

CITY COUNCIL MEETINGS RULES – PUBLIC DECORUM

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Three-minute time limit for comments made during open forum and public testimony on legislative items!**
- 6. No person shall be permitted to speak at open forum more often than once per month.**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 Open Forum

- 2.2.4 The open forum is a limited public forum and all matters discussed shall relate to affairs of the City. No person may use the open forum to speak on such matters and in such a manner as to violate the laws governing the conduct of municipal affairs. No person shall be permitted to speak on matters related to the current or advance agendas, potential or pending hearing items, or ballot propositions for a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not make personal comment or verbal insults about any individual.
- 2.2.6 In an effort to encourage wider participation in open forum so that the Council can hear a wide array of citizen comment, no person shall be permitted to speak at open forum more often than once per month. However, this limitation has no effect on the public comment rules concerning items on the Council's current legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature, as specified in Rules 5.3 and 5.4.

Rule 5.4 Public Testimony Regarding Legislative Agenda Items – Time Limits

- 5.3.1 Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- 5.3.2 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 and provide his or her address as a condition of recognition. In order for a council member to be recognized by the Chair for the purpose of obtaining the floor, the council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- 5.3.3 Each person speaking at the public microphone shall verbally identify him(her)self by name and, if appropriate, representative capacity.
- 5.3.4 Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- 5.3.5 In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, applause, profanity, vulgar language, or personal insults will be permitted.
- 5.3.6 A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- 5.3.7 When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- 5.3.8 When any person, including members of the public, City staff and others are addressing the Council, council members shall observe the same decorum and process, as the rules require among the members inter se. That is, a council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order* shall extend to all speakers before the City Council. The council president pro-tem shall be charged with the task of assisting the council president to insure that all individuals desiring to speak, be they members of the public, staff or council members, shall be identified and provided the opportunity to speak.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, AUGUST 21, 2017

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 BREEAN BEGGS

COUNCIL MEMBER LORI KINNEAR

COUNCIL MEMBER KAREN STRATTON

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER CANDACE MUMM

COUNCIL MEMBER AMBER WALDREF

CITY COUNCIL BRIEFING CENTER
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 THURSDAYS 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 entrance 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 Council Briefing Center 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.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or jjackson@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

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

BRIEFING SESSION

(3:30 p.m.)

(Council Briefing Center 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. Utility Design and Engineering Agreement with the Washington State Department of Transportation to create engineering designs to prepare for relocating City water and sewer utilities as needed, in preparation of construction of the US 395 / North Spokane Corridor between Francis Ave. and the Spokane River. Execution of Utility Construction Agreement UTB 1226 will reimburse the City for the cost of designing water and sewer facilities being relocated as outlined in the agreement and the attached map—\$1,383,050 Revenue.
Louis Meuler | Approve | PRO 2017-0028
ENG 2017059
ENG 2017060 |
| 2. Contract with Hatch Associates Consultants (Seattle, WA) for Spillway Rehabilitation Project at Upriver Dam, Phase IIIE - Left Abutment & Fuse Plug Inspection & Assessment and Phase IIIF - Trunnion Friction Testing—\$97,500.
Steve Burns | Approve | OPR 2016-0063 |
| 3. Contract with Johnson Controls (Spokane, WA) to replace the HVAC units at the Police Evidence Facility—\$92,670.40 (incl. tax).
Ed Lukas | Approve | OPR 2017-0572 |

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------------|
| 4. Contract with All Surface Roofing (Spokane, WA) to re-roof the Alki Property Evidence Facility—\$253,675.90 (incl. tax).
Ed Lukas | Approve | OPR 2017-0573 |
| 5. Interagency Agreement between the State of Washington, Department of Ecology, and the City, for environmental sampling and analysis at the former Beck's Radiator Property—\$27,335 Revenue.
Teri Stripes | Approve | OPR 2017-0574 |
| 6. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2017, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | Approve & Authorize Payments | CPR 2017-0002 |
| 7. City Council Meeting Minutes: _____, 2017. | Approve All | CPR 2017-0013 |
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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

- Updated Appointments of City Council Members to Boards and Committees

ADMINISTRATIVE 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 at the meeting.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

LEGISLATIVE AGENDA**NO SPECIAL BUDGET ORDINANCES****NO EMERGENCY ORDINANCES****RESOLUTIONS & FINAL READING ORDINANCES**

(Require Four Affirmative, Recorded Roll Call Votes)

- | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RES 2017-0074 | Approving the 2017 Action Plan Component of the 2015-2020 Consolidated Plan for Title 1 CDBG, HOME, and ESG grant funds.
George Dahl |
| RES 2017-0075 | Updating the regular meeting times for the City Council Committees and Study Session and approving amendments to the City Council standing committee administrative procedures.
Council Member Waldref |
| ORD C35524 | (To be considered under Hearings Item H1.b.) |

ORD C35535 (To be considered under Hearings Item H2.)

ORD C35536 (To be considered under Hearings Item H3.)

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

HEARINGS

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

RECOMMENDATION

- | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------|
| H1. | a. Hearing expressing the intention of the City Council to designate residential targeted areas and amend SMC 8.15.030. | Receive
Public
Testimony &
Close Hrg | RES 2017-0060 |
| | b. Final Reading ORD C35524 relating to multiple-family housing property tax exemption; amending sections SMC 8.02.0695, 8.15.020, 8.15.030, 8.15.040, 8.15.050, 8.15.060, 8.15.080, 8.15.090, 8.15.100, 8.15.110, and 8.15.120; and repealing SMC section 8.15.130 of the Spokane Municipal Code. | Pass
Roll
Vote | Upon
Call
ORD C35524 |
| | Teri Stripes
(Rescheduled from July 31, 2017) | | |
| H2. | Final Reading Ordinance C35535 relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030. | Pass
Roll
Vote | Upon
Call
ORD C35535 |
| | Nathan Gwinn | | |
| H3. | Final Reading Ordinance C35536 adopting a threshold docketing process for deciding when comprehensive plan amendment proposals will be added to the City's annual comprehensive plan amendment work program or alternatively to an ongoing work program or periodic update; amending sections 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, | Pass
Roll
Vote | Upon
Call
ORD C35536 |

17G.020.060, 17G.020.070, 17G.025.010 and 8.02.010; adopting new sections 17G.020.25 and 17G.020.26 to Chapter 17G.020 of the Spokane Municipal Code.

Tirrell Black

Motion to Approve Advance Agenda for August 21, 2017
(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 at the meeting.

Note: No person shall be permitted to speak at Open Forum more often than once per month (Council Rule 2.2.6).

ADJOURNMENT

The August 21, 2017, Regular Legislative Session of the City Council is adjourned to August 28, 2017.

NOTES

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

08/21/2017

Date Rec'd

8/8/2017

Clerk's File #

PRO 2017-0028

Renews #**Submitting Dept**

INTEGRATED CAPITAL

Contact Name/Phone

LOUIS MEULER 625-6096

Contact E-Mail

LMEULER@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Agenda Item Name

4250- WSDOT AGREEMENT UBT 1226

Cross Ref #**Project #**

2017059/2017060

Bid #**Requisition #****Agenda Wording**

Utility Design and Engineering Agreement with the Washington State Department of Transportation (WSDOT) to create engineering designs to prepare for relocating City water and sewer utilities as needed, in preparation of construction of the US 395/

Summary (Background)

The North Spokane Corridor is being constructed from the north to the south as funding becomes available. Construction of the NSC requires that certain City water and sewer utilities in the path of the NSC be relocated or reconstructed before the NSC is constructed. At this time WSDOT is reimbursing the City for the design and engineering services needed for the eventual relocation of City owned utilities in the path of the NSC. After the design of the City's facilities is completed

Fiscal Impact

Grant related? NO

Public Works? YES

Budget Account

Revenue \$ 1,383,050.00

4250-41620-99999-34932-99999

Select \$

#

Select \$

#

Select \$

#

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

MILLER, KATHERINE E

Study Session**Division Director**

SIMMONS, SCOTT M.

Other

Public works 8/14/17

Finance

CLINE, ANGELA

Distribution List**Legal**

DALTON, PAT

Engineering Admin

For the Mayor

DUNIVANT, TIMOTHY

publicworksaccounting@spokanecity.org

Additional Approvals

mdavis@spokanecity.org

Purchasing

lmeuler@spokanecity.org

bpatrick@spokanecity.org

lsearl@spokanecity.org

rgennett@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

North Spokane Corridor (NSC) between Francis Ave. and the Spokane River. Execution of Utility Construction Agreement UTB 1226 will reimburse the City for the cost of designing water and sewer facilities being relocated as outlined in the agreement and the attached map.

Summary (Background)

another contract between the City and WSDOT is expected to construct the facilities.

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

Distribution List

bpeacock@spokanecity.org	
mhughes@spokanecity.org	
kkeck@spokanecity.org	
mdolan@spokanecity.org	

BRIEFING PAPER
Public Works Committee
Utility Engineering Agreement
August 14, 2017

Subject

Utility Design and Engineering Agreement with the Washington State Department of Transportation (WSDOT) to create engineering designs to prepare for relocating City water and sewer utilities as needed, in preparation of construction of the US 395 / North Spokane Corridor (NSC) between Francis Ave. and the Spokane River. Execution of Utility Construction Agreement UTB 1226 will reimburse the City for the cost of designing water and sewer facilities being relocated as outlined in the agreement and the attached map.

Background

The North Spokane Corridor is being constructed from the north to the south as funding becomes available. Construction of the NSC requires that certain City water and sewer utilities in the path of the NSC be relocated or reconstructed before the NSC is constructed. At this time WSDOT is reimbursing the City for the design and engineering services needed for the eventual relocation of City owned utilities in the path of the NSC. After the design of the City's facilities is completed another contract between the City and WSDOT is expected to construct the facilities.

Impact

Execution of the Utility Engineering Agreement between the Washington State Department of Transportation and City of Spokane Public Works will allow for the reimbursement of costs associated with the design of City utilities that will eventually be relocated.

Action

Staff recommends approval and execution of the Utility Construction Agreement UTB 1226 between the Washington State Department of Transportation and the City of Spokane Public Works Department.

NSC Projects

- Water Main
- Sewer Main

Remove or Abandon

Water Projects

- 24" Pipe
- 30" Pipe
- 36" Parallel
- Pipe Replacement & Casing

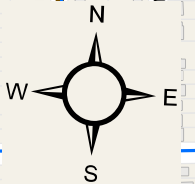
Sewer Projects

- 14" Force Main
- 27" Sewer Pipe
- 8" Sewer Pipe

UTB 1226 Exhibit C Map Legend

1. Rowan Ave relocate Broad Street sewer to Rowan force main inside encasement with secondary encasement pipe.
2. Relocation Wellesley Avenue 30" water line encased.
3. Relocation of Lacrosse 24" water main encased to Rockwell Ave from Haven to Freya.
4. New Bridgeport water line and encasement Greene to Ralph.
5. New Liberty water line and encasement Greene to Ralph.
6. Encase water lines within new BNSF right of way.
7. Encase sewer line within new BNSF right of way.
8. New Fairview water line and encasement Greene to Ralph.
9. New Cleveland water line and encasement Greene to Ralph.
10. New Grace water line and encasement Greene to Ralph.
11. New Jackson water line and encaement Greene to Ralph.
12. New sewer line Jackson to Upriver Drive in Ralph Street.

Date: 4/20/2017



THIS IS NOT A LEGAL DOCUMENT.
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

0 312.5 625 1,250 Feet



Utility Preliminary Engineering Agreement Work by Utility– State Cost			Utility Name & Address City of Spokane Public Works Department 808 W. Spokane Falls Blvd. Spokane, WA 99201
Agreement Number UTB 1226	Region Eastern	Control Section 3200CT	Project Title/Location SR 395/NSC Spokane River to Francis Avenue - Preliminary Engineering, Specifications and Cost Estimates
State Route Number SR 395	Mileposts From 159.00 to 161.34		
Estimated Agreement Amount \$ 1,383,050.00			

This Utility Preliminary Engineering Agreement, herein "Agreement," is made and entered into between Washington State Department of Transportation, herein "STATE," and the above named Utility, herein "UTILITY."

WHEREAS, the STATE is planning the construction or improvement of the State Route as shown above for the listed STATE project, and in connection therewith, it is necessary to remove, relocate or construct certain UTILITY facilities, and

WHEREAS, the STATE is responsible for the cost of the preliminary engineering for the UTILITY's facilities that are located pursuant to a documented ownership interest in real property, such as an easement, fee title, or court finding of prescriptive right, which is impacted by the STATE project, but the STATE is not responsible for preliminary engineering costs associated with facility betterments, and

WHEREAS, it is deemed to be in the best public interest for the UTILITY to develop the preliminary engineering, including the preparation of plans, specifications and cost estimate, herein the "Work," for the removal, relocation or construction of the UTILITY's facilities as part of the STATE's project, and

WHEREAS, the STATE and the UTILITY intend to enter into a Utility Construction Agreement to cover the actual construction, relocation, and/or removal of the UTILITY's facilities,

NOW, THEREFORE, pursuant to chapter RCW 47.10.210 and chapter 47.44 RCW, and in consideration of the terms, conditions, covenants, and performances contained herein, as well as the attached Exhibits which are incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. PLANS, SPECIFICATIONS, AND COST ESTIMATES

1.1 Program Guide: *Utility Relocation and Accommodation on Federal Aid Highway Projects* shall determine and establish the definitions and applicable standards and payments under this Agreement. By this reference, this document is adopted and made a part of this Agreement as if fully contained herein.

- 1.2 **Betterment:** A betterment is any improvement to the UTILITY's facilities not required by code, regulation, standard industry practice, or any other applicable regulation. If any of the Work constitutes a betterment as defined in the Program Guide: *Utility Relocation and Accommodation on Federal Aid Highway Projects*, the UTILITY is solely responsible for the preliminary engineering costs of such improvement.
- 1.3 The UTILITY agrees to perform the preliminary engineering, including the preparation of plans, specifications and cost estimates (PS&E), herein the "Work," for the abandonment in place, removal, relocation, and/or construction of the UTILITY's facilities impacted by the STATE's project. Should the Work include betterments to the facilities, the UTILITY shall identify such betterments for STATE review.
- 1.4 The UTILITY agrees to provide the STATE a copy of its PS&E, including the identification of betterments, if any. The STATE will review for acceptance of the PS&E to ensure that it is in compliance with STATE requirements and standards. The Parties agree to comply with the document submission and review process as identified in Exhibit A, Scope of Work.
- 1.5 If the UTILITY is not adequately staffed or equipped to perform all of the Work required herein, the UTILITY may have all or part of the Work performed by consultant(s) under a contract let by the UTILITY or have the Work performed under an ongoing contract with a UTILITY consultant. UTILITY consultant(s) shall be in good standing with the STATE, and the UTILITY shall provide to the STATE for STATE review a cost estimate for the Work to be performed by the UTILITY's consultant(s).

2. PAYMENT

- 2.1 The STATE is responsible for all costs of the Work, excluding all betterment work, for the UTILITY's facilities that are located pursuant to a documented ownership interest in real property, such as an easement, fee title, or court finding of prescriptive right, which are impacted by the STATE project, as shown in Exhibits A, B, and C. Exhibit B, Cost Estimate, contains an itemized cost estimate of STATE-responsible costs for the Work to be performed by the UTILITY.
- 2.2 The STATE, in consideration of the faithful performance of the Work to be done by the UTILITY, agrees to reimburse the UTILITY for the actual direct and related indirect cost of the Work, excluding all betterment work, for which the STATE is responsible as defined in Exhibits A, B, and C. The UTILITY agrees to invoice the STATE and provide supporting documentation for all charges, and the STATE agrees to pay the UTILITY within thirty (30) days of receipt of an invoice. Payments shall not be more frequent than one per month. A partial payment will not constitute agreement as to the appropriateness of any item and that, at the time of final invoice; the Parties will resolve any discrepancies.
- 2.3 The UTILITY shall submit a final billing to the STATE within 90 calendar days following completion of the Work.
- 2.4 State Fiscal Year End Closure Requirements (chapter 43.88 RCW): Any invoices for work performed between July 1 and June 30 of any given year must be submitted to the STATE no later than July 6th (or the first business day after the July 4th holiday) of the same calendar year. If the UTILITY is unable to provide an invoice for such work by this date, an estimate of all remaining payable costs owed by the STATE for work performed by the UTILITY prior to July 1 must be submitted to the STATE no later than July 19th of the same year in order for the STATE to accrue the amount necessary for payment. The UTILITY will thereafter submit any remaining invoices to the STATE for such work as soon as possible. Failure to comply with these requirements may result in delayed payment. The STATE shall not be required to pay to the UTILITY late payment fees, interest, or incidental costs incurred by the UTILITY or any other costs related to a delayed payment if the UTILITY fails to comply with the invoice requirements of this Section.

3. CHANGE IN WORK OR COST INCREASE

- 3.1 Increase in Cost: In the event unforeseen conditions require an increase in the cost of the Work for which the STATE is responsible as set forth in Exhibit B, Cost Estimate (including sales tax, engineering, and contingencies), by more than 25%, the Parties agree to amend Exhibit B to include such cost increase. Should an increase in the cost of the Work be required, the UTILITY shall immediately notify the STATE in writing, and the UTILITY shall not perform any Work in excess that set forth in Exhibit B until such time as Exhibit B has been amended in writing.
- 3.2 Should it be necessary to modify the Scope of Work, the UTILITY agrees to immediately notify the STATE of all proposed changes, and the STATE agrees to provide written notice of its acceptance or rejection of the change(s), in writing, within Fifteen (15) working days.

4. RIGHT OF ENTRY

- 4.1 The STATE hereby grants to the UTILITY a right of entry onto all lands in which it has an interest for the Work as defined in Exhibits A and C. Upon completion and acceptance of the Work, this right of entry shall terminate except as otherwise provided in Section 5.4.
- 4.2 The STATE agrees to obtain rights of entry, if needed, upon all privately owned lands necessary to perform the Work. The STATE also agrees to obtain all necessary permissions for the UTILITY to enter upon such lands, if required, for the duration of this Agreement. The STATE agrees to provide the rights of entry and applicable permissions to the UTILITY within twenty (20) calendar days of entering into this Agreement. Upon completion of the Work on such lands, the rights of entry and permissions shall terminate, except as otherwise provided in Section 5.4.

5. GENERAL PROVISIONS

- 5.1 Indemnification: The UTILITY shall indemnify and hold harmless the STATE and its agents, employees, and/or officers from and shall process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages (both to persons and/or property), or costs, of whatsoever kind or nature, brought against the STATE and its agents, employees and/or officers, arising out of, in connection with, or incident to the actual Work performed by the UTILITY pursuant to the terms of this Agreement. Provided, however, that if such claims are caused by or result from the concurrent negligence of (a) the UTILITY and (b) the STATE, its agents, employees, and/or officers, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the intentional or negligent acts or omissions of the UTILITY, and Provided further, that nothing herein shall require the UTILITY to hold harmless or defend the STATE, its agents, employees, and/or officers from any claims arising from the sole negligence of the STATE, its agents, employees, and/or officers. This indemnification shall survive any termination of this Agreement.

5.2 The STATE shall indemnify and hold harmless the UTILITY and its agents, employees, and/or officers from and shall process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages (both to persons and/or property), or costs, of whatsoever kind or nature, brought against the UTILITY and its agents, employees and/or officers, arising out of, in connection with, or incident to the actual Work performed by the STATE pursuant to the terms of this Agreement. Provided, however, that if such claims are caused by or result from the concurrent negligence of (a) the UTILITY and (b) the STATE, its agents, employees, and/or officers, or involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the intentional or negligent acts or omissions of the STATE, and Provided further, that nothing herein shall require the STATE to hold harmless or defend the UTILITY, its agents, employees, and/or officers from any claims arising from the sole negligence of the UTILITY, its agents, employees, and/or officers. This indemnification shall survive any termination of this Agreement.

5.3 Disputes: If a dispute occurs between the UTILITY and the STATE at any time during the performance of the Work pursuant to this Agreement, the Parties agree to negotiate at the management level to resolve any issues. Should such negotiations fail to produce a satisfactory resolution; the Parties agree to enter into arbitration and/or mediation before proceeding to any other legal remedy. Each Party shall be responsible for its own fees and costs. The Parties agree to equally share in the cost of a mediator or arbiter.

5.4 Venue: In the event that either Party to this Agreement deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in the superior court situated in Spokane County, Washington. Further, the Parties agree that each shall be responsible for its own attorney's fees and costs.

5.5 Termination: Neither the STATE nor the UTILITY may terminate this Agreement without the concurrence of the other Party. Termination shall be in writing and signed by both Parties

5.6 Amendments. This Agreement may be amended by the mutual agreement of the Parties. Such amendments or modifications shall not be binding unless put in writing and signed by persons authorized to bind each of the Parties.

5.7 Independent Contractor: Both Parties shall be deemed independent contractors for all purposes, and the employees of each Party and any of its contractors, subcontractors, consultants, and the employees thereof, shall not in any manner be deemed to be the employees of the other Party.

