultural crops;
 - c. Allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded;
 - d. Allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions;
 - e. Allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement;
 - f. Conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment;

- g. Maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is not closer to the shoreline than the original facility; and
 - h. Maintaining agricultural lands under production or cultivation.
 - 2. The City of Spokane shoreline master program defines agriculture activities as:
 - a. Low-intensity agricultural use is defined as passive grazing and plant cultivation; or
 - b. High-intensity agricultural use includes such activities as feedlots, feed mills, packing plants, agricultural processing plants or warehouse for the purpose of processing, packing, and storage of agricultural products.
- O. **Agricultural Land.**
Areas on which agricultural activities are conducted as of the date of adoption of the updated shoreline master program pursuant to the State shoreline guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements herein.
- P. **AKART.**
An acronym for “all known, available, and reasonable methods to control toxicants” as used in the sense of the state Water Pollution Control Act and RCW 90.48.520 thereof. AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.
- Q. **Alkali Wetlands.**
Alkali wetlands means wetlands characterized by the occurrence of shallow saline water. In eastern Washington, these wetlands contain surface water with specific conductance that exceeds three thousand micromhos/cm. They have unique plants and animals that are not found anywhere else in eastern Washington such as the alkali bee. Conditions within these wetlands cannot be easily reproduced through compensatory mitigation.
- R. **Alley.**
See “Public Way” ([SMC 17A.020.160](#)).
- S. **Alteration.**
A physical change to a structure or site.
 - 1. Alteration does not include normal maintenance and repair or total demolition.

2. Alteration does include the following:
 - a. Changes to the facade of a building.
 - b. Changes to the interior of a building.
 - c. Increases or decreases in floor area of a building; or
 - d. Changes to other structures on the site, or the development of new structures.
- T. Alteration of Plat, Short Plat, or Binding Site Plan.
The alteration of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in a change to conditions of approval or the deletion of existing lots or the change of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment subject to [SMC 17G.080.030](#).
- U. Alternative or Post-incarceration Facility.
A group living use where the residents are on probation or parole.
- V. Alternative Tower Structure (“Stealth” Technology).
Manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also “Low Visual Impact Facility”—[SMC 17A.020.120](#)).
- W. Antenna Array (Wireless Communication Antenna Array).
 1. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).
 2. Wireless communication antenna array shall be considered an accessory use provided they are located upon an existing structure.
- X. Antenna Height.
The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including the antenna.
- Y. Antenna Support Structure.
Any pole, telescoping mast, tower tripod, or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.
- Z. API 653.
The American Petroleum Institute’s standards for tank inspection, repair, alteration, and reconstruction.

AA. Appeal.

A request for review of the interpretation of any provision of Title 17 SMC.

AB. Appeal – Standing For.

As provided under RCW 36.70C.060, persons who have standing are limited to the following:

1. The applicant and the owner of property to which the land use decision is directed; and
2. Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - d. The petitioner has exhausted his or her administrative remedies to the extent required by law (RCW 36.70C.060).

AC. Applicant.

An application for a permit, certificate, or approval under the land use codes must be made by or on behalf of all owners of the land and improvements. "Owners" are all persons having a real property interest. Owners include:

1. Holder of fee title or a life estate;
2. Holder of purchaser's interest in a sale contract in good standing;
3. Holder of seller's interest in a sale contract in breach or in default;
4. Grantor of deed of trust;
5. Presumptively, a legal owner and a taxpayer of record;
6. Fiduciary representative of an owner;
7. Person having a right of possession or control; or
8. Any one of a number of co-owners, including joint, in common, by entireties, and spouses as to community property.

- AD. Application – Complete.
An application that is both counter-complete and determined to be substantially complete as set forth in [SMC 17G.060.090](#).
- AE. Aquaculture.
The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, and may require development such as fish hatcheries, rearing pens and structures, and shellfish rafts, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of free-swimming fish or the harvest of shellfish not artificially planted or maintained, including the harvest of wild stock geoducks on DNR-managed lands.
- AF. Aquatic Life.
Shall mean all living organisms, whether flora or fauna, in or on water.
- AG. Aquifer or Spokane Aquifer.
A subterranean body of flowing water, also known as the Spokane-Rathdrum Aquifer, that runs from Pend Oreille Lake to the Little Spokane River.
- AH. Aquifer Sensitive Area (ASA).
That area or overlay zone from which runoff directly recharges the aquifer, including the surface over the aquifer itself and the hillside areas immediately adjacent to the aquifer. The area is shown in the map adopted as part of [SMC 17E.050.260](#).
- AI. Aquifer Water Quality Indicators.
Common chemicals used for aquifer water quality screening. These are:
1. Calcium,
 2. Magnesium,
 3. Sodium,
 4. Total hardness,
 5. Chloride,
 6. Nitrate-nitrogen, and
 7. Phosphorus.
- AJ. Archaeological Areas and Historical Sites.
Sites containing material evidence of past human life, such as structures and tools and/or cultural sites with past significant historical events. These sites are a nonrenewable resource and provided a critical educational link with the past.
- AK. Architectural feature

Ornamental or decorative feature attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AL. Architectural Roof Structure

Minor tower or turret extending from the cornice or main roof line of a building, typically highlighting a primary corner or building entry. For purposes of the FBC, such features may not be occupied.

~~((AK-))~~ AM. Area of Shallow Flooding.

A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM).

1. The base flood depths range from one to three feet.
2. A clearly defined channel does not exist.
3. The path of flooding is unpredictable and indeterminate.
4. Velocity flow may be evident.
5. AO is characterized as sheet flow and AH indicates ponding.

~~((AL-))~~ AN. Area of Special Flood Hazard.

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

~~((AM-))~~ AO. Arterial.

See:

1. "Principal Arterials" – [SMC 17A.020.160](#),
2. "Minor Arterials" – [SMC 17A.020.130](#),
3. "Collector Arterial" – [SMC 17A.020.030](#), or
4. "Parkway" – [SMC 17A.020.160](#).

~~((AN-))~~ AP. Assisted Living Facility.

A multi-family residential use licensed by the state of Washington as a boarding home pursuant to chapter 18.20 RCW, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes.

1. An "assisted living facility" contains multiple assisted living units.

2. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((AQ-))~~ AQ. Attached Housing.

Two or more dwelling units that are single-family residences on individual lots attached by a common wall at a shared property line. These include:

1. Townhouses,
2. Row houses, and
3. Other similar structures

~~((AP-))~~ AR. Attached Structure.

Any structure that is attached by a common wall to a dwelling unit.

1. The common wall must be shared for at least fifty percent of the length of the side of the principal dwelling.
2. A breezeway is not considered a common wall.
3. Structures including garages, carports, and house additions attached to the principal dwelling unit with a breezeway are still detached structures for purposes of this chapter and its administration.

~~((AQ-))~~ AS. Available Capacity.

Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion, or modification (RCW 76.70A.020).

~~((AR-))~~ AT. Average Grade Level.

Means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure.

AU. Awning

A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

Section 12: that SMC section 17A.020.020 is amended to read as follows:

17A.020.020 “B” Definitions

- A. Backed Sign.
A sign where the faces of the sign are parallel or within twenty degrees of parallel to each other.
- B. Balloon Sign.
A sign that is blown up with air or gas.
- C. Bank Carving.
The incorporation of masses of alluvium or other weak bank materials into a stream channel because of undermining, usually in high flow stages.
- D. Bank Erosion.
The incorporation of masses of alluvium or other weak bank materials into a stream channel.
- E. Bankfull Width.
 - 1. For streams, the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section.
 - 2. For lakes, ponds, and impoundments, line of mean high water.
 - 3. For periodically inundated areas of associated wetlands, line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.
- F. Banner.
A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also include non-rigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind. See also Flag.
- G. Bas-relief
Sculptural form in which shapes or figures are carved in a flat surface and project only slightly from the background.
- ~~((G.))~~ H. Base Flood.
 - 1. The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the “one hundred year flood.”
 - 2. Designation on maps always includes the letters A or V.

- ((H-)) L. **Basement.**
The portion of a building having its floor sub-grade (below ground level) on all sides.
- ((I-)) J. **Bedrock.**
Means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
- ((J-)) K. **Bee.**
Any stage of development of the common domestic honeybee, *Apis mellifera* species.
- ((K-)) L. **Beekeeper.**
A person owning, possession, or controlling one or more colonies of bees.
- ((L-)) M. **Best Available Science.**
Current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process.
- ((M-)) N. **Best Management Practices.**
The utilization of methods, techniques, or products that have been demonstrated to be the most effective and reliable in minimizing environmental impacts.
- ((N-)) O. **Bikeways/Pathways.**
Facilities designated for use by commuters and recreational users on foot or bicycle. The following types of bikeway facilities are identified and further defined in the Spokane Regional Pedestrian/Bikeway Plan published by the Spokane Regional Transportation Council:
1. Residential bikeway.
 2. Shared-use lane.
 3. Paved shoulder.
 4. Bicycle lane.
 5. Shared-use pathway.
- ((O-)) P. **Binding Site Plan – Final.**
A drawing to a scale which:
1. identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters provided in [SMC 17G.080.060](#);

2. contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land; and
3. contains provisions making any development be in conformity with the site plan.
4. A binding site plan can only be used on property zoned commercial or industrial.

- ~~((P-))~~ Q. Binding Site Plan – Preliminary.
A neat and approximate drawing of a proposed binding site plan showing the general layout of streets, alleys, lots, blocks, and other elements required by this chapter. The preliminary binding site plan shall be the basis for the approval or disapproval of the general layout of a binding site plan.
- ~~((Q-))~~ R. Block.
A group of lots, tracts, or parcels within well-defined and fixed boundaries. Blocks shall be recognized as closed polygons, bordered by street right-of-way lines, addition lines, or a combination of the two, unless an alley is desired, in which case a block is comprised of two closed polygons bordered by street and alley right-of-way lines.
- ~~((R-))~~ S. Block Frontage.
All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts.
- ~~((S-))~~ T. Board.
The board of county commissioners of Spokane County.
- ~~((T-))~~ U. Boating Facilities.
Boating facilities include uses for boat or launch ramps. Boating facility use generally requires shoreline modification with impacts to the shoreline both waterward and landward of the ordinary high-water marks.
- ~~((U-))~~ V. Boundary Line Adjustment.
A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

- ~~((V-))~~ W. Breakaway Wall.
A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- ~~((W-))~~ X. Breezeway.
A breezeway is a roofed passageway joining two separate structures.
- ~~((X-))~~ Y. Building.
 1. A “building” is a structure, or part, used or intended for supporting or sheltering any use or occupancy.
 2. The term includes “factory-built structure” and “mobile home.”
 3. “Building” does not include a recreational vehicle.
 4. “Building” means a structure that has a roof and is enclosed on at least fifty percent of the area of its sides for purposes of administration of zoning provisions.
- Z. Building Base
The plinth or platform upon which a building wall appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.
- ~~((Y-))~~ AA. Building Coverage.
Building coverage is the total amount of ground area covered by a structure or structures.
 1. For purposes of calculating building coverage, covered porches, covered decks, pergolas, trellis, or other feature covering a deck, patio or porch are considered structures and included in the building coverage calculations.
 2. Building coverage also includes uncovered horizontal structures such as decks, stairways, and entry bridges that are more than forty-two inches above grade.
 3. The calculation of building coverage includes the measurements of structures from the exterior wall including protrusions such as bay windows, but does not include the eave overhang.
- ~~((Z-))~~ AB. Building Envelope.
The area of a lot that delineates where a building may be placed.

- AC. Building Frontage
The length of any side of a building which fronts on a public street,
measured in a straight line parallel with the abutting street
- AD. Build-to Line
An alignment establishing a certain distance from the property line (street
right-of- way line) along which the building is required to be built.
- ~~((AA.))~~ AE. Bulkhead.
A solid or open pile wall erected generally parallel to and near the ordinary high-water mark for the purpose of protecting adjacent uplands from water or erosion. Bulkheads are considered a “hard” shoreline stabilization measure.

Section 13: that SMC section 17A.020.030 is amended to read as follows:

17A.020.030 “C” Definitions

- A. Candidate Species.
A species of fish or wildlife, which is being reviewed, for possible classification as threatened or endangered.
- B. Carport.
A carport is a garage not entirely enclosed on all sides by sight-obscuring walls and/or doors.
- C. Cellular Telecommunications Facility.
They consist of the equipment and structures involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.
- D. Central Business District.
The general phrase “central business district” refers to the area designated on the comprehensive plan as the “downtown” and includes all of the area encompassed by all of the downtown zoning categories combined.
- E. Certificate of Appropriateness.
Written authorization issued by the commission or its designee permitting an alteration or significant change to the controlled features of a landmark or landmark site after its nomination has been approved by the commission.
- F. Certificate of Capacity.
A document issued by the planning services department indicating the quantity of

capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

- G. **Certified Erosion and Sediment Control Lead (CESCL).**
An individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess the:
1. site conditions and construction activities that could impact the quality of stormwater, and
 2. effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
- The CESCL shall have current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington State department of ecology.
- H. **Change of Use.**
For purposes of modification of a preliminary plat, “change of use” shall mean a change in the proposed use of lots (e.g., residential to commercial).
- I. **Channel Migration Zone (CMZ).**
A corridor of variable width that includes the current river plus adjacent area through which the channel has migrated or is likely to migrate within a given timeframe, usually one hundred years.
- J. **Channelization.**
The straightening, relocation, deepening, or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.
- K. **City.**
The City of Spokane, Washington.
- L. **Clear Street Width.**
The width of a street from curb to curb minus the width of on-street parking lanes.
- M. **Clear Pedestrian Zone**
Area reserved for pedestrian traffic; typically included herein as a portion of overall sidewalk width to be kept clear of obstructions to foot traffic.
- ~~((M.))~~ **N.** **Clear Zone.**
An unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles.
- ~~((N.))~~ **O.** **Clearing.**
The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as

cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

((Q-)) P.

Cliffs.

1. A type of habitat in the Washington department of fish and wildlife (WDFW) priority habitat and species system that is considered a priority due to its limited availability, unique species usage, and significance as breeding habitat. Cliffs are greater than twenty-five feet high and below five thousand feet elevation.
2. A "cliff" is a steep slope of earth materials, or near vertical rock exposure. Cliffs are categorized as erosion landforms due to the processes of erosion and weathering that produce them. Structural cliffs may form as the result of fault displacement or the resistance of a cap rock to uniform downcutting. Erosional cliffs form along shorelines or valley walls where the most extensive erosion takes place at the base of the slope.

((P-)) Q.

Closed Record Appeal Hearing.

A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that relies on the existing record created during a quasi-judicial hearing on the application. No new testimony or submission of new evidence and information is allowed.

((Q-)) R.

Collector Arterial.

A relatively low speed street serving an individual neighborhood.

1. Collector arterials are typically two-lane roads with on-street parking.
2. Their function is to collect and distribute traffic from local access streets to principal and minor arterials.

((R-)) S.

Co-location.

Is the locating of wireless communications equipment from more than one provider on one structure at one site.

((S-)) T.

Colony.

A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen, and brood.

((T-)) U.

Commercial Driveway.

Any driveway access to a public street other than one serving a single-family or duplex residence on a single lot.

- ~~((U.))~~ V. Commercial Vehicle.
Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.
- ~~((V.))~~ W. Commission – Historic Landmarks.
The City/County historic landmarks commission.
- ~~((W.))~~ X. Community Banner.
A temporary banner made of sturdy cloth or vinyl that is not commercial advertising that has the purpose of the promotion of a civic event, public service announcement, holiday decorations, or similar community and cultural interests and is placed on a structure located in the public right-of-way, subject to procedures authorized by city administrator.
- ~~((X.))~~ Y. Community Meeting.
An informal meeting, workshop, or other public meeting to obtain comments from the public or other agencies on a proposed project permit prior to the submission of an application.
1. A community meeting is between an applicant and owners, residents of property in the immediate vicinity of the site of a proposed project, the public, and any registered neighborhood organization or community council responsible for the geographic area containing the site of the proposal, conducted prior to the submission of an application to the City of Spokane.
 2. A community meeting does not constitute an open record hearing.
 3. The proceedings at a community meeting may be recorded and a report or recommendation shall be included in the permit application file.
- ~~((Y.))~~ Z. Compensatory Mitigation.
Replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:
1. Restoration.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation.
 2. Re-establishment.
The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities

could include removing fill material, plugging ditches, or breaking drain tiles.

3. Rehabilitation.

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

4. Creation (Establishment).

The manipulations of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

5. Enhancement.

The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat.

Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

6. Protection/Maintenance (Preservation).

Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, may result in a gain in functions, and will be used only in exceptional circumstances.

((Z)) AA.

Comprehensive Plan.

The City of Spokane comprehensive plan, a document adopted pursuant to chapter 36.70A RCW providing land use designations, goals and

policies regarding land use, housing, capital facilities, housing, transportation, and utilities.

- ((AA)) AB. Conceptual Landscape Plan.
A scale drawing showing the same information as a general site plan plus the location, type, size, and width of landscape areas as required by the provisions of [chapter 17C.200 SMC](#).
1. The type of landscaping, L1, L2, or L3, is required to be labeled.
 2. It is not a requirement to designate the scientific name of plant materials on the conceptual landscape plan.
- ((AB)) AC. Concurrency Certificate.
A certificate or letter from a department or agency that is responsible for a determination of the adequacy of facilities to serve a proposed development, pursuant to [chapter 17D.010 SMC](#), Concurrency Certification.
- ((AG)) AD. Concurrency Facilities.
Facilities for which concurrency is required in accordance with the provisions of this chapter. They are:
1. transportation,
 2. public water,
 3. fire protection,
 4. police protection,
 5. parks and recreation,
 6. libraries,
 7. solid waste disposal and recycling,
 8. schools, and
 9. public wastewater (sewer and stormwater).
- ((AD)) AE. Concurrency Test.
The comparison of an applicant's impact on concurrency facilities to the available capacity for public water, public wastewater (sewer and stormwater), solid waste disposal and recycling, and planned capacity for transportation, fire protection, police protection, schools, parks and recreation, and libraries as required in [SMC 17D.010.020](#).
- ((AE)) AF. Conditional Use Permit.
A "conditional use permit" and a "special permit" are the same type of permit application for purposes of administration of this title.
- ((AF)) AG. Condominium.
Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless

the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to chapter 64.34 RCW.

- ((AG)) AH. Confidential Shelter.
Shelters for victims of domestic violence, as defined and regulated in chapter 70.123 RCW and WAC 248-554. Such facilities are characterized by a need for confidentiality.
- ((AH)) AI. Congregate Residence.
A dwelling unit in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family residences for which special or reasonable accommodation has been granted.
- ((AI)) AJ. Conservancy Environments.
Those areas designated as the most environmentally sensitive and requiring the most protection in the current shoreline master program or as hereafter amended.
- ((AJ)) AK. Container.
Any vessel of sixty gallons or less in capacity used for transporting or storing critical materials.
- AL. Context Areas
Established by the Regulating Plan, Context Area designations describe and direct differing functions and features for areas within FBC limits, implementing community goals for the built environment.
- ((AK)) AM. Conveyance.
In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means a mechanism for transporting water from one point to another, including pipes, ditches, and channels.
- ((AL)) AN. Conveyance System.
In the context of [chapter 17D.090 SMC](#) or [chapter 17D.060 SMC](#), this term means the drainage facilities and features, both natural and constructed, which collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to receiving water. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels, and most flow control and water quality treatment facilities.
- ((AM)) AO. Copy.
Letters, characters, illustrations, logos, graphics, symbols, writing, or any

combination thereof designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

- ((AN)) AP. Cottage Housing.
1. A grouping of individual structures where each structure contains one dwelling unit.
 2. The land underneath the structures is not divided into separate lots.
 3. A cottage housing development may contain no less than six and no more than twelve individual structures in addition to detached accessory buildings for storing vehicles. It may also include a community building, garden shed, or other facility for use of the residents.
- ((AO)) AQ. Council.
The city council of the City of Spokane.
- ((AP)) AR. County.
Usually capitalized, means the entity of local government or, usually not capitalized, means the geographic area of the county, not including the territory of incorporated cities and towns.
- ((AQ)) AS. Covenants, Conditions, and Restrictions (CC&Rs).
A document setting forth the covenants, conditions, and restrictions applicable to a development, recorded with the Spokane County auditor and, typically, enforced by a property owner's association or other legal entity.
- ((AR)) AT. Creep.
Slow, downslope movement of the layer of loose rock and soil resting on bedrock due to gravity.
- ((AS)) AU. Critical Amount.
The quantity component of the definition of critical material.
- ((AT)) AV. Critical Areas.
Any areas of frequent flooding, geologic hazard, fish and wildlife habitat, aquifer sensitive areas, or wetlands as defined under [chapter 17E.010 SMC](#), [chapter 17E.020 SMC](#), [chapter 17E.030 SMC](#), [chapter 17E.040 SMC](#), and [chapter 17E.070.SMC](#).
- ((AU)) AW. Critical Facility.
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to:
1. schools;

2. nursing homes;
3. hospitals;
4. police;
5. fire;
6. emergency response installations; and
7. installations which produce, use, or store hazardous materials or hazardous waste.

((AV)) AX. Critical Material.

1. A compound or substance, or class thereof, designated by the division director of public works and utilities which, by intentional or accidental release into the aquifer or ASA, could result in the impairment of one or more of the beneficial uses of aquifer water and/or impair aquifer water quality indicator levels. Beneficial uses include, but are not limited to:
 - a. domestic and industrial water supply,
 - b. agricultural irrigation,
 - c. stock water, and
 - d. fish propagation.

Used herein, the designation is distinguished from state or other designation.

2. A list of critical materials is contained in the Critical Materials Handbook, including any City modifications thereto.

((AW)) AY. Critical Material Activity.

A land use or other activity designated by the manager of engineering services as involving or likely to involve critical materials.

A list of critical materials activities is contained in the Critical Materials Handbook.

((AX)) AZ. Critical Materials Handbook.

1. The latest edition of a publication as approved and amended by the division director of public works and utilities from time to time to accomplish the purposes of this chapter. The handbook is based on the original prepared by the Spokane water quality management program ("208") coordination office, with the assistance of its technical advisory committee. It is on file with the director of engineering services and available for public inspection and purchase.
2. The handbook, as approved and modified by the division director of public works and utilities , contains:
 - a. a critical materials list,
 - b. a critical materials activities list, and

- c. other technical specifications and information.
3. The handbook is incorporated herein by reference. Its provisions are deemed regulations authorized hereunder and a mandatory part of this chapter.

((A~~Y~~)) BA. Critical Review.

The process of evaluating a land use permit request or other activity to determine whether critical materials or critical materials activities are involved and, if so, to determine what appropriate measures should be required for protection of the aquifer and/or implementation of the Spokane aquifer water quality management plan.

((A~~Z~~)) BB. Critical Review Action.

1. An action by a municipal official or body upon an application as follows:
 - a. Application for a building permit where plans and specifications are required, except for Group R and M occupancies ([SMC 17G.010.140](#) and [SMC 17G.010.150](#)).
 - b. Application for a shoreline substantial development permit ([SMC 17G.060.070\(B\)\(1\)](#)).
 - c. Application for a certificate of occupancy ([SMC 17G.010.170](#)).
 - d. Application for a variance or a certificate of compliance ([SMC 17G.060.070\(A\)](#) or [SMC 17G.060.070\(B\)\(1\)](#)).
 - e. Application for rezoning ([SMC 17G.060.070\(A\)](#)).
 - f. Application for conditional permit ([SMC 17G.060.070\(A\)](#)).
 - g. Application for a business license ([SMC 8.01.120](#)).
 - h. Application for a permit under the Fire Code ([SMC 17F.080.060](#)).
 - i. Application for a permit or approval requiring environmental review in an environmentally sensitive area ([SMC 17E.050.260](#)).
 - j. Application for connection to the City sewer or water system.
 - k. Application for construction or continuing use of an onsite sewage disposal system ([SMC 13.03.0149](#) and [SMC 13.03.0304](#)).
 - l. Application for sewer service with non-conforming or non-standard sewage ([SMC 13.03.0145](#), [SMC 13.03.0314](#), and [SMC 13.03.0324](#)).

- m. Application involving a project identified in [SMC 17E.010.120](#).
 - n. Issuance or renewal of franchise; franchisee use of cathodic protection also requires approval or a franchise affecting the City water supply or water system.
 - o. Application for an underground storage tank permit ([SMC 17E.010.210](#)); and
 - p. Application for permit to install or retrofit aboveground storage tank(s) ([SMC 17E.010.060\(A\)](#) and [SMC 17E.010.400\(D\)](#)).
2. Where a particular municipal action is requested involving a land use installation or other activity, and where said action is not specified as a critical review action, the City official or body responsible for approval may, considering the objectives of this chapter, designate such as a critical review action and condition its approval upon compliance with the result thereof.

((BA)) BC. Critical Review Applicant.
A person or entity seeking a critical review action.

((BB)) BD. Critical Review Officer – Authority.

- 1. The building official or other official designated by the director of public works and utilities.
- 2. For matters relating to the fire code, the critical review officer is the fire official.
- 3. The critical review officer carries out and enforces the provisions of this chapter and may issue administrative and interpretive rulings.
- 4. The critical review officer imposes requirements based upon this chapter, regulations, and the critical materials handbook.
- 5. The officer may adopt or add to any requirement or grant specific exemptions, where deemed reasonably necessary, considering the purpose of this chapter.

((BG)) BE. Critical Review Statement.
A checklist, disclosure form, or part of an application for a critical review action, disclosing the result of critical review. Where not otherwise provided as part of the application process, the critical review officer may provide forms and a time and place to file the statement.

((BD)) BF. Cumulative Impacts.
The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a

particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

((BE)) BG. Curb Ramp.

A ramp constructed in the sidewalk to allow wheelchair access from the sidewalk to the street.

((BF)) BH. Cutbank.

The concave bank of a moving body of water that is maintained as a steep or even overhanging cliff by the actions of water at its base.

Section 14: that SMC section 17A.020.050 is amended to read as follows:

17A.020.050 “E” Definitions

A. Early Notice.

The lead agency’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (Mitigated Determination of Nonsignificance [DNS] procedures).

B. Easement.

A right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes.

C. Ecological Functions.

Or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC 173-26-201(2)(c).

D. Eave

The lower border of a roof that overhangs the wall, typically associated with exposed sloped roof elements.

((D-)) E. Ecologically Intact Shorelines.

Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water

bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Ecologically intact status of a shoreline is determined on a case-by-case basis.

- ((E-)) F. Economic Hardship.
An owner's inability to make reasonable economic use of a historic structure as determined pursuant to [SMC 17D.040.230](#).
- ((F-)) G. Ecosystem-wide Processes.
The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.
- ((G-)) H. Electric Sign.
Any sign containing electrical wiring, lighting, or other electrical components, but not including signs illuminated by a detached exterior light source.
- ((H-)) I. Elevated Building.
For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.
- ((I-)) J. Emergent Wetland.
A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous wetland vegetation as the uppermost vegetative strata.
- K. Enclosed Roof Structure
Conditioned, occupiable structure extending beyond the roof line of a building; commonly termed a penthouse. For purposes of the HFBC, Enclosed Roof Structures must be set back from the parapet of a building to qualify for height limit exceptions.
- ((J-)) L. Endangered Species.
A wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, exploitation, predation, competition, disease, disturbance, or contamination and that are designated as such by a governmental agency.

- ((~~K~~)) M. Enhancement.
See "Compensatory Mitigation" ([SMC 17A.020.030](#)).
- ((~~L~~)) N. Erosion.
The wearing away of the ground surface as a result of mass wasting or the movement of wind, water, soil, and/or ice.
- ((~~M~~)) O. Essential Habitat.
Habitat necessary for the survival of federally listed threatened, endangered and sensitive species and state listed priority species.
- ((~~N~~)) P. Ex Parte Communication.
Any oral or written communication made by any person, including a City employee or official, pertaining to a matter that is or will be within the jurisdiction of the hearing examiner made outside of a public record.
- ((~~O~~)) Q. Existing Manufactured Home Park or Subdivision – Floodplain.
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2004.
- ((~~P~~)) R. Exotic.
Any species of plants or animals that are not indigenous and are foreign to the planning area.
- ((~~Q~~)) S. Expansion to an Existing Manufactured Home Park or Subdivision – Floodplain.
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- ((~~R~~)) T. Extirpation.
The local destruction of or extermination of a species.
- ((~~S~~)) U. Extraordinary Hardship.
That the strict application of the provisions of this code and/or rules adopted to implement this code would prevent all economically viable use of the property.

Section 15: that SMC section 17A.020.060 is amended to read as follows:

17A.020.060 “F” Definitions

- A. **Facade.**
All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.
- B. **Facade Easement.**
A use interest, as opposed to an ownership interest, in the property of another. The easement is granted by the owner to the City or County and restricts the owner's exercise of the general and natural rights of the property on which the easement lies. The purpose of the easement is the continued preservation of significant exterior features of a structure.
- C. **Facility and Service Provider.**
The department, district, or agency responsible for providing the specific concurrency facility.
- D. **Factory-built Structure.**
 1. "Factory-built housing" is any structure designed primarily for human occupancy, other than a mobile home, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
 2. "Factory-built commercial structure" is a structure designed or used for human habitation or human occupancy for industrial, educational, assembly, professional, or commercial purposes, the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.
- E. **Fair Market Value.**
The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead, and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.
- F. **Fascia Sign.**
A single-faced sign attached flush to a building or other structure or a sign consisting of light projected onto a building or other structure. Fascia signs do not include signs that are attached to or projected onto structures defined as sign structures by this chapter.
- G. **Feasible (Shoreline Master Program).**

1. For the purpose of the shoreline master program, means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
 - a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - b. The action provides a reasonable likelihood of achieving its intended purpose; and
 - c. The action does not physically preclude achieving the project's primary intended legal use.
2. In cases where these guidelines require certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant.
3. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

H. Feature.

To give special prominence to.

I. Feeder Bluff.

Or "erosional bluff" means any bluff (or cliff) experiencing periodic erosion from waves, sliding, or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

J. Fill.

The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high-water mark in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

K. Financial Guarantee.

A secure method, in a form and in an amount both of which are acceptable to the city attorney, providing for and securing to the City the actual construction and installation of any improvements required in connection with plat and/or building permit approval within a period specified by the City, and/or securing to the City the successful operation of the improvements for two years after the City's final inspection and acceptance of such improvements. There are two types of financial guarantees under [chapter 17D.020 SMC](#), Financial Guarantees: Performance guarantee and performance/warranty retainer.

L. Fish Habitat.

A complex of physical, chemical, and biological conditions that provide the life-

supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and near-shore areas include, but are not limited to, the following:

1. Clean water and appropriate temperatures for spawning, rearing, and holding.
2. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat.
3. Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds.
4. Appropriate substrates for spawning and embryonic development. For stream- and lake-dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand.
5. Presence of riparian vegetation as defined in this program. Riparian vegetation creates a transition zone, which provides shade and food sources of aquatic and terrestrial insects for fish.
6. Unimpeded passage (i.e., due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

M. Flag.

A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also "Banner."

N. Float.

A floating platform similar to a dock that is anchored or attached to pilings.

O. Flood Insurance Rate Map or FIRM.

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

P. Flood Insurance Study (FIS).

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Q. Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; or

2. The unusual and rapid accumulation of runoff of surface waters from any source.
- R. Flood-proofing.
Structural provisions, changes, adjustments, or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate the damages from flooding to such development and its contents, as well as related water supplies and utility facilities.
- S. Floodway.
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- T. Floor Area.
The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:
1. Areas where the elevation of the floor is four feet or more below the lowest elevation of an adjacent right-of way.
 2. Roof area, including roof top parking.
 3. Roof top mechanical equipment.
 4. Attic area with a ceiling height less than six feet nine inches.
 5. Porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than forty-two inches in height, for fifty percent or more of their perimeter; and
 6. In residential zones, FAR does not include mechanical structures, uncovered horizontal structures, covered accessory structures, attached accessory structures (without living space), detached accessory structures (without living space).
- U. Floor Area Ratio (FAR).
The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.
- V. Focused Growth Area.
Includes mixed-use district centers, neighborhood centers, and employment centers.
- W. Form-Based Code; FBC; FBC Limits
The Form-Based Code; physical limits or boundaries where the Hamilton Form-Based Code applies. FBC Limits are expressed in SMC 17C.123.
- ~~((W.))~~ X. Frame Effect.
A visual effect on an electronic message sign applied to a single frame to

transition from one message to the next. This term shall include, but not be limited to scrolling, fade, and dissolve. This term shall not include flashing.

~~((X:))~~ Y. Freestanding Sign.
A sign on a frame, pole, or other support structure that is not attached to any building.

~~((Y:))~~ Z. Frontage.
The full length of a plot of land or a building measured alongside the road on to which the plot or building fronts. In the case of contiguous buildings individual frontages are usually measured to the middle of any party wall.

Section 15: that SMC section 17A.020.070 is amended to read as follows:

17A.020.070 “G” Definitions

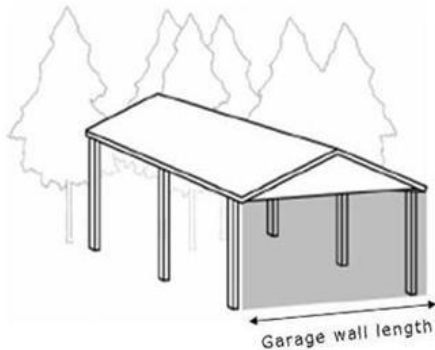
- A. Gabions.
Works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.
- B. Garage.
1. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types:
 - a. houses,
 - b. attached houses,
 - c. duplexes, or
 - d. mobile homes.
 2. Carports are considered garages.
 3. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage.
 4. A garage may be attached to or detached from another structure.
- C. Garage Wall Length.
The garage wall length is determined by measuring the length of the specific side of a structure that is backed by garage space. The garage wall length is not limited to the length of the garage door; it includes all the length on the specified side of a structure between the walls of the garage (see Figure 17A.020.070.A). For carports, the garage wall length is determined by measuring the length

extending from the outer edges of the roof. (See Figure 17A.020.070.B)

Figure 17A.020.070.A



Figure 17A.020.070.B



D. General Site Plan.

1. An informal map of a proposed subdivision; or
2. A scale drawing showing the:
 - a. actual dimensions and shape of the site to be built upon;
 - b. size and location of existing buildings on the site to the nearest foot; and
 - c. location and dimensions of proposed building(s), structure(s) and alteration(s).