5.8 Audit and Records: During the progress of the Work and for a period of not less than three (3) years from the date of final payment, the UTILITY shall maintain the records and accounts pertaining to the Work and shall make them available during normal business hours and as often as necessary, for inspection and audit by the State of Washington, and/or Federal Government and copies of all records, accounts, documents or other data pertaining to the Work will be furnished upon request. The requesting Party shall pay the cost of copies produced. If any litigation, claim or audit is commenced, the records and accounts along with supporting documentation shall be retained until any litigation, claim or audit finding has been resolved even though such litigation, claim or audit continues past the three-year retention period.

5.9 Working Days: Working days for this Agreement are defined as Monday through Friday, excluding Washington State holidays per RCW 1.16.050

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Party's date last signed below.

WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION

By: _____

Print: Mike Gribner, P.E.

Title: Regional Administrator

Date: _____

CITY OF SPOKANE
PUBLIC WORKS DEPARTMENT

By: _____

Print: _____

Title: _____

Date: _____

APPROVED AS TO FORM

By: 

Mark Schumock
Assistant Attorney General

Date: January 18, 2017

CLERKS SEAL

APPROVED AS TO FORM

By: _____

Print Name: _____
City Attorney

Date: _____

UTB 1226

Exhibit A

Scope of Work

The Scope of Work is for the performance of the preliminary engineering, including the preparation of plans, specifications and cost estimates (PS&E) for the abandonment, removal, replacement or construction of UTILITY's utilities within the SR 395, North Spokane Corridor (NSC Project), which includes the BNSF Railroad alignment, from Francis Avenue to Upriver Drive within the City of Spokane.

The NSC Project requires the abandonment in place, removal, replacement, or construction of water and sewer transmission and distribution mains and associated facilities.

1. The UTILITY will perform the PS&E required for abandonment, removal, replacement or construction of UTILITY - owned water transmission and distribution lines, manholes, valves, side connections, and associated facilities impacted by the construction of the proposed NSC Project.
2. The UTILITY will perform the PS&E required for the abandonment, removal, replacement, or construction of UTILITY - owned sewer lines, manholes, side connections, and associated facilities impacted by the construction of the proposed NSC Project.
3. The STATE will provide electronic copies of the plan sheets for the proposed NSC Project and BNSF Railroad alignment, alignment profiles, drainage, and illumination sheets for the STATE projects for the UTILITY's use in preparation of the UTILITY's PS&E.

UTB 1226		Exhibit B					
Estimated average billing rate for purpose of establishing cost estimate		Principal Engineer	Engineer	Technician	Clerical	Other	Costs
		\$ 135.00	\$ 120.00	\$ 85.00	\$ 60.00		
Task 1 - Survey and Preparation of Base Map							
Research survey control, field topo survey			200	300			
Coordination with STATE in regards to information provided by STATE			80	60			
Contact existing utilities and obtain available location information and incorporate into base map			80	240			
Create base map from information supplied by STATE	2	40	240				
Identify additional field or survey information needed for base map	2	40	60				
Task 1 Hours	4	440	900				\$ 129,840.00
	\$ 540.00	\$ 52,800.00	\$ 76,500.00	\$ -			
Task 2 - Project Management, Coordination, Prel. Eng., Design, Plans, and Specifications							
Project Management and Coordination with STATE	80	600	180		10		
Coordination w/ BNSF, BNSF Permitting, preparation of exhibits for permits	20	450	250		40		
Meetings and coordination with Utilities	10	250	180		10		
Public outreach, coordination w/ adjacent property	20	200	80		20		
Environmental permitting	4	160	80		10		
Preliminary Horizontal and Vertical profile design	4	160	450				
On site verification of existing utilities and field measurements	4	80	160				
Identify construction phasing and possible service interruptions during construction	4	80					
Alignment and vertical design, connection details	4	200	600				
Prepare Plan Sheets	40	800	2500				
Prepare Specifications	20	400	150		40		
90% Design review	40	150	60		4		
Final site visit & review	4	40	40				
Internal review	4	80	80		4		
Final plan revisions		300	800				
Prepare Bid Schedule & Construction Estimate		120	150				
Miscellaneous expenses (printing, travel to site)						\$ 1,000.00	
Task 2 Hours	254	4070	5840	138			
	\$ 34,290.00	\$ 488,400.00	\$ 496,400.00	\$ 8,280.00		\$ 1,000.00	\$ 1,028,370.00
Task 3 Bid/Award Period Assistance							
Bid Period questions and answers	4	200	120				
Pre Bid Meeting		20	20				
Bid Analysis / Contract Award		80			40		
Various UTILITY Bidding Costs (Administration, Printing, etc.)					40	\$ 15,000.00	
Task 3 Hours	4	220	140	80			
	\$ 540.00	\$ 26,400.00	\$ 11,900.00	\$ 4,800.00		\$ 15,000.00	\$ 58,640.00
City of Spokane Principle Engineer							
	120						\$ 16,200.00
	\$ 16,200.00						
Geotechnical Engineering (Consultant)							
	\$150,000						\$ 150,000.00
Total Agreement estimated cost							\$ 1,383,050.00

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

08/21/2017

Date Rec'd

8/2/2017

Clerk's File #

OPR 2016-0063

Renews #**Cross Ref #****Submitting Dept**

WATER & HYDROELECTRIC SERVICES

Contact Name/Phone

STEVE BURNS 742.8154

Project #**Contact E-Mail**

SBURNS@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #

CR 18364

Agenda Item Name

4100 - PHASE III SPILLWAY REHABILITATION PROJECT

Agenda Wording

Contract for Spillway Rehabilitation Project at Upriver Dam, Phase IIIE - Left Abutment & Fuse Plug Inspection & Assessment and Phase IIIF - Trunnion Friction Testing with Hatch Associates Consultants (Seattle, WA) for \$97,500.00.

Summary (Background)

Addendum to original contract OPR 2016-0063 to support emergency preparedness at Upriver Dam by reviewing the upstream side of the primary spillway and the emergency spillway. In February 2017, the main and emergency spillways at Oroville Dam in California were significantly damaged due to insufficient maintenance over the lifetime of the structure. In response, FERC is asking for a focused spillway assessment by December 31, 2017, as well as a focused Potential Failure Modes Analysis (PFMA).

Fiscal Impact

Grant related?

Public Works? NO

Budget Account

Expense \$ 97,500.00

4250-42300-94000-56501-04100

Select \$

#

Select \$

#

Select \$

#

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

SAKAMOTO, JAMES

Study Session**Division Director**

SIMMONS, SCOTT M.

Other

PWC 7/24/2017

Finance

CLINE, ANGELA

Distribution List**Legal**

WHALEY, HUNT

raymond.trudgeon@hatch.com

For the Mayor

DUNIVANT, TIMOTHY

sburns@spokanecity.org

Additional Approvals

sjohnson@spokanecity.org

Purchasing

acline@spokanecity.org

lroff@spokanecity.org

BRIEFING PAPER
Public Works Committee
Water & Hydroelectric Services
July 24, 2017

Subject

Contract for Spillway Rehabilitation Project at Upriver Dam, Phase IIIE – Left Abutment & Fuse Plug Inspection & Assessment and Phase IIIF – Trunnion Friction Testing with Hatch Associates Consultants (Seattle, WA) for \$97,500.00.

Background

Addendum to original contract #OPR 2016-0063 to support emergency preparedness at Upriver Dam by reviewing the upstream side of the primary spillway and the emergency spillway.

In February 2017, the main and emergency spillways at Oroville Dam in California were significantly damaged due to insufficient maintenance over the lifetime of the structure. In response, FERC is asking for a focused spillway assessment by December 31, 2017, as well as a focused Potential Failure Modes Analysis (PFMA).

Impact

This contract will support the ongoing, safe function of the Upriver Dam spillways and support FERC requirements.

Action

Recommend approval.

Funding

All funding for this contract will be from Integrated Capital Funds.



City of Spokane

CONTRACT EXTENSION AND AMENDMENT

Title: HATCH ASSOCIATES CONSULTANTS, INC.
FOR PHASE III (E&F) OF UPRIVER DAM
SPILLWAY REHABILITATION

This Contract Extension and Amendment is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **Hatch Associates Consultants**, whose address is 6 Nickerson Street, Suite 101, Seattle, Washington 98109, as ("**Consultant**").

*WHEREAS, the parties entered into a Contract wherein the **Consultant** agreed to provide the City with Engineering Support for the Upriver Dam Spillway Rehabilitation Project; and,*

WHEREAS, additional work to complete Phase III of the Project is now ready to commence and therefore, the original Contract needs to be formally amended by this written document;

– NOW, THEREFORE, in consideration of these terms, the parties mutually agree as follows:

1. CONTRACT DOCUMENTS.

The Contract, dated February 17, 2016 and February 29, 2016, 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. EFFECTIVE DATES.

This Contract Addendum shall become effective upon signature of all parties and shall end on July 31, 2018.

3. ADDITIONAL WORK.

The Scope of Work in the original Contract is expanded to include the following additional Work:

Upriver Dam Spillway Rehabilitation Project: Phase IIIE (Left abutment, fuse plug inspection and assessment) and Phase IIIF (Trunnion Friction Testing).

4. COMPENSATION.

The City shall pay an additional amount not to exceed **NINETY SEVEN THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS (\$97,500.00)** for everything furnished and done under this Contract Addendum. This is the maximum amount to be paid under this Addendum, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this Addendum document.

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract Addendum by having legally-binding representatives affix their signatures below.

HATCH ASSOCIATES CONSULTANTS, INC.

By _____
Signature

Date

Type or Print Name

Title

602-923-662

WA. UBI No.

Attest:

City Clerk

CITY OF SPOKANE

By _____
Signature

Date

Type or Print Name

Title

Approved as to form:

Assistant City Attorney

Attachments that are part of this Agreement:

Additional Scope of Work

2017-1100

June 23, 2017

Stephen M. Burns, P.E.
City of Spokane
Water Department - Upriver Dam
914 E North Foothills Drive
Spokane, WA 99207

Dear Stephen:

Subject: Upriver Dam Spillway Rehabilitation Phase IIIE and F - Left Abutment and Fuse Plug Inspection and Assessment and Trunnion Friction Testing

The attached Offer for Engineering and Consultancy Services outlines the proposed scope and budget to perform site investigations and analysis of the left abutment and fuse plug as well as additional trunnion friction testing for the Upriver Dam Spillway Rehabilitation Project (herein referred to as Project). This comprises our commercial proposal for our services.

The overall cost is estimated to be \$97,500 on a reimbursable cost basis for Phase IIIE – Left Abutment and Fuse Plug Inspection and Assessment and Phase IIIF – Trunnion Friction Testing. Hatch will perform the work outlined in this Offer for Engineering and Consultancy Services in accordance with the existing Professional Services Terms and Conditions that were established for Phases IIIA, B and C agreement (OPR #2016-0063). This letter, the attached Statement of Work, Commercial Offer and Rate Schedule, and the established Standard Terms and Conditions would form the whole agreement between the City of Spokane (City) and Hatch Associates Consultants Incorporated (Hatch).

If this offer is acceptable to City of Spokane, please sign the attached Acceptance and we will mobilize the team to start to undertake this work for you. If you would like to meet with me to clarify and further discuss any aspect of this offer, please call me at 206 288 2991.

Yours faithfully,

Ray Trudgeon, P.E.

RST:rst
Attachment(s)

Proposal 17-2625, Rev. 0

OFFER FOR ENGINEERING AND CONSULTANCY SERVICES
for
Upriver Dam Spillway Rehabilitation Phase IIIE and F - Left Abutment and Fuse
Plug Inspection and Assessment and Trunnion Friction Testing

June 23, 2017

Client Name:	City of Spokane
Project Name:	Upriver Dam Spillway Rehabilitation Phase IIIE and F - Left Abutment and Fuse Plug Inspection and Assessment and Trunnion Friction Testing
Client Contact:	Stephen M. Burns, P.E.
Hatch Contact:	Ray Trudgeon, P.E. raymond.trudgeon@hatch.com Phone: 206 288 2991
Proposal Number:	17-2625, Rev. 0
Estimated Start Date:	July 1, 2017
Estimated Completion Date:	December 31, 2017
Cost Basis:	Reimbursable Costs Basis
Project Estimate:	\$97,500

Introduction

The left abutment and fuse plug inspection and analysis will be performed in response to requirements outlined by the Federal Energy Regulatory Commission (FERC) in their April 28, 2017 Letter – New Focused Emergency Spillway/Fuse Plug Assessment for the Upriver Dam Project. FERC has required that the focused spillway assessment be completed and submitted for review prior to December 31, 2017. The trunnion friction testing will be conducted as a follow-up to testing performed in November 2014 and March 2015.

Scope of Work

1. PHASE IIIE – LEFT ABUTMENT AND FUSE PLUG INSPECTION AND ASSESSMENT

In response to the letter sent by FERC dated April 28, 2017, the City plans to perform detailed inspections and assessment of the spillway fuse plug (unlined spillway) located on the left abutment. As part of the stability analysis performed as part of Technical Memorandum 4.1 – Spillway Potential Failure Modes Documentation (TM 4.1), the sliding and overturning stability for the concrete spillway monoliths were checked. The analysis indicated that based on recent piezometric data the Sliding Safety Factor (SSF) for Spillway Bays 7 and 8 were slightly below the required SSF of 1.5 per FERC guidelines.

As part of the 2016 spillway rehabilitation work, additional vertical screened drains were installed in the secondary spillway apron. These drains were not expected to provide a significant reduction in uplift pressures, which would significantly improve the SSF at Spillway Bay 8. However, they were elected to be installed, since they could be easily included with the spillway concrete rehabilitation work that included the placement of a secondary apron topping slab (ATS). The recommendations described in TM 4.1 included monitoring of piezometric data following the spillway rehabilitation work to evaluate effects on SSF; inspections of the upstream face of the left abutment to determine seepage flow paths; and to review long term improvements to reduce uplift as necessary. These recommended items for the left abutment may be performed in conjunction with the required fuse plug inspections and analysis as many of the tasks would be performed in parallel.

During Phase IIID – Seismic Stability Analysis of the work, the City identified that the existing tailrace rating curve overestimates the water depths for high flow. In March 2017 the Spokane River flow rate was approximately 43,000 cfs and the observed tailwater elevation was approximately El. 1912.7 ft. The existing tailwater rating curve estimated the tailwater elevation at El. 1917 ft. Since the piezometer threshold limits are based on tailrace water levels, they may also need to be recalibrated.

The following items are included in the Phase IIIE scope of work:

- 1.1 Review all relevant background information for the fuse plug and left abutment including design and construction information, inspection and monitoring records, and geotechnical information.
- 1.2 Prepare an inspection plan for the fuse plug and left abutment based on a review of potential failure modes. It is anticipated that underwater diver services will be required to perform a visual inspection at the upstream face of the left abutment and fuse plug. Dye injection testing will be performed as part of the inspection. Dive inspection services will be contracted separately by the City, while Hatch will provide engineering support during the dive inspection.
- 1.3 Perform a detailed visual inspection of the left abutment and fuse plug. Coordinated with the City, participate in the FERC Annual Inspection as necessary.
- 1.4 Conduct a focused Fuse Plug Potential Failure Modes Analysis (PFMA) with FERC following the Annual Inspection. Include a review of spillway gate operations. Prepare a summary memorandum (TM 8.1) of the PFMA session.

- 1.5 Review post-construction piezometer data to assess effects of the new pressure relief drains at the spillway secondary apron. Revise TM 4.1 based on the recent piezometric data. Note that the maximum uplift pressure reviewed as part of the stability analysis is during low tailwater conditions (Approx. El 1895 ft and lower) which typically occur between July and November. Review the tailrace flow information to develop a revised tailwater rating curve as well as to review the piezometer threshold limits and to develop revised limits as necessary. The recommendations for revisions to the tailwater rating curve and piezometer thresholds will be included in revised TM 4.1
- 1.6 Based on the site inspections, PFMA session and revised stability analysis, the need for left abutment rehabilitation measures will be reviewed. Hatch will prepare a technical memorandum (TM 8.2) to summarize the results and inspections and provide recommendation for additional analysis and rehabilitation measures if necessary. The memorandum would discuss conceptual designs for rehabilitation measures, however detailed analysis and design would be performed as part of a future phase of work. Hatch will prepare a scope of work and estimated budget for this work if it appears necessary.

Deliverables

- Left Abutment and Fuse Plug Inspection Plan;
- TM 8.1 - PFMA Summary Memorandum;
- Revise TM 4.1 – Spillway Potential Failure Modes Documentation and Evaluation of Spillway Stability; and
- TM 8.2 - Left Abutment and Fuse Plug Inspection Summary Memorandum.

2. PHASE IIIF – TRUNNION FRICTION TESTING

During the trunnion friction testing and radial arm deflection measurements conducted in November 2014 and March 2015, it was identified that the radial gate hoist cables were not equally tensioned at some of the gates after gate hoist refurbishment. The City performed the necessary maintenance and adjustments at the hoist cables to achieve level gate lifting. As part of the previous testing program, a radial gate structural model was developed to estimate the trunnion friction based on the measured radial arm deflections. The results of the 2014 and 2015 trunnion friction testing were summarized in Technical Memorandum 3.1 – Trunnion Friction Field Testing Memorandum (TM 3.1). The radial arm deflection measurements will be measured and trunnion friction will be estimated using the existing radial gate model. TM 3.1 will be revised to include the new test results. The following items are included in the Phase IIIF scope of work:

- 2.1 Prepare a work plan and coordinate trunnion friction testing with Extreme Access Inc. (EAI).
- 2.2 Measure radial gate arm deflections at all 8 gates. Assume each gate will be operated twice to a gate open height of 2 ft. Extreme Access Inc (EAI) will be subcontracted to install and remove deflection measurement equipment on the radial gates using rope access.
- 2.3 Revise TM 3.1 – Trunnion Friction Field Testing based on the new testing results.

Deliverables

- Trunnion Friction Testing Work Plan
- Revise TM 3.1.

Commercial Offer

The overall cost is estimated to be \$97,500 on a reimbursable cost basis.

Hatch will perform the work outlined in this Offer for Engineering and Consultancy Services in accordance with the existing Professional Services Terms and Conditions. This letter, the Statement of Work, attached Professional Services Terms and Conditions and Hatch Schedule of Rates form the whole agreement between City of Spokane and Hatch.

This offer remains valid for a period of 30 days from the date of this letter.

Table 1 – Cost Estimate for Phase IIIE&F

Phase	Description	Work Hours	Hatch Labor	Subconsultants (incl. 5% Markup)	Expenses	Total
IIIE	Left Abutment and Fuse Plug Inspection and Assessment	302	\$57,500		\$4,400	\$61,900
IIIF	Trunnion Friction Testing	87	\$16,100	\$17,700	\$1,800	\$35,600
	Total Phases IIIE & F	389	\$73,600	\$17,700	\$6,200	\$97,500
	Approximate Remaining Phase IIIC&D Budget (6/23/17)					\$20,000

Acceptance of Offer

City of Spokane accepts this proposal and requests Hatch to undertake the assignment as detailed above.

Signed on behalf of Hatch Associates Consultants,
Inc. by:

Signed on behalf of City of Spokane by:

Name: _____
Title: _____
Date: _____

Name: _____
Title: _____
Date: _____

Attachment A – Schedule of Rates

HATCH

January 1, 2017

**Schedule of Rates
Energy Sector**

	<u>Per Hour</u>
Principals	294.00
Senior Consultants	255.00
Engineering, Project, and Construction Managers	217.00
Consultants	193.00
Specialists and Supervisors	178.00
Senior Engineers and Technologists	168.00
Engineers	125.00
Intermediate Engineers	112.00
Junior Engineers	105.00
Technologists	134.00
Senior Designers and Technicians	123.00
Designers and Technicians	101.00
Intermediate Designers and Technicians	92.00
Junior Designers and Technicians	67.00
Purchasing Agents and Senior Expeditors	101.00
Technical Assistants	92.00
Buyers and Expeditors	84.00
Administrative Specialists	80.00
Project Support Coordinators	69.00
Project Support Technicians	58.00

Currency: United States Dollars

Time Charges:

All time expended on the assignment, whether in our office, at the client's premises, in transit, or elsewhere, is chargeable, including the time of staff engaged in the preparation of documents such as reports and specifications.

Expenses and Disbursements:

Travel, living expenses, site office costs for resident staff and project expenses will be charged at cost plus 5%. Project expenses include capital procured equipment, project delivery software (at individual daily rates) and other items not otherwise listed.

Long distance telephone, fax, reproductions, printing, office supplies and courier charges are included in the above rates.

Invoicing and Payment:

Fees and expenses are invoiced monthly, payable within 14 days. Taxes will be added when applicable. Interest is charged on overdue accounts at the rate of 12% per annum.

Process and Technology Experts:

Process and Technology experts are charged at specific individual rates.

Overtime:

The above rates do not allow for overtime which will be billed in accordance with the contract terms.

Terms and Conditions:

The above rates are based on Hatch standard terms and conditions.

Scheduled Revision:

The next revision of this Schedule of Rates will be effective July 1, 2017.



Agenda Sheet for City Council Meeting of:
08/21/2017

Date Rec'd	8/7/2017
Clerk's File #	OPR 2017-0572
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR 18385

Submitting Dept	ASSET MANAGEMENT
Contact Name/Phone	ED LUKAS X 6286
Contact E-Mail	RLUKAS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	5900 - INSTALL OF HVAC UNITS - ALKI POLICE PROPERTY BUILDING

Agenda Wording

Requesting approval of a contract with Johnson Controls to replace the HVAC units at the Police Evidence Facility. Total contract amount is \$92,670.40 incl. tax.

Summary (Background)

The Police Property Evidence facility is a 63,000 square foot storage facility owned by the City of Spokane to store evidence for the City of Spokane, Spokane County, and other law enforcement agencies. The current HVAC system is not longer providing effective heating and cooling of the facility. This contract with Johnston Controls will allow for the replacement of the roof top HVAC units.

<u>Fiscal Impact</u>	Grant related? NO Public Works? YES	<u>Budget Account</u>
Expense \$ 46,335.20		# 5901-79160-94000-56203
Expense \$ 46,335.20		# 3160-49001-94000-56203
Select \$		#
Select \$		#

<u>Approvals</u>		<u>Council Notifications</u>	
<u>Dept Head</u>	LUKAS, ED	<u>Study Session</u>	07/27/2017
<u>Division Director</u>	MARCHAND, CRYSTAL	<u>Other</u>	
<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>	
<u>Legal</u>	WHALEY, HUNT		
<u>For the Mayor</u>	DUNIVANT, TIMOTHY		
<u>Additional Approvals</u>			
<u>Purchasing</u>			



City of Spokane

PUBLIC WORKS CONTRACT

**Title: INSTALLATION OF ROOF TOP
HVAC UNITS ON POLICE PROPERTY ROOF**

This Contract is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **JOHNSON CONTROLS**, whose address is 9718 West Flight Drive, Spokane, Washington, 99224 as ("Contractor"). Individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the purpose of this Contract is to perform **INSTALLATION OF ROOF TOP HVAC UNITS ON POLICE PROPERTY ROOF**; and*

WHEREAS, the Contractor was selected through an RFB No. 4362-17.

-- NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance of the Scope of Work contained herein, the City and Contractor mutually agree as follows:

1. TERM OF CONTRACT.

The term of this Contract begins on August 15, 2017, and ends on December 31, 2017, unless amended by written agreement or terminated earlier under the provisions.

2. TIME OF BEGINNING AND COMPLETION.

The Contractor shall begin the work outlined in the "Scope of Work" ("Work") on the beginning date, above. The City will acknowledge in writing when the Work is complete. Time limits established under this Contract shall not be extended because of delays for which the Contractor is responsible, but may be extended by the City, in writing, for the City's convenience or conditions beyond the Contractor's control.

3. SCOPE OF WORK.

The Contractor's General Scope of Work for this Contract is described in Exhibit A, which is attached to and made a part of this Contract. In the event of a conflict or discrepancy in the Contract documents, this City Public Works Contract controls. The Contractor will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the specifications entitled perform **INSTALLATION OF ROOF TOP HVAC UNITS ON POLICE PROPERTY ROOF- Public Works Bid #4362-17**.

The Work is subject to City review and approval. The Contractor shall confer with the City periodically, and prepare and present information and materials (e.g. detailed outline of completed Work) requested by the City to determine the adequacy of the Work or Contractor's progress.

4. COMPENSATION / PAYMENT.

Total compensation for Contractor's services under this Contract shall be a maximum amount not to exceed **NINETY TWO THOUSAND SIX HUNDRED SEVENTY AND 40/100 DOLLARS (\$92,670.40)** including tax, unless modified by a written amendment to this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

The Contractor shall submit its applications for payment to Asset Management Department, Administration Office, Second Floor – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Contractor's application except as provided in RCW 39.76. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor. If the City objects to all or any portion of the invoice, it shall notify the Company and reserves the right to only pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

5. CONTRACT DOCUMENTS.

The contract documents are this Contract, the Contractor's completed bid proposal form, contract provisions, contract plans, standard specifications, standard plans, addenda, various certifications and affidavits, supplemental agreements, change orders, and subsurface boring logs (if any). Federal and state requirements and the terms of this Contract, respectively, supersede other inconsistent provisions. These contract documents are on file in the Asset Management Department, and are incorporated into this Contract by reference, as if they were set forth at length.

6. BONDS.

The Contractor may not commence work until it obtains all insurance, permits and bonds required by the contract documents and applicable law. This includes the execution of a payment / performance bond on the form attached, equal to one hundred percent (100%) of the contract price, and written by a corporate surety company licensed to do business in Washington State.

7. STATEMENT OF INTENT TO PAY PREVAILING WAGES TO BE POSTED. The Contractor and each subcontractor required to pay the prevailing rate of wages shall post in a location readily visible at the job site: (1) a copy of a "Statement of Intent to Pay Prevailing Wages" approved by the industrial statistician of the Washington State Department of Labor and Industries (L & I); and (2) the address and telephone number of the industrial statistician of the Department of Labor and Industries where a complaint or inquiry concerning prevailing wages may be made.

8. FEES.

Reimbursement for the fees paid by the Contractor for the approval of "Statements of Intent to Pay Prevailing Wages" and certification of "Affidavits of Wages Paid" by the industrial statistician of the State Department of Labor and Industries will be added to the amounts due the Contractor. The Contractor will remain responsible for the actual submittal of the documents to the industrial statistician. In order to receive this reimbursement the Contractor will be required to submit to the City, prior to final acceptance of the work, a list of its subcontractors at all tiers and have their "Statements of Intent to Pay Prevailing Wages" on file with the City.

9. STATE PREVAILING WAGES.

The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the Department of Labor and Industries, prior to any payments. The "Statement of Intent to Pay Prevailing Wages" shall include: (1) the Contractor's registration number; and (2) the prevailing wages under RCW 39.12.020 and the number of workers in each classification. Each voucher claim submitted by the Contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the "Statement(s) of Intent to Pay Prevailing Wages" on file with the City. Prior to the payment of funds held under RCW 60.28, the Contractor and subcontractors must submit an "Affidavit of Wages Paid" certified by the industrial statistician.

10. TAXES, FEES AND LICENSES.

- A. Contractor shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Contract. It is the Contractor's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Contract shall be included in the project budgets.

11. CITY OF SPOKANE BUSINESS LICENSE.

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.

12. SOCIAL EQUITY REQUIREMENTS / NON-DISCRIMINATION.

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, federal, state and local nondiscrimination laws, including but not limited to: the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and the American's With Disabilities Act, to the extent those laws are applicable.

13. INDEMNIFICATION.

The Contractor agrees to defend, indemnify and hold the City harmless from any and all claims, demands, losses and liabilities to or by third parties arising from, resulting from or connected with Work performed or to be performed under this Contract by Contractor, its agents or employees to the fullest extent permitted by law. Contractor's duty to indemnify the City shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City, its agents or employees. Contractor's duty to indemnify the City for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the City or its agents or employees, and (b) Contractor or agents or employees, shall apply only to the extent of negligence of the Contractor or its agents or employees. Contractor's duty to defend, indemnify and hold the City harmless shall include, as to all claims, demands, losses and liability to which it applies, the City's personnel related costs, reasonable attorneys' fees, court costs and all other claim related expenses. The Contractor specifically assumes potential liability for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the state industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnification provided for in this section shall survive any termination or expiration of this Contract.

14. INSURANCE.

During the period of the Contract, the Contractor shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW 48:

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;

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 officers and employees are additional insureds but only with respect to the Contractor's services to be provided under this Contract;

- i. Acceptable **supplementary Umbrella insurance** coverage combined with Company's General Liability insurance policy must be a minimum of \$1,000,000, in order to meet the insurance coverage limits required in this Contract; 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; and

D. **Property Insurance** if materials and supplies are furnished by the Contractor. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

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 Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Consultant's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

15. SUBCONTRACTOR RESPONSIBILITY.

- A. The Contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in RCW 39.04.350. The responsibility criteria are listed in the request for bids document. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the City, the Contractor shall promptly provide documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.
- B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:
 1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 2. Have a current Washington Unified Business Identifier (UBI) number;
 3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
 4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

16. INDEPENDENT CONTRACTOR.

The Contractor is an independent Contractor. This Contract does not intend the Contractor to act as a City employee. The City has neither direct nor immediate control over the Contractor nor the right to control the manner or means by which the Contractor works. Neither the Contractor nor any Contractor employee shall be an employee of the City. This Contract prohibits the Contractor to act as an agent or legal representative of the City. The Contractor is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Contractor shall pay all income and other taxes as due.

17. ASSIGNMENT AND SUBCONTRACTING.

The Contractor shall not assign or subcontract its obligations under this Contract without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Contractor shall incorporate by reference this Contract, except as otherwise provided. The Contractor shall ensure that all subcontractors comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the Contractor from liability or any obligation within this Contract, whether before or after City consent, assignment or subcontract.

18. 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 Contractor for all work previously authorized and performed prior to the termination date.

19. STANDARD OF PERFORMANCE.

The standard of performance applicable to Contractor's services will be the degree of skill and diligence normally employed by professional contractors in the region performing the same or similar Contracting services at the time the work under this Contract are performed.

20. ANTI KICK-BACK.

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.

21. CONSTRUAL.

The Contractor acknowledges receipt of a copy of the Contract documents and agrees to comply with them. The silence or omission in the Contract documents concerning any detail required for the proper execution and completion of the work means that only the best general practice is to prevail and that only material and workmanship of the best quality are to be used. This Contract shall be construed neither in favor of nor against either party.

22. CONTRACTOR'S ACKNOWLEDGEMENT AND WARRANTY.

The Contractor acknowledges that it has visited the site of the work, has examined it, and is qualified to perform the work required by this Contract.


The Contractor guarantees and warranties all work, labor and materials under this Contract shall be in accord with the Contract documents. If any unsatisfactory condition or defect develops within that time, the Contractor will immediately place the work in a condition satisfactory to the City and repair all damage caused by the condition or defect. The Contractor will repair or restore to the City's satisfaction, in accordance with the contract documents and at its expense, all property damaged by his performance under this Contract. This warranty is in addition to any manufacturers' or other warranty in the Contract documents.

23. MISCELLANEOUS PROVISIONS.

- A. **Amendments/Modifications:** The City may modify this Contract and order changes in the work whenever necessary or advisable. The Contractor will accept modifications when ordered in writing by the City, and the Contract time and compensation will be adjusted accordingly.
- B. The Contractor, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers.
- C. This Contract shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in a court of competent jurisdiction, located in Spokane County, Washington.
- D. **Captions:** The titles of sections or subsections are for convenience only and do not define or limit the contents.
- E. **Severability:** If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Contract shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- F. **Waiver:** No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Contractor after the time the same shall have become due nor payment to the Contractor for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- G. **Entire Agreement:** This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Contractor. If conflict occurs between Contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this Contract to afford the City the maximum benefits.
- H. **No personal liability:** No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Contract, whether expressed or implied, nor for any statement or representation made or in any connection with this Contract.
- I. Under Washington State Law (reference RCW Chapter 42.56, the *Public Records Act* [PRA]) all materials received or created by the City of Spokane are **public records** and are available to the public for viewing via the City Clerk's Records (online) or a valid Public Records Request (PRR).

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract by having legally-binding representatives affix their signatures below.

JOHNSON CONTROLS

By  8/8/17
Signature Date

Terry Winzenberg
Type or Print Name

Sales Manager
Title

Attest:

City Clerk

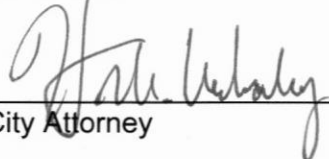
CITY OF SPOKANE

By _____
Signature Date

Type or Print Name

Title

Approved as to form:


Assistant City Attorney

Attachments that are part of this Contract:

Exhibit A – Contractor's General Scope of Work
Payment / Performance Bond

17-088

PAYMENT / PERFORMANCE BOND

We, **JOHNSON CONTROLS**, as principal, and Contractor, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **NINETY TWO THOUSAND SIX HUNDRED SEVENTY AND 40/100 DOLLARS (\$92,670.40)**, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a contract with the City of Spokane, Washington, to do all work and furnish all materials for the **INSTALLATION OF ROOF TOP HVAC UNITS ON POLICE PROPERTY ROOF- Public Works Bid #4362-17**. If the principal shall:

- A. promptly and faithfully perform the Contract and any contractual guaranty, and indemnify and hold harmless the City from all loss, damage, or claim which may result from any act or omission of the principal, its agents, employees, or subcontractors; and
- B. comply with all federal, state and local laws and regulations; and
- C. pay all laborers, mechanics, subcontractors, material suppliers and all person(s) who shall supply such person or subcontractors, and pay all taxes and contributions, increases and penalties as authorized by law;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation. Any judgment obtained against the City, which relates to or is covered by the contract or this bond, shall be conclusive against the principal and the Surety, as to the amount of damages, and liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on August 4, 2017.

JOHNSON CONTROLS,
AS PRINCIPAL

By: [Signature]
Title: Sales Manager

A valid POWER OF ATTORNEY
for the Surety's agent must
accompany this bond.

AS SURETY

By: _____
Its Attorney in Fact

DELEGATION OF AUTHORITY CERTIFICATE

The undersigned, Vice President and President, Building Solutions, North America, pursuant to the authority vested in him by: (i) a Sub-Delegation of Authority from **Johnson Controls, Inc.**, a Wisconsin corporation ("Johnson Controls"), dated June 6, 2017, (ii) an Incumbency Certificate and Delegation of Authority from the general partner of **SimplexGrinnell LP**, a Delaware limited partnership ("SimplexGrinnell"), dated June 8, 2017, and (iii) a Written Consent in Lieu of Special Meeting of the Management Board from **Tyco Integrated Security LLC**, a Delaware limited liability company ("TIS"), dated June 8, 2017, hereby authorizes:

Terry L. Winzenburg
HVAC Sales Manager

(the "Delegate") to perform, on behalf of each of Johnson Controls, SimplexGrinnell and TIS, the acts described below:

To execute and deliver any and all contracts for the performance of work, sale of goods, and furnishing of services, and any other instruments in connection therewith and in the ordinary course of business and in accordance with the current Global Approval Authority Matrix.

This authority does not extend to:

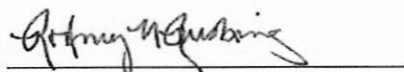
- a. further sub-delegation of the above acts absent necessary approvals in writing;
- b. the execution of surety, performance or bid bonds;
- c. the signing of any notes, contracts, or any other agreement to borrow money in the name of Johnson Controls, SimplexGrinnell, or TIS, or any form of guaranty for the payment or performance of obligations of any subsidiary, affiliate, or joint venture of Johnson Controls, SimplexGrinnell, or TIS; or
- d. the signing, on behalf of Johnson Controls, SimplexGrinnell, or TIS, of any deeds, abstracts, offers to purchase or any other instruments pertaining to the purchase or sale of real property.

Any actions taken by such Delegate within the scope of acts authorized herein taken between the date of expiration of any prior delegation of authority and the date hereof are hereby ratified, confirmed and approved as the acts and deeds of Johnson Controls, SimplexGrinnell, or TIS.

This authority shall remain in full force and effect through June 8, 2018.

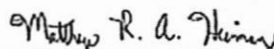
Signed at Milwaukee, Wisconsin, this 9th day of June, 2017.

Johnson Controls, Inc., SimplexGrinnell LP,
and Tyco Integrated Security LLC



Rodney N. Rushing
Vice President and President
Building Solutions, North America

ATTESTS:



Matthew R.A. Heiman, *Assistant Secretary*
Johnson Controls, Inc.



Robert C. Maxie, *Secretary*
SimplexGrinnell LP and Tyco Integrated Security LLC

STATE OF WASHINGTON)

County of Spokane) ss.

I certify that I know or have satisfactory evidence that Terry
Winzenburg signed this document; on oath stated that he/she was
authorized to sign the document and acknowledged it as the agent or representative of the
named surety company which is authorized to do business in the State of Washington, for the
uses and purposes therein mentioned.

DATED: August 4, 2017

Adria McGehee
Signature of Notary Public

My appointment expires 2/15/2021

Approved as to form:

Assistant City Attorney





Agenda Sheet for City Council Meeting of:
08/21/2017

Date Rec'd	8/7/2017
Clerk's File #	OPR 2017-0573
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	CR 18386

Submitting Dept	ASSET MANAGEMENT
Contact Name/Phone	ED LUKAS X 6286
Contact E-Mail	RLUKAS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	5900 - ALKI POLICE PROPERTY FACILITY RE-ROOFING PROJECT

Agenda Wording

Requesting approval of a contract with All Surface Roofing to re-roof the Alki Property Evidence Facility. The contract amount is \$253,675.90 incl. tax.

Summary (Background)

The Police Evidence Facility is a 63,000 square foot storage facility owned by the City of Spokane to store evidence for the City, Spokane County, and other law enforcement agencies. The roof of the facility has many failure points creating multiple water leaks. This contract with All Surface Roofing will provide for the major roof repair and replacement needed to maintain the integrity of the facility.

<u>Fiscal Impact</u>		Grant related?	NO	<u>Budget Account</u>	
		Public Works?	YES		
Expense	\$ 21,020.00			#	1560-11440-94000-56203
Expense	\$ 66,644.80			#	3160-49001-94000-56203
Expense	\$ 166,011.10			#	5901-79160-94000-56203
Select	\$			#	
<u>Approvals</u>			<u>Council Notifications</u>		
<u>Dept Head</u>		LUKAS, ED		<u>Study Session</u>	07/27/2017
<u>Division Director</u>		MARCHAND, CRYSTAL		<u>Other</u>	
<u>Finance</u>		HUGHES, MICHELLE		<u>Distribution List</u>	
<u>Legal</u>		WHALEY, HUNT			
<u>For the Mayor</u>		DUNIVANT, TIMOTHY			
<u>Additional Approvals</u>					
<u>Purchasing</u>					



City of Spokane

PUBLIC WORKS CONTRACT

Title: **POLICE PROPERTY FACILITY
RE-ROOFING PROJECT**

This Contract is made and entered into by and between the **City of Spokane** as ("City"), a Washington municipal corporation, and **ALL SURFACE ROOFING & WATERPROOFING, INC.**, whose address is 5727 North Florida Street, Spokane, Washington 99217, as ("Contractor"). Individually hereafter referenced as a "party", and together as the "parties".

*WHEREAS, the purpose of this Contract is to perform **POLICE PROPERTY FACILITY RE-ROOFING PROJECT**; and*

WHEREAS, the Contractor was selected through RFB #4363-17.

-- NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance of the Scope of Work contained herein, the City and Contractor mutually agree as follows:

1. TERM OF CONTRACT.

The term of this Contract begins on August 15, 2017, and ends on December 31, 2017, unless amended by written agreement or terminated earlier under the provisions.

2. TIME OF BEGINNING AND COMPLETION.

The Contractor shall begin the work outlined in the "Scope of Work" ("Work") on the beginning date, above. The City will acknowledge in writing when the Work is complete. Time limits established under this Contract shall not be extended because of delays for which the Contractor is responsible, but may be extended by the City, in writing, for the City's convenience or conditions beyond the Contractor's control.

3. SCOPE OF WORK.

The Contractor's General Scope of Work for this Contract is described in Exhibit A, which is attached to and made a part of this Contract. In the event of a conflict or discrepancy in the Contract documents, this City Public Works Contract controls. The Contractor will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the specifications entitled perform **POLICE PROPERTY FACILITY RE-ROOFING PROJECT; Public Works Bid #4363-17.**

The Work is subject to City review and approval. The Contractor shall confer with the City periodically, and prepare and present information and materials (e.g. detailed outline of completed Work) requested by the City to determine the adequacy of the Work or Contractor's progress.

4. COMPENSATION / PAYMENT.

Total compensation for Contractor's services under this Contract shall be a maximum amount not to exceed **TWO HUNDRED FIFTY THREE THOUSAND SIX HUNDRED SEVENTY FIVE AND 90/100**

DOLLARS (\$253,675.90), including tax, unless modified by a written amendment to this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Contract.

The Contractor shall submit its applications for payment to Asset Management Department, Second Floor – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Contractor's application except as provided in RCW 39.76. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor. If the City objects to all or any portion of the invoice, it shall notify the Company and reserves the right to only pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

5. CONTRACT DOCUMENTS.

The contract documents are this Contract, the Contractor's completed bid proposal form, contract provisions, contract plans, standard specifications, standard plans, addenda, various certifications and affidavits, supplemental agreements, change orders, and subsurface boring logs (if any). Federal and state requirements and the terms of this Contract, respectively, supersede other inconsistent provisions. These contract documents are on file in the Asset Management Department, and are incorporated into this Contract by reference, as if they were set forth at length.

6. BONDS.

The Contractor may not commence work until it obtains all insurance, permits and bonds required by the contract documents and applicable law. This includes the execution of a performance bond and a payment bond on the forms attached, each equal to one hundred percent (100%) of the contract price, and written by a corporate surety company licensed to do business in Washington State.

7. STATEMENT OF INTENT TO PAY PREVAILING WAGES TO BE POSTED. The Contractor and each subcontractor required to pay the prevailing rate of wages shall post in a location readily visible at the job site: (1) a copy of a "Statement of Intent to Pay Prevailing Wages" approved by the industrial statistician of the Washington State Department of Labor and Industries (L & I); and (2) the address and telephone number of the industrial statistician of the Department of Labor and Industries where a complaint or inquiry concerning prevailing wages may be made.