E. Genetic Diversity.

The variety of different genes within a species. The larger the variety of genes in the gene pool of a species, or the less related the breeding individuals are, the greater the chances of that species surviving various adversities, such as disease.

F. Geologically Hazardous Area.

An area that because of its susceptibility to erosion, sliding, or other geological events is not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

G. Geotechnical Report.

1. Or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified professional that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions, and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties.
Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local geology and processes.

H. Glazing

Glass as used in building façades, including windows, transoms and glass portions of storefronts.

~~((H.))~~ I.

Grade.

The “grade” of a building is defined in the International Building Code, Sec. 502.1 as a grade plane representing the average of finished ground level adjoining the building of exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (one thousand eight hundred twenty-nine mm) from the building, between the building and a point six feet (one thousand eight hundred twenty-nine mm) from the building.

~~((I.))~~ J.

Groins.

A bank of shore-protection structure in the form of a barrier oblique to primary motion of water, deigned to control movement of bed material.

~~((J.))~~ K.

Ground Disturbing Activity.

Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Ground disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling, logging, and excavation.

~~((K.))~~ L.

Ground Water.

Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

- ~~((L.))~~ M. Group Living Structure.
A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for group living uses.

Section 16: that SMC section 17A.020.090 is amended to read as follows:

17A.020.090 “I” Definitions

- A. Illegal Discharge.
Any direct or indirect non-storm water discharge to MS4.
- B. Illicit Connection(s).
Any man-made conveyance that is connected to the MS4 in violation of [chapter 17D.060 SMC](#).
- C. Illicit Discharge.
This term is covered in [SMC 17D.060.190](#).
- D. Illuminated Wall Highlights.
Lighted areas that highlight a building’s architectural or structural features and that do not convey a message or image. Illuminated wall highlights can either be created by light projected onto a feature or highlighting a feature with neon tubing or other light fixture.
- E. Impact Fee.
A charge or fee assessed by the City which mitigates all or any portion of a direct impact.
- F. Impermeable Sediment.
Sediment restricting the flow of water.
- G. Impervious Surface
Ground surfaces and coverings composed of water-impenetrable materials such as asphalt, concrete, brick, stone and rooftops.
- ~~((G.))~~ H. Improvements.
Improvements require under conditions of approval such as streets, drainage facilities, and utilities.
- ~~((H.))~~ I. Incentives.
Such rights or privileges as may from time to time exist to compensate the owner for the imposition of controls on a designated district or landmark.
- ~~((I.))~~ J. In-ground Storage Tank (IST).
Any one or a connected combination of tanks that is used to contain an accumulation of liquid critical materials, the aggregate of which (including the volume of piping connected thereto) is more than sixty gallons that is

situated to any degree within the ground, and the entire exterior surface of the tank cannot be fully visually inspected. The surface area of tank located above the ground will be treated as an aboveground storage tank (AST), and the area below the ground will be treated as an underground storage tank (UST).

- ((J-)) K. In-kind Compensation.
The restoration or replacement of a wetland with hydrogeomorphic characteristics closely approximating those of a specified wetland.
- ((K-)) L. Inner Gorge Slope.
Canyon walls created by a combination of stream downcutting/undercutting and mass wasting on the slope walls. Inner gorges may show evidence of recent movement, such as landslides, surface erosion, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. The steepness of inner gorges varies with the underlying materials. Slope gradients as gentle as about twenty-eight degrees (fifty-three percent) can be unstable in gorges, cut into incompetent bedrock, weathered materials or unconsolidated deposits. A minimum vertical height of ten feet is usually applied to distinguish between inner gorges and slightly incised streams. The top edge of an inner gorge is typically distinguished by a distinct break in slope. The upper boundary of an inner gorge is assumed to be a line along the first break in slope of at least ten degrees (seventeen percent).
- ((L-)) M. In-stream Structure.
A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.
- ((M-)) N. Infiltration.
The downward entry of water into the immediate surface of soil.
- ((N-)) O. Integral Curb and Gutter.
Concrete curb and gutter which is formed and placed as one unit.
- ((O-)) P. "Interior Noise Level" means the average level of sound expressed in decibels (dB) measured in any habitable room with exterior windows and doors closed.
- ((P-)) Q. Interpretive Signs.
A sign that identifies historic buildings or sites where important events

occurred or which serve educational, cultural, historical, or scientific purposes.

- ~~((Q.))~~ R. Interstitial Monitoring.
A method of leak detection based on determining if there has been a failure of one of the containment layers surrounding an interstitial space. Monitoring methods may include the:
1. detection of pressure changes within the space;
 2. detection of vapors from the contained material within the space; or
 3. physical detection of contained material, or water from outside the container, within the space.

- ~~((R.))~~ S. Interstitial Space.
The volume between two separate layers of a secondary or multiple containment system. The space may be filled with air or other gas or it may be filled with a porous material.

- ~~((S.))~~ I. Invasive Species.
A species that is:
1. non-native (or alien) to city of Spokane; and
 2. whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.
- Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

- ~~((T.))~~ U. Isolated Wetlands.
Those wetlands which:
1. are outside of and not contiguous to any hundred-year floodplain of a lake, river, or stream; and
 2. have no contiguous hydric soil or hydrophytic vegetation between the wetland and any waters of the United States.

Section 17: that SMC section 17A.020.150 is amended to read as follows:

17A.020.150 “O” Definitions

- A. Object.
A thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- B. Off-site Compensation.
Restoration or replacement of a wetland within its primary drainage basin, but not adjacent to the site on which a wetland has been or will be degraded. Locations

within the City and in the same drainage are preferred and required when feasible. Spokane County locations in reasonable proximity and preferably in the same drainage will be considered when no practicable City location exists.

- C. On-site Compensation.
Restoration or replacement of wetland at or very near the site where a wetland has been or will be degraded by a regulated activity.
- D. On-site Stormwater Facilities.
1. Physical improvements or design characteristics on a premises with a function to control, prevent, diminish, dissipate, treat, deflect or slow down the rate and/or volume of stormwater runoff or flows entering the public right-of-way, the public sanitary or storm sewer system, or to reduce flooding and erosion on public or private property.
 2. Examples include, but are not limited to, catch basins, pipes, ponds, impoundments, inlets and drains, as well as biotic or landscaping components such as grassy swales, drainage areas, easements, or other kinds of onsite drainage systems.
- E. Open Record Hearing.
A hearing, conducted by a single hearing body or officer authorized to conduct such hearings, that creates a record through testimony and submission of evidence and information (RCW 36.70B.050(2)).
- F. Open Roof Structure
A non-conditioned, open structure typically providing shade and casual gathering space and incorporating a pergola, arbor or trellis. For purposes of the HFBC, Open Roof Structures may include partial-height screen walls on no more than one side.
- ~~((F.))~~ G. Open Water Component.
Wetlands having any areas of standing water present for more than one month at any time of the year without emergent, scrub-shrub or forested vegetation. Open water includes any aquatic beds.
- ~~((G.))~~ H. Ordinance.
The ordinance, resolution, rules or other procedure used by the City of Spokane, Spokane County, Spokane regional health district, and Spokane County air pollution control authority to adopt regulatory requirements.
- ~~((H.))~~ I. Ordinary High Water Mark.
The mark that is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil and vegetation a character distinct from that of the abutting upland.

~~((I.))~~ J. Ordinary Repair and Maintenance.
Work the purpose and effect of which is to correct any deterioration or decay of, or damage to, the real property or structural appurtenance thereon and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

~~((J.))~~ K. Outdoor Display.

1. The outdoor display of products, vehicles, equipment and machinery for sale or lease.
2. Outdoor display is an outdoor showroom for customers to examine and compare products.
3. There is variety or a distinction among the goods on display, through different products, brands or models.
4. The display area does not have to be visible to the street.
5. Exterior display does not include goods that are being stored or parked outside. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Outdoor display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered outdoor storage.
6. Examples of uses that often have outdoor display are car and boat sales and leasing, and plant nurseries.
7. See also, "Outdoor Work Activities and Outdoor Storage."

~~((K.))~~ L. Outdoor Storage.

1. The outdoor storage of goods that generally have little or no differentiation by type or model.
2. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare.
3. Outdoor storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare.
4. Outdoor storage includes the storage of raw or finished goods (packaged or bulk), including:
 - a. gases, oil, chemicals, gravel, building materials, packing materials, salvage goods, machinery, tools and equipment;
 - b. vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare;
 - c. vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; and

- d. other similar items.
- 5. The storage of recreational vehicles outdoors is also considered outdoor storage.
- 6. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as outdoor storage.
- 7. Examples of uses that often have outdoor storage are lumberyards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments and port facilities.
- 8. See also "Outdoor Display" and "Outdoor Work Activities."

~~((L.))~~ M. Outdoor Work Activities.

- 1. Include the outdoor processing, assembly or fabrication of goods; the maintenance, repair and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation.
- 2. Outdoor work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, outdoor eating areas, outdoor recreation or outdoor markets.
- 3. See "Outdoor Display" and "Outdoor Storage."

~~((M.))~~ N. Out-of-kind Compensation.

The restoration or creation of a wetland with vegetation and other characteristics not resembling those of a specified wetland.

~~((N.))~~ O. Owner/Ownership Interest.

Owners are all persons having a real property interest. Owners include with respect to real property:

- 1. holder of fee title or a life estate;
- 2. holder of purchaser's interest in a sale contract in good standing;
- 3. holder of seller's interest in a sale contract in breach or in default;
- 4. grantor of deed of trust;
- 5. presumptively, a legal owner and a taxpayer of record;
- 6. fiduciary representative of an owner;
- 7. person having a right of possession or control; or
- 8. any one of a number of co-owners, including joint, in common, by entireties and spouses as to community property.

Section 18: that SMC section 17A.020.160 is amended to read as follows:

17A.020.160 "P" Definitions

- A. Painted Wall Highlights.
Painted areas that highlight a building's architectural or structural features and that do not convey a message or image.
- B. Painted Wall Sign.
A sign applied to a building wall with paint or a thin layer of vinyl, paper, or similar material adhered directly to the building surface and that has no sign structure.
- C. Parcel.
See "Lot" ([SMC 17A.020.120](#)).
- D. Parkway.
1. A street serving as a principal, minor, or collector arterial, typically with recreational or scenic opportunities.
2. Parkways will often have landscaped medians.
- E. Party of Record.
Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.
- F. Paved Area.
1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses.
2. Graveled areas are not paved areas.
- G. Pedestrian Buffer Strips (PBS).
A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.
- H. Pedestrian Path
A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use.
Minimum requirements for Pedestrian Paths are listed in Section 17C.123.040 of the FBC.
- I. Pedestrian-Scaled Fixtures (lighting)
Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

- J. Pedestrian-Scaled Signs
Permanent, first-floor, exterior signs designed and placed to address pedestrian traffic; may be mounted flush with or projecting from a column, building wall, awning or transom.
- ((H-)) K. Pedestrian Street.
A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment.
Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.
- ((I-)) L. Performance Guarantee.
A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.
- ((J-)) M. Performance/Warranty Retainer.
A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.
- ((K-)) N. Permanent Erosion and Sediment Control Measures.
A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.
- ((L-)) O. Permanent Sign.
Any sign not classified as a temporary sign.
- ((M-)) P. Permanent Stabilization.
See Permanent Erosion and Sediment Control Measures.
- ((N-)) Q. Permeable Sediment.
Sediment permitting the flow of water.
- ((O-)) R. Person.
Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.
- ((P-)) S. Pier.
Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including,

but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

~~((Q.))~~ I.

Pitched Roof Sign.

A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.

~~((R.))~~ U.

Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

~~((S.))~~ V.

Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
 - a. increased public transportation service,
 - b. ride sharing programs,
 - c. demand management, and
 - d. other transportation systems management strategies.
2. For transportation facilities, "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

~~((T.))~~ W.

Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design.
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

~~((U.))~~ X.

Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Y. Planting Zone
Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

~~((V-))~~ Z. Plat – Final.
A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

~~((W-))~~ AA. Plat – Preliminary.
1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

~~((X-))~~ AB. Plaza.
1. Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.
2. Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

AC. Plinth
The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

~~((Y-))~~ AD. Pollutant.
Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development.
Any substance that causes or contributes to violation of water quality standards, released or discharged.

~~((Z-))~~ AE. Pollution.
Contamination, or other alteration of the physical, chemical, or biological properties of wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into wetlands as will or is likely to cause a nuisance or render such wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial,

agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

- ~~((AA-))~~ AF. Potential Geologically Hazardous Areas.
Areas designated on maps maintained in the City's planning services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.
- ~~((AB-))~~ AG. Practicable Alternative.
An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.
- ~~((AC-))~~ AH. Predevelopment Meetings.
Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.
- AI. Principal Buildings
Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site
- AJ. Primary Building Entry
Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.
- ~~((AD-))~~ AK. Primary Building Walls.
Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)
- ~~((AE-))~~ AL. Primary Container.
The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

- ((~~AF~~)) AM. Primary Drainage Basin.
The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:
1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
 2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.
- ((~~AG~~)) AN. Primary Structure.
1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
 2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.
- ((~~AH~~)) AO. Primary Use.
1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
 2. A site may have more than one primary use.
- ((~~AI~~)) AP. Principal Arterials.
A four- to six-lane street serving as a primary facility for access between the central business district, major employment districts, and major shopping centers.
- ((~~AJ~~)) AQ. Priority Habitats.
Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:
1. High wildlife density.
 2. High species diversity.
 3. Important wildlife breeding habitat.
 4. Important wildlife seasonal ranges.
 5. Important movement corridors.
 6. Limited availability.
 7. High vulnerability to habitat alteration.
- ((~~AK~~)) AR. Priority Species.
A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

- ((~~AL~~)) AS. Private Street.
Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.
- ((~~AM~~)) AT. Project Permit or Project Permit Application.
Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.
- ((~~AN~~)) AU. Projecting Sign.
A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.
- ((~~AQ~~)) AV. Protected Species.
A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.
- ((~~AP~~)) AW. Proximity.
That two or more properties are either adjacent or separated by a street or alley.
- ((~~AQ~~)) AX. Public Access.
The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.
- ((~~AR~~)) AY. Public Facilities.
Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:
1. parks,
 2. recreation facilities,
 3. playgrounds,
 4. streets,
 5. transportation facilities,

6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

((AS:)) AZ. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

((AT:)) BA. Public Way.

1. A dedicated "public way" is a tract of land:
 - a. conveyed or reserved by deed,
 - b. dedicated by plat, or
 - c. acquired by decree of court,
 - d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

Section 19: that SMC section 17A.020.220 is amended to read as follows:

17A.020.220 "V" Definitions

- A. Variance.
A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by [Title 17 SMC](#).
- B. Vegetative Classes.
Certain types of wetlands as defined by the U.S. fish and wildlife service's classification of wetlands and deepwater habitats of the United States, FWS/OBS-79-31 (Cowardin et al., 1979) and which are at least one-half acre in size or comprise at least ten percent of the entire wetland.
- C. Vehicle-Scaled Fixtures (lighting)
Pole-mounted light fixtures placed and designed to illuminate vehicular-traffic areas including exterior lots, driveways and roadways. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb

((G:)) D. Vehicle Types.

1. Commercial Vehicle.
See "Commercial Vehicle" ([SMC 17A.020.030](#)).
2. Motor Vehicle.
Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes:
 - a. motorcycles,
 - b. passenger vehicles,
 - c. trucks, and
 - d. recreational vehicleswith motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.
3. Passenger Vehicle.
 - a. A motor vehicle designed to carry ten persons or less including the driver.
 - b. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use.
 - c. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps.
 - d. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
4. Recreational Vehicle.
See "Recreational Vehicle" ([SMC 17A.020.180](#)).
5. Truck.
 - a. A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons.
 - b. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes, and other similar vehicles.
 - c. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3.
 - d. Trucks are divided into three categories by size as stated below.

- i. Light Truck.
Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
- ii. Medium Truck.
Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "Heavy Truck" category.
- iii. Heavy Truck.
Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- iv. Utility Trailer.
A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is sixteen feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than sixteen feet in length are considered industrial vehicles and are regulated as heavy trucks.

e. See also Passenger Vehicle, and Recreational Vehicle.

((D-)) E. Vernal Wetland System.
Seasonal depressional wetlands typically occurring high in the drainage that derive their hydrology from rainfall and snow and a small immediate watershed. Vernal systems are formed as a result of accumulation of surface water in an isolated basin that at no time of the year would have a natural inlet or outlet and water is entirely absent from the surface part of the year.

((E-)) F. Vested.
The right to development or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

((F-)) G. Video Display Method.
A video display method is a method of display characterized by real-time, full-motion imagery.

~~((G.))~~ H. Vulnerable Species.
Those species susceptible to significant population declines because they are uncommon either within a specific area or statewide, have a very limited distribution, or have special space or habitat requirements.

Section 20: Severability Clause. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, the decision shall not affect the validity of the remaining portions of this ordinance.

PASSED BY THE CITY COUNCIL ON _____, 2015.

Attest:

Council President

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

HAMILTON

FORM-BASED CODE

SUBAREA PLAN

ORDINANCE # C35211
ORDINANCE # C35212
Information Packet

Spokane City Council
January 2015

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CITY OF SPOKANE PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON THE HAMILTON FORM BASED CODE SUBAREA PLAN - COMPREHENSIVE PLAN LAND USE PLAN MAP AMENDMENT FILE NO. Z1400055COMP

A Recommendation of the City of Spokane Plan Commission to the Spokane City Council approving the Hamilton Form Based Code Subarea Plan. The proposal falls into two actions: (1) Comprehensive Plan land use plan map amendment from “Residential 4-10” to “Center & Corridor Transition.” (2) Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC), Residential Single-Family (RSF), and Residential Two-Family (RTF) zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary (collectively the “Hamilton Subarea Form Based Code Proposal”).

FINDINGS OF FACT:

- A. In accordance with the Growth Management Act (GMA), the City of Spokane previously adopted a Comprehensive Plan (RCW 36.70A).
- B. GMA provides that proposed amendments to a comprehensive plan may be considered by the governing body of a city no more frequently than once per year, but further provides that, so long as a subarea plan clarifies, supplements, or implements city-wide comprehensive plan policies, and so long as the cumulative impacts of the proposed subarea plan are addressed by appropriate environmental review under chapter 43.21C. RCW, the initial adoption of a subarea plan may occur outside of this annual process.
- C. Per Article VIII of the City Charter, the Spokane City Council recognizes distinct neighborhood areas as neighborhood councils through the Neighborhood Councils Program and the Community Assembly.
- D. The City Council allocated \$550,000 in the fall of 2007 to be used for planning activities by neighborhood councils.
- E. The Logan Neighborhood Organization (“LNO”) is the City Council-recognized neighborhood council for the area generally bounded by Division Street on the west, the Spokane River on the east, Euclid Street on the north, Trent Avenue on the south, and bisected north to south by Hamilton Street and west to east by Mission Avenue.

- F. On March 8, 2011 the Logan Neighborhood Organization was designated to initiate abbreviated neighborhood planning and LNO representatives endorsed a letter of intent to begin planning.
- G. On March 30 and March 31, 2012, respectively, the manager of the Logan Neighborhood Stakeholders Team ("LNST"), Karen Byrd, and the chair of the Logan Neighborhood Organization, Jeanette Harras, signed a memorandum of understanding with the Planning Services Department recognizing the LNST to conduct abbreviated planning.
- H. On June 19, 2012 the Logan Neighborhood Organization approved the initial neighborhood planning direction proposed by the LNST, which states: "Pursue streetscape and intersection improvements, including bicycle and pedestrian connections along the Hamilton Corridor, as well as to pursue becoming one of the pilot neighborhoods the city choses for form-based zoning standards."
- I. On July 25, 2012 the Logan Neighborhood Stakeholder Team agreed by consensus both to pursue the drafting of a neighborhood "identity plan" using Res. 2008-0100 funds by a qualified volunteer planner, William Sinclair and to authorize the preparation of a form-based model zoning code which with a consultant, Studio Cascade. Form based codes are aimed at promoting public health, safety and general welfare by creating safe, attractive, pedestrian-friendly environments by regulating the location of buildings closer to the right-of-way, establishing building form, scale, treatment, and articulation and interaction with a vibrant public ream.
- J. Between August of 2012 and February 2013, Studio Cascade worked with the Logan Neighborhood Stakeholder Team, property owners, business owners, residents, and other interested parties to prepare a form-based model zoning code through a series of planning sessions, interviews, charrettes, and an open house.
- K. On June 26, 2013 The Logan *Neighborhood Identity Plan* and *Model Form-Based Code for the Hamilton Corridor* were approved by the Logan Neighborhood Stakeholder Team and by the Logan Neighborhood Organization on March 18, 2014.
- L. The Logan *Neighborhood Identity Plan* and *Model Form-Based Code for the Hamilton Corridor* were adopted via City Council resolution as credible representation of the desire for the Logan Neighborhood on May 12, 2014.
- M. The Logan Neighborhood Stakeholder Team worked with the City of Spokane's Planning & Development staff between May 2014 and September

2014 to modify the *Model Form-Based Code for the Hamilton Corridor* from a model code to a specific regulatory document, *Hamilton Form Based Code*.

- N. The Logan Neighborhood Stakeholder Team agreed that the *Hamilton Form Based Code* is to foster an economically vibrant, pedestrian-safe and walkable, mixed-use environment along the Hamilton Street corridor.
- O. Drive-through facilities are a necessary component of modern life in some areas, but drive-through facilities that are not designed with pedestrian traffic in mind, intrinsically create bad street frontage that is unsafe for pedestrians.
- P. Drive-through facilities are dependent on a high volume of vehicle traffic and a high turnover of customers, which can create significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic.
- Q. Drive-through facilities create the potential for exhaust fumes, noise and traffic congestion, and drive-through fast food restaurants require outdoor speakers/ordering board which may create visual and noise impacts.
- R. On July 30, 2014 the updated *Hamilton Form Based Code* was presented to the public at an open house. Notice was provided to all affected property owners/taxpayers/occupants within the project boundary and those within 400 feet of the project boundary.
- S. On August 18, 2014 the City of Spokane held a meeting with property owners within the project boundary to collect feedback on the *Hamilton Form Based Code Draft*.
- T. In September of 2014 City of Spokane's Planning & Development staff drafted the *Hamilton Form Based Code Subarea Plan* which amends the Comprehensive Plan Land Use Plan Map and implementing Form Based Code zoning categories.
- U. *The Hamilton Form Based Code Subarea Plan* was submitted as a Comprehensive Plan amendment application Z1400055COMP on October 6, 2014.
- V. *The Hamilton Form Based Code Subarea Plan falls into two actions: (1)* Comprehensive Plan land use plan map amendment from "Residential 4-10" to "Center & Corridor Transition." *(2)* Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC), Residential Single-Family (RSF), and Residential Two-Family (RTF) zones

with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary.

- W. Staff requested comments on the Environmental Checklist from City Departments and outside agencies on October 6, 2014. The consultation period ended on October 20, 2014. No adverse comments were received from agencies or departments.
- X. Notice of Application was mailed on October 27, 2014 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 project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014. Comments were provided by property owners and other interested parties.
- Y. Staff made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal.
- Z. The Spokane City Plan Commission held a substantive workshop to study the amendment on November 12, 2014.
- AA. A State Environmental Policy Act (SEPA) Determination of Non-Significance was issued on November 26, 2014 for the Hamilton Form Based Code Subarea Plan. The public appeal period for the SEPA determination ended on December 10, 2014 at 4pm.
- BB. On October 23, 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.
- CC. Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was 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 project boundary on November 26, 2014.
- DD. Notice of SEPA Determination and Plan Commission Hearing to be held on December 10, 2014 was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014 and the *Official Gazette* on December 3, 2014.
- EE. The Planning Department prepared a staff report found that the amendment met all the review guidelines and required decision criteria for approval of a Comprehensive Plan amendment as prescribed by SMC 17G.020.

Comprehensive Plan Amendment Procedure (the "Staff Report").

FF. The Plan Commission held a public hearing on the recommended amendment on December 10, 2014.

GG. The Plan Commission recommended, by a vote of 7 to 2, approval of the *Hamilton Form Based Code Subarea Plan* on December 10, 2014.

HH. 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.

II. The Plan Commission adopts the foregoing, together with the contents and findings in the Staff Report, as its finding of fact relating to this matter.

CONCLUSIONS:

A. The Hamilton Subarea Form Based Code Proposal is consistent with the decision criteria and review guidelines for Comprehensive Plan amendments, as listed in SMC 17G.020.030, and is further consistent with the Comprehensive Plan.

B. The Hamilton Subarea Form Based Code Proposal is consistent with applicable provisions of the Comprehensive Plan and bears a substantial relation to public health, safety, general welfare, and protection of the environment.

RECOMMENDATIONS:

Recommendation #1:

By a vote of 7 to 2, subject to the caveat set forth in Recommendation #3 below, the Plan Commission recommends to the City Council approval of the *Hamilton Form Based Code Subarea Plan* 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 "Center & Corridor Transition."

Recommendation #2:

By a vote of 7 to 2, subject to the caveat set forth in Recommendation #3 below, the Plan Commission recommends to the City Council the approval of *Hamilton Form Based Code Subarea Plan* amendment to Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones; amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions; amending the City of Spokane Zoning Map and replacing Centers & Corridors Type 1 District Center (CC1-DC), Centers & Corridors Type 2 District Center (CC2-DC),

Residential Single-Family (RSF), and Residential Two-Family (RTF) zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within the project boundary.

Recommendation #3:

The Plan Commission requests that the City Council include in the Plan Commission's 2015 annual work schedule (i) the development of design standards for Context Area 4 of the Hamilton Subarea Form Based Code Proposal; (ii) design standards for drive-through facilities to replace the prohibition in the Hamilton Subarea Form Based Code Proposal; and (iii) review of request to expand the boundaries of the southern portion of Context Area 3 to include the following parcels: 35171.1415; 35171.1416; 35171.1405; 35171.1414; 35171.1402; and 35171.1401.

A handwritten signature in black ink, reading "Dennis Dellwo", written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
December 17, 2014**

**STAFF REPORT ON COMPREHENSIVE PLAN
LAND USE MAP CHANGE & ZONING MAP CHANGE
HAMILTON FORM BASED CODE SUBAREA PLAN
FILE NO. Z1400055COMP**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area.

II. GENERAL INFORMATION:

Applicant	City of Spokane
Location of Proposal:	The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area maps.
Legal Description	A full legal description of the subject properties and all related project documents are available at Planning and Development, located on the third Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329
Existing Land Use Plan Designation:	"Residential, 4 to 10 units per acre"
Proposed Land Use Plan Designation:	"Center & Corridor Transition"
Existing Zoning:	CC1-DC (Center & Corridor 1 District Center); CC2-DC (Center & Corridor 2 District Center); RSF (Residential Single Family); and RTF (Residential Two-family)
Proposed Zoning:	New, Form Based Code Zoning Categories: CA1, CA2, CA3, CA4 (Context Areas)
SEPA Status:	A SEPA threshold Determination of Non-Significance (DNS) was made on November 26, 2014. The appeal period closed on December 10, 2014 at 4pm.
Enabling Code Section:	SMC 17G. 020, Comprehensive Plan Amendment Procedure
Plan Commission Hearing Date:	December 10, 2014

Staff Contact:	Boris Borisov, Assistant Planner; bborisov@spokanecity.org
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III. FINDINGS OF FACT:



- A. Site Description: The proposed project area is approximately 36.15 acres. There are approximately 82 affected parcels. This proposal retains the current “Center and Corridor Core” Land Use Plan Map Designation along the Hamilton Corridor. The proposed zoning categories of Context Areas 1, 2, and 3 along Hamilton are commercial in nature and fit the current Land Use Designation of the Comprehensive Plan.

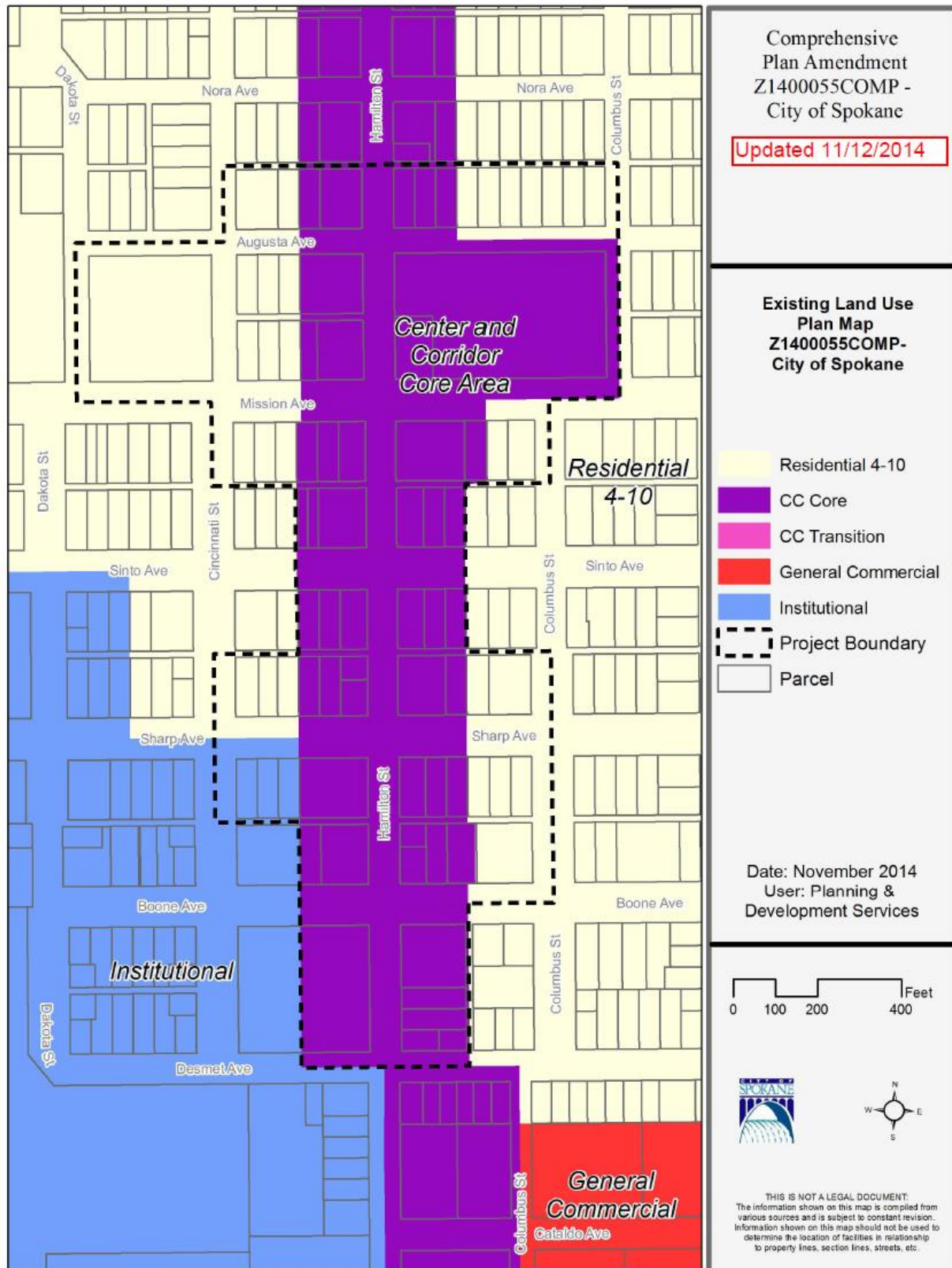
Context Area 4 (CA4) is a buffer zone between the commercial core and the residential neighborhood. The Hamilton Form Based Code Subarea Plan amends the Land Use Plan Map from Residential 4-10 to Center & Corridor Transition (see maps below). The newly proposed CA4 zoning category allows commercial on a small scale but is predominantly residential in nature. This new zoning category also retains current height standards of the residential single-family zoning standards for the purposes of keeping these areas residential in scale.

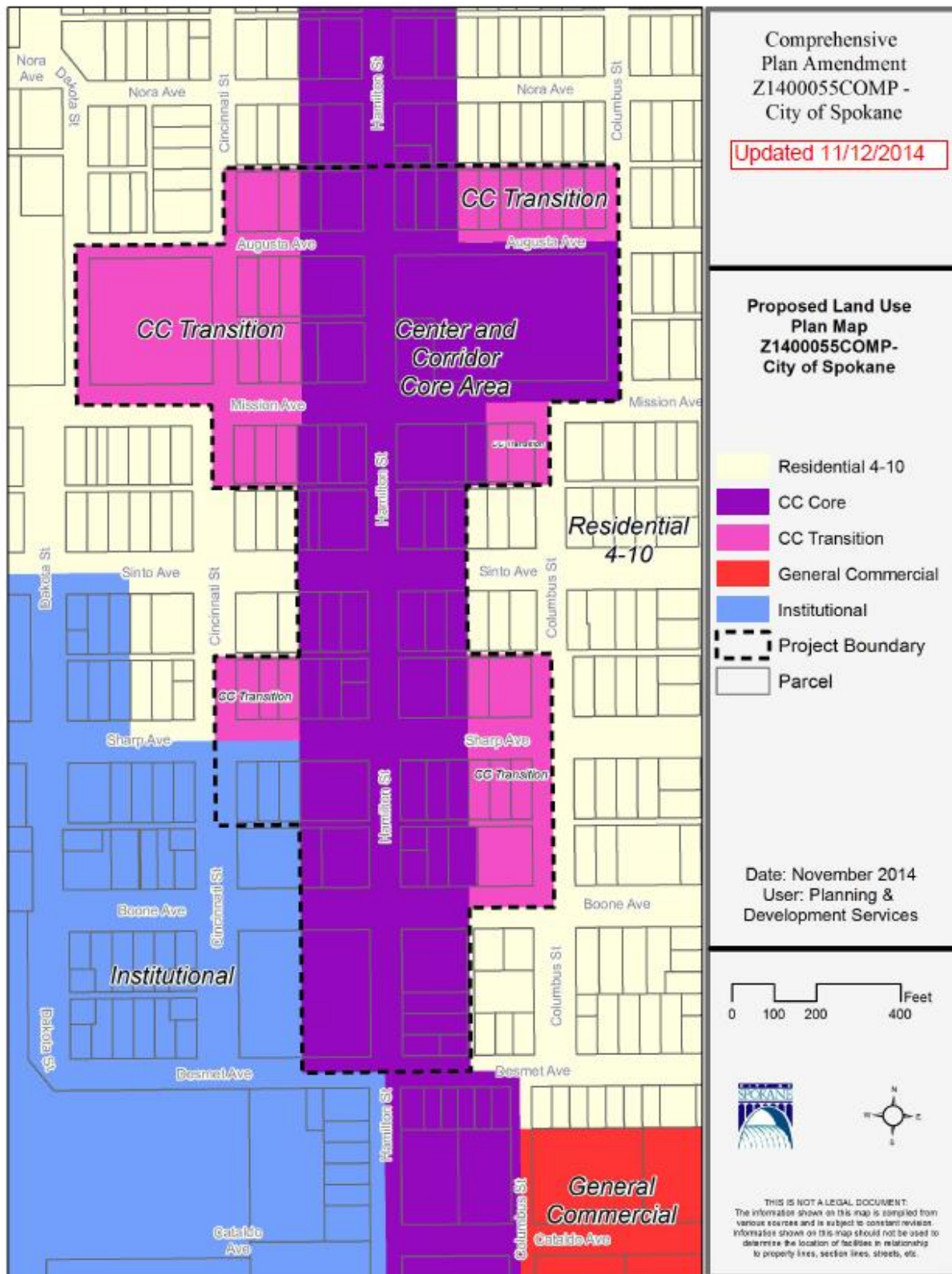
- B. Project Description: The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density.

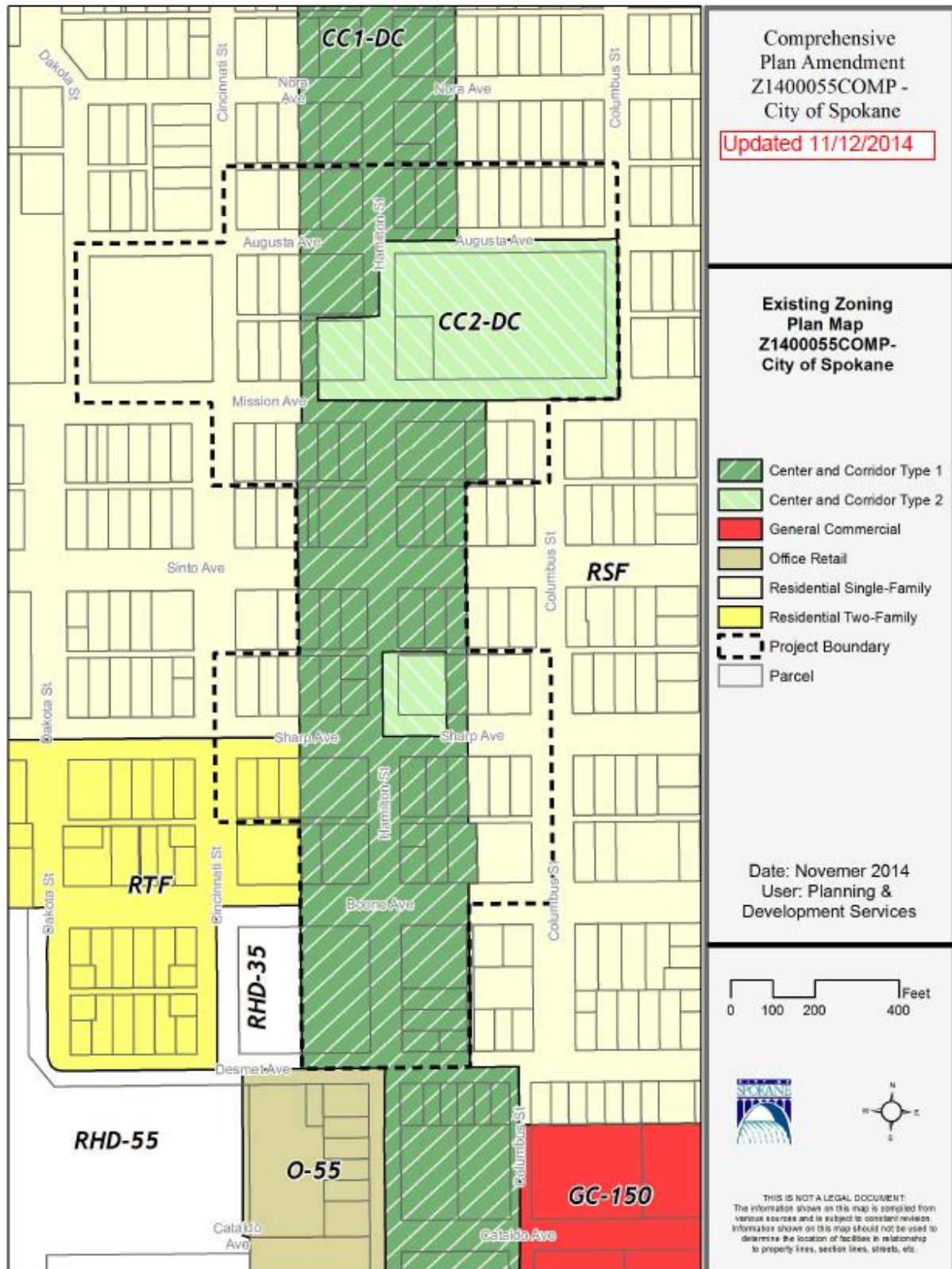
This proposal falls into two actions:

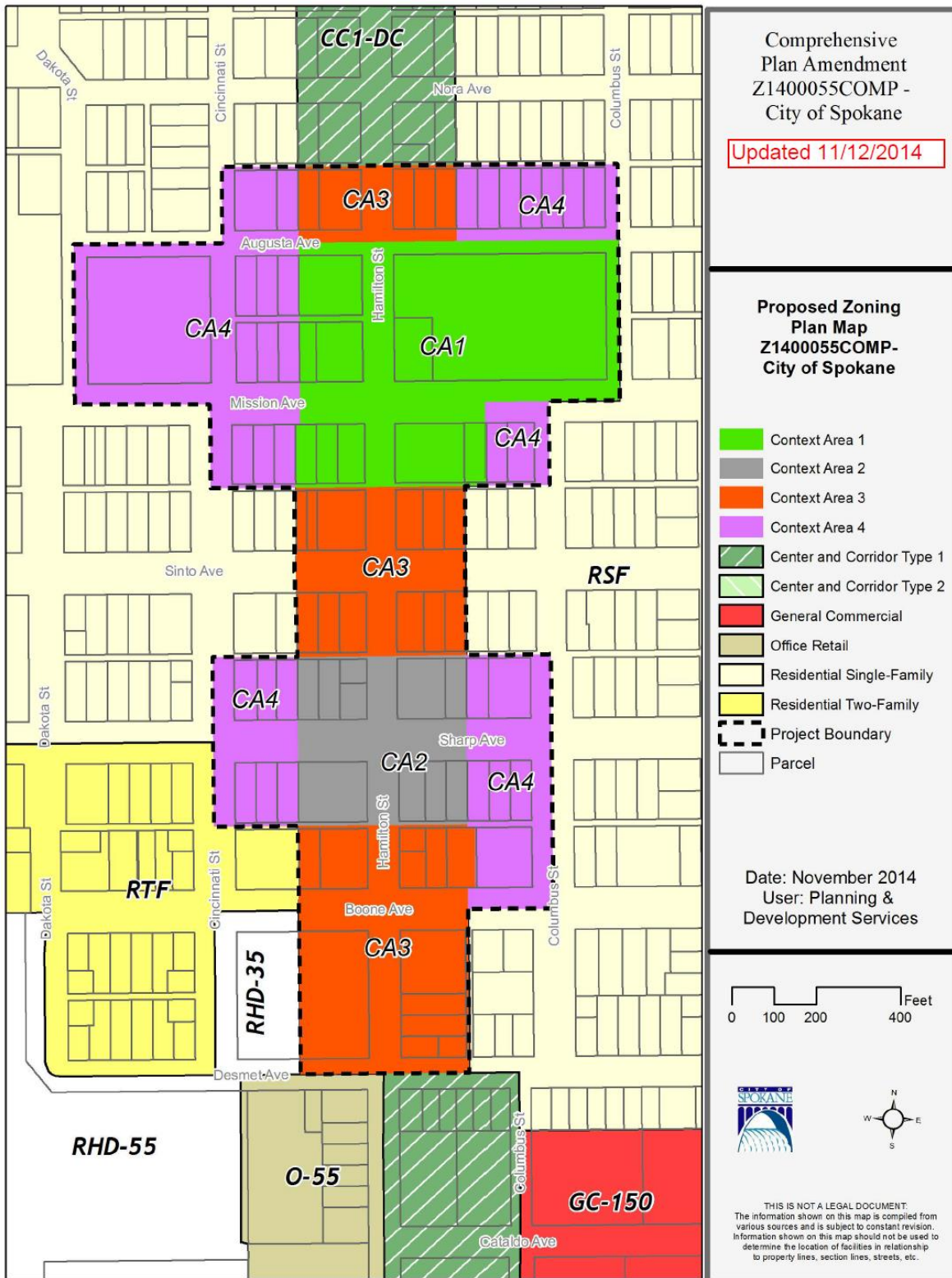
1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (see maps below).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories.

C. Existing Land Use Plan Map Designations



D. Proposed Land Use Plan Map

E. Existing Zoning Map

E. Proposed Zoning Map

G. Zoning and Land Use Designation History:

The 1982 Logan Neighborhood Design Plan had several Land Use Designations for the project area being considered as part of this proposal. Land along Hamilton Street was classified as Neighborhood Business and Community Business, while the surrounding land has historically been designated as Low Density Residential. Other designations included Medium Density Residential, Institutional/Residential, and Institutional. In 2006, the Land Use Designations within the project boundary were amended to Center & Corridor Core (CC Core) and Residential 4-10 (R4-10). Corresponding zoning was amended to Residential Single-Family (RSF) and Center & Corridor 1 District Center (CC1-DC).

H. Adjacent Land Use:

Land use to the south of the project boundary is designated as CC Core and Institutional. Gonzaga University is immediately to the west of the lower half of the project boundary and is designated Institutional. Land use to the east and west of project boundary is designated Residential 4-10. Hamilton Street, which runs through the center of the project area, is classified as a major arterial. Local streets running east/west within the boundary include Desmet Ave, Boone Ave, Sinto Ave, and Augusta Ave. Sharp Ave is a minor arterial and Mission Ave is a major arterial. Other north/south local streets within the project boundary include Cincinnati St. and Columbus St. Spokane Transit Authority Bus Route 28 has service on Hamilton Street. The most recent traffic counts indicate that the average daily total trips per day range from 26,000 to 30,800 depending on the block.

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

J. Outreach and Public Process:

- Meetings with the Logan Stakeholder Group (subcommittee of the Logan Neighborhood Council): May 29, 2014; June 25, 2014; August 19, 2014; and November 6, 2014.
- Open House, July 30, 2014: Mailed postcards to all affected property owners/taxpayers/occupants and those within 400 ft. of project boundary.
- Property Owner Meeting, August 18, 2014: Mailed invitation letter to all affected property owners/taxpayers/occupants within project boundary.

K. Procedural Requirements:

- Application was submitted on October 06, 2014.
- Environmental Checklist was routed to City Departments and outside agencies for review on October 6, 2014. Consultation period ended on October 20, 2014.
- Notice of Application was mailed on October 27, 2014 to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary. This initiated a 30 day public comment period. Notice was also published in *The Spokesman Review* on October 27, 2014 and November 3, 2014 and the *Official Gazette* on October 29, 2014. The comment period ended November 25, 2014.

- Planning & Development Services made a presentation regarding the proposal to the Logan Neighborhood Council on November 18, 2014. The Neighborhood Council voted unanimously to support the proposal.
- A SEPA Determination of Non Significance was issued on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was mailed to all affected property owners/taxpayers/occupants in addition to those within 400 ft. of project boundary on November 26, 2014.
- Notice of SEPA Determination and Plan Commission Hearing was published in *The Spokesman Review* on November 26, 2014 and December 3, 2014.
- Hearing Date is scheduled with the Plan Commission for December 10, 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.

As of the date of the staff report, several comments about the project were received from property owners and other interested parties via email, telephone calls, and letters. A summary of comments in addition to copies of correspondence are included in the file.

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 or 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 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."*
- ♦ *Housing. "Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock."*
- ♦ *Citizen participation and coordination. "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts."*

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. Comments are provided in the file.

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 implements the Centers and Corridor goals and policies of the Comprehensive Plan. In 2006, the Spokane Comprehensive Plan Land Use Chapter was changed, designating the Mission and Hamilton Center from Neighborhood Center to Hamilton Street Corridor District Center. This was done as part of the Center and Corridor planning aimed at implementing the City's Comprehensive Plan. The Form Based Code Subarea Plan builds on this designation and works to create an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The Comprehensive Plan Land Use Plan Map change is supplemented by new development regulations which are part of the proposal.

Below are applicable Goals and Policies from the Comprehensive Plan which support this proposal. Staff discussion follows:

Relevant Comprehensive Plan Goals and Policies

From Chapter 3, Land Use

Goal: LU 1 CITYWIDE LAND USE

Offer a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities by protecting natural amenities, providing coordinated, efficient, and cost effective public facilities and utility services, carefully managing both residential and nonresidential development and design, and proactively reinforcing downtown Spokane's role as the urban center.

- Policy: LU 1.4 Higher Density Residential Uses: *Direct new higher density residential uses to centers and corridors designated on the land use plan map*

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: *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.*

Goal: LU 4 TRANSPORTATION

Promote a network of safe and cost effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

- Policy: LU 4.2 Land Uses that Support Travel Options: *Provide a compatible mix of housing and commercial uses in neighborhood centers, districts centers, employment centers, and corridors.*
- Policy LU 4.4 Connections: *Design residential, commercial, and industrial development that takes into consideration the connections, both vehicular and pedestrian, to adjoining sites to reduce personal automobile trips.*
- Policy: LU 7.1 Regulatory Structure: *Develop a land use regulatory structure that utilizes creative mechanisms to promote development that provides a public benefit.*
- Policy: LU 7.4 Sub-Area Planning Framework: *Use the Comprehensive Plan overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively.*

From Chapter 4, Transportation

Goal: TR 2 TRANSPORTATION OPTIONS

Provide a variety of transportation options, including walking, bicycling, taking the bus, carpooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles.

- Policy: TR 2.1 Physical Features: *Incorporate site design and other physical features into developments that encourage alternatives to driving.*
- Policy: TR 2.4 Parking Requirements: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- Policy TR 2.6 Viable Walking Alternative: *Promote and provide for walking as a viable alternative to driving.*
- Policy TR 2.7 Safe Sidewalks: *Provide for safe pedestrian circulation within the city; wherever possible, this should be in the form of sidewalks with a pedestrian buffer strip or other separation from the street.*

Goal: TR 3 TRANSPORTATION AND LAND USE

Recognize the key relationship between the places where people live, work, and shop and their need to have access to these places; use this relationship to promote land use

patterns, transportation facilities, and other urban features that advance Spokane's quality of life.

- Policy: TR 3.1 Transportation and Development Patterns: *Use the City's transportation system and infrastructure to support desired land uses and development patterns, especially to reduce sprawl and encourage development in urban areas.*

Goal: TR 7 SENSE OF PLACE

Foster a sense of community and identity through availability of transportation choices and transportation design features, recognizing that both profoundly affect the way people interact and experience the city.

- Policy: TR 7.1 Character and Pride: *Create transportation improvements that promote Spokane's character, enhance the character of its neighborhoods, and foster community pride*
- Policy: TR 7.2 Street Life: *Promote a healthy street life in commercial areas, especially downtown, through transportation facilities that are designed with care to enhance both their use and the surrounding street environment.*
- Policy: TR 7.3 Street Trees: *Plant street trees wherever possible to enhance the transportation environment.*
- Policy: TR 7.4 Pedestrian Buffer Strips: *Develop pedestrian buffer strips in a way that is appropriate to the surrounding area and desired outcomes.*
- Policy TR 7.5 Building Setbacks: *Reduce building setbacks from the street and distances between buildings in neighborhood commercial areas to improve pedestrian access and develop an urban form.*
- Policy TR 7.6 Sidewalk Use: *Allow businesses to utilize available sidewalks as long as pedestrian travel is not unreasonably impacted and the sidewalk's use and design is in character with the neighborhood.*

Staff Discussion: The Hamilton Form Based Code Subarea Plan promotes a street environment for pedestrians by placing buildings close to the street with wide sidewalks and street trees, attractive landscaping, benches, and frequent transit stops. Parking lots are placed to the side or the back of buildings. This proposal promotes compatible mix of housing and commercial uses along the corridor and into the transition zones between the corridor and surrounding neighborhood. This provides opportunities for people to walk, enables less reliance on automobiles, reduces commuting times and distances, makes mass transit more viable, and provides greater convenience for area residents. By promoting a vibrant public realm, the proposal takes into consideration the connections, both vehicular and pedestrian to adjoining sites to reduce personal automobile trips. The proposal also regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public

spaces and a healthy mix of uses. This regulatory structure utilizes creative mechanisms to promote development that provides a public benefit. The proposal is a detailed sub-area neighborhood planning process that provides a forum to confront and reconcile issues by empowering the neighborhood to solve problems collectively. The Logan Neighborhood Stakeholder Team has been working on the preparation of the form-based model zoning code since 2012.

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: Per SMC 17G.020.040(A), this application is being reviewed as an initial adoption of a specific/subarea plan.

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 November 26, 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 application for 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 proposal amends several areas designated as Residential Single Family (RSF) to Center & Corridor Transition (CC Transition) which are adjacent to the Hamilton Corridor. A new Form Based Code zoning category, Context Area 4 (CA4) will replace current zoning. Context Area 4 allows small scale commercial but is predominately residential in nature and functions as a transition zone. Staff finds that these sites are suitable for the amendment being proposed.

- 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.

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: This proposal includes the adoption of new development regulations which specify corresponding rezones. Staff concludes that this criterion is met.

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 two actions be approved as part of the Hamilton Form Based Code Subarea Plan:

1. Action #1: Comprehensive Plan Amendment to Land Use Plan Map. Amend the Land Use designations within the project boundary from R 4-10 to CC Transition (as identified in the maps above).
2. Action #2: Amend Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones. Amend SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amend the City of Spokane Zoning Map and replace CC1-DC, CC2-DC, RSF, and RTF zones with Context Areas CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories within project boundary (see maps above).

**SPOKANE ENVIRONMENTAL ORDINANCE
NONPROJECT DETERMINATION OF NONSIGNIFICANCE**

FILE NO(S): Z1400055COMP - Proposed Comprehensive Plan Amendment for the Hamilton Form Based Code Subarea Plan

PROPONENT: City of Spokane, Planning & Development

DESCRIPTION OF PROPOSAL: The Form Based Code replaces existing zoning and design guidelines within the affected geographical area. This code regulates land development by setting controls on building form, coupled with performance-based parameters relative to building use and density. The entire project area is approximately 37.6 acres. This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map at: <https://beta.spokanecity.org/projects/logan>).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter SMC 17C.123 Form Based Code Zones (See Exhibit 1: SMC 17C.123 Form Based Code Zones Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and SMC 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning at: <https://beta.spokanecity.org/projects/logan>).

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The affected geographic area is centered on the Hamilton Street corridor, bordered by Desmet Ave. to the south and the alley between Augusta Ave. and Nora Ave. to the north. The east/west boundaries vary. Please see attached project area map or visit <https://beta.spokanecity.org/projects/logan/> for a project map.

LEAD AGENCY: City of Spokane, Planning & Development

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 must be submitted no later than December 10, 2014 at 4:00 p.m. if they are intended to alter the DNS.

Responsible Official: Louis Meuler

Position/Title: Interim Director, Planning and Development **Phone:** (509) 625-6300

Address: 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329

Date Issued: November 26, 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
UPDATED 11-7-2014

File No. Z1400055COMP

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.

A. BACKGROUND

1. Name of proposed project, if applicable: Hamilton Form Based Code Subarea Plan and Zoning Change.
2. Name of applicant: City of Spokane
3. Address and phone number of applicant or contact person: Planning & Development Services, 3rd Floor, Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3329, (509) 625-6300. Contact Person: Boris Borisov, Assistant Planner
4. Date checklist prepared: October 6, 2014
5. Agency requesting checklist: City of Spokane
6. Proposed timing or schedule (including phasing, if applicable): A Plan Commission hearing on this proposal is scheduled to take place in December of 2014. Then the subarea plan must be approved by City Council and signed by the Mayor to be adopted.
7.
 - a. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Yes, the Form Based Code is being applied to a small area of the Logan neighborhood as a pilot project. This type of zoning may be applied to other parts of the City if successful. A separate approval process, including SEPA would be completed if applied to other parts of the City.
 - b. Do you own or have options on land nearby or adjacent to this proposal? If yes, explain. No.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to his proposal. None that is directly related to this proposal.
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. None.
10. List any government approvals or permits that will be needed for your proposal, if known. The adoption of new zoning categories utilizing a Form Based Code will require a Comprehensive Plan Amendment via a subarea plan for the affected geographical area. This Comprehensive Plan Amendment will modify land use in some areas within the affected geographical area and introduce new zoning categories. Additionally, a new chapter will be added to the Spokane Municipal Code that is specific to the affected geographical area. These amendments require approval of the Spokane City Council and Mayor.

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. In July, 2012 the Logan Neighborhood Stakeholder Team with the City of Spokane Planning Department began a public planning and engagement process for the preparation of a form-based model zoning code for a segment of Hamilton Street corridor generally from Desmet Avenue on the south to a block and a half north of Augusta Avenue. The Form Based Code is a plug-in set of regulations, replacing existing zoning and design guidelines within the affected geographical area and is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of code limits. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and density. This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses and achieve a development pattern that is more consistent with the intent of the underlying comprehensive plan policies for this area. The entire project area is approximately 37.6 acres.

This proposal falls into two actions:

1. Comprehensive Plan Amendment to Land Use Plan Map. The Land Use designations of the affected geographic area will be amended from R 4-10 to CC Transition and from Institutional to CC Transition. (See Exhibit 2: Existing Land Use Plan Map and Exhibit 3: Proposed Land Use Plan Map).
2. Amending Spokane Municipal Code Title 17C Land Use Standards by adopting a new chapter 17C.XXX123 Form Based Code (See Exhibit 1: 17C.XXX123 Form Based Code Draft at: <https://beta.spokanecity.org/projects/logan>). Amending SMC 17C.200 Landscaping & Screening; and SMC 17C.230 Parking & Loading; and 17A.020.010 Definitions. Amending the City of Spokane Zoning Map and replacing CC1, CC2, RSF, and RTF zones with CA1, CA2, CA3, and CA4 Form Based Code Zoning Categories (See Exhibit 4: Existing Zoning and Exhibit 5: Proposed Zoning)

See Exhibit 6, Aerial Map of Project Boundary for an overview of entire affected geographic area.

All exhibits and supporting documents can be found at:
<https://beta.spokanecity.org/projects/logan>

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 affected geographic area is centered on the Hamilton corridor, bordering Desmet to the south and the alley between Augusta and Nora to the north. The east/west boundaries vary. Please see Exhibit 6: Aerial Map of Project Boundary at: <https://beta.spokanecity.org/projects/logan>.

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.)
Yes.

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).
Not applicable, this is a non-project action. Systems designed for stormwater disposal would be included in new development projects, if the adopted amendments will apply to new development. These are reviewed on a project basis and mitigated as required under SMC Section 17D.060.

- (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?
Not applicable, this is a non-project action.

- (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.
Not applicable, this is a non-project action.

- (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?
Not applicable, this is a non-project action.

b. Stormwater

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

Not applicable, this is a non-project action

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

Not applicable, this is a non-project action

TO BE COMPLETED BY APPLICANT

B. ENVIRONMENTAL ELEMENTS

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1. Earth

- a. General description of the site (circle one): *flat, rolling, hilly, steep slopes, mountains, other.* The affected geographic area is predominately flat.
- b. What is the steepest slope on the site (approximate percent slope)? The affected geographic area is predominately flat. The slopes range from 0 to 16 percent.
- 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. The soils are generally described as Garrison gravelly loam 0 to 5% slope. Please see the "Soil Survey, Spokane County Washington, 1968" for additional information regarding this and other soil classifications within the City of Spokane.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. The affected geographic area has no history of unstable soils in the immediate vicinity according to the Potential Erosion Hazard map of the City of Spokane.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill: There are no fills or grading proposed directly related to this proposal, this is a non-project action.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. There should not be any erosion directly related to this proposal, as this is a non-project action. Impacts would be project based and would be evaluated on a project-by-project basis.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Not applicable, this is a non-project action. The Form Based Code specifies maximum impervious coverage for specific zones in the affected geographic area. These standards would apply to new projects and would limit the amount of impervious surfaces (see Exhibit 1: 17C.XXX123 Form Based Code Draft, Section 17C.XXX123.040-1 at: <https://beta.spokanecity.org/projects/logan>).
- h. Proposed measures to reduce or control erosion or other impacts to the earth, if any: Not applicable, this is a non-project action. The Form Based Code sets maximum impervious surface coverage areas within the geographic area as well as landscaping standards.

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. Construction of required accesses and other infrastructure required as conditions of approval, if any, and other development permitted by the zoning code will generate emissions to the air. Impacts will be evaluated as projects are proposed.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No, this is a non-project action.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: This specific proposal contains no provisions to reduce or control emissions.

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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. There is no surface water body within the affected geographic area. The Spokane River is approximately ½ mile to the south of the project boundary and ¼ of a mile to the east
- (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.
There is no fill or dredge material that is proposed to be placed or removed in relation to this proposal, this is a non-project action. The development standards of the Shorelines Master Program (SMP) and the Title 17E.070 (wetlands) of the SMC regulate the filling and dredging of surface water and wetlands.
- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
No, this proposal will not require surface water withdrawals or diversions. This is a non-project action.
- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. The affected geographic area does not lie within a 100-year floodplain.
- (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, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

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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, this proposal does not involve any discharge of water materials to surface waters. This is a non-project action.

- (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.

Not applicable, this is a non-project action. All buildings within the affected geographic area are served by city sewer.

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.

Not applicable, this is a non-project action.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a non-project action.

- d. PROPOSED MEASURES to reduce or control surface, ground, and runoff water impacts, if any. I

The provisions of SMC 17D.060 Stormwater Facilities regulates stormwater and requires appropriate on-site storage and disposal. New development is reviewed under these regulations and required to build appropriate stormwater facilities.

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4. Plants

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

x _____ Deciduous tree: *alder, maple, aspen, other.*

x _____ Evergreen tree: *fir, cedar, pine, other.*

x _____ Shrubs

x _____ Grass

_____ Pasture

_____ Crop or grain

_____ Wet soil plants, *cattail, buttercup, bullrush, skunk cabbage, other.*

_____ Water plants: *water lilly, eelgrass, milfoil, other.*

x _____ Other types of vegetation.

- b. What kind and amount of vegetation will be removed or altered? No vegetation is proposed to be removed or altered as part of this proposal, this is a non-project action.

- c. List threatened or endangered species known to be on or near the site. Not-applicable, this is a non-project action.

- c. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: The Form Based Code imposes landscaping standards prescribed in SMC 17C.200. These landscaping requirements ensure properties developed within the affected geographical area enhance vegetation on site (see: Supporting Amendments to SMC, Landscaping & Screening at: <https://beta.spokanecity.org/projects/logan/>)

3.

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:

Not-applicable, this is a non-project action.

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.

Not-applicable, this is a non-project action.

- a. Is the site part of a migration route? If so, explain.
Not-applicable, this is a non-project action.
- d. Proposed measures to preserve or enhance wildlife, if any:
The provisions of Spokane Municipal Code Section 17E.020 Fish and Wildlife Habitat contain development standards for the protection of animals listed as threatened, endangered and priority species.

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.
Not applicable, this is a non-project action. New development in the affected geographic area could use any combination of electric, natural gas, wood stove, and/or solar to meet energy needs.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Not applicable, this is a non-project action.
- 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:
The Form Based Code is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The affected geographic area will benefit from an environment that supports multiple modes of transportation including automobile, walking, cycling, and transit.

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. No, this proposal is a non-project action and should not directly increase the risk of any of these hazards.
- (1) Describe special emergency services that might be required.
Not applicable, this is a non-project action.
- (2) Proposed measures to reduce or control environmental health hazards, if any:

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Not applicable, this is a non-project action.

b. NOISE:

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a non-project action.

- (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.

New development could create construction noise as redevelopment occurs with the affected geographic area. Any such noise would be subject to the provisions of SMC 10.0D Noise Control.

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

Noise is regulated under SMC 10.D Noise Control. This section of the Spokane Municipal Code outlines maximum permissible environmental sound levels by zone type (residential, commercial, office, retail, industrial, etc). Projects within the affected geographic area would be subject to these standards.

8. Land and shoreline use

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

Uses within the affected geographic area are a mix of residential and commercial. Approximately 39% of the parcels within the boundary are zoned for residential use and 61% are zoned Center & Corridor. The Centers and Corridor zones have a variety of uses including retail, commercial and personal services.

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

- c. Describe any structures on the site. The affected geographic area has numerous structures. Approximately 39% of the area is zoned for residential use and has single family/multi-family. The Center and Corridor zones which make up roughly 61% of the affected geographic area has commercial structures that range from 3,000 sf to 10,000 sf.

- d. Will any structures be demolished? If so, which? This is a non-project action and as such demolition of structures is not being proposed. Structures could be demolished as part of normal redevelopment activity.

- e. What is the current zoning classification of the site? The affected geographic area has a mix of zones including

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residential single family (RSF), residential two-family (RTF), and center and corridor (CC1, and CC2).

- f. What is the current comprehensive plan designation of the site? The Comprehensive Land Use Map designation for the affected geographic area is Center and Corridor Core Residential 4-10, and Institutional.
- 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. Yes. The entire affected geographic area is within the critical aquifer recharge area.
- i. Approximately how many people would reside or work in the completed project? Not applicable, this is a non-project action
- j. Approximately how many people would the completed project displace? Not applicable, this is a non-project action
- k. Proposed measures to avoid or reduce displacement impacts, if any: Not applicable, this is a non-project action
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: This project implements the centers and corridors goals and policies and land use map designations of the comprehensive plan. Several areas of the affected geographic area will require a Comprehensive Plan Amendment to the Land Use Plan Map.

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. Not applicable, this is a non-project action.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing. Not applicable, this is a non-project action.
- c. Proposed measures to reduce or control housing impacts, if any: Not applicable, this is a non-project action.

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? This is a non-project action and does not include the construction of buildings. The standards for building height are regulated in this proposal. There are four Context Areas (zones) within the affected geographic area. The tallest building allowed would be in a Context Area 1 zone at 65 stories or 80-66 feet (see figures 17C.XXX123.040GD through 17C.XXX123.040FG under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>) along a shop front street (designated along Hamilton and commercial nodes/intersections). A wide variety of building materials will be allowed within each zone.
- b. What views in the immediate vicinity would be altered or obstructed? Views may be altered if developers take advantage of allowable maximum height standards within the affected geographic area. The proposal has design requirements to ensure the proper "fit" within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community. (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). Areas adjacent to residential zones have lower height maximum standards to ensure smooth transitions between intense uses and a neighborhood context.
- c. Proposed measures to reduce or control aesthetic impacts, if any: The proposal has design requirements to ensure the proper "fit" within the surrounding neighborhood. These include architectural requirements, articulating façade requirements, roofline objectives, mechanical screening, and other considerations. These requirements establish important functional and aesthetic characteristics sought by the community (See Section 17C.XXX123.060 Architectural Requirements under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? This is a non-project action. Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). These standards help reduce glare, especially at night.
- c. What existing off-site sources of light or glare may affect your proposal? Development within the affected geographic area would be required to adhere to lighting standards (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).
- d. Proposed measures to reduce or control light and glare impacts, if any: The Hamilton Form Base Code prescribes lighting standards within parking lots to reduce glare and contribute to the character and safety of sites and adjacent right of way. Pedestrian scale fixtures are required for all lighting illuminating pedestrian paths. Vehicle scale fixtures are allowed for general surface lot and site lighting. Parking lot lighting is required to provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting is required to be shielded to minimize off-site glare, directing light downward and away from adjacent properties (see section 17C.XXX123.040G(1)(2) under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>).