8. FEES.

Reimbursement for the fees paid by the Contractor for the approval of "Statements of Intent to Pay Prevailing Wages" and certification of "Affidavits of Wages Paid" by the industrial statistician of the State Department of Labor and Industries will be added to the amounts due the Contractor. The Contractor will remain responsible for the actual submittal of the documents to the industrial statistician. In order to receive this reimbursement the Contractor will be required to submit to the City, prior to final acceptance of the work, a list of its subcontractors at all tiers and have their "Statements of Intent to Pay Prevailing Wages" on file with the City.

9. STATE PREVAILING WAGES.

The Contractor and all subcontractors will submit a "Statement of Intent to Pay Prevailing Wages" certified by the industrial statistician of the Department of Labor and Industries, prior to any payments. The "Statement of Intent to Pay Prevailing Wages" shall include: (1) the Contractor's registration number; and (2) the prevailing wages under RCW 39.12.020 and the number of workers in each classification. Each voucher claim submitted by the Contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the "Statement(s) of Intent to Pay Prevailing Wages" on file with

the City. Prior to the payment of funds held under RCW 60.28, the Contractor and subcontractors must submit an "Affidavit of Wages Paid" certified by the industrial statistician.

10. TAXES, FEES AND LICENSES.

- A. Contractor shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Contract. It is the Contractor's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Contract shall be included in the project budgets.

11. CITY OF SPOKANE BUSINESS LICENSE.

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.

12. SOCIAL EQUITY REQUIREMENTS / NON-DISCRIMINATION.

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, federal, state and local nondiscrimination laws, including but not limited to: the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and the American's With Disabilities Act, to the extent those laws are applicable.

13. INDEMNIFICATION.

The Contractor agrees to defend, indemnify and hold the City harmless from any and all claims, demands, losses and liabilities to or by third parties arising from, resulting from or connected with Work performed or to be performed under this Contract by Contractor, its agents or employees to the fullest extent permitted by law. Contractor's duty to indemnify the City shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City, its agents or employees. Contractor's duty to indemnify the City for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the City or its agents or employees, and (b) Contractor or agents or employees, shall apply only to the extent of negligence of the Contractor or its agents or employees. Contractor's duty to defend, indemnify and hold the City harmless shall include, as to all claims, demands, losses and liability to which it applies, the City's personnel related costs, reasonable attorneys' fees, court costs and all other claim related expenses. The Contractor specifically assumes potential liability for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification and defense, the Contractor specifically waives any immunity under the state industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnification provided for in this section shall survive any termination or expiration of this Contract.

14. INSURANCE.

During the period of the Contract, the Contractor shall maintain in force at its own expense, each insurance noted below with companies or through sources approved by the State Insurance Commissioner pursuant to RCW 48:

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;

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 officers and employees are additional insureds but only with respect to the Contractor's services to be provided under this Contract;

- i. Acceptable **supplementary Umbrella insurance** coverage combined with Company's General Liability insurance policy must be a minimum of \$1,000,000, in order to meet the insurance coverage limits required in this Contract; 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; and

C. **Property Insurance** if materials and supplies are furnished by the Contractor. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

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 Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates Of Insurance (COI) to the City at the time it returns this signed Agreement. The certificate shall specify the City of Spokane as "Additional Insured" specifically for Consultant's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

15. SUBCONTRACTOR RESPONSIBILITY.

A. The Contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify responsibility criteria for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria listed in RCW 39.04.350. The responsibility criteria are listed in the request for bids document. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the City, the Contractor shall promptly provide documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.

B. At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;

3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

16. INDEPENDENT CONTRACTOR.

The Contractor is an independent Contractor. This Contract does not intend the Contractor to act as a City employee. The City has neither direct nor immediate control over the Contractor nor the right to control the manner or means by which the Contractor works. Neither the Contractor nor any Contractor employee shall be an employee of the City. This Contract prohibits the Contractor to act as an agent or legal representative of the City. The Contractor is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Contractor shall pay all income and other taxes as due.

17. ASSIGNMENT AND SUBCONTRACTING.

The Contractor shall not assign or subcontract its obligations under this Contract without the City's written consent, which may be granted or withheld in the City's sole discretion. Any subcontract made by the Contractor shall incorporate by reference this Contract, except as otherwise provided. The Contractor shall ensure that all subcontractors comply with the obligations and requirements of the subcontract. The City's consent to any assignment or subcontract does not release the Contractor from liability or any obligation within this Contract, whether before or after City consent, assignment or subcontract.

18. 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 Contractor for all work previously authorized and performed prior to the termination date.

19. STANDARD OF PERFORMANCE.

The standard of performance applicable to Contractor's services will be the degree of skill and diligence normally employed by professional contractors in the region performing the same or similar Contracting services at the time the work under this Contract are performed.

20. ANTI KICK-BACK.

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.

21. CONSTRUAL.

The Contractor acknowledges receipt of a copy of the Contract documents and agrees to comply with them. The silence or omission in the Contract documents concerning any detail required for the proper execution and completion of the work means that only the best general practice is to prevail and that only material and workmanship of the best quality are to be used. This Contract shall be construed neither in favor of nor against either party.

22. CONTRACTOR'S ACKNOWLEDGEMENT AND WARRANTY.

The Contractor acknowledges that it has visited the site of the work, has examined it, and is qualified to perform the work required by this Contract.

The Contractor guarantees and warranties all work, labor and materials under this Contract shall be in accord with the Contract documents. If any unsatisfactory condition or defect develops within that time, the Contractor will immediately place the work in a condition satisfactory to the City and repair all damage caused by the condition or defect. The Contractor will repair or restore to the City's satisfaction, in accordance with the contract documents and at its expense, all property damaged by his performance under this Contract. This warranty is in addition to any manufacturers' or other warranty in the Contract documents.


23. MISCELLANEOUS PROVISIONS.

- A. **Amendments/Modifications:** The City may modify this Contract and order changes in the work whenever necessary or advisable. The Contractor will accept modifications when ordered in writing by the City, and the Contract time and compensation will be adjusted accordingly.
- B. The Contractor, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers.
- C. This Contract shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in a court of competent jurisdiction, located in Spokane County, Washington.
- D. **Captions:** The titles of sections or subsections are for convenience only and do not define or limit the contents.
- E. **Severability:** If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Contract shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- F. **Waiver:** No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Contractor after the time the same shall have become due nor payment to the Contractor for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- G. **Entire Agreement:** This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Contractor. If conflict occurs between Contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this Contract to afford the City the maximum benefits.
- H. **No personal liability:** No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Contract, whether expressed or implied, nor for any statement or representation made or in any connection with this Contract.
- I. Under Washington State Law (reference RCW Chapter 42.56, the *Public Records Act* [PRA]) all materials received or created by the City of Spokane are **public records** and are available to the public for viewing via the City Clerk's Records (online) or a valid Public Records Request (PRR).

IN WITNESS WHEREOF, in consideration of the terms, conditions and covenants contained, or attached and incorporated and made a part, the parties have executed this Contract by having legally-binding representatives affix their signatures below.

**ALL SURFACE ROOFING &
WATERPROOFING, INC.**

CITY OF SPOKANE

By  8-7-2017
Signature Date

By _____
Signature Date

Darrell Kidwell
Type or Print Name

Type or Print Name

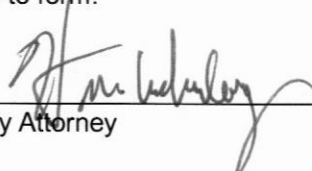
U.P.
Title

Title

Attest:

Approved as to form:

City Clerk


Assistant City Attorney

Attachments that are part of this Contract:

Exhibit A – Contractor's General Scope of Work
Payment Bond
Performance Bond

17-089

PAYMENT BOND

We, **ALL SURFACE ROOFING & WATERPROOFING, INC.**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **TWO HUNDRED FIFTY THREE THOUSAND SIX HUNDRED SEVENTY FIVE AND 90/100 DOLLARS (\$253,675.90)**, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a contract with the City of Spokane, Washington, to do all work and furnish all materials for the **POLICE PROPERTY FACILITY RE-ROOFING PROJECT; Public Works Bid #4363-17**. If the principal shall:

- A. pay all laborers, mechanics, subcontractors, material suppliers and all person(s) who shall supply such person or subcontractors; and pay all taxes and contributions, increases and penalties as authorized by law; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation. Any judgment obtained against the City, which relates to or is covered by the contract or this bond, shall be conclusive against the principal and the surety, as to the amount of damages, and their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on _____.

**ALL SURFACE ROOFING &
WATERPROOFING, INC.,
AS PRINCIPAL**

By: _____
Title: _____

A valid POWER OF ATTORNEY
for the surety's agent must
accompany this bond.

AS SURETY

By: _____
Its Attorney in Fact

STATE OF WASHINGTON)
) ss.
County of _____)

I certify that I know or have satisfactory evidence that _____ signed this document; on oath stated that he/she was authorized to sign the document and acknowledged it as the agent or representative of the named surety company which is authorized to do business in the State of Washington, for the uses and purposes therein mentioned.

DATED: _____

Signature of Notary Public

My appointment expires _____

Approved as to form:

Assistant City Attorney

PERFORMANCE BOND

We, **ALL SURFACE ROOFING & WATERPROOFING, INC.**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **TWO HUNDRED FIFTY THREE THOUSAND SIX HUNDRED SEVENTY FIVE AND 90/100 DOLLARS (\$253,675.90)**, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a Contract with the City of Spokane, Washington, to do all the work and furnish all materials for the **POLICE PROPERTY FACILITY RE-ROOFING PROJECT; Public Works Bid #4363-17**. If the principal shall:

- A. promptly and faithfully perform the Contract, and any contractual guaranty and indemnify and hold harmless the City from all loss, damage or claim which may result from any act or omission of the principal, its agents, employees, or subcontractors; and
- B. comply with all applicable federal, state and local laws and regulations;

then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation. Any judgment obtained against the City, which relates to or is covered by the Contract or this bond, shall be conclusive against the principal and the Surety, not only as to the amount of damages, but also as to their liability, if reasonable notice of the suit has been given.

SIGNED AND SEALED on _____

**ALL SURFACE ROOFING &
WATERPROOFING, INC.,
AS PRINCIPAL**

By: _____
Title: _____

AS SURETY

A valid POWER OF ATTORNEY
for the Surety's agent must
accompany this bond.

By: _____
Its Attorney in Fact

STATE OF WASHINGTON

)

) ss.

County of _____

)

I certify that I know or have satisfactory evidence that _____
signed this document; on oath stated that he/she was authorized to sign the document and acknowledged it
as the agent or representative of the named Surety Company which is authorized to do business in the State
of Washington, for the uses and purposes mentioned in this document.

DATED on _____.

Signature of Notary

My appointment expires _____

Approved as to form:

Assistant City Attorney

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

08/21/2017

Date Rec'd

8/8/2017

Clerk's File #

OPR 2017-0574

Renews #**Submitting Dept**

PLANNING

Cross Ref #**Contact Name/Phone**

TERI STRIPES 625-6597

Project #**Contact E-Mail**

TSTRIPES@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Contract Item

Requisition #**Agenda Item Name**

1360 - DEPARTMENT OF ECOLOGY INTERAGENCY AGREEMENT

Agenda Wording

THIS INTERAGENCY AGREEMENT ("Agreement" or "IAA") is made and entered into by and between the state of Washington, Department of Ecology, and the city of Spokane.

Summary (Background)

The Beck's Radiator site is a blighted contaminated property across from the McKinley school. The Building Official has a demolition order for the property. Code Enforcement and the County have liens on the boarded up structure. Ecology's offer of funding provided the perfect opportunity to fully assess the extent of contamination at Beck's prior to the demolition. Because Beck's is a known contaminated site on Ecology's radar they agreed that it was an ideal fit for their residual funding.

Fiscal Impact

Grant related? YES

Public Works? NO

Budget Account

Revenue \$ 27,335

1360-94165-58620-33166-99999

Select \$

#

Select \$

#

Approvals**Dept Head**

KEY, LISA

Division Director

MALLAHAN, JONATHAN

Council Notifications**Study Session****Other**Community Health &
Environment Council
Committee Briefing
8/14/17**Finance**

HUGHES, MICHELLE

Distribution List**Legal**

DALTON, PAT

tstripes@spokanecity.org

For the Mayor

DUNIVANT, TIMOTHY

jmallahan@spokanecity.org

Additional Approvals**Purchasing**

lkey@spokanecity.org

sstopher@spokanecity.org

hwhaley@spokanecity.org

htrautman@spokanecity.org

sbishop@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

THE PURPOSE OF THIS AGREEMENT is for the CITY to conduct environmental sampling and analysis at the former Beck's Radiator Property.

Summary (Background)

The City will be accessing the property at 108 North Napa Street to conduct a Phase I and Phase II Environmental Assessment on the property due to the soil contamination at the location.

The Phase I and Phase II Environmental Assessment is necessary before the demolition of the structure(s) as set forth in the Building Official order dated May 23, 2013.

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

Distribution List



IAA No. C1800014

INTERAGENCY AGREEMENT (IAA)

BETWEEN

THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

AND

THE CITY OF SPOKANE

THIS INTERAGENCY AGREEMENT ("Agreement" or "IAA") is made and entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY," and the city of Spokane, hereinafter referred to as the "CITY," pursuant to the authority granted by Chapter 39.34 RCW.

THE PURPOSE OF THIS AGREEMENT is for the CITY to conduct environmental sampling and analysis at the former Beck's Radiator Property.

WHEREAS, ECOLOGY has legal authority (RCW 39.34 and 70.105D) and the CITY has legal authority (RCW 35.21.730) that allows each party to undertake the actions in this agreement.

THEREFORE, IT IS MUTUALLY AGREED THAT:

1) SCOPE OF WORK

The CITY shall furnish the necessary personnel, equipment, material and/or service(s) and otherwise do all things necessary for or incidental to the performance of the work set forth in Appendix A, Statement of Work and Budget, attached hereto and incorporated herein.

2) PERIOD OF PERFORMANCE

The period of performance of this IAA shall commence on the date of final signature and be completed by **February 28, 2018**, unless terminated sooner as provided herein. Amendments extending the period of performance, if any, shall be at the sole discretion of ECOLOGY.

3) COMPENSATION

Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130 and RCW 39.26.180(3). This is a performance-based agreement, in which payment is based on the successful completion of expected deliverables.

The source of funds for this IAA is through a federal cooperative agreement between ECOLOGY and the US Environmental Protection Agency's State and Tribal Response Program, CERCLA Section 104(k)(2) (RP-

00J90502-0; CFDA 66.817: State and Tribal Response Program Grants, Budget period 8/01/2016 to 2/28/2018). Compensation for the work provided in accordance with this IAA has been established under the terms of RCW 39.34.130 and RCW 39.26.180(3).

The parties have determined that the cost of accomplishing the work identified herein will not exceed **\$27,335.00** including any indirect charges. Payment for satisfactory performance of the work shall not exceed this amount unless the parties mutually agree via an amendment to a higher amount. Compensation for services shall be based on the terms and tasks set forth in Appendix A, Statement of Work and Budget. ECOLOGY will not make payment until it has reviewed and accepted the completed work.

4) BILLING AND PAYMENT PROCEDURE

Payment requests shall be submitted on state form, Invoice Voucher A19-1A. Invoices shall describe and document to ECOLOGY's satisfaction a description of the work performed, the progress of the work, and related costs. Each invoice voucher shall reference the Agreement (IAA) number and clearly identify those items that relate to performance under this Agreement. Payment will be made within thirty (30) days of submission of a properly completed invoice (form A19-1A) with supportive documentation. All expenses invoiced shall be supported with copies of invoices paid.

Send invoices to:

State of Washington Department of Ecology Attn: Angela Harkins PO Box 47600 Olympia, WA 98504-7600

Payment requests with accompanying progress reports/deliverables may be submitted on a monthly basis or at the completion of the work. Upon expiration of this Agreement, any claim for payment not already made shall be submitted to ECOLOGY within 30 days after the expiration date or the end of the fiscal year, whichever is earlier.

Payment will be issued through Washington State's Department of Enterprise Services Statewide Payee Desk. To receive payment you must be registered as a state-wide vendor. To register submit a state-wide vendor registration form and an IRS W-9 form at website, <http://www.des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>. If you have questions about the vendor registration process you can contact DES at the Payee Help Desk at (360) 407-8180 or email payeehelpdesk@watech.wa.gov.

5) ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

6) ASSIGNMENT

The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

7) ASSURANCES

Parties to this Agreement agree that all activity pursuant to this agreement will be in accordance with all the applicable current federal, state, and local laws, rules, and regulations.

8) CONFORMANCE

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9) DISPUTES

Parties to this Agreement shall employ every effort to resolve a dispute themselves without resorting to litigation. In the event that a dispute arises under this Agreement that cannot be resolved among the parties, it shall be determined by a Dispute Board in the following manner. Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, agreement terms, and applicable statutes and rules, and then make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto, unless restricted by law. The cost of resolution will be borne by each party paying its own cost. As an alternative to this process, if state agencies, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control. The parties may mutually agree to a different dispute resolution process.

10) FUNDING AVAILABILITY

ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, for convenience or to renegotiate the Agreement subject to new funding limitations and conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the CONTRACTOR through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the CONTRACTOR. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the agreement and any amendments.

11) GOVERNING LAW AND VENUE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws. This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

12) INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

13) ORDER OF PRECEDENCE

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable federal and state of Washington statutes, regulations, and rules.
- b. Mutually agreed upon written amendments to this Agreement.
- c. This Agreement, number C1800014.
- d. Appendix A, Statement of Work and Budget.
- e. Appendix B, Special Terms and Conditions.
- f. Any other provisions or term of this Agreement, including materials incorporated by reference or otherwise incorporated.

14) RECORDS MAINTENANCE

The parties to this Agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the service(s) described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration of this Agreement and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties subject to state public disclosure laws.

15) RESPONSIBILITIES OF THE PARTIES

Each party of this Agreement hereby assumes responsibility for claims and/or damages to persons and/or property resulting from any act or omissions on the part of itself, its employees, its officers, and its agents. Neither party will be considered the agent of the other party to this Agreement.

16) RIGHTS IN DATA

Unless otherwise provided, data which originates from this Agreement shall be "work made for hire" as defined by the United States Copyright Act, Title 17 U.S.C. section 101 and shall be owned by state of Washington, ECOLOGY. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

17) SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

18) SUBCONTRACTORS

The CITY agrees to take complete responsibility for all actions of any Subcontractor used under this Agreement for the performance. When federal funding is involved there will be additional subcontractor requirements and reporting.

Prior to performance, all subcontractor who will be performing services under this Agreement must be identified, including their name, the nature of services to be performed, address, telephone, WA State Department of Revenue Registration Tax number (UBI), federal tax identification number (TIN), and anticipated dollar value of each subcontract. Provide such information to ECOLOGY's agreement manager.

19) TERMINATION FOR CAUSE

If for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within fifteen (15) business days. If failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

20) TERMINATION FOR CONVENIENCE

Either party may terminate this Agreement without cause upon thirty (30) calendar day prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

21) WAIVER

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a written amendment to this Agreement signed by an authorized representative of the parties.

22) AGREEMENT MANAGEMENT

The representative for each of the parties shall be responsible for and shall be the contact person for all communications, notifications, and billings questions regarding the performance of this Agreement. The parties agree that if there is a change in representatives that they will promptly notify the other party in writing of such change, such changes do not need an amendment.

The ECOLOGY Representative is:	The City Representative is:
Name: Angela Harkins Address: Toxics Cleanup Program Department of Ecology PO Box 47600 Olympia, WA 98504-7600 Phone: 360-407-7183 Email: angela.harkins@ecy.wa.gov	Name: Teri Stripes Address: Planning & Development Services City of Spokane 808 W Spokane Falls Blvd Spokane, WA 99201 Phone: 509-625-6597 Email: tstripes@spokanecity.org

23) ALL WRITINGS CONTAINED HEREIN

This Agreement contains all 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 any of the parties hereto.

State of Washington, Department of Ecology
IAA No. C1800014
City of Spokane

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement.

IN WITNESS WHEREOF, the parties below, having read this Agreement in its entirety, including all attachments, do agree in each and every particular as indicated by their below signatures.

**State of Washington
Department of Ecology**

City of Spokane

By: _____

Signature

_____ Date

Jim Pendowski

Toxics Cleanup Program Manager

By: _____

Signature

_____ Date

Print Name:

Title:

Approved as to form only:
Office of Attorney General

APPENDIX A STATEMENT OF WORK AND BUDGET

Introduction

The project location is an abandoned automobile radiator repair shop located in a commercial and light industrial area with scattered residential properties. The site is developed with a 1,513 square foot building (the shop), 960 square feet of pavement, and 3,917 square feet of unpaved soil and vegetation.