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? Not applicable, this is non-project action
- b. Would the proposed project displace any existing recreational uses? If so, describe. Not applicable, this is non-project action
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Not applicable, this is non-project action

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. A portion of the Mission Avenue Historic District is within the northwest part

of the affected geographic area. This accounts for approximately 10 parcels that are both within the affected geographic area and the Mission Avenue Historic District. One parcel, located at 1226-1228 N. Hamilton is on the local preservation register. This property commonly known as Jack and Dan's, is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.

- b. Generally describe any landmarks or evidence of historic archaeological, scientific or cultural importance known to be on or next to the site. Jack and Dan's Tavern, located at 1226-1228 N. Hamilton is one of five remaining beer parlors in Spokane that has operated continuously as a parlor/tavern since the repeal of prohibition in Washington in 1933.
- c. Proposed measures to reduce or control impacts, if any: This proposal does not specifically have measures to reduce impacts on historic properties. The proposal encourages compatible use of existing properties with the surrounding neighborhood.

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. The main north/south route in the affected geographic area is served by Hamilton Street. This street supports a mixed-use corridor environment. Mission Ave serves existing east/west arterial needs and includes a median with turn lanes. Boone Ave, Sharp Ave, and Sinto Ave serve east/west arterial needs and provide for and support a mixed-use district environment. Augusta Ave, Columbus St, Cincinnati St, and Dakota St, provide for and support an environment bridging between mixed-use and residential areas. Access to all streets would not change as part of this proposal as this is a non-project action.
- 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? This is a non-project action. The proposal has maximum parking requirements for each context area. Context Areas 1, 2, and 3 have a maximum of 2 spaces/500 sf of floor area. Context Area 4 (residential in character) has a minimum off-street parking requirement of 1 space per dwelling unit.

- 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. Not applicable, this is a non-project action.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak would occur. Not applicable, this is a non-project action.

(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: Not applicable, this is a non-project action.

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. This proposal is a non-project action and should not directly increase the need for fire, police, health care or school services.
- d. Proposed measures to reduce or control direct impacts on public services, if any: Impacts will be addressed at the time of permit application.

16. Utilities

- a. Circle utilities currently available at the site: *electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.* The project area is fully served with urban utilities.
- 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. Not applicable, this is non-project action.

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: _____

Signature: _____

Please Print or Type:

Proponent: City of Spokane

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

Phone: 509-625-6300

Person completing
form (if different

from proponent): Boris Borisov, Assistant Planner

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

Phone: 509-625-6156

Email: bborisov@spokanecity.org

[Updated November 7, 2014](#)

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.

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 proposal would not directly increase discharge to water, emissions to air, the production and storage of toxic or hazardous substances or noise.

Proposed measures to avoid or reduce such increases are:
No such measures are included in this proposal.

2. How would the proposal be likely to affect plants, animals, fish or marine life?
This proposal is unlikely to directly affect plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are:
No measures are proposed to specifically address the conservation of plants and animals in this proposal. However, the SMC includes standards related to protection of critical areas and habitat.

3. How would the proposal be likely to deplete energy or natural resources?
The proposed code amendments will not directly affect energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:
The proposal does not directly address energy and natural resource conservation.

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?

This proposal will not directly affect environmentally sensitive areas. If the amendments adopted will apply to new development, the new development will be subject to the critical area standards of the Spokane Municipal Code.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No new measures are proposed. Project impacts will be addressed at the time of permit application in accordance with the standards of the Spokane Municipal Code.

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 amendments are intended to implement the policies of the City's Comprehensive Plan. Development approved under the proposed amendments are required to meet the development regulations adopted under the Comprehensive Plan.

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

No additional measures are proposed.

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

This proposal increases the height maximum in the Context Area 1 zone from 54' to 66' along Shopfront streets. It also increases the height maximum in Context Area 2 from 54' to 66' along Shopfront streets (See Figure 17C.XXX.040-DC through Figure 17C.XXX.040-ED under Exhibit 1 at: <https://beta.spokanecity.org/projects/logan/>). This type of increase is only allowed on streets adjacent to Hamilton and corner lots. This is consistent with the Comprehensive Plan's Corridor designations which call for increase of densities.

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

Any development proposals would individually go through the SEPA process and would be required to mitigate impacts on transportation or public services and utilities.

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

The proposal should not conflict with local, state or federal laws or requirements for the protection of the environment.

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: _____ Signature: _____

Please Print or Type:

Proponent: City of Spokane

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

Phone: 509-625-6300

Person completing
form (if different

from proponent): Boris Borisov, Assistant Planner

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

Phone: 509-625-6156

Email: bborisov@spokanecity.org

[Updated November 7, 2014](#)

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.

HAMILTON FORM-BASED CODE

SUBAREA PLAN

Public Comment Packet

Comments From July through September 2014 (pre-official public comment period for Comp Plan Amendments)

Comments	Date	Format	Contact Name
<p>Input on Context Areas: Input on Context Areas: We are strongly opposed to the mandatory height minimum for the CA-1 Context Area. This 4-story requirement, for our 15,000 sf lot located at Mission and Hamilton will deprive from any reasonable use of the property. It amounts to a taking of private property.</p> <p>Input on Street Type Designations: Generally no significant concerns Other Comments: The requirement to place any buildings at the corner of our property. Placing parking away from the street is already making it difficult for us to find a new tenant for the property. The prohibition on drive-through facilities has taken away most of the demand for the property from the brokers and national tenants we have talked to. I have talked to numerous commercial brokers.</p>	7/30/2014	Comment Card from July Open House	Mike Dempsey
<p>I believe there is a drafting error in the July 11, 2014 draft of the HFBC, on page 5. The reference to "figures 17.XXX.050-C through 17.XXX.050-F", in subsection 17C.XXX.040(A), should instead be to "figures 17C.XXX.040-C through 17C.XXX.040-F". The figures were in Section 17.XXX.050 in an earlier draft, but are now in Section 17C.XXX.040.</p> <p>There are also errors on page 6, in the references to "Figure 17C.XXX.050-A" and "17C.XXX.050-B", in Section 17C.XXX.040(G)(5). You also need to insert the "C" in the references to "figures 17.XXX.040-C through 17.XXX.050-F" in Section 17C.XXX.040(H).</p>	7/30/2014	Email	Mike Dempsey
<p>I have several comments regarding the HFBC draft. They are as follows; --reference should be made to the Logan Identity Plan within the document. --shrubs aren't mitigation enough for blank walls --clarity is needed around the allowance of retail in CA4 to prevent just home businesses within a residence and if a retail use is included then I think the regs for retail use (i.e. design/landscaping/parking) should be required.</p>	8/4/2014	Email	Karen Byrd
<p>Owns the 3 west lots on Hamilton and Augusta. Wanted to know if he will have to comply with new zoning rules once adopted. Staff explained current buildings are grandfathered.</p>	8/1/2014	Phone Call	Rod Scroggin
<p>Concern about sidewalk width and building height minimums: It will be difficult to lease site with height minimum requirement.</p>	8/4/2014	Phone Call	Greg Byrd
<p>Inquired about impacts the code may have on her property. Staff explained the property is outside of the project boundary</p>	8/5/2014	Email	Annabelle Leith
<p>Opposition to moratorium and Draft HBFC. See attached email</p>	8/18/2014	Email	Mike Dempsey

I just wanted to respond to the work that has been undertaken by the Logan Neighborhood over the last year or so. The development of the Form Based Code, I believe, is exemplary, very well thought out, and should be enacted by the City Council. I grew up at 808 E Augusta, and after 4 decades away living in NYC, I presently live and work at this address. Any movement toward enhancing pedestrian activity, and providing increased density will be good for the Logan Neighborhood, and for the City of Spokane. Thank you.	9/30/2014	Email	Gregory J. Higgins
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Logan Form Based Code Public Comments Period October 27th - November 25th, SUMMARY

Comments	Date	Format	Contact Name
Property owner of 929 E Boone requested his property be within the HFBC boundary as part of the CA4 zone. The zone was expanded to include the property per direction of the Planning Director	10/3/2014	Email	Stephen Kraft
Needed more info about the project. Referred to Website, provided project overview. Mr. Faridnia is not within project boundary, just needed more info.	10/28/2014	Voicemail/Phone Call	Mannie Frednya
Called Back Nov 3rd. Mr. Blemo wanted to know more about the project as he is in the process of purchasing 902 E Boone. I explained the vision of the neighborhood and what FBC strives to accomplish.	10/28/2014	Voicemail/Phone Call	Joe Blemo
Mr. Kuntz asked about the timeline for adoption. Informed Mr. Kuntz we are looking at the proposal to be in front of City Council in January of 2015.	10/27/2014	Voicemail	Greg Kuntz
Mr. Byrd stated he is opposed to the height minimum standards and the prohibition of drive-throughs	11/7/2014	Phone Call	Greg Byrd
Stated they were glad height minimum requirements were eliminated. Opposed to prohibition on drive-throughs	11/9/2014	Email	Rod & Glenice Scroggin
Asked why the changes were needed. Staff replied via email explaining the neighborhood planning process that resulted in this proposal and elements of the code. Staff provided a link to the website with full project details.	11/9/2014	Email	Margie Clarity
Mr. Byrd asked where the 18' Foot 1st floor height minimum came from	Week of 11/17	Phone Call	Greg Byrd
Councilman Fagan inquired why the road diet was dropped from the HFBC. Staff explained this was due to traffic numbers being too high on Hamilton to allow for a 3 lane section. Mr. Fagan also asked about angle parking and staff responded this proposal does not call for angle parking.	11/20/2014	Email	Councilman Mike Fagan
Mr. Dempsey submitted a letter on behalf of Carmela Dempsey and Pete Anderson, owners of the NW corner of Hamilton and Mission; see attached letter	11/24/2014	email	Mike Dempsey
Mr. Byrd submitted a letter with comments. See attached.	11/25/2014	Email	Greg Byrd

Logan Form Based Code Comments After Official Comment Period Nov 26th - Current

Comments	Date	Format	Contact Name
1) 35' height max in CA4; is there flexibility to go higher? 2) Recommended increasing impervious service in CA4 to 60% or 70% 3) Concern with language about Frontage Types (porches) - Staff stated this was under the guideline section of the code	12/2/2014	Meeting	Greg Kuntz

Public Comments July 2014 – September 2014

Public Open House July 30, 2014

Property Owner Meeting August 18, 2014

HAMILTON FORM-BASED CODE

We Want To Hear From You!

Leave your comments and input on this card

Name:

M. L. Demsey

ADDRESS:

3224 S. Whipple Rd

PHONE NUMBER:

E-MAIL CONTACT:

demseyml@comcast.net

RESPONSE REQUESTED: YES NO

Context Areas: What are your thoughts on the context areas including regulations for height, parking, land uses, building lines, etc?

We are strongly opposed to the mandatory height minimum for the CA-1 context area.

This 4-story requirement for our 15,000 sq ft lot located at Mission & Hamilton ^{with defective} from any reason ^{use of the property, it is tantamount to a taking} of private property.

Street Type Designations: Street types describe amenities based upon intended use and desired qualities. What are your thoughts with regards to required amenities including street trees, a planting zone, pedestrian zone, benches, trash receptacles, and pedestrian scale lighting?

Generally no significant concerns.

Other Comments/Feedback:

We the requirements to place the very building ~~at~~ at the corner of our property. I have placed parking away from the street is already making it difficult for us to find a new tenant for the property. The prohibition on drive-thru facilities has taken away most of the demand for the property from the numerous brokers and ~~commercial~~ national tenants we have talked to. I have talked to numerous commercial brokers.

Borisov, Boris

From: dempseymc@comcast.net
Sent: Wednesday, July 30, 2014 4:51 PM
To: Borisov, Boris
Subject: Re: Form Based Code Open House

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Boris,

I believe there is a drafting error in the July 11, 2014 draft of the HFBC, on page 5. The reference to "figures 17.XXX.050-C through 17.XXX.050-F", in subsection 17C.XXX.040(A), should instead be to "figures 17C.XXX.040-C through 17C.XXX.040-F". The figures were in Section 17.XXX.050 in an earlier draft, but are now in Section 17C.XXX.040.

There are also errors on page 6, in the references to "Figure 17C.XXX.050-A" and "17C.XXX.050-B", in Section 17C.XXX.040(G)(5). You also need to insert the "C" in the references to "figures 17.XXX.040-C through 17.XXX.050-F" in Section 17C.XXX.040(H).

I will be at the meeting tonight.

Mike Dempsey
477-7427 (Spokane County Hearing Examiner)

From: "Boris Borisov" <bborisov@spokanecity.org>
To: "Chris Kelly" <cmk@tipperary-press.com>, "Chris Nichols" <chris@chairscoffee.com>, "Jeanette Harras" <logandnc@gmail.com>, "Karen Byrd" <byrdkd50@gmail.com>, "Ken Sammons" <ksammons@plant.gonzaga.edu>, "Ken Wenhien" <kssw@msn.com>, "Mike Dempsey" <dempseymc@comcast.net>, "Mitch Moczulski" <Mitch@chairscoffee.com>, "Paul Harrington" <pharrington@southhenry.com>, "Paul Kropp" <pkropp@fastmail.fm>, "Rod & Glenia Singh" <flyrod3@comcast.net>
Sent: Tuesday, July 29, 2014 1:33:26 PM
Subject: Form Based Code Open House

Good Afternoon,

This is a friendly reminder that the Form Based Code Open House is tomorrow night from 6-8pm. Attached is a flyer with information. Hope to see you there.

Best Regards,



Boris Borisov | Assistant Planner | Planning & Development Services

Borisov, Boris

From: Karen Byrd <byrdkd50@gmail.com>
Sent: Monday, August 04, 2014 7:44 AM
To: Borisov, Boris
Subject: HFBC Comments & next mtg

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Boris,

I have several comments regarding the HFBC draft. They are as follows; --reference should be made to the Logan Identity Plan within the document.

--shrubs aren't mitigation enough for blank walls --clarity is needed around the allowance of retail in CA4 to prevent just home businesses within a residence and if a retail use is included then I think the regs for retail use (ie design/landscaping/parking) should be required.

Do you think there has been enough time for public comment for the stakeholder group to meet tomorrow? I am available to meet tomorrow or Thursday at 430p.

Have you received very many comments or concerns?

Thanks,

Karen Byrd

Sent from my iPhone

Borisov, Boris

From: Borisov, Boris
Sent: Monday, August 11, 2014 10:50 AM
To: ann4sure@comcast.net
Subject: RE: Hamilton corridor model

Hi Annabelle,

Thank you for the email and question. Your property at 1104 E August is outside of the boundary area for the Form Based Code. It seems that your property is about six parcels east of the project boundary.

Feel free to contact me if you have further questions.

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: ann4sure@comcast.net [<mailto:ann4sure@comcast.net>]
Sent: Tuesday, August 05, 2014 2:26 PM
To: Borisov, Boris
Subject: Hamilton corridor model

I wanted to know how this impacts my home in this area, I live at 1104 E. Augusta. Does this mean that they will be able to build apartment's around me or next door to me?

Thank you, Annabelle Leith ann4sure@comcast.net

- • Updated – Hamilton Corridor Model Form Based Code – July 2014

Borisov, Boris

From: dempseymc@comcast.net
Sent: Monday, August 18, 2014 3:15 PM
To: Borisov, Boris
Subject: Re: Hamilton Form Based Code Feedback

Thanks, Boris. I meant to say that the owners of the site have had to put off prospective tenants due to the moratorium and the current restrictions in the draft HFBC.

From: "Boris Borisov" <bborisov@spokanecity.org>
To: dempseymc@comcast.net
Sent: Monday, August 18, 2014 2:37:57 PM
Subject: RE: Hamilton Form Based Code Feedback

Hi Mike,

Thank you for the comments and feedback. I look forward to hearing more input from stakeholders and will keep you updated during this process.

Best Regards,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

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

From: dempseymc@comcast.net [mailto:dempseymc@comcast.net]
Sent: Monday, August 18, 2014 1:49 PM
To: Borisov, Boris
Cc: pete anderson; curran dempsey; Mark J. Rosenblum
Subject: Re: Hamilton Form Based Code Feedback

Boris,

I'm sorry that due to one of our cars being in the shop today, I will not be able to attend tonight's meeting.

My 88-year old mother, Carmela Dempsey, owns 70% of the 15,600-square foot lot located at the northwest corner of the intersection of Hamilton and Mission. This property has been in the Dempsey family since my great-grandfather, C.C. Dempsey, a Spokane pioneer who was a former Sheriff of Spokane County (1896-1898) and owned the large Dempsey Hotel in downtown Spokane for many years, lived on the property in a 13-room mansion. The property housed a Shell Oil gas station after

that, and then a carwash starting in 1985 until the owners had it torn down early in 2014.

My mother is very much opposed to the draft HFBC, and the moratorium adopted by the City that is in effect along the Hamilton corridor. The lot is perfect for drive-through retail, with ingress along Mission and egress along Hamilton. It is clearly not large enough to support a minimum 54-foot/4-story tall building, with mixed uses, now or in the future; nor is there a market for such use now or in the foreseeable future. The prospective tenants who have shown interest in the property over the last several months since the carwash was removed are single-story, drive-through retail and retail strip development. This includes a number of national tenants, who we have had to put off due to the uncertainties over t.

Of most concern is the 4-story minimum building height under the HFBC in the CA-1 context area that applies to my mother's property. If this minimum is adopted, it would appear to take all reasonable use of the property away, which would be a compensable taking.

The City cannot argue that the site could be combined with other adjoining parcels in the future, to make a 4-story building marketable; which assemblage and use appears completely speculative anyway. The single-parcel test requires that this parcel be viewed on its own merits.

The height minimums that are proposed in the various context areas under the HFBC would make nearly all existing buildings along the corridor in their respective context areas nonconforming (including the new Clementine Square). This is against the concept of typical form-based zoning, which is not intended to force such drastic changes to the character of an existing neighborhood.

There is also concern regarding the impact of the inordinately wide improvements and setbacks required along a shopfront street like Hamilton and Mission, which would require a whopping 24-foot set aside for my mother's property along both Mission and Hamilton. This represents approximately 6,000 square feet of a 15,600-square foot lot, or 38% of the lot.

Personally, I have long been an admirer of the City of Spokane, and appreciate the City trying to make a positive impact on the Hamilton corridor and adjoining neighborhoods. However, the proposed zoning from my mother's point of view is a disaster in the making. From my own experience, this sort of restrictive zoning, that takes away most reasonable uses of the property in the existing market, is what brought form-based zoning down in the City of Spokane Valley; not just an argument over aesthetics.

Respectfully submitted,

Mike Dempsey

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

From: "Boris Borisov" <bborisov@spokanecity.org>

To: byrdkd50@gmail.com
Cc: "Scott Chesney" <schesney@spokanecity.org>, "Louis Meuler" <LMeuler@SpokaneCity.org>
Sent: Monday, August 18, 2014 9:47:21 AM
Subject: Hamilton Form Based Code Feedback

Dear Stakeholders,

This is a friendly reminder we are meeting today with property owners to discuss the Hamilton Form Based Code:

Date: Monday, August 18, 2014

Time: 5-6:30pm

Location: Gonzaga Plant Service Building, 1004 N. Ruby.

Directions: The entrance is around on the east side of the building. From the south, take Ruby north to DeSmet Avenue. Turn right and go about ½ block and turn into the driveway on the south side of the street. The building is the second one on the right. From Division, going south, turn left onto DeSmet, go a block and a half and turn south into the driveway as noted above.

Please RSVP to this email if you plan on attending. If you cannot attend, please review the attached draft and provide your feedback via email or phone.

Thank you,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

Borisov, Boris

From: Greg Higgins <gjharch@comcast.net>
Sent: Tuesday, September 30, 2014 3:28 PM
To: Borisov, Boris
Cc: 'Karen Byrd'
Subject: COMMENT-HAMILTON FORM BASED CODE

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Borisov,
I just wanted to respond to the work that has been undertaken by the Logan Neighborhood over the last year or so. The development of the Form Based Code, I believe, is exemplary, very well thought out, and should be enacted by the City Council.

I grew up at 808 E Augusta, and after 4 decades away living in NYC, I presently live and work at this address. Any movement toward enhancing pedestrian activity, and providing increased density will be good for the Logan Neighborhood, and for the City of Spokane. Thank you.

Best regards,

Greg

GREG HIGGINS architecture

Gregory J. Higgins, Architect
808 E. Augusta Ave., Unit A
Spokane, WA 99207
T: 509.482.2764

Official Public Comment Period
October 27, 2014 – November 25, 2014

Borisov, Boris

From: Cho <kraftproperties@comcast.net>
Sent: Friday, November 21, 2014 6:01 PM
To: Borisov, Boris
Subject: Re: 929 E Boone Ave

Boris

Thank you very much for making that change. It makes a lot of sense.

Yes that is our LLC and the loan is under that name as well.

Stephen Kraft

On Nov 20, 2014, at 1:55 PM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:

> Hi Stephen,
>
> Please take a look at the attached map. We've added 929 E Boone do the CA4 transition area. Also, assessor info indicated the owner of this property is Olivia, LLC. Is that your LLC? Thanks for the assistance.
>
> Best,
>
> Boris Borisov
> Assistant Planner
> 509-625-6156
>
> -----Original Message-----
> From: Cho [<mailto:kraftproperties@comcast.net>]
> Sent: Thursday, October 30, 2014 8:48 AM
> To: Borisov, Boris
> Subject: Re: 929 E Boone Ave
>
> Boris
>
> Thank you for your reply. Please talk to Scott Chesney as he already said the city agrees with me on the 929 E. Boone and neighboring vacant land to the west of it.
> I've been stating this since Nikole Coleman first had the meeting February 2013!
>
> Stephen Kraft
>
> On Oct 30, 2014, at 8:17 AM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:
>
>> Hi Stephen,
>>
>> Thank you for the email and follow-up. When we last spoke the entire proposal was being submitted for review under State Environmental rules. That review lasted 2 weeks. Following this review we are required to kick off what is called a public comment period during which we send out letters to every property owner (the one you received). We must send out the draft that was submitted for review originally (thus the letter you received does not yet include those

changes). The letter your received kicks off a public comment period in which we will continue to get feedback about the proposal.

>>

>> We then take this feedback and look at possible changes to the code and map and have it reviewed by the Plan Commission and City Council as part of an adoption process. We plan on making the changes you requested after the public comment period expires on November 26th, before the draft goes to the Plan Commission and City Council.

>>

>> There is a lot of process involved in these type of changes and we appreciate your feedback as we work towards incorporating feedback.

>>

>> If you have any questions, don't hesitate to contact me.

>>

>> Best,

>>

>>

>>

>> Boris Borisov | Assistant Planner | Planning & Development Services

>> 509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

>>

>>

>>

>>

>>

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

>> From: Cho [<mailto:kraftproperties@comcast.net>]

>> Sent: Wednesday, October 29, 2014 5:37 PM

>> To: Borisov, Boris

>> Cc: Borisov, Boris; thekraftfamily1@comcast.net

>> Subject: Re: 929 E Boone Ave

>>

>> Boris

>>

>> Hello, I sent this earlier this month to Scott Chesney as well and he responded that the city agreed that it should be within the boundaries of the transition and should not be the lone part of that block left out.

>>

>> The map that I just received a letter from the City Of Spokane planning still does not show it within the project site. When will the map reflect what you've agreed to do?

>>

>> He did say at the time that the very next map coming out wouldn't reflect it but It's now been four weeks. As a property owner I need something a little more definite please.

>>

>> Sincerely,

>>

>> Stephen Kraft

>>

>> On Oct 3, 2014, at 3:43 PM, Stephen Kraft <kraftllc@hotmail.com> wrote:

>>

>>> Hello Mr Borisov

>>>

>>> We are the owners of 929 East Boone Ave., which includes the almost two city lots (one parcel) to the west of it.

>>>

>>> Back when this whole project started with the meeting that was held at Gonzaga University on February 6, 2013, I noticed an immediate problem with the project study area, as it did not include our families lot at the south and east part of that block--which includes Jack and Dan's.

>>>

>>> As I stated in an email on February 20, 2013 after attending the meeting organized by Nikole Coleman, "with Jack and Dans just down the alley to the west and GU dorms and properties to the east, this area is already in transition.

>>> To exclude it from a higher intensity development area is not right, and probably just an oversight. It would be terrible to be the only less developed island on the block so to speak."

>>>

>>> Nikole stated in response "the boundary needs to be drawn somewhere for this model, but that doesn't mean that the eventual rezone can go no further. Your comments and others that we've received will certainly inform what the city decides to do..."

>>>

>>> I just examined the latest draft of September 30, 2014 and my property is still not considered within the transitional area even. I want to know why it is not included?

>>>

>>>

>>> Sincerely

>>>

>>> Stephen Kraft

>>> 509-990-0869

> <logan-subarea-proposed-zoning-map-11-12-2014.pdf>

Borisov, Boris

From: flyrod3@comcast.net
Sent: Sunday, November 09, 2014 6:36 PM
To: Borisov, Boris
Subject: Hamilton Formed Based Code

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Boris,

1. We are glad the minimum and maximum height requirements have been eliminated. This would have a hardship on many property owners and nothing would have been gained from it.
2. We think drives thrus are a good thing if they are done properly and they are a service to the public.
3. Why did you not have more pictures of property north of Sharp? Example Clarks Cleaners. That is one of best looking properties on Hamilton. He has a drive thru.

Thanks,

Rod & Glenice Scroggin

Borisov, Boris

From: Borisov, Boris
Sent: Monday, November 10, 2014 1:25 PM
To: 'Marguerite Clarity'
Subject: RE: Hamilton zoning change

Dear Margie,

Thank you for the email. The change proposed are part of a neighborhood planning process that began in 2012. We worked with the neighborhood on creating this proposal before the McDonald's project. What this proposal does is try to create an urban, pedestrian friendly, and walkable environment along Hamilton. Part of this is having buildings closer to the street and creating a streetscape with amenities like trees, benches, lighting, etc. The changes that affect the property next to yours include the measures I mentioned above. You can get full project details at:
<https://beta.spokanecity.org/projects/logan/>

If you have further questions, don't hesitate to contact me directly.

Best,

Boris Borisov | Assistant Planner | Planning & Development Services
509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

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

From: Marguerite Clarity [<mailto:clarity007@hotmail.com>]
Sent: Sunday, November 09, 2014 9:17 PM
To: Borisov, Boris
Subject: Hamilton zoning change

Hi,

My house is next to the change, but looks like it is not affected. 918 E Boone. Can you tell me why the changes are needed? Is it because people were upset McDonald's went in? What are people trying to control by these proposed changes?

Thanks,
Margie

Sent from my iPad

Borisov, Boris

From: Fagan, Mike
Sent: Thursday, November 20, 2014 9:00 AM
To: Borisov, Boris
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Boris,

Thank you once again.

The area that I am keying on is outside of the FBC boundary area.

Regards,

Mike Fagan

From: Borisov, Boris
Sent: Thursday, November 20, 2014 8:55 AM
To: Fagan, Mike
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Councilman Fagan,

Attached is the project map. This proposal does not call for angle parking or any change to the streets from curb-to-curb. We scaled back the project to control the environment from the back of the curb to the building. This is more of an incremental approach.

You can find the updated code document and other related maps here: <https://beta.spokanecity.org/projects/logan/> (look under Form Based Code Subarea Plan Documents).

Thank you,

Boris

From: Fagan, Mike
Sent: Thursday, November 20, 2014 8:46 AM
To: Borisov, Boris
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Boris,

Thank you for the update.

One more thing; Please forward a copy of the project map.

I have an issue with regards to angle parking and I am wanting to see if the request is coming from inside or outside.

Thank you

Mike Fagan

From: Borisov, Boris
Sent: Thursday, November 20, 2014 8:38 AM
To: Fagan, Mike
Cc: McGrath, Sheryl; Meuler, Louis; Etter, Zoraida
Subject: RE: LOGAN MEETING LAST NIGHT

Good Morning Councilman Fagan!

The traffic numbers are too high to support narrowing Hamilton. There has been some conversation about doing on street parking on Hamilton during off-peak hours. However, the proposal as it stands now only gives guidance to the form, mass, and bulk of the buildings and the space from the back of the curb to the building frontage.

Let me know if I can be of further assistance.

Best Regards,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: Fagan, Mike
Sent: Wednesday, November 19, 2014 8:17 AM
To: Borisov, Boris
Cc: McGrath, Sheryl
Subject: LOGAN MEETING LAST NIGHT

Boris,

Good Morning !

Do you know what the reason(s) are that prompted Logan to drop the road diet ?

Regards,

Mike Fagan

Mike Fagan

Spokane City Councilman

City of Spokane

808 W. Spokane Falls Blvd.

Spokane, WA 99201-3335

509-625-6257

fax 509-625-6550

mfagan@spokanecity.org

PLEASE NOTE THIS EMAIL IS PUBLIC RECORD AND WILL BE RETAINED ACCORDING TO THE CITY OF SPOKANE DOCUMENT POLICY

Borisov, Boris

From: dempseymc@comcast.net
Sent: Monday, November 24, 2014 9:34 AM
To: Borisov, Boris
Cc: pete anderson; dempsey, curran; Mark J. Rosenblum
Subject: Comments by Carmela Dempsey and Pete Anderson on SEPA review of draft HFBC
Attachments: 20141124091157347.pdf

Boris,

Please find attached a letter from me submitted on behalf of Carmela Dempsey and Pete Anderson, who own the lot at the northwest corner of Hamilton and Mission; regarding SEPA review on the draft HFBC.

If you have any questions, please free to contact me by email or by telephone at 979-5328.

Thank you for all the courtesies that you have extended to our group.

Mike Dempsey

November 24, 2014

Boris Borisov
Spokane Planning Services
808 W. Spokane Falls Boulevard #3
Spokane, WA 99201

RE: SEPA Review of Hamilton Form Based Code-Subarea Plan, Ordinance #s 1 and 2;
Comments submitted by Carmela Dempsey and Peter Anderson

Dear Mr. Borisov:

I submit these comments on the September 30, 2014 draft of the Hamilton Form Base Code ("HFBC") that is currently under SEPA review; at the request of my mother, Carmela Dempsey, and my cousin Peter Anderson. They strongly oppose the draft, based on the adverse impacts that the regulations in the draft would have on the commercial lot they own at the northwest corner of Hamilton Street and Mission Avenue.

The chief concerns of the owners are the mandatory minimum building height of 42 feet and three (3) stories, including an 18-foot high ground floor, applicable in the CA-1 context area along both Mission and Hamilton as "Shopfront" streets; as well as the ban on drive-through facilities in the CA-1 context area (and the other context areas in the HFBC).

None of the City's zones mandate a minimum building height for commercial uses or other development. Further, the Center and Corridor 1 (CC1) zone that currently applies to the owners' property, and the City's other main commercial zones, do not ban drive-through facilities on Principal Arterial streets such as Mission or Hamilton.

The November 3, 2014 redraft of the HFBC discussed at the November 6, 2014 stakeholder meeting deleted Mission Avenue as a Shopfront street, and removed the minimum building heights; from the HFBC. The owners endorse such changes. However, the draft retained the 18-foot minimum ground floor height, which appears excessive to them; and still banned drive-through facilities in all context areas.

You indicated at the stakeholder meeting that City Planning staff recently attended a conference on form-based codes in Salt Lake City, and received comments critical of the HFBC draft from other jurisdictions. This included the fact that most local jurisdictions do not impose a minimum building height, no other streets in the corridor besides Hamilton should be designated as a Shopfront street, single-story commercial buildings can work in the corridor, an economic feasibility study would be needed to justify requiring commercial buildings to be higher than single story, both the height minimums and height maximums in

the HFBC appear excessive, incentives could be used to encourage building height rather than minimum heights, transitions in height are needed between commercial buildings/parking lots and nearby residential uses to avoid adverse impacts, and market forces along the corridor should be considered by the code.

You advised that City legal staff had weighed in on the building height minimums in the HFBC; and was uncomfortable supporting them based on the lack of an economic feasibility study that supports such minimums, and legal taking issues that could be raised by commercial property owners along Hamilton. The comments from City legal staff, and from the Salt Lake City conference, drove the revisions contained in the November 3, 2014 draft.

You advised that the recently adopted Cincinnati Form Based Code was used as a model for the HFBC. I note that the Main Street Transect (T5MS) zone in the Cincinnati FBC requires a 14-foot minimum ground floor ceiling, considerably lower than the 18-foot minimum floor in the HFBC; and does not prohibit drive-through facilities, although it requires that drive-through lanes not be located between buildings and adjacent streets.

The impetus for the drafting of the HFBC was the desire of the Logan Neighborhood to reduce Hamilton from five (5) lanes down to (3) lanes, to allow a more pedestrian friendly corridor. City Traffic Engineering logically found this proposal impossible; since Hamilton is the second busiest north-south arterial in the City for traffic volumes, has a busy freeway interchange at Interstate 90, and is unlikely to see any traffic mitigation until the North Spokane Corridor is extended to Interstate 90 (at least several years down the road).

Form-based codes primarily regulate an intended physical form, regulate use secondarily, and attempt to enhance the form and character of a place.

The property at Hamilton and Mission has been in the family for generations, and once housed a 13-room mansion lived in by my great grandfather, C.C Dempsey; a Spokane pioneer who was one of the first elected Sheriffs of Spokane County (1898-1899), and owned the Dempsey Hotel and Restaurant downtown on Trent Avenue that closed prior to Expo '74. After the mansion was removed, the property was used as a Shell Station for many years; and then for a carwash the last 30 years, until the carwash was removed earlier this year.

The owners have an attachment to the property, would like to leave it to their heirs, and prefer to find a new tenant rather than sell the property.

The traffic along Hamilton makes the property highly desirable for retail uses that can attract the pass-by traffic, including drive-through uses. Traffic can enter the site on Mission and

Dempsey/Anderson
SEPA Review Comments on HFBC
November 24, 2014
Page 3

exit onto Hamilton, and a drive-through lane could be put on the side of the building away from the street if necessary.

The small lot lying west of the property is improved with an older residence, but is zoned for commercial use. The lot to the north has already been developed with McDonald's, which was allowed to have a drive-through along Hamilton. Safeway dominates the land across Hamilton to the east. Most of the commercial buildings along Hamilton are single-story, with some being 2-story.

Clarks Cleaners located across Mission to the south is a desirable use in the neighborhood, and has a drive-thru service (see enclosed photo). A great neighborhood use like Starbuck's, or Einstein Bros Bagels, cannot locate on the property without a drive-through feature.

A viable retail use that doesn't depend on drive-through service cannot economically locate on the property with the mandatory minimum building height contained in the September 30, 2014 draft of the HFBC. There is no off-street parking available along Mission and Hamilton near the property to serve multi-story use, and this 15,600-square foot lot is too small to construct a parking structure. Residential use of the site is undesirable, because the lot is at the crossing of two busy arterials.

The HFBC can make the corridor pedestrian friendly in this location through the requirement that the building be constructed along the street, together with the other performance standards in the draft that do not mandate height or ban drive-through facilities.

The owners respectfully request that the minimum building heights and the prohibition on drive-through facilities in the draft HFBC be removed, as unwarranted and unwise restrictions on development rights.

Thank you for consideration.

Sincerely,



Michael C. Dempsey
For Carmela Dempsey and Peter Anderson

c: Carmela Dempsey, Peter Anderson
Curran Dempsey, Attorney at Law
Mark Rosenblum, Attorney at Law, Eisenhower Carlson PLLC

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Created by the Web Design students of Interface College

Borisov, Boris

From: Greg Byrd <greg@byrdrealestategroup.com>
Sent: Tuesday, November 25, 2014 4:30 PM
To: Borisov, Boris
Attachments: HFBC.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the attached and add it to my previous comments regarding the Hamilton Form Based Code.

Greg Byrd
509-326-8080
509-994-4345 (cell)
greg@byrdrealestategroup.com



Byrd Real Estate Group LLC.
PRODUCING PROPERTY SOLUTIONS
1912 N. Division St., Suite 201
Spokane WA 99207

November 25, 2014
Boris Borisov
Spokane Planning & Development Services
808 W. Spokane Falls Boulevard #3
Spokane, Washington 99201

RE: Hamilton Form Based Code ("HFBC")

Dear Mr. Borisov,

I have attended numerous meetings regarding the "HFBC". These meetings have included a preliminary meeting with Studio Cascade, a couple of open houses, meetings with stakeholders, meetings at Spokane Planning, and numerous Logan Neighborhood meetings. I am the manager of an LLC that owns 17 parcels along the Hamilton corridor south of Sharp. The LLC clearly has a vested interest in any new regulations and restrictions along this corridor.

The original sales pitch for a form based code was that it allowed more flexibility for good development. I am sorry that this is not what I find in the final "HFBC". This plan dictates or regulates height, placement, facade treatment, lighting and the look of any new buildings. It also prohibits some uses and eliminates all drive-through facilities. Where is the flexibility?

I often feel like we are trying to hit a moving target as the plan changes. The original plan at the open houses had recommended height minimums and somehow those were turned into regulated minimum height standards. No one has been able to tell me how this happened. I attended a planning meeting and was questioning the height minimum and asking for the economic analysis to show that this was feasible. I felt like this landed on deaf ears until you met the same response at the Salt Lake City Form Based Code session. I am pleased that the height minimum has been removed from the latest "HFBC".

The original design of this code was predicated on reducing Hamilton into a 3 lane boulevard. This discussion was shut down at least for the time being yet all the other plans that coincided with this did not change even though traffic on Hamilton will not be reduced or slowed down. I understand the desire to make Hamilton more pedestrian friendly, yet I find it difficult to imagine if there is no change in the traffic. Orienting the buildings closer to the street will have very little impact on pedestrians feeling more comfortable walking along Hamilton.

The property owners along Hamilton have not received a satisfactory answer as to why drive-through facilities are not allowed. When the topic is broached at a meeting it is not discussed or answered except for a statement that "we disagree and that property owners are able to bring it up at the hearing before City Council and the Planning Commission". In a private phone conversation you tell me the restriction is to make Hamilton more pedestrian friendly. Hamilton with the existing traffic is not pedestrian friendly and

prohibiting drive-through facilities is not going to improve this. A car coming out of a parking lot is not any different than a car coming out of a drive-through. I think proper planning should and can improve the streetscape by orienting the drive-through on the back side of the buildings. I understand and can appreciate that the new McDonalds on Hamilton with the drive through on the street side is not a desirable look. Clarks Cleaners on the corner of Hamilton and Mission is an attractive building that has a drive-through. Someone has yet to tell me how this orientation and architecture is objectionable as most would not even know the drive-thru is there. There are solutions other than prohibiting a use.

I had a discussion with you last week regarding the 18-foot minimum height requirement for the ground floor. You did not know how this requirement came about and could not tell me the justification for this minimum. It is more expensive to build and would certainly be more expensive to heat and cool this additional space. I can understand a more reasonable and common 14-foot minimum. You told me you would get back to me with clarification as to why and where this requirement came from. As of today, I have not heard back from you.

We know that it would be beneficial to all to have new development along the Hamilton corridor. Removing the minimum height requirement was a positive step in the right direction. My concern is that the other regulations and requirements will have a negative impact on developer interest. We are not convinced that prohibiting a future drive-thru facility and requiring 18 foot ground floor store fronts are beneficial to this neighborhood that is in need of new development.

Thank you for your attention and consideration regarding these matters.

Sincerely,

Greg Byrd
Byrd Real Estate Group LLC
Manager LLC & M,L.L.C.
509-994-4345

Comments after Official Public Comment Period

November 26, 2014 - Present

Borisov, Boris

From: Borisov, Boris
Sent: Wednesday, December 03, 2014 4:31 PM
To: 'nomotumos@comcast.net'
Subject: Re: Form Code Meeting

Hi Greg,

Thanks for meeting up about questions related to Form Code. Here's what I captured from our discussion:

1. 35' height max in CA4. You were asking if the code would be flexible if that went over by a couple of feet
2. Impervious Surface coverage percentages: your comment is to increase the CA4 standard of 50% to either 60% or 70%
3. Porches: You were concerned about the language. I informed you these were guidelines

Let me know if you this sums it up. I'll include these comments in our documentation. Please remember we have a Plan Commission Hearing December 10, 2014 at 4pm in the City Council Chambers, 808 W. Spokane Falls Blvd.

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



Borisov, Boris

From: dempseymc@comcast.net
Sent: Wednesday, December 10, 2014 1:04 PM
To: Borisov, Boris
Cc: pete anderson; dempsey, curran; Mark J. Rosenblum
Subject: Dempsey/Anderson comments to City Planning Commission, on amendments to SMC to implement HFBC
Attachments: 20141210124755111.pdf

Boris,

Please find attached a scanned copy of a 6-page letter from me to the City Planning Commission, on behalf of Carmela Dempsey and Peter Anderson, commenting on the proposed changes to the Spokane Municipal Code that seek to implement the November 12, 2014 draft of the Hamilton Form Based Code.

I will bring the original letter to the Planning Commission's hearing today at 4:00 p.m., and plan to testify at the hearing.

Thank you for all the courtesies that you have shown to me, my mother and my cousin during this process.

Mike Dempsey

December 10, 2014

Spokane City Planning Commission
c/o City of Spokane Planning & Development, Attn: Boris Borisov
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Amendment of SMC, to implement Hamilton Form Based Code (HFBC)
Comments submitted by Carmela Dempsey and Peter Anderson

Dear Planning Commission Members:

I respectfully submit the following comments on the amendments proposed to the Spokane Municipal Code (SMC), to implement the November 12, 2014 draft of the Hamilton Form Based Code ("HFBC"); at the request of my 79-year old mother, Carmela Dempsey, and my cousin Peter Anderson.

Mrs. Dempsey and Mr. Anderson own the 15,600-square foot lot located at the northwest corner of the intersection of Hamilton and Mission, which is currently zoned Type 1 Center and Corridor (CC1). The carwash that was located on the property for over 28 years was removed this past spring, and the owners are searching for a new commercial tenant.

I have been an attorney for 36 years. For the past 34 years, I have practiced in the field of drafting, interpreting, applying and/or enforcing land use regulations for local governments in Spokane County and other counties in Washington. This includes the last 18 years as a hearing examiner for counties and cities; and the previous 16 years as a deputy prosecuting attorney, including nine (9) years as a senior deputy.

The owners oppose some of the proposed changes to the SMC, based on the adverse impacts they would have on the use and market value of their commercial lot. Their chief concerns are the arbitrary ban on drive-through facilities in the CA-1 context area that would apply to the property, and the minimum 18-foot ground floor required under the building height maximum specified in the CA-1 context area.

The owners also strongly oppose any attempt to reinsert the draconian minimum building heights that were present in earlier drafts of the HFBC. This included a minimum building height of 54 feet (4 stories with 18-foot ground floor) along shopfront streets in the CA-1 context area, in the July 11, 2014 draft; and a still whopping minimum building height of 42 feet (3 stories with 18-foot ground floor) in the September 30, 2014 draft. The existing commercial buildings along the Hamilton corridor are mostly single story, along with some 2-story structures.

None of the City's zones mandate a minimum building height for commercial uses or other development. Further, the CC1 zone and the City's other main commercial zones do not ban drive-through facilities on Principal Arterial streets such as Mission or Hamilton.

The model HFBC drafted in March 2013, and adopted at the June 26, 2013 stakeholder's meeting, planned for the reduction of Hamilton from five (5) lanes to three (3) lanes, called for a 10-foot sidewalk section, required buildings along "shopfront streets" to abut the sidewalk, and imposed minimum building heights along shopfront streets. However, the draft contained no restrictions on drive-through facilities.

On April 14, 2014, the City Council adopted Ordinance No. C-35093; which imposed a moratorium on all land use applications for drive-through facilities, and new construction of commercial buildings set back from the street, in all CC1 and CC2 zones on the Hamilton corridor between Trent and North Foothills Drive. The moratorium has been extended into 2015, pending consideration of the HFBC.

Ordinance No. C-35093 found that drive-through facilities that are "automobile-oriented", or set back from the street, contradict the "pedestrian orientation" of CC1 and CC2 zones and the pending form-based code; and would have a detrimental impact on the implementation and goals for form-based development on the Hamilton corridor, and render moot many of the goals of form-based development. However, such findings were not well supported because the model HFBC under consideration at the time did not call for a prohibition on drive-through facilities; the CC1 and CC2 zones have performance standards for, but do not prohibit drive-through facilities; and all drive-through facilities are by nature "automobile-oriented."

To the owners, the main impetus for the City's adoption of the Hamilton moratorium on April 14, 2014 appeared to be the recent issuance of a building permit for the construction of a McDonald's drive-in restaurant along Hamilton Street, directly north of the Dempsey/Anderson lot, without any interior seating and with drive-through lanes located between the building and the street; the Logan Neighborhood's unsuccessful campaign to prevent the construction of the McDonald's use; the pending redevelopment of the Dempsey/Anderson lot, where the carwash had just closed; and the Logan Neighborhood's desire to prevent a drive-through facility from being constructed on the Dempsey/Anderson lot, even one that did not propose drive-through lanes between the building and the sidewalk.

The draft of the HFBC presented at the May 28, 2014 stakeholder's meeting, held after the passage of City Ordinance No. C-35093, also did not ban drive-through facilities. However, Section 17C.XXX.080 of the draft required that access and stacking lanes serving drive-

through businesses not be located between the building and any adjacent street, and be designed to minimize the impact to the sidewalk environment; and that drive-through facilities be designed to minimize pedestrian conflicts both on and off the site, and comply with the additional standards for drive-through facilities set forth in SMC Chapter 17C.325.

The drafts of the HFBC prepared on July 11, 2014 through November 12, 2014 no longer planned for the reduction of Hamilton Street from five (5) lanes to three (3) lanes; but banned drive-through uses, and required buildings along shopfront streets to be located adjacent to a wider 12-foot sidewalk.

The November 3, 2014 redraft of the HFBC discussed at the November 6, 2014 stakeholder meeting deleted Mission Avenue as a shopfront street, and removed the minimum building heights, from the HFBC. The owners strongly endorsed such changes.

City Planning staff at the November 6, 2014 stakeholder meeting advised that they had recently attended a conference on form-based codes in Salt Lake City, and received comments critical of the HFBC draft from other jurisdictions. This included comments that most local jurisdictions do not impose minimum building heights, no other streets in the corridor besides Hamilton should be designated as a “shopfront” street, single-story commercial buildings can work in the corridor, an economic feasibility study would be needed to justify requiring commercial buildings to be higher than single story, both the height minimums and height maximums in the HFBC appear excessive, incentives could be used to encourage building height rather than minimum heights, transitions in height are needed between commercial buildings/parking lots and nearby residential uses to avoid adverse impacts, and market forces along the corridor should be considered in the HFBC.

City Planning staff also advised that the City Attorney’s Office had weighed in on the building height minimums in the HFBC; and was uncomfortable supporting them based on the lack of an economic feasibility study that supports such minimums, and taking issues that could be raised by commercial property owners along Hamilton. The comments from City legal staff, and from the Salt Lake City conference, drove the revisions contained in the November 3, 2014 and November 12, 2014 drafts of the HFBC.

City Planning staff further advised that the recently adopted Cincinatti Form Based Code was used as a model for the HFBC. I note that the Main Street Transect (T5MS) zone in the Cincinatti FBC, which appears comparable to the CA-1 context area in the HFBC, requires a 14-foot minimum ground floor ceiling, considerably lower than the 18-foot minimum floor in the HFBC; and does not prohibit drive-through facilities, although it requires that drive-through lanes not be located between buildings and adjacent streets.

City Planning staff has provided no rationale for a minimum 18-foot building height for the first floor of a building, in the CA-1 context area or other context areas of the HFBC. Such mandatory height could significantly increase the cost of building the first floor of a commercial use on the owners' property, with speculative gain to the neighborhood.

Over the past several months, I have consulted with licensed real estate brokers from three (3) different brokerages that represent or market property in the Hamilton corridor, as well as a prominent local land use attorney in Spokane, about the minimum building heights that were in the earlier drafts of the HFBC. They all agree that such standards would likely work a taking of the owners' small lot; because it would next to impossible to find a marketable commercial use that would want or try to build this high on the property, considering economics and the low profile of most other buildings in the corridor. They were also critical of the ban on drive-through uses, since this significantly devalues the use of this property located along a high-traffic corridor and at the juncture of two principal arterials.

The impetus for the drafting of the HFBC was the desire of the Logan Neighborhood to reduce Hamilton from five (5) lanes down to (3) lanes, to allow a more pedestrian friendly corridor. City Traffic Engineering logically found this proposal impossible; since Hamilton is the second busiest north-south arterial in the City for traffic volumes, has a busy freeway interchange at Interstate 90, and is unlikely to see any traffic mitigation until the North Spokane Corridor is extended to Interstate 90 (at least several years down the road). Where else would the traffic go that currently congests Hamilton Street during peak hours?

Form-based codes primarily regulate an intended physical form, regulate use secondarily, and attempt to enhance the form and character of a place. The ban on drive-through facilities in the moratorium and the draft HFBC has had a chilling effect on the marketing and development of the owners' property, which has been sitting vacant without a new tenant for months.

The ban on drive-through facilities would work a significant downzone of the owners' property from the current CC1 zoning. The downzoning of property along Sprague Avenue in the form-based code adopted by the City of Spokane Valley a few years ago eventually led to its wholesale repeal, not the form-based performance standards adopted in such code.

The property at Hamilton and Mission has been in the family for generations, and once housed a 13-room mansion resided in by my great grandfather, C.C Dempsey; a Spokane pioneer who was one of the first elected sheriffs of Spokane County (1898-1899), and owned the Dempsey Hotel and Restaurant downtown on Trent Avenue that closed prior to Expo '74. After the mansion was removed, the property was used as a Shell Station for many years; and then for a carwash the last 28 plus years, before it was removed this past spring.

The owners have an attachment to the property, would like to leave the property to their heirs, care about what uses are developed on the property, and prefer to find a new tenant rather than sell the property.

The traffic along Hamilton makes the owners' property highly desirable for retail uses that can attract the pass-by traffic, including drive-through uses. Traffic can enter the site on Mission and exit onto Hamilton, and a drive-through lane could be put on the side of the building away from the street if needed for the commercial use.

The small lot lying west of the property is improved with an older residence, but is zoned for commercial use. The lot to the north has already been developed with McDonald's, which was allowed to have a drive-through lane along Hamilton. Safeway dominates the land across Hamilton to the east.

Clarks Cleaners located across Mission to the south is a desirable use in the neighborhood, and has drive-thru service (see enclosed photo). A great neighborhood use like Starbuck's or Einstein Bros Bagels, or a pharmacy or bank branch with a drive-through feature, could not be developed on the owners' property if drive-through facilities are banned.

There is no off-street parking available along Mission and Hamilton near the property to serve multi-story use, and the 15,600-square foot lot is too small to construct a parking structure. Residential use of the site is undesirable, because the lot is located at the crossing of a high capacity traffic corridor and another busy arterial.

The proposed amendments to the SMC can make the Hamilton corridor "pedestrian friendly" through the requirement that the building be constructed adjacent to the 12-foot sidewalk along shopfront streets like Hamilton; together with the other performance standards in the amendments that do not mandate height or ban drive-through facilities, and the existing performance standards for drive-through facilities in the SMC.

The owners respectfully request that the 18-foot minimum building height for first floor construction along shopfront streets, and the prohibition on drive-through facilities, be deleted from the proposed amendments; as unwarranted and unwise restrictions on development rights.

Thank you for consideration.

Dempsey/Anderson
Comments to Planning Commission on HFBC
December 10, 2014
Page 6

Sincerely,



Michael C. Dempsey
Attorney at Law

c: Carmela Dempsey, Peter Anderson
Curran Dempsey, Attorney at Law
Mark Rosenblum, Attorney at Law, Eisenhower Carlson PLLC

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Created by the Web Design students of Interface College

Borisov, Boris

From: Borisov, Boris
Sent: Tuesday, December 09, 2014 3:15 PM
To: 'kraftproperties@comcast.net'
Cc: Meuler, Louis
Subject: RE: 929 E Boone Ave

Mr. Kraft,

I cannot change the boundaries at this point as we are going to Plan Commission hearing tomorrow. You are welcome to come and testify at the hearing. I will also forward your comments to the Plan Commission. Details below:

Plan Commission Hearing
4pm
City Hall, City Council Chambers
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Thank you,



Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org



From: kraftproperties@comcast.net [mailto:kraftproperties@comcast.net]
Sent: Tuesday, December 09, 2014 2:13 PM
To: Borisov, Boris
Subject: RE: 929 E Boone Ave

Boris,

Thank you for getting back to me with the requested change and the map as well. I think it benefits the neighborhood in the long run.

One other thing that I feel strongly enough to write a follow-up email to, is that the area on the west side of Columbus St, between Boone and Desmet should be included in the CA3. These five homes are all rentals and furthermore, the huge bland asphalt parking area, which is rarely used by the way, comes inbetween. This half

block is an eyesore, and does not need to be preserved as some single family area. Disclosure: I am an owner (aka the guy who pays the mortgage and taxes and manages the place, etc) of two of the places, 929 E. Boone and 917 E. Desmet.

What is your opinion on this at this time?

Stephen

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

From: Boris Borisov <bborisov@spokanecity.org>

To: Cho <kraftproperties@comcast.net>

Sent: Thu, 20 Nov 2014 21:55:38 -0000 (UTC)

Subject: RE: 929 E Boone Ave

Hi Stephen,

Please take a look at the attached map. We've added 929 E Boone do the CA4 transition area. Also, assessor info indicated the owner of this property is Olivia, LLC. Is that your LLC? Thanks for the assistance.

Best,

Boris Borisov

Assistant Planner

509-625-6156

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

From: Cho [<mailto:kraftproperties@comcast.net>]

Sent: Thursday, October 30, 2014 8:48 AM

To: Borisov, Boris

Subject: Re: 929 E Boone Ave

Boris

Thank you for your reply. Please talk to Scott Chesney as he already said the city agrees with me on the 929 E. Boone and neighboring vacant land to the west of it.

I've been stating this since Nikole Coleman first had the meeting February 2013!

Stephen Kraft

On Oct 30, 2014, at 8:17 AM, "Borisov, Boris" <bborisov@spokanecity.org> wrote:

> Hi Stephen,

>

> Thank you for the email and follow-up. When we last spoke the entire proposal was being submitted for review under State Environmental rules. That review lasted 2 weeks. Following this review we are required to kick off what is called a public comment period during which we send out letters to every property owner (the one you received). We must send out the draft that was submitted for review originally (thus the letter you received does not yet include those changes). The letter you received kicks off a public comment period in which we will continue to get feedback about the proposal.

>

> We then take this feedback and look at possible changes to the code and map and have it reviewed by the Plan Commission and City Council as part of an adoption process. We plan on making the changes you requested after the public comment period expires on November 26th, before the draft goes to the Plan Commission and City Council.

>

> There is a lot of process involved in these type of changes and we appreciate your feedback as we work towards incorporating feedback.

>

> If you have any questions, don't hesitate to contact me.

>

> Best,

>

>

>

> Boris Borisov | Assistant Planner | Planning & Development Services

> 509.625.6156 bborisov@spokanecity.org www.spokaneplanning.org

>

>

>

>

>

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

> From: Cho [<mailto:kraftproperties@comcast.net>]

> Sent: Wednesday, October 29, 2014 5:37 PM

> To: Borisov, Boris

> Cc: Borisov, Boris; thekraftfamily1@comcast.net

> Subject: Re: 929 E Boone Ave

>

> Boris

>

> Hello, I sent this earlier this month to Scott Chesney as well and he responded that the city agreed that it should be within the boundaries of the transition and should not be the lone part of that block left out.

>

> The map that I just received a letter from the City Of Spokane planning still does not show it within the project site. When will the map reflect what you've agreed to do?

>

> He did say at the time that the very next map coming out wouldn't reflect it but It's now been four weeks. As a property owner I need something a little more definite please.

>

> Sincerely,

>

> Stephen Kraft

>

> On Oct 3, 2014, at 3:43 PM, Stephen Kraft <kraftllc@hotmail.com> wrote:

>

>> Hello Mr Borisov

>>

>> We are the owners of 929 East Boone Ave., which includes the almost two city lots (one parcel) to the west of it.

>>

>> Back when this whole project started with the meeting that was held at Gonzaga University on February 6, 2013, I noticed an immediate problem with the project study area, as it did not include our families lot at the south and east part of that block--which includes Jack and Dan's.

>>

>> As I stated in an email on February 20, 2013 after attending the meeting organized by Nikole Coleman, "with Jack and Dans just down the alley to the west and GU dorms and properties to the east, this area is already in transition.

>> To exclude it from a higher intensity development area is not right, and probably just an oversight. It would be terrible to be the only less developed island on the block so to speak."

>>

>> Nikole stated in response "the boundary needs to be drawn somewhere for this model, but that doesn't mean that the eventual rezone can go no further. Your comments and others that we've received will certainly inform what the city decides to do..."

>>

>> I just examined the latest draft of September 30, 2014 and my property is still not considered within the transitional area even. I want to know why it is not included?

>>

>>

>> Sincerely

>>

>> Stephen Kraft

>> 509-990-0869

>>

>>

>>

>>

>>

Borisov, Boris

From: Greg Kuntz <nomotumos@comcast.net>
Sent: Monday, December 08, 2014 3:22 PM
To: Borisov, Boris
Subject: Re: Form Code Meeting

Looks good.

More reasoning for amending would be that the way the percentages are written now are in line with RSF. If FBC 4 is truly transition. Percentages should be higher.

When I look at the areas that allow FBC 4 development they all stop at street intersections so you will have the width of street 60ft or so of buffer between RSF. Also if increased density is a goal of this code change then subject properties should have less restriction then current zoning.

Again

RSF allows to 35ft and a .5 FAR which essential is 50% impervious coverage. If you can achieve the required setback from property line why should it matter? Kind of a catch 22. No problem with building big attractive buildings with design standards.

Just thoughts thanks again for your time.

Greg

Sent from my iPhone

On Dec 3, 2014, at 4:30 PM, Borisov, Boris <bborisov@spokanecity.org> wrote:

Hi Greg,

Thanks for meeting up about questions related to Form Code. Here's what I captured from our discussion:

1. 35' height max in CA4. You were asking if the code would be flexible if that went over by a couple of feet
2. Impervious Surface coverage percentages: your comment is to increase the CA4 standard of 50% to either 60% or 70%
3. Porches: You were concerned about the language. I informed you these were guidelines

Let me know if you this sums it up. I'll include these comments in our documentation. Please remember we have a Plan Commission Hearing December 10, 2014 at 4pm in the City Council Chambers, 808 W. Spokane Falls Blvd.

Thank you,

<image001.jpg>

Boris Borisov | Assistant Planner | Planning & Development Services

509.625.6156 | bborisov@spokanecity.org | www.spokaneplanning.org

<image002.gif>

<image003.gif><image004.gif><image005.gif>

HAMILTON

FORM-BASED CODE

SUBAREA PLAN

Additional Resources



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 10, 2010

FROM: Planning Services

PD-024-10

DATE: April 19, 2010

SUBJECT: Drive-Through Facilities Zoning By-Law Amendment

LOCATION: Town wide

WARD: Town wide

Page 1

RECOMMENDATION:

That Zoning By-law Amendment 2010-047, a by-law to amend the Town's Comprehensive Zoning By-law 1984-63, as amended, regarding drive-through facilities, be passed.

KEY FACTS:

- On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.
- On September 14, 2009, Planning and Development Council brought forward a report entitled "Drive-through Facilities Study and Proposed Directions" which was received. Planning Services staff were directed to proceed with additional public consultation and also requested to review the setback requirements of drive-throughs from residential zones.
- Planning Services staff has held additional consultation with the public, further assessed the issues raised and prepared updated recommendations to the Town's Zoning By-law relating to drive-throughs.
- Planning Services staff are recommending amendments to the Town's Zoning By-law to define drive-throughs, restrict them from the Central Business District and Growth Area locations as provided for in Livable

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

Oakville, require locational criteria and setbacks in C1, C2 and C6 zones; and define additional regulations for buffers and stacking spaces.

BACKGROUND

On November 10, 2008, Planning and Development Council passed Interim Control By-law 2008-177 to prohibit drive-through facilities in order to provide staff with the opportunity to undertake a study in respect of land use planning policies for drive-throughs and to prepare recommendations for amendments to the Zoning By-law as necessary.

Planning Staff completed the Drive-Through Study in the summer of 2009 and it was presented to Planning and Development Council on September 14, 2009 for endorsement. Due to time limitations the drive-through study was not dealt with at the September 14th meeting and was forwarded onto the September 28, 2009 meeting for consideration. Discussions at that meeting focused largely on the proposed 15m separation distance from residential areas as suggested in the staff report and the need for further consultation on the proposed recommendations in general. There was consensus that further consultation should be undertaken and that an extension to the Interim Control By-law be passed to allow additional time for this consultation to be undertaken. The Interim Control By-law was therefore extended at the September 28, 2009 and the following motion was passed by Council:

- "1 The Planning Services Report #PD-072-09 entitled "Drive-Through Facilities Study and Proposed Direction" be received.*
- 1. That Planning Services be requested to review the setback requirements from residential zones taking into consideration the comments received at the public meeting and the setback requirements of other municipalities.*
 - 2. That Planning Services be requested to undertake further consultation and prepare a draft Zoning By-law for consideration at a future Planning and Development Council meeting."*

Following the Council resolution, staff undertook a further review of the setback requirements by updating its analysis of the regulations and setback requirements of other municipalities. Staff also undertook further consultation with the industry stakeholders and the community.

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

POLICY FRAMEWORK

The policy framework applicable to drive-throughs was set out in detail in PD-072-09. It is summarized again to provide the policy context in which the analysis has taken place.

Official Plan

The Town's current Official Plan does not provide specific policies related to drive-through facilities. The Livable Oakville Plan prohibits new drive-through facilities within all of the Growth Areas:

- Downtown Oakville;
- Kerr Village;
- Uptown Core;
- Palermo Village;
- Bronte Village; and,
- Midtown Oakville.

These areas represent the majority of the areas where Mixed Use land use designations are applied. There are also some commercially designated areas, outside of the Growth Areas where the Mixed Use land use designations apply and as such drive-through facilities are not permitted. These areas include the Central Business District south of Kerr Village and west of the Downtown.

The Livable Oakville Plan also provides for a hierarchy of commercial land use designations to allow for a distribution of commercial centres to serve the community. Drive-throughs are generally permitted within the Core Commercial and Community Commercial centres as well as Business Commercial nodes which are predominantly located along arterial roads. The Livable Oakville Plan also contains numerous urban design policies which will work in conjunction with the Drive-Through Urban Design Guidelines to provide further direction for drive-through facilities throughout Oakville. The new urban design policies in the Livable Oakville Plan contain direction regarding site access, circulation, landscaping, parking, service, loading and storage areas, and signage and lighting.

The Urban Design Guidelines for drive-throughs will be updated as part of the comprehensive review being undertaken to develop a town-wide set of urban design guidelines which will further implement the Livable Oakville Plan.

From: Planning Services
 Date: April 19, 2010
 Subject: Drive-Through Facilities Zoning By-Law Amendment

Existing Zoning Regulations

The Town of Oakville Zoning By-law permits drive-through facilities in the majority of commercial and employment zones subject to varying regulations. Drive-throughs are currently permitted within the C1, C2, C6 and C3R zone subject to certain regulations. They are permitted through interpretation as “take-outs” in these zones (as noted by the “x” in the chart). Drive-throughs are also permitted within the C3, C3A, E1, E2 and T1 zones. However they are not permitted on a lot abutting a residential zone within these zones. The table below provides a summary of the current zoning regulations pertaining to drive-throughs.

Zone	Take outs	Drive-through	Regulation
Commercial			
C1	✓	X	9m side yard abutting a residential zone 13.5m rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
C2	✓	X	15m side and rear yard abutting a residential zone 7.62m buffer strip abutting a residential zone
C3	✓		Not permitted on a lot abutting a residential zone
C3R	✓		3m side and rear yard abutting a residential zone
C3A	✓		Not permitted on a lot abutting a residential zone
C4			Not a permitted use
C5			Not a permitted use
C6	✓	X	15m abutting a residential zone
C7			Not a permitted use
	Take outs	Drive – through	Regulation
Employment			
E1		✓	Not permitted on a lot abutting a residential zone
E2		✓	Not permitted on a lot abutting a residential zone
T1		✓	Not permitted on a lot abutting a residential zone

North Oakville Secondary Plans and Zoning By-law

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

The North Oakville East Secondary Plan specifically restricts drive-throughs in the Trafalgar Urban Core Area. The North Oakville West Secondary Plan does not have any specific references to drive-throughs. The North Oakville Zoning By-law defines drive-throughs but they are not identified as a permitted use in any of the existing zones.

Since the North Oakville lands were not part of the Interim Control By-law, any changes to the regulations for drive-throughs in the North Oakville Zoning By-law would have to come from a separate amendment. It is recommended that any resulting regulations approved through this Interim Control By-law study process be implemented into the North Oakville Zoning By-law by separate amendment to ensure a consistent approach to drive-throughs is applied to all areas of Town.

COMMENTS/DISCUSSION

Review of setback requirements

Planning staff have undertaken a further review of setback requirements imposed by other municipalities, particularly those located within the GTA, as directed by Council. Staff has compiled these regulations within a table which is attached to this report as Appendix "A". As shown in the table the setbacks vary among the municipalities surveyed and generally range anywhere from 10 meters to 60 metres. There is also a significant difference with respect to setbacks required from a residential zone to a building containing a drive through or to an intercom ordering station. It was also noted that some municipalities have provided for unique situations which could result in a reduction to the setback being considered such as the installation of noise attenuation barriers and/or landscaped buffers.

The review undertaken by planning staff reveals that there is not a consistent setback utilized by municipalities in dealing with drive-through facilities. In fact the setback requirements imposed by other municipalities vary greatly and are based on a variety of factors including the specific context of each community.

Additional Public Consultation

In total six meetings have been held to receive input from the public on drive-through facilities. In addition to the public meetings, an informal qualitative on-line survey was undertaken to collect information on the views and attitudes towards drive-throughs. The on-line survey responses are not reliable as a source of statistically valid data by which to develop future policy on drive-through facilities and were only used to consider views and opinions..

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

The first public meeting hosted by Planning Staff was a public open house held on May 7, 2009 to hear the views of the community on drive-throughs. Two residents and several stakeholders attended this open house. The second meeting was a statutory public meeting on September 14, 2009 before Planning and Development Council. Members of the public and stakeholders groups were present at this meeting and expressed their comments and concerns to Council.

As directed by Council at the September 14th, 2009 Planning and Development Council meeting additional meetings were held to further consult with the community. Four additional meetings were held to provide further opportunity for discussion and clarification of the issues. A summary of the additional meetings is provided as follows:

Stakeholder Consultation Meeting

The first meeting was a stakeholder meeting held on January 14, 2010. It was a well attended meeting with representatives from the Ontario Restaurant Hotel and Motel Association, McDonalds and Tim Horton's. There was a review of the current policies and design guidelines and there was discussion on the proposed directions as presented to the Planning and Development Council meeting on September 14, 2010. The stakeholders were concerned that any further regulations and restrictions would compromise the interests of local businesses in providing drive-through facilities which they believe are an essential customer service. The industry stakeholders also stressed the need to use evidentiary based noise and impact setbacks. The provision of a minimum site size was also discussed and the industry stressed that smaller sites can be very efficient if appropriately located. The industry further presented and discussed the RWDI study on air emissions and noted that the science was clear to show drive-throughs had less impact on air emissions than parking lots.