Site surveys of the site were conducted by both the Washington State Department of Labor and Industries and the State of Washington Department of Ecology (Ecology) in 2007 and 2008. Lead and cadmium concentrations in site soils exceeded Model Toxics Control Act (MTCA) Method A Unrestricted Use Cleanup Levels. Cadmium was detected in soils at 3.67 and 6.11 parts per million (ppm), exceeding the cleanup level of 2 ppm. Lead was detected in soils at concentrations ranging from 1,120 to 35,900 ppm, exceeding the cleanup level of 250 ppm. Ecology performed a Site Hazard Assessment yielding a hazard rank of 4.

The 2014 assessment identified lead-based paint and asbestos-containing materials inside the shop building; confirmed interior surface lead concentrations in excess of the Toxic Substances Control Act (TSCA) standards for lead in dust on floors and window sills; identified soil surface lead concentrations in excess of MTCA Method A Cleanup levels; and identified dangerous waste and petroleum-contaminated soils in three tanks on the site. The 2014 assessment also identified three additional containers with volumes of up to 55 gallons with unknown contents. Unidentified underground features were encountered in two locations on the eastern edge of the site. In one of these locations, the hydraulic soil probe encountered refusal at six inches below ground surface (bgs), consistent with the presence of a concrete slab, which supports interview accounts of a septic tank at the site. In addition to this feature, a radio signal was detected by the utility locator from an unknown underground source with an approximate diameter of ten feet in the southeast corner of the parcel. This location is separate from the location of the suspected septic tank. Given interview accounts of frequent backed-up floor drains inside the shop, an investigation of subsurface conditions under the concrete floor of the shop was proposed. However, this investigation could not be conducted due to insufficient clearance for the hydraulic soil probe equipment.

Objectives

This proposal has been prepared to complete the following objectives:

Objective 1: Phase I Environmental Site Assessment (ESA) Record Review

Conduct the records search component of a Phase I ESA for the Site. The modified Phase II ESA report recommended a Phase I ESA to potentially identify additional Recognized Environmental Conditions (RECs) and attain information regarding the presence of a septic tank or other underground storage tanks (USTs). The records search and environmental data report component of a Phase I ESA is sufficient to fill this data gap.

This phase of the project will be performed prior to the field activities described in Task 2.

The Phase I ESA record review will consist of the general database review provided by the environmental data report in general accordance with Standard Practice for Environmental Site Assessments: Phase I Environmental Site Process, ASTM Designation: E 1527-13, and a file review of municipal, county, and state records associated with the Site. The information provided by the Phase I ESA record review may facilitate identification of the unknown underground Site features and may indicate additional environmental concerns that were not identified in the 2014 assessment.

Deliverables: One hard copy and one electronic copy of the Phase I report to Ecology.

Due Date: Prior to start of Task 2

Objective 2: External Field Investigation Summary

The follow-up assessment activities include a field investigation of the following:

- Suspected septic tank; and
- Underground object; and
- Interior subsurface soil sampling beneath the shop floor; and
- Utility marking in the public right-of-way prior to site assessment activities which may include arrangement of radio frequency utility location by a private contractor.

Objective 2.2: External Field Investigation – Suspected Septic Tank

The subsurface investigation will include the excavation around the suspected septic tank and the unknown underground signal source and sampling of the septic tank contents (if encountered). A backhoe will be used to conduct the investigation of the suspected septic tank. During the 2014 assessment, the hydraulic soil probe encountered refusal at approximately six inches below ground surface (bgs). The backhoe will be employed to remove the surface soil to identify the cause of the refusal. Assuming it is a septic tank, the lid will be removed using the backhoe. A composite sample consisting of up to four subsamples of the tank contents will be collected for analysis as described in the Laboratory Analysis section below. The backhoe will be employed to identify the perimeter of the tank and to locate the distribution box and drain field. A photoionization detector (PID) will be used to screen the excavations in the distribution field for evidence of organic contamination and to identify whether deeper or additional excavation is warranted. Six soil samples will be collected from the drain field for analysis as described in the Laboratory Analysis section below.

Due Date = February 28, 2018

Suspected Septic Tank Laboratory Analysis

Collected samples will be analyzed for the following analyses:

- **Septic Tank Contents** – A composite sample consisting of up to four subsamples of the tank contents will be analyzed for the Resource Conservation and Recovery Act (RCRA) priority total metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver), gasoline-range hydrocarbons (NWTPH-Gx), diesel fuel/residual range hydrocarbons (NWTPH-Dx), and volatile organic compounds (VOCs). The sample will also be extracted according to the Toxicity Characteristic Leaching Procedure (TCLP) protocols and the extract will be analyzed for the RCRA priority metals. Based on laboratory results of NWTPH-Gx, NWTPH-Dx, and VOCs, a decision will be made whether to follow up with TCLP analyses for any of the organic parameters.
- **Septic Tank Drain field** – If collected by backhoe, the samples will be discrete grab samples from locations selected by visual and PID observations. If collected by hydraulic probe, samples will be composites of five-foot soil cores. All samples will be analyzed for RCRA priority metals, NWTPH-Gx, NWTPH-Dx, and VOCs. Upon receipt of laboratory results, the sample exhibiting the highest total lead concentration will receive follow-up analysis for TCLP metals. Based on laboratory results of NWTPH-Gx, NWTPH-Dx, and VOCs, a decision will be made whether to follow up with TCLP analyses for any of the organic parameters.

Objective 2.3: External Field Investigation – Unidentified Underground Object

The backhoe will be employed to investigate the unidentified underground object located south of the suspected septic tank. Further action will be dependent upon the nature of the unidentified object. Assuming it is a UST, the backhoe will be used to identify the perimeter of the UST and investigate the soil around and under it, monitored with the PID. Six soil samples will be collected around the UST for analysis as described in the Laboratory Analysis section below. If contamination is suspected based on visual indications and/or PID readings, Ecology will be notified within 24 hours of UST discovery. If it is any object or feature other than a UST, CES will discuss options with the City before proceeding further.

Hydraulic soil probe equipment (i.e., GeoProbe™) will be employed if the backhoe is unable to perform the septic/drain field/UST investigation without damaging existing underground features, or if utilities are in the way. If a hydraulic soil probe is used, exploratory borings will be advanced to depths of up to 15 feet bgs in the assumed septic drain field location and in the vicinity of the unidentified underground object. Six borings will be advanced around the septic tank/drain field and six borings will be advanced around the underground object. A PID will be used to screen the soil borings for evidence of organic contamination and to identify whether deeper or additional borings are warranted. Composites of the five-foot soil cores exhibiting the highest PID reading in each boring will be analyzed as described in the Laboratory Analysis section below.

Due Date = February 28, 2018

Unidentified Underground Object Laboratory Analysis

- **Underground Object** – Samples will be collected and analyzed in the same manner as the septic tank drain field samples.

Objective 2.4: External Field Investigation – Interior Shop Floor Subsurface Sampling

Subsurface soil sampling beneath the shop concrete floor will be accomplished by boring two holes through the concrete floor with a hand-drill-mounted concrete coring bit followed by soil removal with a hand soil auger. A private utility locator will identify two safe locations in the shop floor prior to concrete coring activities. The locations will be selected as close as possible to floor drains to assess potential contamination from shop activities. The floor area in a 2 – 3 foot radius around the hole will be decontaminated to the extent practicable with detergent and rinsed, followed by placement of clean plastic sheeting to minimize contamination from existing shop conditions.

Subsurface soils will be removed by hand soil auger to a depth of six feet bgs or auger refusal. The removed soils will be collected immediately into sealable plastic bags to minimize contamination. The soil auger will be decontaminated between holes. The headspace of the samples will be monitored with a PID for organic vapors. Samples will be collected for analysis as described in the Laboratory Analysis section below.

Due Date = February 28, 2018

Interior Shop Floor Subsurface Sampling Laboratory Analysis

- **Interior Subsurface** - The zone of each soil core with the highest PID reading will be analyzed for NWTPH-Gx, NWTPH-Dx, and VOCs. A composite sample of the entire soil core from each hole will be analyzed for RCRA priority total metals. Upon receipt of laboratory results, the sample exhibiting the highest total lead concentration will receive follow-up analysis for TCLP metals. Based on laboratory results of NWTPH-Gx, NWTPH-Dx, and VOCs, a decision will be made whether to follow up with TCLP analyses for any of the organic parameters.

Deliverable – Site Assessment and Investigation Summary Report: CITY will prepare a report summarizing the assessment and analytical results. The report will discuss results in light of the information gathered in all prior assessments and will include a revised recommended course of action for remediation of the Site and/or further recommended assessment activities. Ecology to receive one hard copy and one electronic copy.

Due Date: All work to be completed by February 28, 2018, while final billing is due by March 31, 2018.

Budget: To Not Exceed	\$27,335.00
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APPENDIX B

SPECIAL TERMS AND CONDITIONS

1) Federal Funding Accountability And Transparency Act (FFATA) Reporting Requirements

CITY must complete the attached FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.



If the CITY meets each of the below criteria, the CITY must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

ECOLOGY will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. ECOLOGY is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrs.gov within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov.

For more details on FFATA requirements, see www.fsrs.gov.

2) Certification Regarding Suspension, Debarment, Ineligibility Or Voluntary Exclusion

- a) CITY, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the CITY is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
- b) CITY shall provide immediate written notice to ECOLOGY if at any time the CITY learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
- c) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
- d) CITY agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- e) CITY further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR

VOLUNTARY EXCLUSION” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

- f) Pursuant to 2CFR180.330, the CITY is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
- g) CITY acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
- h) CITY agrees to keep proof in its agreement file, that it, and all lower tier CITY or subcontractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. CITY must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

3) Archaeological And Cultural Resources

CITY shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. The CITY must agree to hold harmless the state of Washington in relation to any claim related to historical or cultural artifacts discovered, disturbed, or damaged due to the CITY’s negligence.

CITY shall:

- a) Contact ECOLOGY to discuss any Cultural Resources requirements for the project:
 - For capital construction projects or land acquisitions for capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.
 - For projects with any federal involvement, if required, comply with the National Historic Preservation Act.
 - Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.
- b) If required by ECOLOGY, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.

CITY shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff and contractors working at the project site.
 - Implement the IDP when cultural resources or human remains are found at the project site.
- c) If any archeological or historical resources are found while conducting work under this Agreement:
 - Immediately stop work and notify ECOLOGY, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement:
 - Immediately stop work and notify the local law enforcement agency or Medical Examiner/Coroner’s Office, and then ECOLOGY.

- e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.
- 4) Environmental Data Standards
- a) CITY shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. CITY is to contact ECOLOGY if unsure about whether a QAPP is required for their project. If a QAPP is required the CITY shall:
- Use ECOLOGY's QAPP Template provided by ECOLOGY.
 - Follow ECOLOGY's *Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies*, July 2004 ([Ecology Publication No. 04-03-030](#)).
 - Submit the QAPP to ECOLOGY for review and approval before the start of the work.
- b) CITY shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY instructs otherwise. The data must be successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.
- c) CITY shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. *Guidelines for Creating and Accessing GIS Data* are available at: <http://www.ecy.wa.gov/services/gis/data/standards/standards.htm>. CITY, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.
-



Federal Funding Accountability and Transparency Act (FFATA) Data Collection Form

Federal funds that require compliance with the Federal Funding Accountability and Transparency Act support this agreement between The Department of Ecology (ECY) and your organization. The purpose of the Transparency Act is to make information available online so the public can see how recipients spend federal funds.

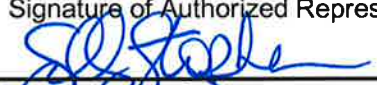
Your organization must have a Data Universal Numbering System (DUNS®) number to comply with the act and be eligible to enter into this agreement. If you do not already have one, you may get a DUNS number free of charge by contacting Dun and Bradstreet at www.dnb.com. ECY also encourages registration with the Central Contractor Registration (CCR) to reduce data entry by both ECY and your organization. You may register with CCR free of charge at www.ccr.gov. ECY will report information about your organization and this agreement to the federal government as required by Title 2 CFR, Part 25. The public can view this information on the federal government website www.USASpending.gov.

ECOLOGY AGREEMENT # _____

Recipient Information – For Recipient Use Only

1. Legal Name City of Spokane	2. DUNS Number 115528189																		
3. Principle Place of Performance 808 W Spokane Falls Blvd																			
3a. City Spokane	3b. State WA																		
3c. Zip+4 99201	3d. Country USA																		
4. Are you registered in CCR? <input checked="" type="checkbox"/> YES. Skip to signature block. Sign, date and return. <input type="checkbox"/> NO. Continue with 5.																			
5. In the preceding fiscal year did your organization: a. Receive 80% or more of annual gross revenue from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and b. \$25,000,000 or more in annual gross revenues from federal contracts, subcontracts, grants, loans, subgrants, and/or cooperative agreements; and c. The public does not have access to information about the compensation of the executives through periodic reports filed with the IRS or the Security and Exchange Commission per 2 CFR Part 170.330. <input type="checkbox"/> NO. Skip to signature block. Sign, date and return. <input type="checkbox"/> YES. You must report the following information for the five (5) most highly compensated executives in your organization. Sign, date and return.																			
<table border="1"><thead><tr><th>Name Of Official</th><th>Position Title</th><th>Total Compensation Amount*</th></tr></thead><tbody><tr><td>1.</td><td></td><td></td></tr><tr><td>2.</td><td></td><td></td></tr><tr><td>3.</td><td></td><td></td></tr><tr><td>4.</td><td></td><td></td></tr><tr><td>5.</td><td></td><td></td></tr></tbody></table>		Name Of Official	Position Title	Total Compensation Amount*	1.			2.			3.			4.			5.		
Name Of Official	Position Title	Total Compensation Amount*																	
1.																			
2.																			
3.																			
4.																			
5.																			
*Note: "Total compensation" means the cash and noncash dollar value earned by the executive during the subrecipient's past fiscal year. (For more information, see 17 CFR 229.402 (C)(2)).																			

By signing this document, the Authorized Representative attests to the information above.

Signature of Authorized Representative 	Print Name Sally Stopher	Date 8/1/2017
-------------------------------------------------------------------------------------------------------------------------------	-----------------------------	------------------

Please sign and return this document with the signed agreement. The Department of Ecology will not pay any invoices until it receives this completed and signed form.

If you need this document in a format for the visually impaired, call Leann Ryser at (360) 407-7054. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Committee/Board

Updated 2017

Finance and Administration	Chair - Candace Mumm (all members)	Vice-Chair - Ben Stuckart
Public Infrastructure	Chair - Amber Waldref (all members)	Vice-Chair - Mike Fagan
Planning	Chair - Ben Stuckart (all members)	Vice-Chair - Karen Stratton
Public Safety and Community Health	Chair - Lori Kinnear (all members)	Vice-Chair - Breean Beggs

Parks Board	Mike Fagan
Library Board	Karen Stratton
Planning Commission	Lori Kinnear
Planning Commission - Transportation Sub.	Lori Kinnear
Airport Board	Ben Stuckart
Priority Spokane Board	Amber Waldref
Board of Health	Karen Stratton, Breean Beggs, Lori Kinnear
Visit Spokane	Breean Beggs
** Lodging Tax	Breean Beggs
** Lodging Tax 1.3%	Breean Beggs
Police Pension	Ben Stuckart, Candace Mumm
Fire Pension	Ben Stuckart, Lori Kinnear
Spokane Employees Retirement Board	Candace Mumm
Community Health and Human Services	Karen Stratton, Mike Fagan
Arts Fund	Karen Stratton
Human Rights Commission	Karen Stratton
Aging and Long Term Care	Mike Fagan, Karen Stratton
Growth Management Act Steering Committee	Breean Beggs, Candace Mumm, Amber Waldref
Spokane Regional Solid Waste Liaison Board	Mike Fagan
Spokane Transit Authority (STA)	Amber Waldref, Candace Mumm
STA Central City Line	Amber Waldref
Spokane Regional Transportation Council	Amber Waldref, Lori Kinnear
University District PDA	Ben Stuckart
Solid Waste Advisory Council	Mike Fagan
Parking Advisory Committee	Breean Beggs, Lori Kinnear
Community Assembly Liaison	Karen Stratton
Investment Committee	Candace Mumm
Cops (new)	Karen Stratton
DSP (Downtown Spokane Partnership)	Lori Kinnear
Team Possible (Streets)	Amber Waldref and Candace Mumm
Spokane Regional Law and Justice	Ben Stuckart
Local Emergency Planning	Mike Fagan
Red Light Allocation	Breean Beggs, Mike Fagan, Candace Mumm

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

08/21/2017

Date Rec'd

8/7/2017

Clerk's File #

RES 2017-0074

Renews #**Cross Ref #**

OPR 2016-0961

Submitting Dept

HOUSING & HUMAN SERVICES

Contact Name/Phone

GEORGE DAHL 625-6036

Project #**Contact E-Mail**

GDAHL@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #

TBD

Agenda Item Name

1680 - CHHS 2017 ACTION PLAN

Agenda Wording

Resolution approving the 2017 Action Plan Component of the 2015-2020 Consolidated Plan for Title 1 CDBG, HOME, and ESG grant funds.

Summary (Background)

The Community, Housing, and Human Services Department has completed the process of preparing the 2017 Action Plan Component of the 2015-2020 Consolidated Plan. The CHHS Department requests City Council adopt the attached resolution approving the plan which will allow the CHHS Department to submit the plan to the U.S. Department of Housing and Urban Development (HUD) as required by federal regulation.

Fiscal Impact

Grant related? YES

Public Works? NO

Budget Account

Revenue \$ 3,014,163.00 (CDBG)

1690-95807-99999-33314-99999

Expense \$ 3,014,163.00 (CDBG)

1690-95807-510XX-XXXXX-XXXXX

Revenue \$ 891,721.00 (HOME)

1690-95847-99999-33314-99999

Expense \$ 891,721.00 (HOME)

1690-95847-510XX-XXXXX-XXXXX

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

KEENAN, KELLY

Study Session

CHE - 8/14/17

Division Director

MALLAHAN, JONATHAN

Other**Finance**

SCHEIDEGGER, SUZI

Distribution List**Legal**

DALTON, PAT

gdahl

For the Mayor

DUNIVANT, TIMOTHY

kkeenan

Additional Approvals

cbrown

Purchasing

chhsaccounting@spokanecity.org



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

Fiscal Impact

Revenue \$268,989 (ESG)
Expense \$268,989 (ESG)

Budget Account

1690-95477-99999-33314-99999
1690-95477-510XX-XXXXX-XXXXX

Distribution List

BRIEFING PAPER
City of Spokane
Community, Housing, and Human Services Department (CHHS)
2017 Action Plan
August 7, 2017

Subject

The Community, Housing, and Human Services Department (CHHS) is seeking City Council's approval of the 2017 Annual Action Plan.

Background

The City of Spokane is required to assemble and submit an Annual Action Plan outlining funded projects and progress toward meeting the Consolidated Action Plan goals. As part of this process, CHHS has to offer the public an opportunity to review and make comments on the proposed plan. A public hearing was held on March 1, 2017 and the public had the opportunity to comment through April 12, 2017. A summary of public comment received may be obtained by contacting George Dahl at gdahl@spokanecity.org. The project allocations were developed through a competitive process that started during the summer of 2016 and ended with City Council approving the funding recommendations on December 12, 2017 (OPR 2016-0961). This Action Plan outlines the projects for the 2017 program year, which begins July 1, 2017 and ends June 30, 2018.

Impact

The Action Plan Component is the annual budget for utilization of Community Development Block Grant (CDBG), HOME Investments Partnership Program (HOME) and Emergency Solutions Grant (ESG) formula grants from the U.S. Department of Housing and Urban Development (HUD) to the City of Spokane. Approval and submission of this Action plan allows the City to meet HUD's reporting requirements and ensure sustained funding for our partner organizations that serve low- and moderate-income persons locally. Without this funding, many services provided to the most vulnerable citizens would either be severely reduced or cut entirely.

The direct allocations from HUD for the 2017 program year are:

Community Development Block Grant (CDBG)	\$ 3,014,163.00
HOME Investment Partnerships Program (HOME)	\$ 891,721.00
Emergency Solutions Grant Program (ESG)	\$ 268,989.00

*CHHS anticipates that HUD will release funding sometime during the third or fourth quarter of 2017 but the Department has not been given a date by HUD.

Action

Adopt the Resolution approving the 2017 Action Plan which will allow CHHS to submit the plan to HUD.