Public Workshop Session

The second meeting was a facilitated workshop session for those members of the public who attended and addressed Council at the September 14th P/D Council meeting as well as representatives from resident/neighbourhood groups were also invited to attend this meeting. The session provided an update on the drive-through study and generated considerable input from those who attended using the POWER tool for consultation. The discussion was focused around what people thought about the recommendations from the September 14th meeting including the positive aspects, objections to the recommendations, what else was important to people (other ideas and questions) as well as enhancements and other remedies. A summary of the session is found in Appendix "B". Among the many concerns expressed throughout the meeting the main issue was that drive-throughs should

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

not be permitted within residential neighbourhoods and should be directed away from residential uses.

Second Stakeholder Meeting

The third consultation meeting was held with the Canadian Petroleum Products Institute and followed the same format as the meeting held on January 14, 2010 with the larger stakeholders group. The main issues conveyed to staff by the group were similar to those expressed in the first industry meeting and those outlined in the Institute's letter to the Town dated March 18, 2010.

Public Open House

A fourth consultation meeting was a Public Open House held on April 7th, 2010. There were approximately 80 people in attendance at this meeting. A brief presentation was followed by a question and answer period and an opportunity for attendees to express their comments and concerns to the group as a whole and on an individual basis with staff. A request was also made for written comments using the POWER tool. A summary of the comments provided at this meeting is attached to this report as Appendix "B".

Summary of Additional Comments and Information

The focus of the additional consultation was in relation to the original six recommendations proposed within the Drive-Through Facilities Study and Proposed Directions report as presented to Planning and Development Council on September 14th, 2009, specifically:

1. that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of Downtown Oakville, Bronte and Kerr Villages and further the Midtown Core, Palermo Village and the Uptown Core growth areas.
2. that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
3. that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
4. that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
5. that a minimum site size of 0.3 hectares be established.
6. that new definitions for "drive-through facility" and "stacking lane" be provided.

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Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

Stakeholders and Industry Representative Input and Responses

In the meetings with the stakeholders and industry representatives there was general discussion regarding existing zoning regulations for drive-throughs and the design guidelines that were approved in 2003. It was noted by the industry representatives that the Town's Urban Design Guidelines function relatively well when assessing site plan applications for drive-throughs and they felt that additional zoning regulations relating to setbacks and buffer areas were not necessary. They did agree that clarification on the definition of drive-throughs in the zoning by-law would be useful. They recognize that drive-throughs are not permitted in the Growth Areas through the Livable Oakville Plan and strongly disagree with this position. However, there are only two site specific appeals to the Livable Oakville Plan related to this restriction.

Although planning staff acknowledge that the Urban Design Guidelines have been an effective mechanism in the past by which to assess applications they are still only guidelines which are not mandatory and may not be adhered to on a site by site basis. Planning staff therefore remain of the opinion that Urban Design Guidelines need to be strengthened through an amendment to the Zoning By-law which will implement the guidelines.

Another concern expressed from the industry stakeholders was with respect to the proposed minimum site size for drive-throughs of 0.3 ha. They felt that requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may restrict flexibility in site design. Staff noted that a minimum site size requirement may not be necessary if all the other regulations proposed by staff in the initial report were approved. Based on these discussions staff have given this matter some further consideration and are not recommending a minimum site size requirement be added to the Zoning By-law. Staff recognizes the industry's efforts to continue to improve drive-through functions and efficiencies to reduce impacts and minimize idling. While the RWDI study identifies less impact from idling than parking lots, the fundamental direction for redevelopment through the Livable Oakville Plan and the plans for North Oakville are to reduce car usage and increase active transportation in communities.

Community and Public Input and Responses

In the meetings with the public the primary concern expressed was with respect to the incompatibility of drive-through facilities in close proximity to residential uses and neighbourhoods. Many clearly stated that drive-throughs do serve a function by providing a convenience choice to consumers but the impacts associated with the operations and functions of drive-throughs as well as the built form they represent do not make them suitable land uses to be developed within or adjacent to stable

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

residential areas. Many referred to the protection and enhancement of Oakville's stable residential areas being provided in the Livable Oakville Plan and the need for future development to uphold that principle. Most agreed that clarification of the definition of drive-throughs was needed. They also agreed that where drive-throughs are appropriate, zoning regulations should be in place to address stacking lanes and design and setbacks.

Setback Regulations

As noted earlier in the report, the setbacks imposed in the zoning regulations of other municipalities vary greatly. The intent of a setback used to separate a use or building from another use or building should ensure the area between the uses and/or buildings is utilized in a way that mitigates impacts. Setbacks alone, however, do not ensure impacts are completely mitigated. Impacts related to traffic are best addressed through the zoning of uses at site locations that have adequate traffic capacity to provide for the use. The information provided through the Interim Control By-law study identified that most drive-throughs are located on major arterials to maximize usage and accommodate traffic volumes. Staff is recommending that this locational criteria be implemented in the zoning regulations in addition to the setbacks.

Staff Analysis and Recommendations

Through the Interim Control By-law study a review of existing official plan policies, zoning regulations, drive-through guidelines and other municipalities' policies and guidelines was undertaken. Staff also reviewed the location of existing facilities and existing conditions. This review, in addition to the public consultation, identified a number of issues with respect to drive-through facilities which can generally be classified into the following categories:

- *Compatibility of drive-throughs and Impacts on adjacent residential land uses;*
- *Traffic and noise;*
- *Streetscape and urban design; and.*
- *Air quality.*

Drive-through facilities are dependent on a high volume of vehicular traffic and a high turnover of customers. As such they can have significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic. Drive-through fast food restaurants also require outdoor speakers/ ordering boards which may create visual and noise impacts.

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

Issues relating to drive-through facilities are often addressed through land use planning policies, provisions and regulations to ensure impacts are minimized and uses are adequately separated from residential uses. The Town's Urban Design Guidelines have proven to be an effective mechanism by which to mitigate the negative impacts associated with drive-through facilities in many cases. While the Town's Drive-Through guidelines provide assistance on these issues, the Town's current Zoning By-law does not implement the approved guidelines.

In addition, the Livable Oakville Plan is intended to move the Town towards greater sustainability. Sustainability is not just about reducing current environmental impacts but must address a change in policy to affect behaviour to eliminate such impacts. Staff understands there is a need to provide the community with a choice for convenience but also recognizes the importance of ensuring development within the stable residential communities and the commercial centres within those communities is in a form that is appropriate and one that moves away from car dependency. It is therefore being proposed that the zoning by-law be amended to implement the policies and direction as set out in the Livable Oakville Plan, as well as the implementation of the existing design guidelines on sites where drive-throughs would be permitted.

1. Locational criteria

Staff has investigated numerous ways to address the land use compatibility issue associated with drive-through facilities. While many municipalities have addressed compatibility through setback requirements, staff believes that the most appropriate method of regulating drive-throughs in Oakville is to address compatibility through locational criteria. The most acceptable and the most appropriate location for drive-through facilities, even by admission of the industry stakeholders, is along major arterial roads where traffic volumes are significant. This locational criterion has been reviewed and considered in accordance with the current drive-through facility locations and the Town's Livable Oakville Plan as well as the current zoning provisions for drive-through facilities.

The drive-through guidelines currently discourage the location of drive-throughs in certain areas of the Town such as the downtowns where a traditional main street with a pedestrian streetscape is encouraged. In addition downtown locations have lot sizes and lot patterns that are generally not conducive to drive-throughs. The Growth Areas and Central Business Districts are all evolving urban areas. They are not appropriate areas in which to locate drive-throughs. It is recommended that the Zoning By-law be amended to prohibit the location of new drive-throughs in these areas to be consistent with the Town's Livable Oakville policies.

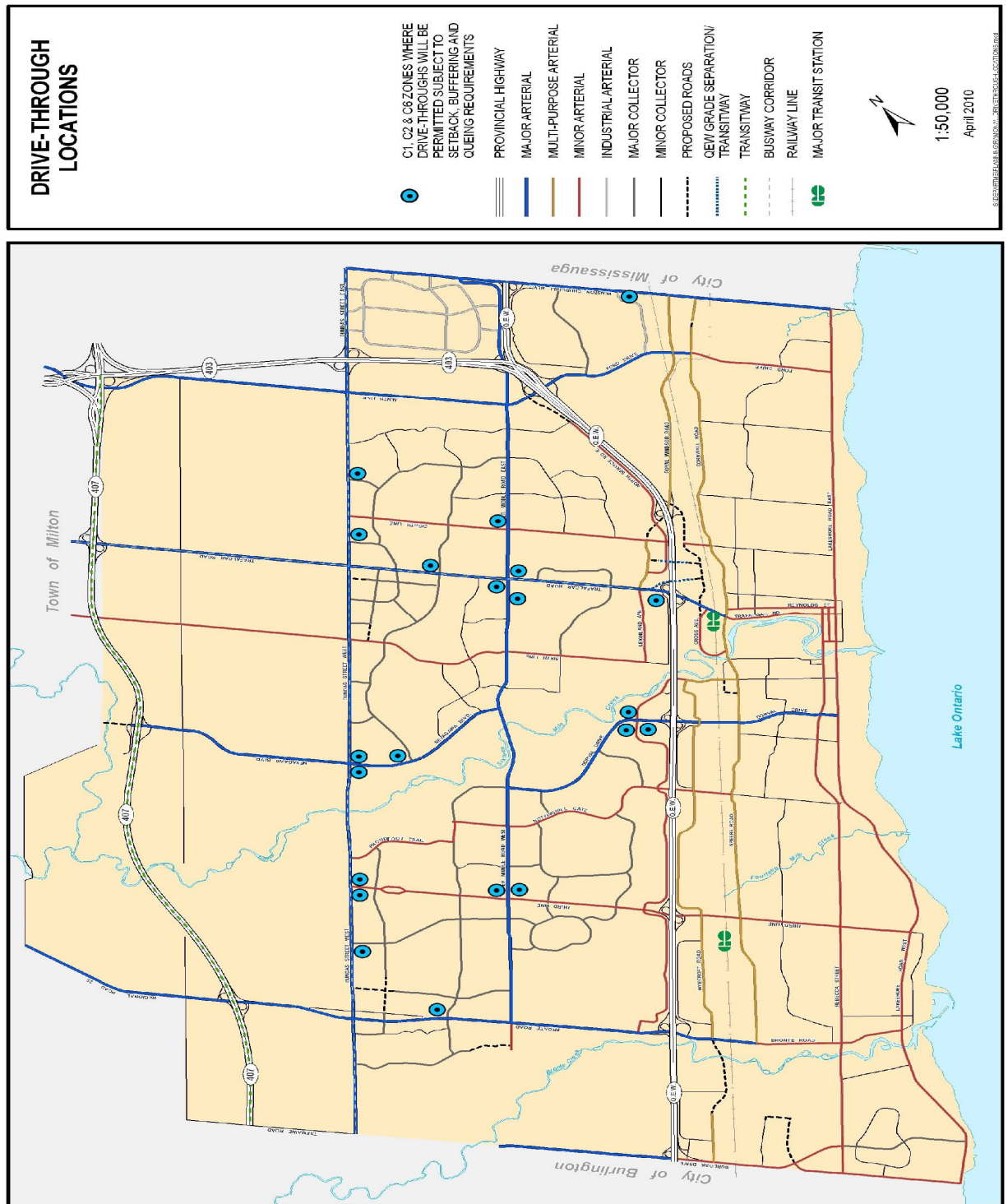
From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

Staff are proposing to allow drive-throughs to continue to be permitted within the C1, C2 and C6 zones, but with the added requirement that they only be permitted in these zones where the sites are on roadways which are classified as major arterials within the Town's Official Plan. These locations are designed to facilitate large volumes of traffic moving between communities. Limiting drive-through facility locations within the C1, C2 and C6 zones to only major arterials will direct them away from residential neighbourhood areas.

Drive-throughs therefore would only be permitted to locate within the C1, C2 and C6 commercial zones on the following roads as depicted on the following map:

- Burloak – north of the Q.E.W.
- Bronte Road – north of Speers Road
- Dorval Drive-north of Lakeshore Road to Upper middle Road
- Neyagawa Blvd. – entire length
- Trafalgar – north of the Q.E.W.
- Ford Drive/ Ninth Line – north of Cornwall
- Winston Churchill Blvd.
- Upper Middle Road – entire length
- Dundas Street – entire length

Drive-throughs at these locations would also continue to be subject to all the additional regulations which implement the design guidelines



From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

Existing drive-throughs which are not at these locations would be deemed legal non-conforming and would be permitted to continue and could also apply to enlarge or expand in accordance with the applicable regulations.

2. Separation distance from adjacent residential uses

The existence of drive-through facilities adjacent to residential uses creates a number of concerns, particularly regarding noise and traffic impacts related to fast food restaurants. Drive-through facilities are traffic intensive, with a large amount of vehicles driving through the site during the day and evening hours and as such has the potential to affect adjacent residential areas with exhaust fumes, noise and traffic congestion. An additional tool by which to reduce the negative impacts on drive-through facilities is to provide a separation distance from abutting residential uses. A 15 m separation distance has proven in the past to be an effective separation distance from residential uses when used in conjunction with landscaped buffers and acoustic fencing. A minimum 15m setback is therefore being recommended for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

3. Landscaped buffers and fencing

As previously mentioned one of the main concerns of drive-throughs next to residential uses is the noise related to the order station of fast food restaurants and the idling of vehicles awaiting service. In order to offset these concerns order stations and stacking lanes should ideally be located as far away from the abutting residential uses as possible. In addition, acoustic and visual barriers in the form of fencing and landscaped buffers should be provided along property lines abutting residential uses. Staff are proposing a 7.62m wide landscaped buffer be required for all yards abutting a residential zone, and further, that a 1.8m high solid board fence or masonry wall be provided along all property boundaries abutting a residential zone for the purpose of screening the drive-through use. Again, this setback would only apply in those areas where the use would be permitted which is in the C1, C2 and C6 zones on major arterial roads.

4. Stacking or queuing spaces

Adequate vehicle stacking spaces is critical to preventing on and off-site traffic problems. Typically for fast food eating establishments, there are two component parts of a stacking lane as follows:

- The area between the beginning of the stacking area and the order station

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- The area between the order station and the pick up window.

There is a marked difference between the stacking requirements for fast food establishments and others such as financial institutions. Generally, drive-throughs for financial institutions require less stacking spaces as there is no need for an order board for a bank machine patron. A number of municipalities have studied this issue and found that different uses require different amounts of stacking spaces.

Oakville's urban design guidelines for drive-throughs require fast food establishments provide 10 stacking spaces whereas 4 are required for banking institutions. The primary objective is to ensure that the queuing spaces are all maintained on private property and do not back up onto the public road allowance. These stacking space requirements have proven to be appropriate for effective vehicular traffic flow since the adoption of the guidelines in 2003. Staff is recommending that a minimum of 10 vehicle stacking spaces be provided for fast food eating establishments, 7 of which shall be accommodated between the entrance to the stacking lane and the order station, and further, that for all other drive-throughs a minimum of 4 vehicle stacking spaces shall be provided. It should be noted that the 10 and 4 requirement is a minimum requirement set out in the drive through guidelines. Through the development process the Town has the right to request a queuing study to confirm minimum lengths are appropriate.

5. Definitions

The Zoning by-law contains two definitions pertaining to drive-through facilities. It is being proposed to create one consistent drive-through definition to be applied Town-wide and also to provide a definition of stacking lane for clarity of interpretation of the by-law regulations as follows:

"drive-through facility" means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses. A drive-through facility does not include a car washing establishment, automobile service station or a gas bar.

"stacking lane" means a continuous on-site queuing lane that includes stacking tandem spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs."

CONCLUSION

Permitting drive-through facilities in certain locations with restrictions is an effective way of minimizing their impacts on surrounding land uses, particularly residential uses, while providing a needed service to the community. It is also a balanced approach that meets the needs of the business community and the traveling public while at the same time addressing the concerns of residents regarding noise, air quality, traffic and litter.

The prohibition of drive-throughs in the downtown areas of the Town and the Growth Areas will help maintain and promote these areas as urban centres consistent with the Livable Oakville Plan. The restriction of drive-throughs within the residential communities by requiring them to be located on major arterial roads will also implement the direction of Livable Oakville to maintain and protect stable residential areas and address sustainability.

In summary, the proposed recommended zoning amendments are as follows:

- that drive-throughs be restricted from locating within the C3R (commercial/residential) zones of the Central Business Districts including Downtown Oakville, Bronte and Kerr Villages, the Midtown Core, Palermo Village and the Uptown Core.
- That drive-through only continue to be permitted in the C1, C2 and C6 zones abutting a residential zone if they are located on a classified as a major arterial within the Town's Official Plan.
- that a minimum 15m (50') setback be required for all yards of a drive-through facility, including the order station (intercom ordering station) which abuts a residential zone.
- that a 7.62m (15') wide landscaped buffer and 1.8m (6') high board or masonry wall be provided along all property boundaries abutting a residential zone.
- that a minimum of 10 vehicle stacking spaces for a restaurant and a minimum of 4 vehicle stacking spaces for all other drive-throughs be required.
- that new definitions for "*drive-through facility*" and "*stacking lane*" be provided.

From: Planning Services
Date: April 19, 2010
Subject: Drive-Through Facilities Zoning By-Law Amendment

CONSIDERATIONS:

(A) PUBLIC

A statutory public meeting to gather public input was held on September 14th, 2009 and May 10th, 2010.

(B) FINANCIAL

There have been costs associated with the drive-through study which have been accommodated through the Planning Services Department budget.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Other Town Departments and agencies were consulted through the study process and had no comments within the proposed directions contained within the report. The Environmental Policy staff responded that in summary they were in support of the proposed enhanced regulations and were pleased with the direction the Planning Department was moving on this issue although they would prefer to see a complete ban on drive-throughs.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

The proposed amendments for drive-throughs have been evaluated in the context of the Town's Corporate Strategic Goals to ensure that they address the principles of responsible land use planning and promotion of a vibrant, attractive and healthy community.

(E) COMMUNITY SUSTAINABILITY

This report addresses the pillars of environmental and social sustainability by recommending the development of appropriate regulations for drive-through facilities in the Town.

APPENDICES:

Appendix A - Setbacks and stacking spaces required in other municipalities

Appendix B - Notes from public consultation

From: Planning Services

Date: **April 19, 2010**

Subject: **Drive-Through Facilities Zoning By-Law Amendment**

Prepared by:

Ramona Boddington, MCIP, RPP
Long Range Planning

Recommended by:

Diane Childs, MCIP, RPP
Manager, Long Range Planning

Submitted by:

Dana Anderson, MCIP, RPP
Director of Planning Services

Setbacks and stacking spaces required in other municipalities

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Aurora	10m	--	--	--
Burlington	30m	15m	--	
Caledon	10.5m-12m -- side yard 19.5m -- rear yard	--	10 - restaurant 3 - other	There is a Council direction to prepare a zoning by-law amendment to establish a 90 m setback for new drive-throughs from a residential zone or lot containing a residential use. This is expected to occur in the spring of 2010.
Kitchener	1.2m -- 6.0m for a side yard 4.0 – 14.0 m for a rear yard **refer to notes section for further details	--	--	<p>All commercial uses having a drive-through facility which contains an intercom order station shall comply with the Ministry of the Environment's noise levels for stationary sources of noise. Where a drive-through facility contains an intercom order station and is situated within 60 metres of a Residential Zone, or an Institutional Zone the drive-through facility shall not be permitted unless:</p> <ul style="list-style-type: none"> a) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels specified by the Ministry of the Environment in publication NPC-206 as amended from time to time; b) a noise study certified by a professional engineer demonstrates that noise levels will not exceed the maximum levels set out in clause a) above by the employment of measures to mitigate noise and such measures are employed prior to occupancy of the drive-through facility; or c) a noise wall certified by a professional engineer is installed prior to occupancy of the drive-through facility which will ensure that noise levels do not exceed the maximum levels set out in clause a) above.

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
London	6m-15m for side and or rear yard depending on zone in which it is situated	15m with a 2.4m nose attenuation fence 30m with a privacy fence Note: these setbacks also apply to stacking lanes	12 -- restaurant 4 - other	SEPARATION DISTANCE - INTERIOR AND REAR YARD The minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use lot line and/or zone line shall be 30 metres. This setback may be reduced to 15 metres if a 2.4 metre high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant. A minimum 3 metre wide landscaped strip is required consisting of new and/or existing vegetation immediately adjacent to any noise barrier.
Milton	5m to 6m depending which zone they are located in however buildings containing a drive-through service use are required to be located an additional 2.0m from the front lot line or exterior side lot line	7.5 m Note: these setbacks also apply to stacking lanes	10 - restaurant 3 - other	

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Mississauga	60m for a convenience restaurant which includes a drive through window		10 - restaurant 5 - other	
Newmarket	9m to 15m – rear yard setback 9m– side yard setback		12- restaurant 2 to 5 -- other	
Orangeville	30m	30m for outdoor speakers and or order boxes but <i>not</i> including stacking lanes		
Ottawa	3m – side yard 6m – rear yard	3m including stacking lanes ** please refer to notes	11 - restaurant 3 - other	where a queuing line, drive-through window or order board is located 3 metres or more from a residential zone, but is still within a yard abutting a residential zone, it must be screened from view from that residential zone by an opaque screen with a minimum height of 1.5 metres.
Toronto	30m	30m	10 - restaurant 4 - other	

Municipality	Setbacks from building containing a drive through	Setbacks from intercom ordering station	Number of stacking spaces	Notes
Windsor	15m Please refer to note *	30m	12 - restaurant 5 - other--	*Where there is a noise barrier wall having a minimum height of 1.8m or a building wall located between the stacking spaces and the dwelling unit, a minimum separation shall be 15m

Notes of meeting held with drive-through stakeholders**Thursday January 14, 2010 – Trafalgar Room****10 – 12 noon****Attendees:**

Michelle Saunders, Manager of Government Relations	ORHMA
Maurice Luchich, Planning Manager	Tim Hortons
Paul Hower	McDonalds
Victor Labreche, Planner	Labreche Patterson & Ass. On behalf of ORHMA+
Dana Anderson	Planning Director
Diane Childs	Acting Manager of Long Range Planning
Lynn Rogers	Traffic Engineering Co-ordinator
Trisha Collingwood	Transportation Planner
Ramona Boddington	Polciy Planner,
Brenda Stan	Current Planner

Regrets:

Jean Roy, Engineer	Canadian Petroleum Products Institute
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1. Welcome and Introductions

The meeting commenced with a brief welcome and introduction session.

2. Overview of progress to date

- Planning Report went to Council September 14, 2009 outlining proposed directions (report was distributed at meeting)
- Council passed a motion to defer recommendation of report to allow for additional consultation with both the stakeholders and the general public and also to allow for further research of other municipalities practices
- This meeting is the first step in the additional consultation directed by Council
- Comment, concerns and additional input would be appreciated at this time.

3. Overview of progress to date

There was a general discussion regarding existing zoning provisions for drive-throughs and the design guidelines that were approved in 2003.

4. Discussion on directions from September 14, 2009 staff report

Each of the six directions were discussed as follows:

a) Direction 1 – Locational Criteria

There was a lengthy discussion regarding the prohibition of drive-throughs in the C3R zones and the growth areas. It was conveyed that Livable Oakville prohibited the location of drive-throughs in these areas and therefore the by-law must be updated to implement Livable Oakville – the new official plan.

b) Direction 2 – Separation Distance from adjacent residential uses

A table was distributed outlining other municipality's setback requirements for drive throughs abutting residential uses. Staff undertook to review the table based on the discussion which evolved and update the table as necessary.

Staff also explained the rationale used in arriving at the 15m from residential as proposed in the staff report.

c) Direction 3 – Landscape Buffers and fencing

It was noted that the landscape buffer was an existing requirement in the by-law however the 1.8 m high fencing would be a new requirement for such uses.

d) Direction 4 – Stacking or queuing spaces

There was little discussion on this topic. The issue of reduced parking standards for drive-throughs was also discussed. The rationale was brought forward that drive-throughs require less parking spaces as the cars using the drive through portion of the facility would not require a parking space. The Ottawa example, which allows for a 20% reduction in required spaces for drive throughs, was used as an example. Staff agreed to investigate this example further and give it further consideration.

e) Direction 5 – Minimum site size

It was noted by the industry representatives that a minimum site size may not be required if the previous 4 directions were implemented. Requiring a minimum site size may be contrary to the Town's commitment to making the most efficient use of land as possible and may also restrict flexibility in site design. Staff agreed and will give consideration to removing this direction.

f) Direction 6 – Definitions

There is currently no definition in the zoning by-law for drive-through facilities. A definition will provide clarity for interpretation purposes.

5. Next Steps

A number of possibilities for the manner in which the next public meeting might be undertaken. Input from the group was solicited and will be given consideration.

6. Adjournment

The meeting adjourned at 11:40am.

Notes taken by Ramona Boddington

Drive Through Study — March 4/10 Information Meeting

Summary of Flip-Chart Notes

Noted Questions and Information Requests:

- What is the separation distance requirement between restaurant patios and residential areas in Oakville? [Note: Question was addressed later in the meeting.]
- What were the protocols/data quality protection mechanisms/overall methodology used in the online survey? Can the survey data be proven to be reliable and statistically accurate? Can the respondent e-mail addresses be checked for multiple questionnaire completions; the residential address of the respondent (to ensure the person resides in Oakville); time of survey completion; etc.? If the survey cannot be proven to be reliable and an accurate picture of community sentiment — and not over-weighted with industry-generated responses — then less emphasis should be placed on it.
- What are the profiles of drive-through facility users — what demographic or other segments of the public use them...and for what and how frequently?

Positives (noted ‘likes/strengths’ of the Town’s proposed directions)

- The explicit Town understanding that drive through facilities do require some level of restriction and regulation.
- The attempt — though as yet inadequate — to provide some measure of protection for neighbourhoods.
- The Town’s ongoing work on the drive through issue and the determination to finalize an approach (including a By-law or By-laws).
- The 0.3 hectare site requirement may help reduce drive through applications.
- The drive through prohibitions identified in the locational criteria (i.e. not allowing drive throughs in certain parts of the Town).
- Willingness to consider community input.

Objections (noted ‘dislikes/weaknesses’ of the Town’s proposed directions)

- No explicit reference to or policies concerning the tendency for drive throughs to attract rodents/raccoons/other animals — there is nothing explicit in the directions concerning the storage of garbage/waste.
- Failure to fully consider the safety issues associated with drive throughs — from vehicle egress/ingress (criteria re: safely

entering/exiting the site), to potential car-jackings, to accidents caused by distracted drivers.

- The 15m setback is inadequate — this distance does not allow for appropriate mitigation of noise (voice-box chatter, car stereos, general in vehicle chatter, vehicle/motor sounds, etc.), air pollutants, etc, [the participant recommended minimum distance was 75-100 metres].
- Insufficient requirements re: screening/buffers around drive through facilities — and consideration of such things as fences, lighting, etc.
- Allowing drive throughs in C2 zoned areas, particularly in cases where they abut residential areas — drive throughs shouldn't be allowed in C2 zones; such zones were never intended to accommodate them.
- The proposed 10 vehicle stacking spaces are insufficient — vehicles will back-out on roads or otherwise cause congestion/safety issues [a minimum of 20 spaces was proposed].
- The need to add extra stacking spaces means a site size requirement larger than 0.3 hectares.
- The 7.62 metre landscaped buffer is insufficient in size [there was a suggestion to quadruple the size of the buffer or remove the need for a buffer by ensuring that no drive through is placed adjacent to a residential area].
- The directions insufficiently speak to the Town's anti-idling By-law — this By-law needs to be more aggressively enforced.
- The directions are too permissive — they should be seeking to reduce or eliminate drive throughs in keeping with the spirit and intent of Livable Oakville.
- In there totality, the directions do not do enough to keep drive throughs out of Oakville or minimize their number.
- This second report from the Town is too liberal/soft with regard to allowing the placement of drive-throughs in some parts of Oakville (the requirements to be met are fewer/lesser) — the first report was more restrictive.
- There is an absence of retailer justification for the use of drive throughs.
- The Town's approach places no cap on the number of drive throughs permitted in a particular area or territory.
- The directions place no time limits on the use of the external intercoms ('squawk boxes') — other municipalities do this.
- The Town's directions are not as enlightened as those in place in other jurisdictions — Oakville is not showing enough leadership...there is an opportunity to do so.
- There is an absence of references to or directions in support of attractive streetscaping.
- There is a need for more official and consistent terminology — for example, the term 'restaurant drive through' should be used if the establishment serves any food or beverages; there should be different terms for food-related drive throughs, banking-related drive throughs, etc.

- The directions do not adequately challenge assumptions and the status quo — there is an opportunity for the Town to remove the choice for people to use drive throughs (particularly in residential areas).

Enhancements and Remedies (noted ideas for addressing objections and strengthening the directions — beyond those already noted above)

- Require mandatory emissions and noise sensors at drive through locations — periodically measure performance against standards (successful performance should be a pre-condition of annual renewal of the ability to offer a drive through service at the location).
- Use site-specific drive through zoning for new areas of the Town — establish a minimum/maximum number for a particular population size and, in so doing, provide certainty to both residents and industry re: locations and available drive through spots.
- Place a tax on those businesses offering drive throughs or on the products they sell through the drive through (simply put, make it either more expensive to offer a drive through or to use a drive through).
- Tie allowance of drive throughs to road requirements — i.e. make drive throughs acceptable or unacceptable based on certain road characteristics.

What Else? (noted additional ideas and questions)

- Setbacks from residential areas are the key issue.
- Look at trends in other jurisdictions regarding drive throughs — and allow Oakville to set new trends.
- Look at whether drive throughs can be restricted to a single type of business or service.
- Should consumers who use drive throughs require a license (for example, a person with a disability or parent with young children would have to obtain a license that permits their use of a drive through)?
- License drive throughs — subject to annual renewals based on performance against established criteria.
- Consider banning drive throughs altogether in the Town of Oakville.

CPPI meeting with Town of Oakville, March 17, 2010

CPPI summary comments for consideration regarding Drive-through Facilities:

1. Drive-through Facilities serve a useful purpose if designed and located properly within the Town.
2. The Oakville Drive-through Facilities guidelines (# 25, 32) may reflect the preference for not having drive-Through Facilities located between the building and the street but should indicate that it can be an alternative which may be accommodated if necessary with proper siteplan design and landscaping. (Refer to existing drawing examples)
3. In general the zoning bylaw should be modified to focus the minimum 15 m setback distances on the area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the stacking lane.
4. The minimum setback for the remaining portion of the stacking lane should be as per existing commercial Buffer Strip abutting residential zone as stated in section #42 of the zoning bylaw which may vary between 3m and 7.62m.
5. The 15m minimum setback to residential should be flexible to contemplate a possible relief down to a minimum of 7.5m if supported by some site specific noise mitigation measures identified by a noise study prepared by a qualified noise consultant and acceptable to the Town.
6. The minimum 1.8m fence required immediately adjacent to any lot line abutting a lot in a residential zone should be limited to the area of the stacking lane which is within the minimum setback area of the stacking lane which is located between the order box and the pick-up window (or automated machine) as opposed to the full length of the full lot line.
7. In part III, Section 41 1) within the permitted use table on the drive-through facilities line; the footnote #1 (“not permitted on a lot abutting a residential zone”) should be deleted as it is somewhat inconsistent (and/or confusing) with regards to footnote #13

Notes from April 7th, 2010 Public Open House

Trafalgar Room, Town Hall

7:00pm – 9:00pm

There were approximately 80 people in attendance.

The meeting commenced with a brief presentation followed by a question and answer session. Many viewpoints, comments and concerns regarding drive throughs were expressed which included but not limited to:

- Emissions from vehicles idling excessive
- air quality concerns
- Restricting drive throughs excessively
- Drive throughs are a growing trend
- No regard for how residents are affected
- Need to find middle ground between residents and drive through operators
- Convenience for the average person, disabled individuals, and mothers with young children
- There is a demand for drive throughs that is why they exist
- Prefer at least a 60m separation distance
- traffic congestion
- Efficient use of land to facilitate a large amount of customers in a short period of time
- Average person gets through in 17 seconds
- Average wait is no longer than 45 seconds

Approximately 30 written responses were received by staff which largely reiterated the above comments.