RESOLUTION 2017-0074

WHEREAS, the Congress of the United States of America has found that the Nation's cities and urban communities face social, economic and environmental problems resulting from the growth and concentration of population in metropolitan areas; and

WHEREAS, in order to assist local governments in meeting these problems, the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act, as amended, were enacted, which provided for a program of community development and housing assistance; and

WHEREAS, under the Housing and Community Development Act and the National Affordable Housing Act, the City of Spokane is "entitled" upon proper application to receive funds for the program year 2017 of approximately \$3,014,163 - Community Development Block Grant (CDBG), \$891,721 - HOME Investments Partnership Program (HOME), \$268,989 - Emergency Solutions Grant (ESG) and received funds for the program year 2016 of \$2,987,856 - Community Development Block Grant (CDBG), \$930,239 - HOME Investments Partnership Program (HOME), \$269,876 - Emergency Solutions Grant (ESG); and

WHEREAS, the Community, Housing, and Human Services Department of the City of Spokane has prepared a report describing the nature of the application and the process and procedures followed in its preparation; and

WHEREAS, during the course of the application process, a plan for citizen participation was developed and implemented which permitted citizens to participate in the preparation of the program and to articulate their needs, preferences, and priorities; and

WHEREAS, citizens were given full information concerning funds available for proposed community development and housing assistance, the range of activities that may be undertaken, the estimated amount of CDBG, HOME, and ESG funds proposed to be used for activities that will benefit persons of low and moderate income, and other important program requirements; and

WHEREAS, citizen participation was extensive throughout the many public meetings and hearings which were held to obtain the view of Spokane citizens on community development and housing needs; and

WHEREAS, as a result of citizen's effort and City staff assistance, the Community, Housing, and Human Services Department has prepared an application for funds under the Housing and Community Development Act of 1974, as amended, the

National Affordable Housing Act, as amended, and recommended to the City Council its adoption and approval;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL:

1. The City Council finds:

- a) that in preparing the 2017 Action Plan Component of the Consolidated Community Development and Housing Plan (Action Plan) and for Title 1 CDBG funds, HOME funds and ESG funds, all rules and regulations as promulgated under the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act, as amended, have been complied with;
- b) the Community, Housing, and Human Services Department and the program participation with citizen/government participation are in the public interest and beneficial to the physical environment of our community and quality of life therein;
- c) the certifications have been reviewed and the commitments of this City are understood.

2. That the 2017 Action Plan and for CDBG, HOME and ESG funds is hereby approved. The Mayor is authorized to sign and directed to file the same on or before August 1, 2017, to execute such additional documents as required, to request and secure the release of Community Development Title I funds, to provide such other information as may be required to obtain the funds and execute the projects, and to proceed with project execution upon HUD approval of the Action Plan with the Community, Housing and Human Services Department acting for the City Council as the policy body guiding project execution including executing contracts for the projects identified in the Community, Housing, and Human Services Department Action Plan.

Adopted by the City Council _____

City Clerk

Approved as to form:

Assistant City Attorney



Program Year 2017 Action Plan

Community Development Block Grant Program (CDBG): 24 CFR Part 570

HOME Investment Partnerships Program (HOME): 24 CFR Part 92

Emergency Solutions Grant Program (ESG): 24 CFR Part 576

July 1, 2017 – June 30, 2018

Community, Housing and Human Services Department

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Individuals seeking further understanding of the 2017 Program Year allocation process and timing are encouraged to review HUD Notice: CPD-16-18. Print or electronic copies of this notice are available by request to CHHS.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Within the Program Year 2017 Action Plan citizens will note that all projects meet one, or multiple needs and goals from the 2015-2020 Consolidated Plan. CHHS will continue seeking projects and community partnerships that further enhance service delivery to homeless and low/moderate income individuals. The needs and goals of our 2015-2020 Consolidated Plan are as follows:

1. Need for safe affordable housing choice

- Preserve and expand quality, safe, affordable housing choices

2. Need to provide for basic and special needs and reduce homelessness

- Prevent and reduce homelessness
- Provide opportunities to improve quality of life

3. Need for community development, infrastructure and economic opportunities

- Support Vibrant neighborhoods
- Expand economic opportunities

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Members of the CHHS Board review all eligible project applications prior to making funding recommendations to Spokane City Council. A major component of this evaluation process is prior performance. CHHS has relied on quarterly performance reports and a competitive request for proposals process to determine which projects will be funded. Additionally, applications must be able to describe how their proposal aligns with the needs and goals of our 2015-2020 Consolidated Plan. CHHS also uses data from the Consolidated Annual Performance Evaluation Report (CAPER) to evaluate progress toward meeting community needs.

Many of the programs supported by CHHS serve very low-income and homeless populations. As a result, CHHS is constantly evaluating community need and partnerships to provide service deliveries that align with needs and goals of the Consolidated Plan.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

CHHS works closely with partner agencies and community stakeholders to ensure that everyone has an opportunity to provide public comment on the Program Year 2017 Action Plan. CHHS posted a draft copy of the Action Plan on the CHHS website (<https://my.spokanecity.org/chhs/>) for all interested parties to review. Additionally, CHHS published in the Spokesman Review information relating to the Public Hearing (Wednesday, March 1, 2017) and how citizens may submit their public comment. Further public comment was sought through email distribution to partner agencies and community stakeholders. CHHS works in partnership with the Office of Neighborhood Services to ensure neighborhood organizations understand the process for reviewing the Action Plan and submitting public comment.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public Comment was received from one neighborhood representative. Comments were seeking additional clarity regarding the Action Plan. Citizens interested in reviewing the public comment and response may do so by submitting a formal request to George Dahl with the Community, Housing and Human Services Department (gdahl@spokanecity.org) or (509)625-6036.

6. Summary of comments or views not accepted and the reasons for not accepting them

Comments and views received through public comment were reviewed by CHHS staff. Comments made through the Public Comment process were seeking general clarity regarding the plan. Staff responded to

the citizen with a formal written response. Individuals may request a copy of the public comment and staff response.

7. Summary

CHHS works closely with partner agencies and community stakeholders to ensure we continue working toward achieving the needs and goals outlined in the 2015-2020 Consolidated Plan. Public engagement and comment is an essential part of this process. We invite all interested citizens and agencies to become familiar with these planning documents.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role		Name	Department/Agency
Lead Agency		SPOKANE	
CDBG Administrator	SPOKANE	Community, Housing and Human Services Department	
HOPWA Administrator		NA	
HOME Administrator	SPOKANE	Community, Housing and Human Services Department	
ESG Administrator	SPOKANE	Community, Housing and Human Services Department	
HOPWA-C Administrator			

Table 1 – Responsible Agencies

Narrative (optional)

The Community, Housing and Human Services Department (CHHS) is the lead agency for the City of Spokane to administer the Community Development Block Grant, HOME Investment Partnership and the Emergency Solutions Grant Programs. As such, CHHS staff works with partner agencies and stakeholders to develop and implement community needs and goals outlined in the Consolidated Plan. This Program Year 2017 Action Plan is a representation of projects and activities that will help the Spokane community work toward achieving those needs and goals.

Consolidated Plan Public Contact Information

Individuals may contact the City of Spokane Community, Housing and Human Services Department (CHHS) for any questions or comments relating to the Consolidated Planning Process as outlined in 24 CFR Part 91.

The Community, Housing and Human Services Department is located at Spokane City Hall (808 W. Spokane Falls Blvd., Spokane, WA 99201). The Department may also be reached via email at spokanechhs@spokanecity.org, or via phone at (509)625-6325. Individuals may request a copy of

the planning documents either in print or electronic version. Please contact CHHS for any assistance needed with translation or language barriers.

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The Continuum of Care and CHHS Boards and their committees review the needs and priorities in consultation with community organizations through a series of meetings, hearings, workshops, focus groups and interviews of key leaders and representatives of organizations conducting planning, operating programs, providing services or advocating for the interests of specific groups or populations in the City. Meetings take place at both the neighborhood level and citywide. Key to the success of this process has been the continued strong relationship the City has maintained with local agencies, nonprofit organizations, developers, and other entities providing human services, community development, economic development, affordable housing and homeless housing and services.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Community, Housing and Human Services (CHHS) department of the City of Spokane plays a critical role in the Spokane Continuum of Care by providing staff support to the CoC board and its committees. In monthly meetings of the Continuum, CHHS staff provide assistance in agenda-setting, planning activities, developing funding criteria and decisions, and providing performance and evaluation reports on CoC and ESG project performance, as well as progress in meeting Continuum goals. In addition, CHHS staff provide continuity between meetings and coordinates activities with members working on specific action steps of the Homeless Plan. Together, CHHS and the CoC have worked to develop the 2015-2020 Spokane Strategic Plan to End Homelessness; a Plan which is fully coordinated with the goals of the City of Spokane 2015-2020 Consolidated Plan. The Homeless Plan encompasses an aggressive approach to retool the housing and services delivery system toward the ultimate goal of ending veteran homelessness, chronic homelessness and family homeless all within the next four years. The CoC is currently working to strategically utilize all homeless funding resources to increase the community’s inventory of PSH and RRH units. We are continuously working to maintain a housing first philosophy within our programs as well as consistently reevaluate low barrier shelters and housing. In order to ensure every homeless individual has a place to go, we are retooling our shelter system to effectively implement a 24/7 shelter for singles and families respectively. In coordination with our continuum’s goals, collaboration is occurring between the CoC, CoC Homeless Youth Committee, and our Youth Advisory Board which is comprised of youth with lived homeless experience. We are coordinating with

the Office of Homeless Youth to expand RRH for youth and are partnering with Invest Health to effectively serve youth exiting institutions.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The CHHS staff responsible for providing staff assistance to the Continuum of Care is also responsible for management of the ESG Program. City staff has drafted policies and procedures for annual allocations of ESG funds. These were adopted by the Continuum of Care.

CHHS staff also prepared proposed performance standards for evaluating ESG project outcomes for Continuum review and adoption. Coordinating with the Washington State Department of Commerce in utilizing statewide evaluation standards, the Continuum adopted a Dashboard data base and reporting process for use in the Spokane CoC for review of performance outcomes. Reports on outcomes are prepared by City staff at the system-level quarterly and on a project-level annually. These reports are used by the Continuum to evaluate performance and identify issues with specific projects and program areas. Procedures for use of HMIS data have also been adopted in the policies and procedures of the Continuum.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	SPOKANE HOUSING AUTHORITY
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community, Housing and Human Services staff has coordinated with staff from the Spokane Housing Authority to discuss and plan for solutions to affordable housing for low income, at risk and homeless households.
2	Agency/Group/Organization	CATHOLIC CHARITIES SPOKANE
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Health Services - Victims
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Catholic Charities provides services to homeless individuals throughout Spokane. In 2016/2017, Catholic Charities partnered with the City of Spokane to pilot a new 24/7 emergency shelter program. Representatives from Catholic Charities assist with planning efforts to support the regional Continuum of Care and other support services for low and moderate income individuals.
3	Agency/Group/Organization	SPOKANE COUNTY
	Agency/Group/Organization Type	Other government - County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The director of Spokane County's Housing and Community Development Division participates as a member of the Community, Housing and HumanServices Board. Additionally, Spokane County staff participate in the CoC and Fair Housing Committee planning processes.
4	Agency/Group/Organization	SNAP
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Employment

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City partners/funds several SNAP programs that provide housing, homeless, medical response, coordinated assessment and other public services to the residents of the City of Spokane.
5	Agency/Group/Organization	Spokane Low Income Housing Consortium
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Spokane Low-Income Housing Consortium (SLIHC) provides assistance on low-income housing, homeless programs/CoC and the Inland Northwest Fair Housing Conference.

6	Agency/Group/Organization	TRANSITIONS
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Transitional Programs for Women (Transitions) partners with the City of Spokane to provide permanent and transitional housing for homeless individuals and families.
7	Agency/Group/Organization	The Salvation Army
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Persons with Disabilities Services-Victims of Domestic Violence Services-homeless

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Salvation Army partners with the City of Spokane to provide permanent and transitional housing for homeless individuals and families.
8	Agency/Group/Organization	VOLUNTEERS OF AMERICA OF SPOKANE
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Volunteers of America partners with the City of Spokane to provide permanent and transitional housing for homeless individuals and families.

9	Agency/Group/Organization	Goodwill Industries
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Goodwill Industries partners with the City of Spokane to provide permanent and transitional housing for homeless individuals and families.
10	Agency/Group/Organization	YWCA OF SPOKANE
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The YWCA partners with the City of Spokane to provide permanent and transitional housing for homeless individuals and families.

11	Agency/Group/Organization	Greater Spokane Incorporated
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Spokane Incorporated (GSI) participates in the City of Spokane Economic Development Committee.
12	Agency/Group/Organization	SPOKANE REGIONAL HEALTH DISTRICT
	Agency/Group/Organization Type	Health Agency Regional organization
	What section of the Plan was addressed by Consultation?	Public Health
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Spokane Regional Health District helps neighborhood councils coordinate capital improvement projects through their Neighborhoods Matter program.
13	Agency/Group/Organization	Northwest Fair Housing Alliance
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Fair Housing Planning/Conference

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Spokane partners with the Northwest Fair Housing Alliance to assist with the coordination of the Inland Northwest Fair Housing Conference. Additionally, the Northwest Fair Housing Alliance is helping coordinate a regional planning effort to Affirmatively Further Fair Housing practices, included the Assessment of Fair Housing (AFH).
14	Agency/Group/Organization	SINTO SENIOR ACTIVITY CENTER
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Services for seniors
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Sinto Senior Activity Center provides services to elderly individuals in West Central and Northwest Spokane.
15	Agency/Group/Organization	Northeast Community Center Association
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Health
	What section of the Plan was addressed by Consultation?	Community/neighborhood based social and healthcare service programs in northeast Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Northeast Community Center is a primary healthcare, childcare and social service provider to the northeast Spokane community.

16	Agency/Group/Organization	EAST CENTRAL COMMUNITY CENTER
	Agency/Group/Organization Type	Services-Elderly Persons Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Community programs for east central Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	East Central Community Center provides services to individuals in the east central portion of the City.
17	Agency/Group/Organization	WEST CENTRAL COMMUNITY CENTER
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Education
	What section of the Plan was addressed by Consultation?	Community programs for west central and northwest Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The West Central Community Center provides services to the west central and northwest portions of the City of Spokane.
18	Agency/Group/Organization	PEACEFUL VALLEY COMMUNITY CENTER
	Agency/Group/Organization Type	Services-Children

	What section of the Plan was addressed by Consultation?	Childcare services in southwest Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Peaceful Valley Community Center provides services to families with childcare needs in southwest Spokane.
19	Agency/Group/Organization	City of Spokane Parks & Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Neighborhood planning and implementation
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Community, Housing and Human Services Department partners with the Spokane Parks and Recreation Department to implement park improvements in primarily low and moderate income areas.
20	Agency/Group/Organization	Spokane Public Library
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Neighborhood planning and implementation
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Community, Housing and Human Services Department partners with the Spokane Public Library to implement literacy programs in primarily low and moderate income areas.

21	Agency/Group/Organization	City of Spokane Office of Neighborhood Services
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Neighborhood program planning and training
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Community, Housing and Human Services Department works in coordination with the Office of Neighborhood Services to implement the CDBG Neighborhood Program.
22	Agency/Group/Organization	Northeast Youth Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Youth needs and opportunities in northeast Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Spokane partners with the Northeast Youth Center (NEYC) to provide quality, safe and affordable child care programming for youth in northeast Spokane.
23	Agency/Group/Organization	SPOKANE VALLEY MEALS ON WHEELS
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Food services for elderly individuals in Spokane

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community, Housing and Human Services partners with Spokane Valley Meals on Wheels to provide meals to homebound seniors in Spokane.
24	Agency/Group/Organization	Martin Luther King Family Outreach Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Childcare/family outreach services on Spokane's lower south hill
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community, Housing and Human Services partners with the Martin Luther King Family Outreach Center to provide diverse family and youth services on Spokane's lower south hill.
25	Agency/Group/Organization	Women and Children Free Restaurant
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Healthy meal options throughout Spokane
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community, Housing and Human Services Department partners with Women and Children Free Restaurant to provide healthy meal options for Spokane's low-income, at-risk and homeless populations.

Identify any Agency Types not consulted and provide rationale for not consulting

No major agencies involved in housing or community development were intentionally excluded from consultation. Every effort was made to ensure advance publication of meetings and opportunities to contribute.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

CHHS works closely with partner agencies and community stakeholders to ensure funding strategies are consistent with and respond to community needs. The following list of meetings demonstrates the efforts of CHHS to engage with the public through the development of this 2017 Action Plan.

During calendar year 2016, CHHS conducted 4 separate public hearings with opportunity for public comment and discussion with members of the CHHS Board. Public Hearings were held on the following dates:

1. **Wednesday, March 2, 2016**: Public Hearing for the Program Year 2016 Action Plan
2. **Wednesday, April 6, 2016**: Public Hearing to conclude public comment of the Program Year 2016 Action Plan
3. **Wednesday, September 7, 2016**: Public Hearing to review and make public comment on the Program Year 2015 Consolidated Annual Performance Evaluation Report (CAPER)
4. **Tuesday, October 11, 2016**: Public Hearing to conclude public comment of the Program Year 2015 Consolidated Annual Performance Evaluation Report (CAPER)

In addition to the formal Public Hearings hosted by the CHHS Board, there are multiple opportunities for citizen engagement in the consolidated planning process. CHHS and Board members staff monthly meetings (open to the public) with community stakeholders to develop and refine programming to assist homeless and low/moderate income individuals. Below is a list of the committees and their frequency of meetings:

1. Community, Housing and Human Services Board – *Monthly*
2. Affordable Housing Committee – *Monthly*
3. Community Vitality Committee – *Monthly*
4. Community Development Committee – *Monthly*
5. Economic Development Committee – *Monthly*
6. Evaluation and Review Committee - *Monthly*

7. Continuum of Care (CoC) Board – *January, March, May, July, September, November*
8. CoC Planning and Implementation – *February, April, June, August, October, December*
9. CoC Chronically Homeless Individuals – *Monthly*
10. CoC Chronically Homeless Families - *February, April, June, August, October, December*
11. CoC Homeless Veterans – *Monthly*
12. CoC Homeless Youth – *Monthly*

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	The CHHS Board hosted a Public Hearing for this 2017 Action Plan on Wednesday, March 1, 2017. CHHS Staff provided an overview presentation of the 2017 Action Plan. No comment was received during the Public Hearing. One neighborhood representative provided written public comment in advance of the hearing. Excluding CHHS Board members and staff, there were two neighborhood representatives in attendance at the Public Hearing.	Public comments received were general edits and questions seeking further clarification about the 2017 Action Plan. Citizens interested in reviewing public comments received and CHHS response may submit a formal request to George Dahl at gdahl@spokanecity.org .	Public comment received was accepted. The neighborhood representative who submitted public comment received a formal response from the CHHS Department. Citizens interested in reviewing public comments received and CHHS response may submit a formal request to George Dahl at gdahl@spokanecity.org .	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	Community attendance was poor at the Wednesday, September 7, 2016 Public Hearing	No public comment was made during the public hearing held on Wednesday, September 7, 2016	Not applicable, as no public comments were made	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Hearing	Non-targeted/broad community	<p>Several community stakeholders attended the Tuesday, October 11, 2016 Public Hearing hosted by members of the CHHS Board. Board members asked those in attendance for their thoughts on affordable housing, gaps in human</p> <p>Annual Action Plan 2017</p>	<p>The following questions were posed by the CHHS Board to the public for open response and discussion: What do you want to see relating to Affordable Housing where you live? -The group discussed how funds are distributed and how to address fair housing violations and nuisance properties. What are the gaps in human services that you see in your neighborhood? -Areas of concern noted were tenants vulnerable due to no-fault evictions; how to handle the transient population and identify the root causes of homelessness; and the CHHS Board role in the work of Infill Task Force. As you think about your neighborhood, if you</p>	<p>All public comments were accepted and discussed with 26 members of the CHHS Board.</p>	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Hearing	Non-targeted/broad community	The CHHS Board hosted a second Public Hearing to discuss the 2017 Action Plan on Wednesday, April 12, 2017. No additional public comment was received during this meeting. Only CHHS staff and Board members were present during this meeting.	No additional public comment was received.	CHHS staff provided a summary of the response made to the neighborhood representative who had made prior public comment. No additional comment was made.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

CHHS will allocate funding from the CDBG, HOME and ESG programs to support goals and need identified in the 2015-2020 Consolidated Plan. For more information related to activities funded through this Action Plan, see section AP-35: Projects.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	3,014,163	1,200,000	772,105	4,986,268	1,200,000	Program income is generated from the CHHS Single Family Rehab Program. Prior year resources include unencumbered entitlement funds from PY 2015 and 2016.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	891,721	150,000	0	1,041,721	3,000,000	Program income is generated from loans made through the HOME Multi-Family Program.
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	268,989	0	0	268,989	500,000	The ESG Program does not generate any program income from grants made to homeless service providers.

Table 5 - Expected Resources – Priority Table

Annual Action Plan
2017

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City will use Consolidated Homeless Grant Funds obtained through the Washington State Department of Commerce and City of Spokane Homeless Housing Assistance Act grant funds to match the ESG allocation. HOME leverage is created when funds are allocated to affordable housing projects that also apply for Washington State Housing Trust Funds, bonds, and Low-Income Housing Tax Credits. HOME match is required at a program level for tenant-based rental assistance, single family rehabilitation and down payment assistance, and development of affordable rental units. Match is generated when affordable rental unit development is financed with permanent investments of non-federal, non-owner funds. Some sources of leverage and match have declined recently, such as the value of the interest on below-market-rate bank loans, State Housing Trust Fund allocations, and grants. Local real estate tax reductions are available to affordable housing projects and some fee waivers are available in targeted areas, adding to match amounts.