Resources/Studies on Drive-Through Facilities

From: Carol Tobin

Sent: Tuesday, November 25, 2014 9:48 AM

To: Jim Doherty

Subject: Drive-through facilities and walkability

Jim,

I didn't find any studies, but perhaps the following might be useful:

- Quotation from Andres Duany (nationally known traditional neighborhood development pioneer) - <http://walkablestreets.wordpress.com/roaddiets/>
 - There are components of modern life that are necessary but which intrinsically create bad street frontage: They are the parking lot, the drive-through, and the solid walls of certain businesses and institutions that can't have windows. So there is a certain percentage of modern street frontage that will not deliver pedestrian quality. The only questions are: what percentage of your city must you give over to these uses and where do you locate them. – Andres Duany
- Phoenix Walkable Urban Code - <https://www.phoenix.gov/pdds/site/Documents/FINAL%20DRAFT%20Walkable%20Urban%20Code.pdf> – Includes limits on drive-through facilities
- Montgomery County, PA New Town Mixed-Use District (walkable) <http://www.montcopa.org/DocumentCenter/View/4101> (See p. 25 – Drive-through prohibited)
- Guide to Creating Walkable Communities (May 9, 2012) - http://www.wrcog.cog.ca.us/uploads/media_items/guide-to-walkable-communities.original.pdf (See p. 26) "Discourage automobile-oriented users such as drive-through businesses, auto sales, and large retail outlets."
- "Take A Walk," *Green Living Arizona* - <http://www.greenlivingaz.com/2014/09/18/take-a-walk/> (see paragraph 2)
- "To Drive-Through or Not to Drive Through," *CalcoastNews.com*, April 3, 2014 - <http://calcoastnews.com/2014/04/drive-drive/>
- "West Hollywood Named Most Walkable in California," *NBC News* - <http://www.nbclosangeles.com/news/local/West-Hollywood-Named-Most-Walkable-126210613.html> (City prohibits drive-through facilities)

Carol

Carol Tobin

Planning Consultant

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35214
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	JON SNYDER 509-625-6254	<u>Project #</u>	
<u>Contact E-Mail</u>	JSNYDER@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Final Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 LANDMARKS COMMISSION ORDINANCE		

Agenda Wording

An ordinance relating to historic preservation and the landmarks commission, adopting a new chapter 4.35 to title 4 of the Spokane Municipal Code, amending SMC sections 17D.040.230 and 17D.040.300,

Summary (Background)

This ordinance removes provisions under Chapter 17D.040 regarding the Landmarks Commission from title 17D, which is part of the development code, to a new chapter in SMC 4.35, which relates to similar boards and commissions. The ordinance also revises the membership provision to provide that nine of the eleven Commission member are to be appointed solely by the City Council. The remaining two would be appointed by the County Commissioners.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
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Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	STUCKART, BEN	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	PICCOLO, MIKE		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

adopting a new section 17D.040.310 to chapter 17D.040 of the Spokane Municipal Code amd repealing SMC section 17D.040.010, 17D.040.020, 17D.040.030, 17D.040.040, 17D.040.050, 17D.040.060, 17D.040.070 and 17D.040.080.

Summary (Background)

The ordinance specifically provides that the City appointees do not have to be city residents. The appointees would still have to meet the qualifications set forth in the ordinance. The ordinance makes other procedural and technical amendments recommended by the Historic Preservation Officer.

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

Draft Date: Dec. 8, 2014

ORDINANCE NO. C35214

An ordinance relating to historic preservation and the landmarks commission, adopting a new chapter 4.35 to title 4 of the Spokane Municipal Code, amending SMC sections 17D.040.230 and 17D.040.300, adopting a new section 17D.040.310 to chapter 17D.040 of the Spokane Municipal Code and repealing SMC section 17D.040.010, 17D.040.020, 17D.040.030, 17D.040, 17D.040.050, 17D.040.060, 17D.040.070 and 17D.040.080.

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 4.35 to title 4 of the Spokane Municipal Code to read as follows:

Chapter 4.35

Landmarks Commission

4.35.010	Findings and Purpose
4.35.020	Establishment – Membership
4.35.030	Terms – Appointment
4.35.040	Compensation
4.35.050	Rules and Regulations
4.35.060	Funding
4.35.070	Commission Staff
4.35.080	Duties

4.35.010 Findings and Purpose

- A. Findings.
The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.
- B. Purpose.
The purpose of this chapter is to establish a city/county historic landmarks commission responsible for the stewardship of historic and architecturally significant properties in the City, unincorporated areas of the County, and, upon request, incorporated towns, in order to effect the recognition and preservation of such properties.

4.35.020 Establishment – Membership

- A. There is created the city/county historic landmarks commission (herein called the “commission”) consisting of eleven ~~((residents of Spokane County))~~ total members; nine members nominated by the mayor and appointed by the city council and two members appointed at large by the County board all who have demonstrated experience and/or interest in historic preservation. ~~((as follows))~~ Seven members should have the following expertise:

~~((1. There shall be appointed jointly by the city council and the board of county commissioners)):~~

1. an architect who is registered in the state of Washington;
2. a state-certified general real estate appraiser;
3. two historians with appropriate degrees or equivalent experience;
4. a professional archaeologist or anthropologist with appropriate degrees;
5. an owner or managing agent in a fiduciary capacity of real estate in Spokane's central business district; and
6. an experienced preservation construction specialist.

~~((2. There are appointed by the board two County residents at large.~~

~~3. There are appointed by the city council two City residents at large.))~~

- B. ~~((Exception to the residency requirement for commission members may be granted with approval of the commission for members under subsection (A)(1) of this section, a maximum of two nonresidents may serve on the commission at any one time.))~~ The City appointments to the commission may include non-residents of the City.

4.35.030 Terms – Appointment

The term of office is three years. No member will be deemed to have served one term if he/she resigns or is removed after appointment or if he/she serves an unexpired term of less than two years. All members hold their offices at the pleasure of the respective appointing authority. No member may serve more than two consecutive terms of three years, unless the appointing authority ~~((council and/or board))~~ shall so designate.

4.35.040 Compensation

All members of the commission shall serve without compensation.

4.35.050 Rules and Regulations

- A. The commission by rule prescribes the selection and function of officers, including at least a chair and vice chair. A quorum is seven members. Any action of the commission requires a majority vote. The commission uses Robert's Rules of Order as the established rules for the conduct of its meetings and the transaction of business.
- B. The commission through rules and regulations adopts standards to guide the various activities provided in SMC 4.35.080.

4.35.060 Funding

The City and the County shall by interlocal cooperative agreement provide, at a minimum, funds for an historic preservation officer and operational support.

4.35.070 Commission Staff

The commission staff consists of the historic preservation officer and such ancillary staff as is available.

17D.040.080 Duties

The commission sets historic preservation policies for the City and County of Spokane.

- B. The major responsibilities of the commission are to:
 - 1. identify and actively encourage the conservation of City and County historic resources;
 - 2. recommend the designation of historic landmarks and districts;
 - 3. raise community awareness of historic resources; and
 - 4. advise the council and board on matters of history, historic planning and preservation.
- C. In carrying out these responsibilities the commission engages in, but is not limited to, the following activities:
 - 1. Registers of Historic Places.
 - a. Submit nominations to the state and national registers of historic places.
 - b. Review nominations to the Spokane register according to criteria in SMC 17D.040.090.
 - c. Initiate and maintain the Spokane register of historic places to encourage efforts by owners to maintain, rehabilitate and preserve

- properties. This official register compiles buildings, districts, objects, sites and structures identified by the commission as having historic significance worthy of recognition by the council or board
- d. Review proposals (as provided in SMC 17D.040.200) to construct, change, alter, modify, remodel, move, demolish and significantly affect properties or districts on the register.
 - e. Review all applications for alterations to buildings on which the City or county owns a facade easement, and make recommendations to the appropriate building officials concerning the approval or denial of a permit. The building official does not issue a permit for any alteration to a building which is encumbered by a facade easement until the commission or its designee has made its recommendation. The building official's decision may be appealed to the hearing examiner.
 - f. Review all applications for the special permit under SMC 11.19.270 and make recommendations concerning the approval or denial of the special permit and suggest conditions, if appropriate, to the Spokane hearing examiner.
2. Public Plans and Programs.
- a. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and Spokane County and publicize and periodically update inventory results. Properties listed on the inventory are recorded on official zoning records but this designation does not change or modify the underlying zoning classification.
 - b. Implement and maintain the City's historic preservation plan, upon the direction of the city plan commission and council.
 - c. Review and comment to the council or board on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of City or County government, other neighboring communities, the state or federal governments, as they relate to historic resources in Spokane and Spokane County
 - d. Establish liaison support, communication and cooperation with federal, state and other local government entities which will further historic preservation objectives, including public education, within the City of Spokane and Spokane County ((~~area~~)).
3. Tax Valuation.
- a. Serve as the local review board for special valuation of historic property in Spokane (Resolution 85-66, November 4, 1985), and:
 - i. make determinations concerning the eligibility of historic properties for special valuation,

- ii. verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance,
 - iii. enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2),
 - iv. approve or deny applications for special valuation,
 - v. monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period, and
 - vi. adopt administrative rules and comply with all other local review board responsibilities identified in chapter 84.26 RCW.
- ~~((b. Comply with obligations as stated in the Spokane County open space and timberland current use taxation application (Resolution 80-1342, November 3, 1980).))~~
- 4. Public Education.
 - a. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic resources; and provide, by way of pamphlets, newsletters, workshops and similar activities, information to the public on methods of maintaining and rehabilitating historic properties.
 - b. Be informed about and provide information to the public and city and county departments on the use of various federal, state, local and private funding sources available to promote historic resource preservation and other incentives for preservation of historic resources, including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
 - c. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts and new construction in historic areas; and encourage appropriate measures for such recognition.
- 5. Historic Building Code Review.

With certification of the state historic preservation officer, the historic preservation officer/landmarks commission is the local government historic preservation program for reviewing qualified historic rehabilitation projects.
- 6. Other.
 - a. Provide for the review, either by the commission or its staff, of all applications for approvals, permits, environmental assessments or impact statements and other similar documents pertaining to identified historic resources or adjacent properties.
 - b. Advise the council or board generally on matters of City of Spokane and Spokane County history and historic preservation.

- c. Conduct all commission meetings in compliance with chapter 42.30 RCW, the Open Public Meetings Act, to provide for adequate public participation.
- d. Perform other related functions assigned to it by the board or council.
- e. Provide historic preservation services pursuant to interlocal cooperation agreements entered into by the city council and county commissioners.

Section 2. That SMC section 17D.040.230 is amended to read as follows:

SMC 17D.040.230 Demolition Permits for Historic Structures in the Downtown Boundary Area and National Register Historic Districts

A. Demolition Permits.

No demolition permits for structures that are listed or eligible to be listed on the ~~((National or))~~ Local Register of Historic Places located in the area shown on Map 17D.040.230-M1, Downtown Boundary Area ~~((, and in all National Register Historic Districts))~~ shall be issued unless the structure to be demolished is to be replaced with a replacement structure that meets the following criteria:

1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The square footage of the footprint may be reduced:
 - a. to accommodate parking serving the replacement structure or for public benefit, such as public green space and/or public art; or
 - b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines.
2. The replacement structure satisfies all applicable zoning and design guidelines.
3. A building permit has been issued for the replacement structure prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner either:
 - a. submits to the City a performance and surety bond in the amount of the full cost of the replacement structure; or
 - b. demonstrates to the satisfaction of the director of building services, in consultation with the City's historic preservation officer, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial

resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.

B. Eligibility.

Eligibility shall be determined by the historic landmarks commission within fourteen days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on ~~((a National or))~~ the Local Register of Historic Places shall be processed pursuant to existing regulations.

C. Economic Hardship.

The requirements of SMC 17D.040.230 shall not apply and the owner may obtain a demolition permit without the requirement of constructing a replacement structure if the owner can demonstrate to the satisfaction of the ad hoc committee on economic hardship that maintaining the historic structure would impose an economic hardship on the property owner that was created beyond the owner's control.

1. The ad hoc committee on economic hardship shall be appointed by the mayor and confirmed by the city council, and will consist of at least seven members as follows:
 - a. one member of the real estate development community or association such as CCIM Institute, Institute of Real Estate Management, the Society of Office and Industrial Realtors, and Building Owners and Managers Association;
 - b. one member from a banking or financial institution;
 - c. one licensed architect registered in Washington State;
 - d. one member from the property management industry;
 - e. one member representative of property developers;
 - f. one member of the landmarks commission; and
 - g. one member representing the neighborhood council where the historic structure is located.
2. The ad hoc committee's decision shall be made by majority vote and within thirty days of the submission of the material demonstrating an economic hardship by the property owners.
 - a. The property owner has the burden of demonstrating the economic hardship.
 - b. Evidence of economic hardship is limited to instances when preservation will deprive the owner of reasonable economic use of the property.
 - c. An owner's financial status is not evidence of economic hardship.
 - d. The decision of the ad hoc committee may be appealed to the hearing examiner within thirty days of the committee's decision.

3. The ad hoc committee will be a standing committee with one revolving member representing the specified neighborhood in which the property resides.
 - a. There is a preference for developer and architects who participate on the ad hoc committee to have both new building construction and historic renovation experience.
 - b. There is a preference for the neighborhood representative who participates on the ad hoc committee to have experience in development, appraising, construction, and/or related skills.
 - c. Members of the ad hoc committee shall serve for two-year terms and may be reappointed for additional two-year terms.
- D. Factors to Determine Reasonable Economic Use.

A reasonable economic use would be one that provides a greater return on the underlying land value (land with improvements) than the land alone could generate. The following four steps will be taken to determine reasonable economic use:

 1. The market value of the land, as vacant, is to be estimated.
 - a. The sales comparison approach to value is an approved method.
 - b. The land residual technique is an approved method, but only allowable when accompanied by and reconciled with the sales comparison approach method.
 2. The first year market rate of return on leased land is to be estimated.
 3. Market data supporting this rate of return must be provided.
 4. Based on applying the rate of return to the land value estimate, an annual market return on the underlying land results. This is the base figure or threshold for the analysis.
 5. Provide an estimate of the annual market net operating income for the property as is, and under any reasonable modifications thereof. Note that any required capital investment in the property would increase the basis from which the return is estimated.
 - a. The sales comparison approach, income approach, cost approach, and development approach to value are all approved techniques.
 - b. Under valuation scenarios where an additional capital investment is required, the expected market return on the capital investment will be subtracted from the annual return, with the residual income being the return on the land.
- E. Request by Owner for Advance Determination of Status.

An owner may request an advance determination of economic hardship exemption qualification by the City as to whether a property subject to this

ordinance may be demolished without the constraints of this SMC 17D.040.230, so that the owner may market for sale or refinance the property knowing its status. Upon receipt of a written request from a property owner, the owner shall be entitled to an economic hardship hearing at the owner's expense, pursuant to SMC 17D.040.230(D) and represent the findings as binding upon the property owner and City to third parties including but not limited to prospective purchasers and lenders.

- F. Building Official or Fire Marshal Orders.
The requirements of this section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.
- G. Additional Parking.
This section shall not apply if the owner demonstrates to the satisfaction of the building official, in consultation with the historic preservation officer, that the property will be used as parking associated with the renovation of an adjacent structure listed or eligible to be listed on the National or Local Register of Historic Places.

Section 3. That SMC section 17D.040.300 is amended to read as follows:

SMC 17D.040.300 Waiver of Review

The commission, at the request of the owner, may waive review under SMC 17D.040.240 through 17D.040.290 of those actions which may require a certificate of appropriateness or which may be within the scope of agreed management standards when the action will be reviewed by the Washington State ~~((Office))~~ Department of Archaeology and Historic Preservation or the National Park Service and will be subject to the ~~((standards for rehabilitation of the))~~ Secretary of the Interior's Standards for Treatment of Historic Properties. The commission may choose to deny said request should it be determined by the Washington State Department of Archaeology and Historic Preservation or the National Park Service that the proposed action does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Section 4. That there is adopted a new section 17D.040.310 to chapter 17D.040 of the Spokane Municipal Code to read as follows:

17D.040.310 Review and Monitoring of Properties for Special Property Tax Valuation

- A. Time Lines
 - 1. Applications shall be forwarded to the commission by the assessor within 10 calendar days of filing.

2. Applications shall be reviewed by the commission before December 31 of the calendar year in which the application is made.
3. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within 10 calendar days of issuance.

B. Procedure

1. The assessor forwards the application(s) to the commission.
2. The commission reviews the application(s), consistent with its rules of procedure, and determines if the application(s) are complete and if the properties meet the criteria set forth in WAC 254-20-070(1) and listed in SMC 17D.040.090.
 - a. If the commission finds the properties meet all the criteria, then, on behalf of the City, it enters into a Historic Preservation Special Valuation Agreement (set forth in WAC 254-20-120) with the owner. Upon execution of the agreement between the owner and commission, the commission approves the application(s).
 - b. If the commission determines the properties do not meet all the criteria, then it shall deny the application(s).
3. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
4. For approved applications:
 - a. The commission forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-20-090 (4) to the assessor,
 - b. Notifies the state review board that the properties have been approved for special valuation, and
 - c. Monitors the properties for continued compliance with the agreements throughout the 10-year special valuation period.
5. The commission determines, in a manner consistent with its rules of procedure, whether or not properties are disqualified from special valuation either because of
 - a. The owner's failure to comply with the terms of the agreement or

- b. Because of a loss of historic value resulting from physical changes to the building or site.
 - 6. For disqualified properties, in the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, assessor, and state review board in writing and state the facts supporting its findings.
- C. Criteria
- 1. Historic Property Criteria:

The City attained Certified Local Government (CLG) status in 1986. As a CLG, the City determines the class of property eligible to apply for Special Valuation. Eligible property types in Spokane mean only properties listed on Spokane Register of Historic Places or properties certified as contributing to a Spokane Register Historic District which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.
 - 2. Application Criteria:

Complete applications shall consist of the following documentation:

 - a. A legal description of the historic property,
 - b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation,
 - c. Architectural plans or other legible drawings depicting the completed rehabilitation work, and
 - d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed and documentation of both to be made available to the commission upon request, and
 - e. For properties located within historic districts, in addition to the standard application documentation, a statement from the appropriate local official, as specified in local administrative rules or by the local government, indicating the property is a certified historic structure is required.
 - 3. Property Review Criteria:

In its review the commission shall determine if the properties meet all the following criteria:

- a. The property is historic property;
- b. The property is included within a class of historic property determined eligible for Special Valuation by the City;
- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the date of application; and d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-20-100(1) and listed in 17D.040.210 of this ordinance).

4. Rehabilitation and Maintenance Criteria:

The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

D. Agreement:

The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. Appeals:

Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to Superior Court under Chapter 34.05.510 -34.05.598 RCW in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization.

Section 5. That SMC sections 17D.040.010, 17D.040.020, 17D.040.030, 17D.040, 17D.040.050, 17D.040.060, 17D.040.070 and 17D.040.080 are repealed.

Draft Date: Dec. 8, 2014

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:**

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35215
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	CANDACE 509-625-6256	<u>Project #</u>	
<u>Contact E-Mail</u>	CMUMM@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	Final Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 QUALIFICATIONS FOR PLANNING AND DEVELOPMENT SERVICES		

Agenda Wording

Relating to qualifications for the City Planning and Development Services Director; amending section 3.01A.365 of the Spokane Municipal Code.

Summary (Background)

This ordinance establishes minimum qualifications for the position of Planning and Development Services Director.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
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<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	PCED 12/15/2014
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT		
<u>For the Mayor</u>			
<u>Additional Approvals</u>			
<u>Purchasing</u>			

ORDINANCE NO. C35215

An ordinance relating to qualifications for the planning and development services director; amending SMC section 3.01A.365 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC 3.01A.365 be amended to read as follows:

3.01A.365 Planning and Development

- A. The planning and development department is responsible for preparation and maintenance of the comprehensive plan to guide the community's long-term physical, economic and social growth and for other matters of neighborhood and City planning, including regional coordination and urban design. The department supports plan implementation measures using development regulations, capital improvement plans and annexation programs; administers current planning activities such as rezoning, planned unit developments, subdivisions, environmental review, and variances; and reviews development permits for compliance with land use codes.
- B. The department reviews and approves land use, civil, and building plans, makes zoning interpretations, issues building and occupancy permits and inspects building projects for compliance with building and other construction codes. It also enforces land use regulations and works with various city, county and state agencies in the regulation of property use requirements. The "building official" is in the department and oversees all building code interpretations. The department addresses the community's business needs and coordinates revitalization programs with an emphasis on sustainable economic growth. The department reviews transportation and traffic planning, street improvement proposals and transportation-related development issues.
- C. Through the administration section, the department serves as staff to the plan commission, design review board and bicycle advisory board.
- D. Any applicant offered the position of director of planning and development services for the City of Spokane shall meet or exceed the following qualifications at the time the offer of employment is made:
 - 1. bachelors or masters degree in urban planning, public administration or a related field;
 - 2. American Institute of Certified Planners (AICP) certification;
 - 3. minimum of eight years of progressively responsible planning experience;
 - 4. minimum of four years of experience in a supervisory capacity, including significant experience managing complex projects and management experience related to long-range planning or land use planning;
 - 5. demonstrated responsibility for budgets exceeding one million dollars;

6. demonstrated substantial coursework in land use and urban planning principles;
7. demonstrated knowledge of federal, state and local laws and regulations as they apply to urban planning, particularly with regard to of the State of Washington's Growth Management Act;
8. demonstrated record of implementing projects consistent with a comprehensive plan or other adopted plans;
9. demonstrated knowledge of real estate terminology, laws, practices, principles, and regulations;
10. demonstrated knowledge of basic environmental function and values;
11. demonstrated skills in oral and written communication to individuals and groups in a public setting; and
12. demonstrated ability to work across departments and disciplines.

Equivalent combination of education and experience may substitute for the requirements 3-10.

E. The planning director shall be appointed by the mayor, with approval by a majority of city council, pursuant to section 24 A of the city charter.

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:**

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35216
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact</u>	BEN 625-6269	<u>Project #</u>	
<u>Contact E-Mail</u>	AMCDANIEL@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 VEHICLE IMPOUNDMENT FOR PATRONIZING A PROSTITUTE		

Agenda Wording

An ordinance relating to vehicle impoundment and declaring an area within East Central as an area within which vehicles are subject to impoundment if used to patronize a prostitute and related offenses;

Summary (Background)

This ordinance will amend SMC 10.06.037 to provide that the east central area located between the Hamilton overpass and Fiske Street, and between the rail road tracks and Interstate 90 will be declared an area of high prostitution activity. Within these boundaries, vehicles will be subject to impoundment if 1) used to patronize a prostitute, promote prostitution or promote travel for prostitution;

<u>Fiscal Impact</u>		<u>Budget Account</u>	
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<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MCDANIEL, ADAM	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	Public Safety
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	DALTON, PAT		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

amending SMC section 10.06.037 of the Spokane Municipal Code.

Summary (Background)

and 2) the person arrested for such activity is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465. This amendment is required before the City can impound vehicles that met the requirements set forth in the amendment.

Fiscal Impact

Select \$

Select \$

Budget Account

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Distribution List

ORDINANCE NO. C35216

An ordinance relating to vehicle impoundment and declaring an area within East Central as an area within which vehicles are subject to impoundment if used to patronize a prostitute and related offenses; amending SMC section 10.06.037 of the Spokane Municipal Code.

WHEREAS, the City of Spokane has received a high volume of complaints from Spokane citizens concerning heavy criminal activity related to prostitution along East Sprague Avenue; and

WHEREAS, the Spokane Police Department has had ongoing dialogue with various groups over the concern of prostitution related criminal activity, including the East Sprague Business Association (ESBA), the Lutheran Community Services Northwest (LCSNW) SAFeT Response Center, the Inland Northwest Task Force on Human Trafficking; and

WHEREAS, community safety and personal security are high priority standards for all residents in Spokane and in the East Central community; and

WHEREAS, a thriving business environment and a consumer friendly commercial district enables the community to grow and develop in ways that positively impact the economic health of the neighborhood; and

WHEREAS, a specific area within the East Sprague business district has historically been an area with a disproportionately high occurrence of prostitution activity as compared with other districts in the Spokane metropolitan area; that area being located in the East Central Neighborhood between the Hamilton overpass as the western boundary and Fisk as the eastern boundary, the rail road tracks as the northern boundary and Interstate 90 as the southern boundary; and

WHEREAS, the Spokane Police Department, over the course of the past several years, has made an inordinately high number of arrests in the East Sprague Business District for criminal activity related to prostitution and patronizing a prostitute; and

WHEREAS, current Crime Analysis Data shows that prostitution related criminal activity continues to plague the East Sprague Business District at rates much higher than other parts of Spokane; and

WHEREAS, concerned citizens and business owners in East Central have searched for solutions to clean up the criminal activity and to restore public safety, health and vitality to the area; and

WHEREAS, state law authorizes an arresting law enforcement officer to impound a person's vehicle upon an arrest for a suspected violation of a prostitution-related offense under RCW 9A.88.140 if the offense was committed within an area designated

by the local governing authority as an area within which vehicles are subject to impoundment; and

WHEREAS, there is ample evidence indicating that the East Central Neighborhood area between the Hamilton overpass and Fisk, and between the rail road tracks and Interstate 90 has a disproportionately higher number of arrests for the prostitution offenses including patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, as compared to other areas within the same jurisdiction; and

WHEREAS, the preamble to this ordinance the Prostitution Analysis 2009-2014 and the material and date submitted to the City Council constitute the legislative record for this ordinance.

The City of Spokane does ordain:

Section 1. That SMC 10.06.037 be amended to read as follows:

10.06.37 Patronizing a Prostitute – Vehicle Impoundment

A. The City Council finds that many patrons of prostitutes use motor vehicles in order to obtain the services of prostitutes and that successful prevention of prostitution involves efforts to curtail the demand for services offered by prostitutes. It is the intent of the City Council to decrease the demand for prostitution services and thereby eliminate the economic foundation for the prostitution industry. It is also the intent of the City Council to eliminate traffic congestion and other concerns to neighborhoods and business areas caused by patrons cruising in motor vehicles in areas of high prostitution activity.

((A))B. Upon an arrest for suspected violations of patronizing a prostitute under RCW 9A.88.110, promoting prostitution in the first degree under RCW 9A.88.070, promoting prostitution in the second degree under RCW 9A.88.080, promoting travel for prostitution under RCW 9A.88.085 or patronizing a juvenile prostitute under RCW 9.68A.100, the arresting law enforcement officer may impound the person's vehicle if the:

1. motor vehicle was used in the commission of the crime;
2. person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and
3. person arrested has previously been convicted of patronizing a prostitute under RCW 9A.88.110, promoting prostitution in the first degree under RCW 9A.88.070, promoting prostitution in the second degree under RCW 9A.88.080, promoting travel for prostitution under RCW 9A.88.085 or patronizing a juvenile prostitute under RCW 9.68A.100.

C. The East Central designation area,, as established in the map set forth in Attachment A, is hereby declared an area of high prostitution activity based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in subsection B as compared to other areas within the same jurisdiction. Within this designated area:

1. Upon an arrest for suspected violations of patronizing a prostitute under RCW 9A.88.110, promoting prostitution in the first degree under RCW 9A.88.070, promoting prostitution in the second degree under RCW 9A.88.080, promoting travel for prostitution under RCW 9A.88.085 or patronizing a juvenile prostitute under RCW 9.68A.100, the arresting law enforcement officer may impound the person's vehicle if the:

a. motor vehicle was used in the commission of the crime;

b. the person arrested for such activity is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and

c. the local governing authority has posted signs at the boundaries of the designated area to indicate that the area has been designated under this section.

~~((B-))~~ D. Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

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:**

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35217
<u>Renews #</u>	
<u>Cross Ref #</u>	
<u>Project #</u>	
<u>Bid #</u>	
<u>Requisition #</u>	

<u>Submitting Dept</u>	CITY ATTORNEY
<u>Contact Name/Phone</u>	TIM SZAMBELAN 625-6225
<u>Contact E-Mail</u>	TSAMBELAN@SPOKANECITY.ORG
<u>Agenda Item Type</u>	First Reading Ordinance
<u>Agenda Item Name</u>	ORDINANCE AMENDING ANIMAL CONTROL CODE AND SERVICES

Agenda Wording

An ordinance relating to animal control and amending Spokane Municipal Code Sections 10.03.020, 10.03.033, SMC 10.03.035, SMC 10.03.050, and adopting a new chapter 10.24A to the Spokane Municipal Code.

Summary (Background)

The City entered into a regional animal control program with Spokane County that went into effect in January 2014 and with the implementation of the regional animal control system certain changes to the current Spokane Municipal Code must be made for the animal control agency and municipal court operate in an efficient manner together.

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

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	DALTON, PAT
<u>Division Director</u>	
<u>Finance</u>	DOLAN, PAM
<u>Legal</u>	DALTON, PAT
<u>For the Mayor</u>	SANDERS, THERESA
<u>Additional Approvals</u>	
<u>Purchasing</u>	

ORDINANCE NO. C35217

An ordinance relating to animal control and amending SMC sections 10.03.020, 10.03.033 , 10.03.035, and 10.03.050, and adopting a new chapter 10.24A to title 10 of the Spokane Municipal Code.

WHEREAS, the City entered into a regional animal control program with Spokane County that went into effect in January 1, 2014; and

WHEREAS, with the implementation of the regional animal control system certain changes to the current Spokane Municipal Code need to be amended to operate efficiently for all parties involved; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC 10.03.020 is amended to read as follows:

10.03.020 Dangerous Dog Declaration and Registration

- A. When an animal protection officer has probable cause, based upon the officer's records or investigation of an incident, to believe that a dog is a dangerous dog, the officer declares the dog to be a dangerous dog by the issuance of a dangerous dog declaration.
- B. Upon issuance of the dangerous dog declaration, the animal protection officer shall immediately confiscate the dog and place the dog in the animal control authority's custody pending final disposition. For the purposes of the City Code, "owner and keeper" has the same definition as the "owner, handler, or keeper as definition in SCC 5.04.020 (17).
 1. The animal protection officer serves the owner or keeper of the dog with notice of the dangerous dog declaration either in person or by regular and certified mail, return receipt requested.
 2. Service, if by mail, shall be considered completed three days after mailing of the notice.
 3. The notice shall state:
 - a. ~~((the basis for the dangerous dog declaration))~~ The person receiving the notice is the owner or keeper of a dangerous dog as defined in Section 5.04.020 (9),
 - b. ~~((the applicable ordinance invoked to support the dangerous dog declaration))~~ The breed, color, sex, and license number (if known) of the dog,

- c. ~~((the reason(s) the animal control authority considers the dog to be dangerous))~~ A copy of the records relied upon by the director that forms the basis for declaring the dog to be a dangerous dog; which records may be supplemented with additional information as it becomes available,
 - d. That receipt of the notice renders final the declaration of dangerous dog unless the owner or keeper of the dog submits a request for an administrative appeal hearing before the city hearing examiner in writing to the director on a form provided with the notice within fifteen (15) days of the receipt of the notice,
 - e. If an appeal hearing is requested, such appeal will be held and adjudicated pursuant to the requirements set out in this chapter; that at the hearing the records of the director and any supplementary material shall be admissible to prove the dog is a dangerous dog; that the owner or keeper of the dog may upon request require the officer compiling the record or alternatively an officer with personal knowledge of the record to be present at the hearing; unless such officer is unavailable; that the owner or keeper of the dog, and the director, may call witnesses, present evidence, examine witnesses present, and be represented by counsel at the hearing; and that the burden shall be on the director to establish by a preponderance of evidence that the dog is a dangerous dog;
 - f. a statement that the dog is subject to registration and controls required by this chapter; and
 - g. an explanation of the owner's or keeper's rights and the proper procedure to appeal the declaration.
- C. No owner or keeper may keep a dangerous dog, except a dog currently used by law enforcement officers for police work, without a certificate of registration issued under this chapter. The certificate of registration must be acquired within fifteen days of service of the dangerous dog notice unless the owner or keeper has appealed the dangerous dog declaration pursuant to subsection (F) of this section.
- D. The animal control authority of the City issues a certificate of registration to the owner or keeper of a dangerous dog upon payment of the fee set forth in SMC 8.02.081 if the owner or keeper presents to the authority sufficient evidence of:
- 1. a proper enclosure, approved by SCRAPs, to confine a dangerous dog; and
 - 2. the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property, and the conspicuous display of a sign with a warning symbol that informs children of the presence of a dangerous dog; and
 - 3. a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at

- least two hundred fifty thousand dollars, which provides for prior written notification to the animal control authority of cancellation or material change, payable to any person for personal injuries or property damage caused by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the owner's or keeper's premises; or
4. a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least two hundred fifty thousand dollars with a maximum five hundred dollar deductible and which provides for prior written notification to the animal control authority of cancellation or material change, insuring the owner or keeper for any personal injuries and property damage inflicted by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the owner's or keeper's premises; and
 5. The owner or keeper of a dangerous dog shall furnish to SCRAPS a complete copy of the surety bond of insurance specified in this subsection and shall allow SCRAPS reasonable time to review the bond or policy to determine whether the surety bond or certificate of insurance is sufficient, prior to issuing the certificate of registration.
 6. a permanent microchip implanted and the microchip shall be injected in accordance with policy established by SCRAPS and the owner or keeper will be charged a fee for the microchip; and
 7. The dangerous dog must be spayed/neutered at the owner's expense in order to complete the registration. Any impounded dangerous dog will be transported to SCRAPS to a veterinarian for spaying/neutering as part of the registration process or documentation demonstrating that the dangerous dog has been spayed or neutered; and
 8. a muzzle and leash approved by the animal control authority, as to strength and fit, for the dangerous dog; and
 9. additional conditions determined by the animal control authority to be necessary to protect the public health, safety. and welfare.
- E. Appeal of Dangerous Dog Declaration.
1. A dangerous dog declaration by the animal control authority may be appealed to the City's hearing examiner.
 2. An appeal must be filed with the hearing examiner's office within fifteen days of service of the dangerous dog notice.
 3. An appeal does not proceed until the owner or keeper has complied with the requirements of SMC 10.03.050.
 4. At the appeal hearing, the records of the animal control director, or the director's designee, and any supplemental material shall be admissible to prove the dog is a dangerous dog. The owner or keeper of the dog may present evidence and examine witnesses present.
 5. It is the animal control agency's burden to provide the hearing examiner with evidence which establishes the dangerous dog determination by a preponderance of the evidence. The hearing examiner shall apply a

preponderance of the evidence standard at the dangerous dog determination appeal. It is an affirmative defense that the owner must prove by a preponderance of the evidence that the person or domestic animal attacked or bitten by the owner's or keeper's dog provoked the owner's or keeper's dog without justification or excuse.