The City is analyzing the potential for use of the Section 108 Loan Program to stimulate economic development and/or assisted affordable housing for low and moderate income households. If the analysis determines the need, the City will use the 108 loan proceeds for specific activities to be identified in the Annual Action Plans. The City is also working with developers to support affordable housing and economic development projects with income from the closed Rental Rehabilitation and Urban Development Action Grant programs.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Spokane is working on a disposition plan approved by the HUD field office for properties acquired using CDBG funds. Interested individuals are encouraged to contact the Community, Housing and Human Services Department (625-6325) for additional details.

Discussion

Citizens are encouraged to be engaged in the public participation of all projects funded through this Action Plan.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Expand safe affordable housing choices	2015	2020	Affordable Housing Public Housing		Safe affordable housing choice	CDBG: \$1,887,302 HOME: \$937,721 ESG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 80 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 22 Households Assisted Public service activities for Low/Moderate Income Housing Benefit: 350 Households Assisted Rental units constructed: 23 Household Housing Unit Rental units rehabilitated: 59 Household Housing Unit Homeowner Housing Rehabilitated: 280 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Prevent and reduce homelessness	2015	2020	Homeless Non-Homeless Special Needs		Basic and special needs and reduce homelessness	CDBG: \$125,000 HOME: \$0 ESG: \$268,989	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 800 Persons Assisted Tenant-based rental assistance / Rapid Rehousing: 50 Households Assisted Homeless Person Overnight Shelter: 550 Persons Assisted Overnight/Emergency Shelter/Transitional Housing Beds added: 5 Beds Homelessness Prevention: 500 Persons Assisted
3	Provide opportunities to improve quality of life	2015	2020	Homeless Non-Homeless Special Needs		Safe affordable housing choice Community development and economic opportunities	CDBG: \$1,518,407	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 9051 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 64995 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Support vibrant neighborhoods	2015	2020	Non-Housing Community Development		Community development and economic opportunities	CDBG: \$749,251	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 79930 Persons Assisted Public service activities other than Low/Moderate Income Housing Benefit: 28200 Persons Assisted Buildings Demolished: 2 Buildings

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Expand economic opportunities	2015	2020	Non-Housing Community Development		Community development and economic opportunities	CDBG: \$30,000 HOME: \$0 ESG: \$0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 0 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 0 Households Assisted Public service activities other than Low/Moderate Income Housing Benefit: 0 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 0 Households Assisted Facade treatment/business building rehabilitation: 0 Business Brownfield acres remediated: 0 Acre Rental units constructed: 0 Household Housing Unit Rental units rehabilitated: 0 Household Housing Unit Homeowner Housing Added: 0 Household Housing Unit Homeowner Housing Rehabilitated: 0 Household Housing Unit Direct Financial Assistance to Homebuyers: 0 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 0 Households Assisted Homeless Person Overnight Shelter: 0 Persons Assisted Overnight/Emergency Shelter/Transitional Housing Beds

Annual Action Plan
2017

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Expand safe affordable housing choices
	Goal Description	<ul style="list-style-type: none"> • Expand housing choice and access to opportunities and services • Preserve and increase housing stock and increase the quality of housing stock. • Prioritize affordable housing development to reduce barriers to employment • Ensure housing stability
2	Goal Name	Prevent and reduce homelessness
	Goal Description	<ul style="list-style-type: none"> • Invest in support services for the most vulnerable in affordable housing • Advance health and housing stability for at-risk populations • Raise at-risk populations' awareness of available resources
3	Goal Name	Provide opportunities to improve quality of life
	Goal Description	<ul style="list-style-type: none"> • Invest in effective support services that promote employment • Maintain the social safety net

4	Goal Name	Support vibrant neighborhoods
	Goal Description	<ul style="list-style-type: none"> • Invest in infrastructure • Promote public safety • Expand capacity of neighborhoods to attract businesses • Support infrastructure and services that enhance the health and quality of life in our neighborhoods • Address spot blight
5	Goal Name	Expand economic opportunities
	Goal Description	<ul style="list-style-type: none"> • Support effective pathways toward self-sufficiency and living wage jobs • Support microenterprise • Invest in infrastructure and/or creative initiatives to attract or grow businesses

Projects

AP-35 Projects – 91.220(d)

Introduction

The Community, Housing and Human Services Department issued a funding notice to the Spokane Community seeking proposals that meet the identified needs and goals of the 2015-2020 Consolidated Plan. The following projects were selected through a competitive application process where each proposal was evaluated for risk, eligibility, past performance and alignment with community needs and goals. Proposals recommended for funding were evaluated by members of the Evaluation and Review Committee, Community, Housing and Human Services Board and approved by the Spokane City Council.

At the time of this draft Program Year (PY) 2017 Action Plan, the City of Spokane has not received a formal allocation notice from the Department of Housing and Urban Development (HUD). The City anticipates receiving the allocation notice during late spring. In an effort to proceed with this PY 2017 Action Plan, the Community, Housing and Human Services Department has applied a forecasted reduction of 5% (less than PY 2016 allocations) for the CDBG, HOME and ESG programs.

To maintain transparency with the public, the City will provide a summary of the allocations once the City receives notice from HUD. The allocation summary will be included on the Community, Housing and Human Services website and reviewed during the CHHS Board meeting (first Wednesday of each month) following notice of the allocations. The public is invited to attend the Board meeting and provide additional comment/feedback on the PY 2017 allocations.

The Community, Housing and Human Services Department will not hold another separate public comment period once the PY 2017 allocations are released as long as the allocation is within 5% of the PY 2016 Allocation. If cuts to the PY 2017 allocation exceed 5%, the Community, Housing and Human Services Department will hold an additional public hearing and comment period to discuss projects listed in AP-35 of this document.

Projects

#	Project Name
1	2017 Public Service - Senior Meals
2	2017 Public Service - Services to City Outlets and Agencies
3	2017 Public Service - Homeownership Program
4	2017 Public Service - New Leaf
5	2017 Public Service - Women's Hearth

#	Project Name
6	2017 Public Service - TLC EduCare
7	2017 Public Service - Miryam's House Alumni Program
8	2017 Public Service - ECCC Operations
9	2017 Public Service - NECC Operations
10	2017 Public Service - Southwest Community Center Operations
11	2017 Public Service - West Central Operations
12	2017 Capital Improvement - Corbin Senior Center Safety Improvements
13	2017 Capital Improvement - MLK Center Demolition and Rebuild
14	2017 Capital Improvement - Sinto Senior Activity Center Renovation
15	2017 Capital Improvement - Collins Apartments
16	2017 Capital Improvement - Hemlock Street
17	2017 Capital Improvement - Women's Hearth Roof
18	2017 Capital Improvement - West Central Newton Room Rehab
19	2017 Capital Improvement - Nutrition Essentials Demonstration Kitchen
20	2017 Capital Improvement - House of Charity Respite Room
21	2017 Capital Improvement - Lutheran Community Services Building Security Improvements
22	2017 Capital Improvement - Alexandria Apartment Improvements
23	2017 Capital Improvement - West Central 24/7 Library Kiosk
24	2017 Capital Improvement - West Central Community Center ADA Ramp
25	2017 Housing - Single Family Rehab Program
26	2017 Housing - Essential Home Repair
27	2017 Administration - CDBG Program
28	2017 Administration - HOME Program
29	2017 Multi-Family Projects - HOME
30	2017 ESG Program Delivery
31	2017 Neighborhood - Sidewalk Program
32	2017 Neighborhood Parks - Hays Park
33	2017 Neighborhood Parks - Coeur D'Alene Park
34	2017 Neighborhood Parks - Glass Park
35	2017 Neighborhood Parks - Mission Park
36	2017 Neighborhood Parks - Rochester Park
37	2017 Neighborhood Capital - North Monroe Gateway
38	2017 Neighborhood Capital - Northeast Youth Center
39	2017 Neighborhood Capital - East Central Community Center
40	2017 Neighborhood Capital - Northeast Community Center
41	2017 Neighborhood Capital - TLC Gardens
42	2017 Public Service - AGC Headstart Construction Trades Program

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The following projects address existing programs serving low and moderate income households. Additional work is needed with partner agencies to further expand new capacity to serve target populations identified in the 2015-2020 Consolidated Plan. Affordable housing remains a significant investment by the Community, Housing and Human Services Department (CHHS). CHHS will continue working with the Spokane community to identify targeted programs for housing rehabilitation in northeast Spokane.

AP-38 Project Summary
Project Summary Information

1	Project Name	2017 Public Service - Senior Meals
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$50,400
	Description	Meal program for home bound seniors: 05A - Senior Services (LMC)
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Applicant proposes to serve 1,200 unduplicated low/mod income individuals throughout the course of this funding award.
	Location Description	Services will be provided throughout the City of Spokane to senior citizens in need of meal assistance.
2	Planned Activities	Senior Meals, both home delivered and served at Silver Cafes, improve the quality of life maintaining the social safety net by meeting the most basic essential need of food for our most vulnerable citizens. For our home delivered program, the clients that we serve are essentially homebound.
	Project Name	2017 Public Service - Services to City Outlets and Agencies
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$87,074
	Description	A human services grant will help fund 15 full-time and five part-time staff positions that lead, coordinate and deliver these food assistance and nutrition education services. 05W - Food Banks (LMC)
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Second Harvest will be a significant source of donated food for its city network during the grant year. Second Harvest projects distributing 545,000 pounds of food each month in the city. Close to half of that food will be nutritious fresh produce. At least 62,000 unduplicated clients will be served during the year, receiving food that helps preserve their assets to sustain other basic needs.

	Location Description	Food will be distributed to various food outlets serving low/mod income individuals throughout the City of Spokane
	Planned Activities	Food distribution and cooking classes for low/mod income individuals
3	Project Name	2017 Public Service - Homeownership Program
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$70,000

	<p>Description</p>	<p>1. 10 months a year will hold two free classes each month which educate and enable new home buyers to make informed choices, assess their readiness to buy, understand the home purchase process and determine which first time home buyer loan program is best for them. Participants receive a certificate from the WA State Housing Finance Commission that meets industry standards for participation in a variety of affordable housing programs. Outcome: We expect that 250 new people will complete the classes during the fiscal year at multiple City wide locations.</p> <p>2. Free pre-purchase individual counseling sessions guide families through the purchase of their first home, including the process of buying a home, confirming financial readiness, how to choose a realtor and mortgage lender and how to select a loan product that is best suited for them. Counselors work with families one-on-one to help them establish goals, assess their readiness to buy, identify and overcome barriers and provide referrals to assist in overcoming housing challenges. Outcome: We anticipate that 60 low to moderate income city clients will also receive pre-purchase counseling and that 15 will purchase homes within the project period.</p> <p>3. Down payment Assistance Program (DAP): DAP provides deferred payment, second mortgages in amounts up to \$10,000 for first time home buyers. Payments are deferred until sale, refinance, or until 30 years to reduce the buyers' monthly payments to an affordable level. City funds would be used to provide education, counseling and loan compliance to applicants at 80% or less AMI for those receiving down payment assistance. Outcome: Creation of responsible homeownership, with this service being offered throughout the project period.</p> <p>4. Foreclosure Prevention Counseling: Our counselors identify the immediate crisis, review mortgage documents, determine degree of default, complete budget/credit analysis and explain options and time frames. They educate the client on the foreclosure process, the bank's perspective and options available for home retention. The client's situation is assessed and together they prepare a joint action plan. Counselors prepare substantial modification application packages and help negotiate agreements with lenders, make referrals to needed resources and conduct follow-up until the case is resolved. Outcome: We anticipate 125 low to moderate income city homeowners in default will save their home from foreclosure during the project period.</p> <p>5. Foreclosure Prevention Loans: default clients who do not qualify for a mortgage modification, or for whom tax or sewer liens are the cause of the default, we can refinance the debt and adjust the interest rate and term. Credit, budget and mortgage counseling are offered with this refinance to ensure continued affordability. Outcome: Preservation of homeownership, this service being offered throughout the project period.</p> <p>05R - Homeownership Assistance (not direct); (LMH)</p>
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	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	<p>NEED: Safe Affordable Housing, GOAL: Preserve and expand quality, safe, affordable housing choices STRATEGY: Expand permanent stable housing options and access to opportunities and services</p> <p>Education of first-time home buyers is the best way to increase access to the home buying opportunities and services. Due to our non-profit's mission to create opportunities to those of low-income our program is perfectly aligned. In addition to education (both classes and counseling) we provide mortgage modification and various financing services which make homeownership (both new purchasing and retaining existing homes) affordable.</p> <p>NEED: Safe Affordable Housing, GOAL: Preserve and expand quality, safe, affordable housing choices STRATEGY: Ensure housing stability</p> <p>The foreclosure counseling and foreclosure prevention activities specifically lend themselves to creating housing stability (keeping home owner's in their houses by creating options). While we do not use city dollars to lend we must use the operational funds to support this housing stability activity.</p>
	Location Description	Courses will be taught at 3102 W Ft George Wright Dr., Spokane, WA 99224 and at SNAP East, 500 S Stone, Spokane, WA 99202
	Planned Activities	Public services to assist low/mod income households prepare for homeownership
4	Project Name	2017 Public Service - New Leaf
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$50,000
	Description	New Leaf Bakery Cafe' Job Training program provides hands on food service skills training, vocational services, and life skills to women with barriers to employment, including histories of incarceration, past substance abuse, lack of employment histories, lack of education, mental illness, physical disabilities, and learning disabilities. 05H - Employment Training (LMC)

	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Transitions serves very low income homeless women and children, most of which are on TANF assistance. During the program year, New Leaf will provide job skills training to approximately 80 individuals.
	Location Description	Services will be provided at the New Leaf training kitchen located at 3104 W. Fort George Wright Dr., Spokane, WA, 99224
	Planned Activities	Job skills training for very low income, homeless or formerly homeless individuals.
5	Project Name	2017 Public Service - Women's Hearth
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$30,000
	Description	Services provided to homeless women include food bank, hygiene, housing referrals, job search, arts and craft classes, counseling and basic support for clients at the Hearth.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Women's Hearth provides services to primarily single homeless and formerly homeless women experiencing multiple barriers to employment and housing stability. The Hearth serves approximately unduplicated women annually.
	Location Description	Women's Hearth is located in downtown Spokane near several social service providers and low income housing. 920 W. 2nd Ave., Spokane, WA 99201
6	Planned Activities	food bank, hygiene, housing referrals, job search, arts and craft classes, counseling and basic support for clients at the Hearth
	Project Name	2017 Public Service - TLC EduCare
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$68,000

	Description	EduCare is a child care center located in northwest Spokane. EduCare is part of the Transitional Living Center campus that provides housing and social services to homeless women with children. EduCare is sponsored by the Department of Early Learning and serves approximately 45 children each year from ages 1-5.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	EduCare services homeless and formerly homeless women with children by providing safe affordable child care. Annually, EduCare serves approximately 45 children ranging in age from 1 to 5.
	Location Description	The EduCare facility is located in northwest Spokane as part of the Transitional Living Center campus. 3120 N. Hemlock St., Spokane, WA 99205
	Planned Activities	Child care center activities related to education and providing stability in the lives of homeless mothers and children.
7	Project Name	2017 Public Service - Miryam's House Alumni Program
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$8,526
	Description	Aftercare services are client-driven and utilize: peer support groups and activities; one-on-one case management; housing mediations; resource referrals; vocational services; scholarship funds; clothing and food.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Miryam's House provides transitional housing services for single homeless women. Approximately 30 women transitioning out of Miryam's House will receive services through this aftercare/alumni program.
	Location Description	Miryam's House is located on Spokane's lower south hill. Due to the sensitive nature of clients served at Miryam's House, an exact address will only be provided upon request.
	Planned Activities	Aftercare services are client-driven and utilize: peer support groups and activities; one-on-one case management; housing mediations; resource referrals; vocational services; scholarship funds; clothing and food.

8	Project Name	2017 Public Service - ECCC Operations
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$60,000
	Description	Comprehensive community center based activities for residents of the East Central Neighborhood and surrounding areas. Youth and senior services, food bank, adult disability classes, food services, etc.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Each year the East Central Community Center serves approximately 12,000 individuals through their variety of service based programs. Beneficiaries are primarily low income based on the location of the center and services offered to residents.
	Location Description	The East Central Community Center is located in the center of the East Central Neighborhood at 500 S. Stone St., Spokane, WA 99202.
9	Planned Activities	Comprehensive community center based activities for residents of the East Central Neighborhood and surrounding areas. Youth and senior services, food bank, adult disability classes, food services, etc.
	Project Name	2017 Public Service - NECC Operations
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$80,000
	Description	General operational support for the Northeast Community Center.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Northeast Community Center serves approximately 12,000 unduplicated individuals and families in Spokane's Northeast quadrant of the City. Services include a medical center (family medicine and dental clinic), pharmacy, Head Start, WIC, Senior Center and host to multiple community events.
	Location Description	Northeast Spokane: 4001 N. Cook St., Spokane, WA 99207
	Planned Activities	General operational center support for multiple community based programs.

10	Project Name	2017 Public Service - Southwest Community Center Operations
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$20,000
	Description	General operational support for staff and maintenance at the Southwest Community Center.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Southwest Community Center primarily serves youth and their families through their preschool, before school, after school, day program for special needs adults and community food bank. Approximately 850 low and moderate income households benefit from services offered at the Southwest Community Center annually.
	Location Description	Services provided in Spokane's Browne's Addition neighborhood: 314 S. Spruce St., Spokane, WA 99201
	Planned Activities	General operational support for the Southwest Community Center programs offered to the public.
11	Project Name	2017 Public Service - West Central Operations
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$90,000
	Description	Operational support for the West Central Community Center.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The West Central Community Center provides services to individuals and families including services through their WIC, Head Start, Community Health, Community Meetings and Youth Development programs. Approximately 4,200 unduplicated individuals receive services from the Community Center each year.
	Location Description	The West Central Community Center is located in Spokane's West Central Neighborhood at 1603 N. Belt St., Spokane, WA 00205
	Planned Activities	General operational support for staffing and maintenance of the West Central Community Center.

12	Project Name	2017 Capital Improvement - Corbin Senior Center Safety Improvements
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$55,000
	Description	Public safety improvements to the Corbin Senior Center.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Corbin Senior Center serves low income senior residing in the Emerson Garfield and surrounding neighborhoods. The center anticipates serving approximately 200 unduplicated seniors during the program year.
	Location Description	827 W. Cleveland Ave., Spokane, WA 99205
	Planned Activities	<ul style="list-style-type: none"> • Removal and installation of new entry door on the building's west side. • Remove and replace damaged carpet throughout the center • Install closed captioned television monitors • Installation of after hours keypad for renters of building space (south entry)
13	Project Name	2017 Capital Improvement - MLK Center Demolition and Rebuild
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$107,300
	Description	Demolition of existing facility and reconstruction of new family outreach center with increased capacity and program delivery.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The MLK Family Outreach Center provides services to families throughout Spokane. Due to current facility limitations, the center is not able to meet the current demand for child care and family services. Each year the center serves approximately ??? unduplicated individuals.
	Location Description	845 S. Sherman St., Spokane, WA 99202

	Planned Activities	Demolition of existing facility
14	Project Name	2017 Capital Improvement - Sinto Senior Activity Center Renovation
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$104,600
	Description	Capital improvements at the Sinto Senior Activity Center.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Corbin Senior Activity Center serves low income seniors located in the west central portion of Spokane. Activities provided by the center allow seniors to remain engaged in the community through healthy mental, physical and social engagement. The Center serves approximately 900 unduplicated seniors each year.
	Location Description	1124 W. Sinto Ave., Spokane, WA 99201
	Planned Activities	<ul style="list-style-type: none"> • Completion of garage to prevent vandalism and theft of passenger van • Lighting and surveillance system • ADA accessibility improvements to the buildings exterior • Renovation of existing auditorium
15	Project Name	2017 Capital Improvement - Collins Apartments
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$56,850
	Description	Capital improvements to common areas, apartments, office space and exterior.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Collins Apartment building serves homeless individuals experiencing significant barriers to stable housing. The Collins was one of Spokane's first, housing first program for chronic homeless individuals. There are 38 total units in the complex and one office space for case management.