6. The hearing examiner will provide upon request to an individual all rules and procedures applicable to the appeal.
 7. The hearing examiner either:
 - a. affirms the decision of the animal control authority in issuing the dangerous dog declaration,
 - b. dismisses the declaration, or
 - c. reduces a dangerous dog declaration to a potentially dangerous dog declaration based upon the evidence presented during the appeal.
 8. The hearing examiner's decision may be appealed to the Spokane County superior court within ~~((fifteen))~~ twenty days from the date the decision is issued.
- F. If an owner or keeper fails to register the dog as a dangerous dog within fifteen days of service of the animal control authority's notice, or of the hearing examiner's decision affirming the animal control authority's determination, and no restraining order has been served upon the animal control authority, the dog shall be euthanized.

The animal control director may issue a provisional registration certificate where: (a) the dangerous dog declaration has been appealed, provided all the conditions of maintaining a dangerous dog have been met under this section with the exception subsection D (7) requiring spay or/neuter; or (b) the owner is relocating the dangerous dog outside of the City and all conditions of this section have been met with the exception of subsection D(3)-(5) requiring a surety bond or insurance policy. Any provisional permit issued pursuant to this section shall expire (15) days following the decision on the appeal of the dangerous dog declaration. Any provisional permit issued under G (b) of this subsection shall be valid for the sole purpose of immediate transport and relocation of the dog from the shelter to a location outside of the City.

- G. Dogs deemed dangerous by other jurisdictions in the State of Washington will be subject to the same regulations as if they have been deemed dangerous in the City. Any owner or keeper of a dog deemed dangerous by jurisdictions outside the State of Washington relocating to the City, Spokane County Washington shall present the dog to SCRAPS within 30 days of their arrival in Spokane to be evaluated by the Director or his/her designee on an individual basis to determine whether the dog should be deemed a dangerous dog, taking into account the criteria set forth in SCC 5.04.020 (8).

- H. An owner or keeper of a dog previously deemed dangerous by the City or SCRAPS and subsequently relocated outside of the City, must register the dog pursuant to section (C) of this section prior to bringing the dangerous dog into the City; such dogs are prohibited from re-entering the City without prior written consent from SCRAPS and/or full registration.

I.

An owner or keeper of a dog declared dangerous shall be responsible for meeting and maintaining the requirements set forth in this section at all times. A violation of conditions imposed under this section is a gross misdemeanor.

- J. Dangerous dog" means any dog that (a) inflicts severe injury or multiple bites on a human being without provocation on public or private property, (b) inflicts severe injury, multiple bites, or kills an animal without provocation while the dog is off the owner's or keeper's property, or (c) has previously been declared potentially dangerous pursuant to SMC 10.03.033, and after the owner or keeper received notice of such declaration the dog engages in behavior that meets the definition of "potentially dangerous dog" in subsection SCC 5.04.020 (19) of this section; provided, a declaration of dangerous dog under part (c) of this subsection cannot become a final determination under SMC 10.03.020 unless and until the previous declaration of potentially dangerous dog has become final under this Code or a previous version of this Code. If two or more dogs jointly engage in any conduct described in parts (a) or (b) of this subsection, thereby rendering proof of the individual dog that inflicted any particular injury difficult to ascertain, then regardless of the degree of participation by the individual dog(s), all such dogs shall be deemed dangerous dogs.

Section 2. That SMC 10.03.050 is amended to read as follows:

10.03.050 Dangerous Dog – Confiscation

- A. An animal protection officer shall immediately confiscate a dangerous dog if:
1. it is not validly registered under SMC 10.03.020; or
 2. it is not maintained in the proper enclosure; or
 3. its owner does not have the surety bond or liability insurance required by SMC 10.03.020; or
 4. it is ~~((outside the dwelling of its owner or keeper, or outside the proper enclosure, and not under the appropriate physical restraint of a responsible person))~~ at large as defined in SCC 5.04.020.(6); or
 5. it, after being declared and registered as a dangerous dog, engages in subsequent conduct that would ~~((constitute))~~ qualify the dog as a potentially dangerous dog or dangerous dog as prescribed in SCC section 5.04.020.

- B. If a dangerous dog has been confiscated because it is in violation of subsection (A)(4) or (A)(5) of this section, the animal control authority quarantines the dog for fifteen days and thereafter causes the dog to be destroyed in an expeditious and humane manner unless the owner or keeper files an appeal pursuant to subsection (D) of this section. The animal protection officer (~~((serves))~~) shall serve the owner or keeper of the dog with notice that the dog has been confiscated, either in person or by regular and certified mail, return receipt requested. Service, if by mail, shall be considered completed three days after mailing of the notice. The notice shall state:
1. the reason(s) for the confiscation,
 2. a statement that the dog will be quarantined for the fifteen days and thereafter euthanized in an expeditious and humane manner, and
 3. an explanation of the owners or keeper's rights and proper procedure to appeal the confiscation and pending euthanasia.
- C. If a dangerous dog is confiscated because it is in violation of subsection (A)(1), (A)(2) or (A)(3) of this section, and if the animal is licensed, the animal control authority (~~((serves))~~) shall serve the owner or keeper of the dog with notice that the dog has been confiscated, either in person or by regular and certified mail, return receipt requested. Service, if by mail, shall be considered completed three days after mailing of the notice. The notice shall state:
1. the reason(s) for the confiscation,
 2. that the owner or keeper is responsible for payment of the costs of confinement and control prior to the dog being released,
 3. that the dog will be destroyed in an expeditious and humane manner if the deficiencies for which the dog was confiscated are not corrected within fifteen days, and
 4. an explanation of the owners or keeper's rights and proper procedure to appeal the confiscation and pending euthanasia.
- D. Appeal of Dangerous Dog Confiscation and/or Pending Euthanasia.
1. The owner or keeper of a dangerous dog may appeal the confiscation and/or pending euthanasia of his dog to the City's hearing examiner.
 2. An appeal must be filed with the hearing examiner's office within fifteen days of service of notice that the dog has been confiscated.
 3. If the confiscation is for violations of subsection (A)(4) or (A)(5) of this section, the sole issue to be appealed to the hearing examiner is whether the dog was in violation of subsection (A)(4) or (A)(5) of this section. It shall not be relevant to the appeal whether the owner has been charged and/or convicted pursuant to RCW 16.08.100(2) or (3).
 4. The hearing examiner's decision may be appealed to the Spokane County superior court within twenty days from the date the decision is issued.
- E. If a dangerous dog is at large as defined in SCC 5.04.020 (6) in violation of (~~((SMC 10.03.030))~~) SCC 5.04.070 (12), in addition to confiscation of the dog as provided in subsection (A) of this section, the owner is guilty of a gross

misdemeanor ~~((and punishable as provided in RCW 9A.20.024))~~, as set forth in SCC 5.04.071 (12).

- F. In the event the director, or designee, has sufficient information to determine a dog is dangerous and may pose a threat of serious harm to human beings or animals, the director, or designee, shall seize and impound the dog pending notice, hearings, appeals and other determinations hereunder. The owner or keeper of the dog shall be liable to the animal control authority for the costs and expenses of keeping such dog, unless a finding is made that the dog is neither a dangerous dog nor a potentially dangerous dog.

Section 3. SMC 10.03.033 is amended to read as follows:

10.03.033 Potentially Dangerous Dog Declaration

- A. When ~~((an animal protection officer has probable cause based upon his records or investigation of an incident to believe that a dog is a potentially dangerous dog, the officer declares the dog a potentially dangerous dog by the issuance of a potentially dangerous dog declaration.))~~ the director or his or her designee has sufficient information to determine that a dog is a potentially dangerous dog as defined in SCC 5.04.020(19), the director or his or her designee shall declare the dog potentially dangerous and shall notify the owner or keeper of the dog in writing of such determination, either in person or by regular mail. Any notice or determination mailed pursuant to this section shall be deemed received by the party to whom it is addressed on the third day after it is placed in the mail, as set forth by declaration of the sender. The notice shall contain the following information:
- B. ~~((If the animal is licensed, the animal control authority serves the owner or keeper of the dog with notice of the potentially dangerous dog declaration, either in person or by regular mail. Service, if by mail, shall be considered completed three days after mailing of the notice.))~~
- C. ~~((The notice shall contain the following information))~~
1. That the person receiving the notice is the owner or keeper of a potentially dangerous dog as defined in SCC section 5.04.020 (19);
 2. The breed, color, sex, and license number (if known) of the dog;
 3. The facts upon which the ~~((determination))~~ declaration of potentially dangerous dog is based;
 4. That if there are future similar incidents with the dog, the dog could be declared a dangerous dog pursuant ~~((SCC section 5.04.032))~~, to SMC 10.03.020 and required to be registered as provided in ~~((SMC 10.03.020 SCC section 5.04.035;))~~
 5. That the owner or keeper must comply with restrictions set forth in the notice as a condition of continued ownership or keeping of the dog and that restrictions may include, but are not limited to, those which may be imposed on the owner or keeper of a potentially dangerous dog pursuant to section 5.04.032 (6);

6. That the notice (~~((constitutes))~~) renders a final determination that the dog is a potentially dangerous dog, unless the owner or keeper of the dog requests an administrative review meeting in writing on a form provided with the notice within fifteen days of the receipt of the notice. For purposes of this section, if the notice is mailed, it shall be deemed received on the third day after the notice is placed in the mail.
 7. The administrative review meeting shall be informal, open to public view, and at the option of the director or designee, held telephonically and the administrative meeting officer shall be someone who did not participate in making the potentially dangerous dog determination.
- 8.

Following an administrative review meeting, the director or designee may affirm or reverse the (~~((director's))~~) original determination that the dog is potentially dangerous. If the determination is affirmed, the director may impose the same reasonable conditions as may be imposed on the owner or keeper of a potentially dangerous dog pursuant to SMC 10.03.033 C.

9. That pursuant to (~~((SCC section 5.04.033))~~) this section, a failure by the dog owner or keeper to request and attend an administrative review meeting with the animal control director or designee shall constitute a failure to exhaust all administrative remedies, and that such failure to exhaust all administrative remedies shall preclude any appeal of the administrative determination to the City hearing examiner.
- B. The notice of a potentially dangerous dog declaration constitutes a final determination that the dog constitutes a potentially dangerous dog, unless the owner or keeper requests (~~((a hearing))~~) an appeal hearing before the City hearing examiner within fifteen days of service of the notice.
- C. In the event the owner or keeper requests an appeal hearing before the hearing examiner, the appeal hearing shall be held within thirty days of the request.
1. The City Hearing Examiner's Office will ((animal control authority notifies notify)) the owner or keeper of the date, time and place of the hearing, as well as the right to present evidence as to why the dog should not be found potentially dangerous.
 2. (~~((The hearing is conducted by the director of the animal control authority or his designee as the hearing officer.))~~) The hearing examiner (~~((recommendation shall be to))~~) may affirm, reverse or modify the potentially dangerous dog declaration issued by the director. If the recommendation is to affirm the declaration, the examiner shall recommend requirements listed below be imposed upon the owner of keeper as a condition of continued ownership or keeping of the dog. If the

~~((recommendation))~~ hearing examiner's decision is to modify the declaration, the examiner may ~~((recommend))~~ determine that the dog be deemed potentially dangerous and that reasonable conditions be imposed on the owner or keeper as a condition of continued ownership or keeping of the dog. Reasonable conditions may include but are not limited to the following measures:

- (a) Erection of new or additional fencing to keep the dog within the confines of the owner's or keeper's premises.
- (b) Construction of a run consistent with the size of the dog within which the dog must be kept.
- (c) Keeping the dog on a leash adequate to control the dog or securely fastened to a secure object when left unattended.
- (d) Keeping the dog indoors at all times, except when on a leash adequate to control the dog and under the actual physical control of the owner or keeper or a competent person at least fifteen years of age.
- (e) Keeping the dog muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent it from biting any person or animal when outside a proper enclosure.
- (f) Spaying/neutering of the dog.
- (g) Microchip implanting of the dog for identification purposes.

The examiner may alternatively recommend that the director be given the authority to establish the reasonable conditions from the measures listed above, or from revisions or additions to such measures that the director deems necessary to effectuate the purposes of this chapter.

~~((3. The hearing officer shall be someone who did not participate in making the potentially dangerous dog determination.))~~

- D. The City hearing ~~examiner officer~~ notifies, in writing, the owner or keeper of his decision within twenty ~~((ten))~~ days of the hearing. ~~((The decision of the hearing officer is final unless a timely request for an administrative appeal is made in the same manner as provided in SMC 10.03.020 (E).))~~ The owner or keeper of the dog may appeal the City hearing examiner's decision on the potentially dangerous dog appeal within ~~((twenty))~~ fifteen days to the Spokane County superior court.
- E. An owner or keeper of a potentially dangerous dog who violates any of the conditions imposed under this section shall be guilty of a misdemeanor as set forth in SCC 5.04.071(b) and (j).

Section 4. SMC 10.03.035 is amended to read as follows:

10.03.035 Potentially Dangerous Dog at Large

- A. No owner may cause or permit a potentially dangerous dog to be or run at large within the City or to roam or stray from the building or enclosure where harbored unless:
 - 1. restrained by a sufficient collar, harness or halter, and on a leash eight feet or less in length and in the control of a person physically able to restrain the dog; or
 - 2. confined safely within a vehicle.
- B. No person may release, or allow the escape from confinement or the control of another, any potentially dangerous dog.
- C. A violation of this section is a misdemeanor.

Section 5. That there is adopted a new chapter 10.24A to title 10 of the Spokane Municipal Code to read as follows:

SMC 10.24A Animal Control

- 10.24A.010 Potentially Dangerous Wild Animal**
- 10.24A.020 Enforcement – Law enforcement agencies and animal control agencies**
- 10.24A.030 Transporting or confining in unsafe manner — Penalty.**
- 10.24A.040 Removal of animals for feeding and care –Examination-Notice-Euthanasia**
- 10.24A.050 Confinement without food and water- Intervention by others**
- 10.24A.060 Poisoning animals – Penalty**
- 10.24A.070 Sentences – Forfeiture of animals – Liability for costs – Penalty – education, counseling**
- 10.24A.080 Animal cruelty in the second degree – Penalty**
- 10.24A.090 Dog breeding – Limit on the number of dogs – Required conditions – Penalty – Limitation of section Definitions**
- 10.24A.100 When deemed Abandoned**
- 10.24A.110 Disposition of abandoned animal by person having custody**
- 10.24A.120 Dangerous Wild Animals**
- 10.24A.130 Potentially Dangerous Wild Animals**
- 10.24.140 Adoption of Revised Code of Washington by reference**

10.24A.010 Potentially Dangerous Wild Animal

A. ~~((1))~~ A person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous wild animal, except as provided in subsection (3) of this section.

B. ~~((2))~~ A person shall not breed a potentially dangerous wild animal.

C. ~~((3))~~ A person in legal possession of a potentially dangerous wild animal prior to July 22, 2007, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to July 22, 2007, and present the paperwork to an animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to July 22, 2007.

10.24A.020 Enforcement — Law enforcement agencies and animal care and control agencies.

A. ~~((1))~~ Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

B. ~~((2))~~ Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce chapter SMC 10.24~~((r))~~ A and other criminal laws of the state of Washington.

C. ~~((3))~~ Animal control officers have the following enforcement powers when enforcing this chapter or a violation of chapter SMC 10.03 :

1. ~~((a))~~ The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this SMC 10.03 or RCW 9.08.070 through 9.08.078 or 81.48.070;

2. ~~((b))~~ The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within twenty-four hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

3. ~~((c))~~ The power to carry nonfirearm protective devices for personal protection;

4. ~~((d))~~ The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement agency officer may arrest the alleged offender.

10.24A.030 Transporting or confining in unsafe manner — Penalty.

Any person who willfully transports or confines or causes to be transported or confined any domestic animal or animals in a manner, posture or confinement that will jeopardize the safety of the animal or the public shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefore by any officer or authorized person, such officer or person may take charge of the animal or animals; and any necessary expense thereof shall be a lien thereon to be paid before the animal or animals may be recovered; and if the expense is not paid, it may be recovered from the owner of the animal or the person guilty.

10.24A.040 Removal of animals for feeding and care — Examination — Notice — Euthanasia.

A. ~~((1))~~ If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under SMC 10.24A.040 (4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

B. ~~((2))~~ If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter or a violation of chapter SMC 10.03 has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

C. ~~((3))~~ Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies

available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

D. (((4))) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the Municipal court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with a similar animal under SMC 10.24A.040 (4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

E. (((5))) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the Municipal court of the county where the animal was removed for the animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

F. (((6))) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

G. (((7))) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

10.24A.050 Confinement without food and water — Intervention by others

If any domestic animal is impounded or confined without necessary food and water for more than thirty-six consecutive hours, any person may, from time to time, as is necessary, enter into and open any pound or place of confinement in which any domestic animal is confined, and supply it with necessary food and water so long as it is confined. The person shall not be liable to action for the entry, and may collect from the

animal's owner the reasonable cost of the food and water. The animal shall be subject to attachment for the costs and shall not be exempt from levy and sale upon execution issued upon a judgment. If an investigating officer finds it extremely difficult to supply confined animals with food and water, the officer may remove the animals to protective custody for that purpose.

10.24A.060 Poisoning animals — Penalty.

A. ~~((1))~~ Except as provided in subsections (2) and (3) of this section, a person is guilty of the crime of poisoning animals if the person intentionally or knowingly poisons an animal under circumstances which do not constitute animal cruelty in the first degree as defined in RCW 16.52.205.

B. ~~((2))~~ Subsection (1) of this section shall not apply to euthanizing by poison an animal in a lawful and humane manner by the animal's owner, or by a duly authorized servant or agent of the owner, or by a person acting pursuant to instructions from a duly constituted public authority.

C. ~~((3))~~ Subsection (1) of this section shall not apply to the reasonable use of rodent or pest poison, insecticides, fungicides, or slug bait for their intended purposes. As used in this section, the term "rodent" includes but is not limited to Columbia ground squirrels, other ground squirrels, rats, mice, gophers, rabbits, and any other rodent designated as injurious to the agricultural interests of the state as provided in *chapter 17.16 RCW. The term "pest" as used in this section includes any pest as defined in RCW 17.21.020.

D. ~~((4))~~ A person violating this section is guilty of a gross misdemeanor.

10.24A.070 Sentences — Forfeiture of animals — Liability for costs — Penalty — Education, counseling.

A. ~~((1))~~ The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.50.320 and [3.50.330](#), however the probationary period shall be two years.

B. ~~((2))~~ In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive; however the probationary period shall remain two years.

C. ~~((3))~~ In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

D. ~~(((4)))~~ Any person convicted of animal cruelty shall be prohibited from owning, caring for, or residing with any similar animals for a period of time as follows:

1. ~~(((a)))~~ Two years for a first conviction of animal cruelty in the second degree under SMC 10.24A.045;

2. ~~(((b)))~~ Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

3. ~~(((c)))~~ Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.

E. ~~(((5)))~~ If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own or possess a similar animal five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

1. ~~(((a)))~~ The person's prior animal cruelty in the second degree convictions;

2. ~~(((b)))~~ The type of harm or violence inflicted upon the animals;

3. ~~(((c)))~~ Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

4. ~~(((d)))~~ Whether the person complied with the prohibition on owning, caring for, or residing with similar animals; and

5. ~~(((e)))~~ Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

F. ~~(((6)))~~ In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

G. ~~(((7)))~~ If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

H. ~~((8))~~ If a person violates the prohibition on owning, caring for, or residing with similar animals under subsection (4) of this section, that person:

1. ~~((a))~~ Shall pay a civil penalty of one thousand dollars for the first violation;
2. ~~((b))~~ Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and
3. ~~((c))~~ Is guilty of a gross misdemeanor for the third and each subsequent violation.

I. ~~((9))~~ As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

10.24A.080 Animal cruelty in the second degree — Penalty.

~~((1))~~ A. A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty as defined in RCW 16.52.205, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

~~((2))~~ B. An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

1. ~~((a))~~ Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure;
2. ~~((b))~~ Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons the animal; or
3. ~~((c))~~ Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

~~((3))~~ C. Animal cruelty in the second degree is a gross misdemeanor.

~~((4))~~ D. In any prosecution of animal cruelty in the second degree under subsection (1) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

10.24A.090 Dog breeding — Limit on the number of dogs — Required conditions — Penalty — Limitation of section — Definitions.

A. ~~((1))~~ A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.

B. ~~((2))~~ Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

1. ~~((a))~~ Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

2. ~~((b))~~ Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

3. ~~((c))~~ Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

a. ~~((i))~~ Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

b. ~~((ii))~~ Housing facilities must enable all dogs to remain dry and clean;

c. ~~((iii))~~ Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

d. ~~((iv))~~ Housing facilities must provide sufficient shade to shelter all the dogs housed

in the primary enclosure at one time;

e. ~~((v))~~ A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

f. ~~((vi))~~ Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

g. ~~((vii))~~ Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

h. ~~((viii))~~ All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

4. ~~((d))~~ Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

5. ~~((e))~~ Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

C. ~~((3))~~ A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

D. ~~((4))~~ This section does not apply to the following:

1. ~~((a))~~ A publicly operated animal control facility or animal shelter;

2. ~~((b))~~ A private, charitable not-for-profit humane society or animal adoption organization;

3. ~~((c))~~ A veterinary facility;

4. ~~((d))~~ A retail pet store;

5. ~~((e))~~ A research institution;

6. ~~((f))~~ A boarding facility; or

7. ~~((g))~~ A grooming facility.

E. ~~((5))~~ Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).

F. ~~((6))~~ For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

1. ~~((a))~~ "Dog" means any member of *Canis lupus familiaris*; and

2. ~~((b))~~ "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

10.24A.100 When deemed abandoned

An animal is deemed to be abandoned under the provisions of this chapter when it is placed in the custody of a veterinarian, boarding kennel owner, or any person for treatment, board, or care and:

A. ~~((1))~~ Having been placed in such custody for an unspecified period of time the animal is not removed within fifteen days after notice to remove the animal has been given to the person who placed the animal in such custody or having been so notified the person depositing the animal refuses or fails to pay agreed upon or reasonable charges for the treatment, board, or care of such animal, or;

B. ~~((2))~~ Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period or the person depositing the animal refuses to pay agreed upon or reasonable charges for the treatment, board, or care of such animal.

10.24A.110 Disposition of abandoned animal by person having custody.

Any person having in his or her care, custody, or control any abandoned animal as defined herein SMC 10.24A.055, may deliver such animal to any humane society having facilities for the care of such animals or to any pound maintained by or under contract or agreement with any city or county within which such animal was abandoned. If no such humane society or pound exists within the county the person with whom the

animal was abandoned may notify the sheriff of the county wherein the abandonment occurred.

10.24A.120 Dangerous Wild Animals

A. Definitions.

1. "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

2. "Potentially dangerous wild animal" means one of the following types of animals, whether bred in the wild or in captivity, and any or all hybrids thereof:

(a) Class mammalia

(i) Order carnivora

3. ~~(((A)))~~ Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

4. ~~(((B)))~~ Family canidae, wolves, excluding wolf-hybrids;

5. ~~(((C)))~~ Family ursidae, all bears;

6. ~~(((D)))~~ Family hyaenidae, such as hyenas;

(ii) Order perissodactyla, only rhinoceroses;

(iii) Order primates, all nonhuman primate species;

(iv) Order proboscidae, all elephants [elephant] species;

(b) Class reptilia

(i) Order squamata

(A) Family atractaspididae, all species;

(B) Family colubridae, only dispholidus typus;

(C) Family elapididae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes;

(D) Family hydrophiidae, all species, such as sea snakes;

(E) Family varanidae, only water monitors and crocodile monitors;

(F) Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers;

(ii) Order crocodilia, all species, such as crocodiles, alligators, caimans, and gavials.

(3) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

(4) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, or has custody or control of a potentially dangerous wild animal.

(5) "Wildlife sanctuary" means a nonprofit organization, as described in RCW

84.36.800, that cares for animals defined as potentially dangerous and:

(a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;

(b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal by-products, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;

(c) No unescorted public visitations or direct contact between the public and an animal; or

(d) No breeding of animals occurs in the facility.

B. Exceptions

1. ~~((1))~~ The provisions of this chapter do not apply to:

(a) Institutions authorized by the Washington department of fish and wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;

(b) Institutions accredited or certified by the American zoo and aquarium association or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan;

(c) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control

authority or acting under the authority of this chapter;

(d) Animal control authority, law enforcement officers, or county sheriffs acting under the authority of this chapter;

(e) Veterinary hospitals or clinics;

(f) A holder of a valid wildlife rehabilitation permit issued by the Washington department of fish and wildlife;

(g) Any wildlife sanctuary as defined under SMC 10.24A.070 (5);

(h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals for which they are registered. This includes but is not limited to universities, colleges, and laboratories holding a valid class R license under the animal welfare act;

(i) Circuses, defined as incorporated, class C licensees under the animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances by live animals, clowns, and acrobats for public entertainment;

(j) A person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping;

(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;

(l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW; and

(m) A game farm meeting the requirements of WAC 232-12-027(1).

2. ~~(((2)))~~ This chapter does not require a city or county that does not have an animal control authority to create that office.

C. Confiscation— Duties of animal control authority or law enforcement officer.

1. ~~(((1)))~~ The animal control authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal if:

(a) The animal control authority or law enforcement officer has probable cause to believe that the animal was acquired after July 22, 2007, in violation of RCW [16.30.030](#);

(b) The animal poses a public safety or health risk;

(c) The animal is in poor health and condition as a result of the possessor; or

(d) The animal is being held in contravention of the [this] act.

2. ~~((2))~~ A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor only if the animal control authority or law enforcement officer establishes that the possessor had possession of the animal prior to July 22, 2007, and the return does not pose a public safety or health risk.

3. ~~((3))~~ The animal control authority or law enforcement officer shall serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must meet the requirements of subsection (2) of this section in order for the animal to be returned to the possessor.

4. ~~((4))~~ If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the animal control authority or law enforcement officer may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant to RCW 16.30.020. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

5. ~~((5))~~ An animal control authority or law enforcement officer may euthanize a potentially dangerous wild animal under this section only if all known reasonable placement options, including relocation to a wildlife sanctuary, are unavailable.

6. ~~((6))~~ This section applies to animal confiscations on or after July 22, 2007.

D. Violations – Civil Penalty

A person who violates SMC 10.24A.010 is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues.

E. Enforcement of Provisions.

1. ~~((1))~~ The animal control authority and its staff and agents, local law enforcement agents, and county sheriffs are authorized and empowered to enforce the provisions of SMC10.24A.015.

2. ~~((2))~~ If a locality does not have a local animal control authority, the department of fish and wildlife shall enforce the provisions of this chapter.

10.24A.140 Adoption of Revised Code of Washington by Reference.

The City of Spokane adopts by reference the following Revised Code of Washington sections: 9.08.070, 9.08.070, 9.08.072, 9.08.074, 9.08.076, 9.08.080, 81.48.070 involving animals and crimes relating to animals.

Passed by the City Council on _____ 2015.

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date

"Dangerous dog" means any dog that (a) inflicts severe injury or multiple bites on a human b being without provocation on public or private property, (b) inflicts severe injury, multiple bites, or kills an animal without provocation while the dog is off the owner's or keeper's property, or (c) has previously been declared potentially dangerous pursuant to SMC 10.03.033, and after the owner or keeper received notice of such declaration the dog engages in behavior that meets the definition of "potentially dangerous dog" in subsection (19) of this section; provided, a declaration of dangerous dog under part (c) of this subsection cannot become a final determination under SMC 10.03.020 unless and until the previous declaration of potentially dangerous dog has become final under this Code or a previous version of this Code. If two or more dogs jointly engage in any conduct described in parts (a) or (b) of this subsection, thereby rendering proof of the individual dog that inflicted any particular injury difficult to ascertain, then regardless of the degree of participation by the individual dog(s), all such dogs shall be deemed dangerous dogs.

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

01/05/2015

<u>Date Rec'd</u>	12/22/2014
<u>Clerk's File #</u>	ORD C35218
<u>Renews #</u>	

<u>Submitting Dept</u>	CITY COUNCIL	<u>Cross Ref #</u>	
<u>Contact Name/Phone</u>	CANDACE 509-625-6256	<u>Project #</u>	
<u>Contact E-Mail</u>	CMUMM@SPOKANECITY.ORG	<u>Bid #</u>	
<u>Agenda Item Type</u>	First Reading Ordinance	<u>Requisition #</u>	
<u>Agenda Item Name</u>	0320 DRIVEWAY OBSTRUCTION ORDINANCE		

Agenda Wording

An ordinance amending Spokane Municipal Code section 10.10.025 regarding vehicular interference.

Summary (Background)

The Spokane Municipal Code currently prohibits pedestrian obstruction of a sidewalk. SMC also prohibits obstruction of the free flow of vehicular traffic on public roadways. However there is no prohibition to obstruction of a driveway within the public right-of-way. This ordinance would preserve access to businesses and homes.

<u>Fiscal Impact</u>		<u>Budget Account</u>	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	MEIERS, BRANDON	<u>Study Session</u>	
<u>Division Director</u>		<u>Other</u>	PCED 1/5/2015
<u>Finance</u>	LESESNE, MICHELE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT		
<u>For the Mayor</u>	SANDERS, THERESA		
<u>Additional Approvals</u>			
<u>Purchasing</u>			

ORDINANCE NO. C35218

An ordinance relating to vehicular interference; amending SMC section 10.10.025.

The City of Spokane does ordain:

Section 1. That SMC section 10.10.025 is amended to read as follows:

10.10.025 Interference with Pedestrian or Vehicular Traffic

- A. Consistent with the findings of other Washington State cities, the city council finds that it is important to the general welfare of the citizens and residents of the City to protect and preserve the public safety of pedestrians and to ensure the safe and efficient movement of pedestrian and vehicular traffic in public places. The city council further finds that public places as defined in this section serve the primary purpose of enabling pedestrian and vehicular traffic to safely and efficiently move about from place to place and that public places in the urban core have become increasingly congested and should be maintained to serve their primary purpose. Spokane, as well as other cities in Washington, has experienced an increase in the number of incidents of aggressive solicitation by individuals towards pedestrians and that pedestrian interference in public places deteriorates from the primary purpose and threatens public health, safety and welfare. The City has a compelling interest in protecting its citizens from threatening, intimidating or harassing behavior caused by aggressive solicitations, in preserving the quality of life in its urban center and in protecting and preserving the public health, safety and welfare.
- B. The following definitions apply in this section:
1. "Aggressively solicit" means to solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including but not limited to touching, following, persistently soliciting anything of value after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving anything of value regardless of the solicitor's purpose.
 2. "Enter" means to cross the vertical plane of the edge of a prohibited roadway, which includes crossing the vertical plane of the roadway by any part of a person's body or any extension

thereof or by use of any device used to extend a person's ability to reach into the roadway.

3. "Intimidate" means to engage in conduct which would make a reasonable person fearful of imminent harm to his person or property or feel threatened.
4. "Obstruct pedestrian traffic" means to intentionally walk, stand, sit, lie, or place an object in such manner as to obstruct or impede, or a person of ordinary sensibilities would conclude it tends to obstruct or impede, the free passage of pedestrians through the area; or that requires, or would require, evasive action by a pedestrian to avoid physical contact.
 - a. If the impediment or obstruction is caused by the size of a particular group of persons, all persons within the group are equally subject to this section.
 - b. Acts committed as a valid exercise of one's constitutional rights, which incidentally interfere with pedestrian traffic in order to exercise that right, or acts authorized by a special events permit or an obstruction permit issued pursuant to chapter 10.39 SMC, SMC 17G.010.210(D), SMC 12.02.0706, or SMC 12.02.0730 do not constitute obstruction of pedestrian traffic.
5. "Obstruct vehicular traffic" means:
 - a. To solicit from the occupants of any vehicle and be physically present within or subsequently enter a prohibited roadway; or
 - b. To intentionally engage in any conduct that would obstruct or impede the free flow of vehicular traffic on any public roadways or in a driveway located in the public right-of-way.

The following are not considered obstructing vehicular traffic:

- c. a person summoning aid in an emergency situation;
 - d. solicitation from the occupant of a vehicle that is legally parked.
6. "Prohibited roadway" means all on-ramp or off-ramp to Interstate 90 and all state routes and principal arterials located within the boundaries of the map set forth in Attachment A, and also the first one hundred feet of a road that intersects any on-ramp or off-

ramp to Interstate 90, or any state route or principal arterial located within the boundaries of the map set forth in Attachment A, as measured from the edge of the state route, on-ramp or off-ramp to Interstate 90, or principal arterial.

a. Prohibited roadway:

- i. includes any portion of a road traveled by vehicles;
- ii. includes paved shoulders and bike lanes;
- iii. includes medians, which may be denoted by a physical barrier or solid yellow pavement markings;
- iv. excludes all sidewalks and curbs; and
- v. includes both sides of the road.

b. Prohibited roadways, with the exception of roadway within one hundred feet of any on-ramp or off-ramp to Interstate 90, or any state route or principal arterial, established herein are delineated upon Attachment A, entitled "Prohibited Roadway," as adopted as part of this section as if contained herein. It shall be the duty of the director of the planning department to cause the official map to be updated and maintained by having changes entered that the city council may approve.

7. "Public place" means an area generally open to the public and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including those that serve food or drink or provide entertainment, and the doors and entrances to buildings or dwellings and the grounds enclosing them.

8. "Solicit" and all derivative forms of "solicit" means:

- a. to ask, beg, or plead whether orally, non-verbally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person; or
- b. either orally, non-verbally or in a written or printed manner, to sell or offer for immediate sale goods, services or publications;

- c. to distribute without remuneration goods, services, or publications or
 - d. to solicit signatures on a petition or opinions for a survey.
- C. A person is guilty of interference with pedestrian traffic if, in a public place, the person intentionally:
 - 1. obstructs pedestrian traffic, or
 - 2. aggressively solicits.
- D. A person is guilty of interference with vehicular traffic if the person intentionally obstructs vehicular traffic except as permitted by state law or chapter 16A.02 of the Spokane Municipal Code.
- E. Interference with pedestrian or vehicular traffic is a misdemeanor.
- F. The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section, or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date