	Location Description	The Collins Apartment complex is located in Spokane's downtown: 214 S Wall St., Spokane, WA 99201
	Planned Activities	<ul style="list-style-type: none"> • Replacement of common area flooring • Replacement of common area windows • Electrical improvements for increased capacity • Purchase and installation of automated bathroom faucets • Purchase and installation of exterior awning
16	Project Name	2017 Capital Improvement - Hemlock Street
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$205,350
	Description	Engineer and pave N. Hemlock street between W. Fairview Ave and W. Dalton Ave
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Hemlock street improvmeent project is part of a larger permanent housing project that Transitions is working on with additional funding sources. The permanent housing will benefit homeless individuals and families by providing additonal affordable housing capacity in the City of Spokane. The street improvement is a requirement as part of the overall site improvements. The cottage housing will add an additional 24 units of affordable housing.
	Location Description	N. Hemlock street between W. Fairview Ave and W. Dalton Ave.: 3128 N. Hemlock St., Spokane, WA 99205
	Planned Activities	Engineer and pave N. Hemlock street between W. Fairview Ave and W. Dalton Ave
17	Project Name	2017 Capital Improvement - Women's Hearth Roof
	Target Area	
	Goals Supported	Prevent and reduce homelessness
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$92,000
	Description	Remove and replace existing roof covering at the Women's Hearth

	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Women's Hearth serves very low-income homeless women in Spokane's downtown. Replacing the existing leaky roof will allow the Women's Hearth to continue providing basic support services to their clients in a safe environment. The Hearth serves approximately 800 homeless and formerly homeless women each year.
	Location Description	The Women's Hearth is located in Spokane's downtown: 920 W. 2nd Ave., Spokane, WA 99201
	Planned Activities	Remove and replace damaged roof covering.
18	Project Name	2017 Capital Improvement - West Central Newton Room Rehab
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$36,251
	Description	Rehab and technology improvements for the Newton Room at West Central Community Center.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The West Central Community Center's Newton Room hosts a number of community based meetings/programs in Spokane's west central neighborhood. Activities benefit individuals and families.
	Location Description	The West Central Community Center is located in Spokane's west central neighborhood: <ul style="list-style-type: none"> 1603 N. Belt St., Spokane, WA 99205
	Planned Activities	Rehab and technology improvements for the Newton Room at West Central Community Center.
19	Project Name	2017 Capital Improvement - Nutrition Essentials Demonstration Kitchen
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$133,155

	Description	Utilize existing facility space to build a new demonstration kitchen to teach clients how to cook healthy meals from scratch.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	During the program year, WCFR will serve approximately 1,168 unduplicated women and children through their programs.
	Location Description	Women and Children Free Restaurant is located in north central Spokane: 1408 N. Washington St., Spokane, WA 99201
	Planned Activities	<ul style="list-style-type: none"> • Insulation of exterior building wall • Drywall installation • Framing for wall • Flooring • Installation of kitchen equipment • Plumbing • electrical improvements
20	Project Name	2017 Capital Improvement - House of Charity Respite Room
	Target Area	
	Goals Supported	Prevent and reduce homelessness
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$33,000
	Description	Increase the number of current respite beds from 20 to 25 at the House of Charity.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Beneficiaries will be homeless men with special medical needs staying at the House of Charity. This project will expand current capacity from 20 beds to 25.
	Location Description	The House of Charity is located in downtown Spokane: 32 W. Pacific Ave., Spokane, WA 99201

	Planned Activities	The requested funding for this program will include designing a more efficient layout for the Respite Program; disposing of 20 old respite beds, installing 25 new respite beds that are built-in, sturdier, bedbug-resistant, comfortable, and functional; installing additional outlets for medical devices such as oxygen tanks, electric wheelchairs, and other electronic devices; and installing a hand-washing sink. The aspect of the project taking place at HOC, including tracking, reporting, and management of necessary project changes, will be overseen by Sam Dompier, Director of HOC.
21	Project Name	2017 Capital Improvement - Lutheran Community Services Building Security Improvements
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$21,300
	Description	Installation of security improvements for client and worker safety.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Lutheran Community Services works with all clients. One of their primary clients include individuals fleeing from or experiencing domestic violence. Annually, this location will serve approximately 2,500 unduplicated individuals.
	Location Description	Lutheran Community Services Northwest is located east of downtown Spokane at 210 W. Sprague Ave., Spokane, WA 99208
22	Planned Activities	Installation of keyless door locks and security monitoring system.
	Project Name	2017 Capital Improvement - Alexandria Apartment Improvements
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$10,000
	Description	Capital improvements to exterior entrances to accommodate ADA accessibility needs.
	Target Date	12/31/2018

	Estimate the number and type of families that will benefit from the proposed activities	Alexandria Apartments are low-income units owned by SNAP. Each year the complex serves approximately 22 unduplicated individuals.
	Location Description	Alexandria apartments are located on Spokane's lower south hill at 623 S. Howard St., Spokane, WA 99204
	Planned Activities	Remove and replace existing ADA ramp and wooden stairs for improved access to building.
23	Project Name	2017 Capital Improvement - West Central 24/7 Library Kiosk
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$82,000
	Description	Purchase and installation of library vending kiosk to be located at the West Central Community Center.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The public library kiosk will be located outside the West Central Community Center. Residents will be able to access the library at all hours of the day. Approximately, 63,000 individuals within the service area will have increased access to literature in their neighborhood.
	Location Description	The public library kiosk will be located outside the West Central Community Center: 1603 N. Belt St., Spokane, WA 99205
24	Planned Activities	Purchase and installation of library kiosk.
	Project Name	2017 Capital Improvement - West Central Community Center ADA Ramp
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	CDBG: \$47,960
	Description	Stairs entering the buildings west side (gym) will be removed and replaced with an ADA accessible ramp for improved access into the community center.
	Target Date	12/31/2018

	Estimate the number and type of families that will benefit from the proposed activities	The West Central Community Center provides a supportive services day program for adults with disabilities. The center provides services to a large geographic area in west central and northwest Spokane. Approximately 4,183 disabled individuals access this program each year.
	Location Description	The West Central Community Center is located at 1603 N. Belt St., Spokane, WA 99205 in the West Central Neighborhood.
	Planned Activities	Stairs entering the buildings west side (gym) will be removed and replaced with an ADA accessible ramp for improved access into the community center.
25	Project Name	2017 Housing - Single Family Rehab Program
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$1,127,942
	Description	Loans to single family homeowners to make necessary home rehabilitation improvements.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Low and moderate income homeowners will have access to the home rehab program. The subrecipient of this program anticipates providing rehabilitation assistance to 30 homeowners over the course of their contract with the City of Spokane.
	Location Description	The single family rehab program is not focused on any one particular area of the City of Spokane. Eligible program participants may come from any portion of the City.
	Planned Activities	Major home repairs for low and moderate income homeowners.
26	Project Name	2017 Housing - Essential Home Repair
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	CDBG: \$417,160

	Description	Repair single-family homes of low- and moderate-income persons that have health and safety hazards or disability accessibility issues that make the home uninhabitable. This includes, but is not limited to, plumbing, heating, electrical, roof, and sewer repairs and accessibility modifications.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Essential Home Repair Program will provide assistance to approximately 250 low and moderate income homeowners for essential home repairs including: plumbing, electrical, heating and cooling systems and other necessary repairs to maintain safe housing for the homeowner.
	Location Description	The Essential Home Repair Program is not location specific. Any eligible homeowner may apply for assistance through this program regardless of their location within the City of Spokane. For more information about this program please contact the Community, Housing and Human Services Department at the City of Spokane 625-6325.
	Planned Activities	Repair single-family homes of low- and moderate-income persons that have health and safety hazards or disability accessibility issues that make the home uninhabitable. This includes, but is not limited to, plumbing, heating, electrical, roof, and sewer repairs and accessibility modifications.
27	Project Name	2017 Administration - CDBG Program
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$840,000
	Description	General CDBG Program administration
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	General program administration to support CDBG funded projects and requirements associated with the Consolidated Planning process (Fair Housing Assessment, Action Plan, CAPER, etc.).
	Location Description	<u>Spokane City Hall</u> 808 W. Spokane Falls Blvd., Spokane, WA 99201 Community, Housing and Human Services Department (6th floor)

	Planned Activities	General program administration to support CDBG funded projects and requirements associated with the Consolidated Planning process (Fair Housing Assessment, Action Plan, CAPER, etc.).
28	Project Name	2017 Administration - HOME Program
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	HOME: \$104,000
	Description	General program administration activities related to the HOME Program.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Administration of the HOME program will support affordable housing development projects in the City of Spokane.
	Location Description	<u>Spokane City Hall</u> 808 W. Spokane Falls Blvd., Spokane, WA 99201 Community, Housing and Human Services Department (6th floor)
	Planned Activities	General program administration activities related to the HOME Program.
29	Project Name	2017 Multi-Family Projects - HOME
	Target Area	
	Goals Supported	Expand safe affordable housing choices
	Needs Addressed	Safe affordable housing choice
	Funding	HOME: \$937,721
	Description	Administration of the HOME program will support affordable housing development projects in the City of Spokane.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	HOME multi-family funding will support the development and redevelopment of 44 affordable housing units within the City of Spokane. All units will be reserved for low income households.

	Location Description	<ul style="list-style-type: none"> • 611 S. Scott St., Spokane, WA 99202 • 1808 E. 1st Ave., Spokane, WA 99202 • 1 S. Madelia St., Spokane, WA 99202 • 3128 N. Hemlock St., Spokane, WA 99205 • 926 E 8th Ave., Spokane, WA 99202 • 1203 W. 5th Ave., Spokane, WA 99204 • 2418 E. 4th Ave., Spokane, WA 99202
	Planned Activities	Multi-family housing development activities for the benefit of low and moderate income households
30	Project Name	2017 ESG Program Delivery
	Target Area	
	Goals Supported	Prevent and reduce homelessness
	Needs Addressed	Basic and special needs and reduce homelessness
	Funding	ESG: \$268,989
	Description	Homeless program support for rapid re-housing and prevention activities
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Funded activities will assist approximately 1,100 homeless individuals and families with homeless prevention, emergency shelter and rapid re-housing.
	Location Description	Various homeless shelters and service providers throughout the City of Spokane
	Planned Activities	Homeless program support for rapid re-housing and prevention activities
31	Project Name	2017 Neighborhood - Sidewalk Program
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$57,300
	Description	Removal and installation of new sidewalks and ADA ramps
	Target Date	6/30/2018

	Estimate the number and type of families that will benefit from the proposed activities	The neighborhood sidewalk program will address hazardous sidewalk locations and accessibility issues adjacent to homeowners in four (4) separate neighborhoods.
	Location Description	Various locations in the following neighborhoods: <ul style="list-style-type: none"> • Chief Garry Park • Cliff-Cannon • East Central • West Central
	Planned Activities	Remove broken/damaged concrete and replace with new concrete to address hazardous pedestrian conditions.
32	Project Name	2017 Neighborhood Parks - Hays Park
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$28,000
	Description	Complete installation of asphalt pathways within Hays Park
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Hays Park is located in northeast Spokane. Improvements to the park will make it easier for neighborhood residents to enjoy the park.
	Location Description	Hays Park is located in the Bemiss neighborhood in northeast Spokane: <ul style="list-style-type: none"> • 1812 E. Providence Ave., Spokane WA 99207
	Planned Activities	Complete installation of asphalt pathways within Hays Park
33	Project Name	2017 Neighborhood Parks - Coeur D'Alene Park
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$2,700

	Description	Accessibility improvements to Coeur D'Alene Park located in Spokane's Browne's Addition.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Coeur D'Alene Park is located in Spokane's Browne's Addition neighborhood. Improvements to the park will make it easier for neighborhood residents to enjoy the park.
	Location Description	Coeur D'Alene Park is located in Spokane's Browne's Addition neighborhood: <ul style="list-style-type: none"> • 2195 W. 2nd Ave., Spokane, WA 99201
	Planned Activities	Accessibility improvements to Coeur D'Alene Park located in Spokane's Browne's Addition.
34	Project Name	2017 Neighborhood Parks - Glass Park
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$15,000
	Description	General lighting improvements at Glass Park and landscape improvement to the existing ball field
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Glass Park is located in northeast Spokane. Improvements to the park will make it easier and safer for neighborhood residents to enjoy the park.
	Location Description	Glass Park is located at the northeast corner of E. Heroy Ave and N. Standard St. in the Nevada Heights Neighborhood
35	Planned Activities	General lighting improvements at Glass Park and landscape improvement to the existing ball field
	Project Name	2017 Neighborhood Parks - Mission Park
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities

	Funding	CDBG: \$33,800
	Description	Accessibility improvements at Mission Park to accommodate individuals with disabilities.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Mission Park is located in Spokane's Logan neighborhood. Improvements to the park will make it easier and safer for neighborhood residents to enjoy the park.
	Location Description	Mission Park is located in the Logan neighborhood south of Mission Ave and east of the Spokane River.
	Planned Activities	Accessibility improvements at Mission Park to accommodate individuals with disabilities.
36	Project Name	2017 Neighborhood Parks - Rochester Park
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$58,100
	Description	General landscape and facility improvements to address public safety and accessibility concerns.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Rochester Heights Park is located in Spokane's Whitman neighborhood. Improvements to the park will make it easier and safer for neighborhood residents to enjoy the park.
	Location Description	Rochester Heights Park is located in the Whitman neighborhood in northeast Spokane: <ul style="list-style-type: none"> • 5351 N. Napa St., Spokane, WA 99207
	Planned Activities	General landscape and facility improvements to address public safety and accessibility concerns.
37	Project Name	2017 Neighborhood Capital - North Monroe Gateway
	Target Area	
	Goals Supported	Support vibrant neighborhoods

	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$50,300
	Description	General landscape, stormwater and signage improvements on vacant property northwest of N. Monroe St. and W. Cora Ave.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Landscape improvements will benefit the residents of North Hill and Emerson Garfield neighborhoods by providing improved public infrastructure and recreation opportunities.
	Location Description	Vacant property northwest of N. Monroe St. and W. Cora Ave.
	Planned Activities	General landscape, stormwater and signage improvements on vacant property northwest of N. Monroe St. and W. Cora Ave.
38	Project Name	2017 Neighborhood Capital - Northeast Youth Center
	Target Area	
	Goals Supported	Provide opportunities to improve quality of life
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$34,700
	Description	Safety and energy improvements to the existing entry vestibule.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	Northeast Youth Center provides affordable child care alternatives for low and moderate income families (100) in northeast Spokane.
	Location Description	The Northeast Youth Center is located in Spokane's Hillyard neighborhood: <ul style="list-style-type: none"> • 3004 E. Queen Ave., Spokane, WA 99217
	Planned Activities	Safety and energy improvements to the existing entry vestibule.
39	Project Name	2017 Neighborhood Capital - East Central Community Center
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities

	Funding	CDBG: \$20,000
	Description	Removal and disposal of deteriorated flooring in the multi-purpose room and community center lobby.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The East Central Community Center provides community based programing for youth, seniors, adults with disabilities and other services to residents in east central Spokane.
	Location Description	The East Central Community Center is located in Spokane's east central neighborhood: <ul style="list-style-type: none"> • 500 S. Stone St., Spokane, WA 99202
	Planned Activities	Removal and disposal of deteriorated flooring in the multi-purpose room and community center lobby.
40	Project Name	2017 Neighborhood Capital - Northeast Community Center
	Target Area	
	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$18,300
	Description	Installation of new commercial grade dishwasher in the Hillyard Senior Center.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Hillyard Senior Center provides activities to seniors residing in northeast Spokane. Each year the center serves approximately 500 seniors through programs offered at the center.
	Location Description	The Hillyard Senior Center is located in the Northeast Community Center. <ul style="list-style-type: none"> • 4001 N. Cook St., Spokane, WA 99207
	Planned Activities	Installation of new commercial grade dishwasher in the Hillyard Senior Center.
41	Project Name	2017 Neighborhood Capital - TLC Gardens
	Target Area	

	Goals Supported	Support vibrant neighborhoods
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$10,200
	Description	The project entails relocating the existing community garden, located on Transitions' property at Fairview and Hemlock to the Southeast corner of the property in light of the development of 24 affordable cottage units on the property.
	Target Date	12/31/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Transitional Living Center (TLC) gardening program provides fresh produce for residents of TLC and other programs offered by Transitions.
	Location Description	The TLC raised garden beds are located in the Audubon/Downriver neighborhood in northwest Spokane: <ul style="list-style-type: none"> • 3128 N. Hemlock St., Spokane WA 99205
	Planned Activities	The project entails relocating the existing community garden, located on Transitions' property at Fairview and Hemlock to the Southeast corner of the property in light of the development of 24 affordable cottage units on the property.
42	Project Name	2017 Public Service - AGC Headstart Construction Trades Program
	Target Area	
	Goals Supported	Expand economic opportunities
	Needs Addressed	Community development and economic opportunities
	Funding	CDBG: \$30,000
	Description	Transportation to employment program for low and moderate income individuals.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Skilled trades employment program for low income, un/under-skilled individuals with an interest in working in a specific trade, leading to full apprenticeship program or direct employment with a contractor. 20 persons employed during program year through this program.

	Location Description	Locations vary, for more information about this program, please contact George Dahl at gdahl@spokanecity.org.
	Planned Activities	Skilled trade classes to refine and develop skills that will allow clients to gain employment through local apprenticeship programs.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Spokane has identified six (6) geographic areas within the City of Spokane to promote and facilitate expanded economic development. Each Target Investment Area (TIA) is located in a predominantly low/moderate income geographic area of Spokane. The goal of investing capital and public services in these areas is to generate opportunities for affordable housing, job creation/growth and infrastructure improvements that benefit low and moderate households.

The six (6) identified Target Investment Areas include:

- The Yard – Northeast Spokane
- West Plains – Spokane International Airport
- Downtown Spokane – Downtown Business District
- North Bank – Kendal Yards
- University District – Riverpoint and Gonzaga Campus area
- East Sprague

For more information about the City of Spokane Target Investment Areas, please visit the following website... <https://my.spokanecity.org/business/incentives/>

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Spokane has adopted an Economic Development Strategy to implement the City's Comprehensive Plan and growth strategies to encourage private investments in targeted areas where public investments are and will be made in the near future.

The Targeted Area Development strategy brings alignment with capital infrastructure plans, community development, neighborhood planning and incentives policies, brownfield redevelopment and it clarifies the City's role in economic development.

It is recognized that a fundamental objective of the City's economic development policy is to align public investments in neighborhood planning, community development and infrastructure development with private sector investments, resulting in increased opportunities for business growth and to provide its

citizens with safe, affordable and quality residential living environments. The new and expanded business activity within the City of Spokane will spur additional economic growth, provide living wage jobs, improve neighborhoods, increase property values, increase tax collections, raise wages and median income and enhance the standard of living of all citizens in the City.

Discussion

The Target Investment Areas are given priority where applicable and in compliance with CDBG National Objectives. Investment in these geographic areas will be primarily related to economic development opportunities that promote new jobs and/or income growth for low and moderate income individuals.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Spokane's strategy to address safe, affordable housing choices is based on the goal of preserving and expanding quality, safe, affordable housing choices. The following populations will be targeted to achieve this goal:

- Income: extremely low, very low, low, and moderate
- Family types: large families, families with children, and the elderly
- Homeless: chronic homelessness, individuals, families with children, mentally ill, veterans, victims of domestic violence and unaccompanied youth
- Non-homeless special needs: persons with mental disabilities, persons with physical disabilities, persons with developmental disabilities and victims of domestic violence

One Year Goals for the Number of Households to be Supported	
Homeless	20
Non-Homeless	304
Special-Needs	13
Total	337

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	20
The Production of New Units	16
Rehab of Existing Units	29
Acquisition of Existing Units	10
Total	75

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

HOME Multifamily funds are committed to new construction and rehabilitation of rental housing supporting 13 special needs and 14 non-homeless households. CDBG rehabilitation revolving loan funds are expected to support 280 non-homeless households with home essential repairs and rehabilitation. CDBG rehabilitation revolving loan funds are also expected to support 10 acquisition and/or rehabilitation projects to support non-homeless homebuyers.

AP-60 Public Housing – 91.220(h)

Introduction

Spokane Housing Authority (SHA) began in 1972 as the Housing Authority of the City of Spokane is now a multi-jurisdictional agency serving many cities and five counties in Eastern Washington. The partnership between SHA and the City of Spokane continues to provide affordable housing for thousands of households. SHA is governed by a six-member Board of Commissioners to include a resident commissioner appointed by the Mayor of the city of Spokane, the City Council of the City of Spokane Valley, and the Spokane County Commissioners. Each member serves a five-year term of office, with terms rotating in such a manner that one appointment is made each year. The Board has full authority in the establishment of SHA policies, long-term direction, and oversight of programs that accomplish the Agency's mission.

Actions planned during the next year to address the needs to public housing

Spokane Housing Authority has always had an extremely small public housing program. Initially, just 125 total public housing units were in SHA's inventory. In 2015, SHA was given permission to move forward with a Rental Assistance Demonstration (RAD) Program portfolio project to divest its public housing inventory. Phase I was the conversion of the Parsons, a 50-unit elderly/disabled property. Utilizing 4% Low-Income Housing Tax Credits and Tax Exempt Bonds, the Parsons was transferred to a Limited Liability Partnership ownership structure in 2015, awarded project-based housing choice vouchers, and in 2016 completed \$1.8 million of rehabilitation. Also in 2016, one single family home (part of SHA's scattered site public housing inventory), was sold to the Washington State Department of Transportation through eminent domain to facilitate the north/south freeway extension.

Phase II of SHA's RAD participation is the disposition (sale) of the remaining 74 scattered site units. Proceeds received from the sale of all scattered site units will be used as gap financing in the acquisition and rehabilitation or new construction of additional affordable housing units using tax credit and/or bond financing structures. It is anticipated that this could create as many as 300 affordable housing units over a period years. The 74 Project-Based Section 8 Housing Choice Vouchers received as a part of this transaction will be attached to units to be determined at a later date.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

To encourage the residents to become more involved with management, the PHA Annual Plan is available for review at the Public Housing leasing office during its public review time period. SHA recently updated its Administrative Plan to provide an avenue for the 74-scattered site public housing residents to participate in the Housing Choice Voucher Homeownership program if they meet the qualifications. All 74 will get first right of refusal to purchase either the home in which they reside or another available from the inventory.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not Applicable

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Spokane's Regional Continuum of Care in its revised Strategic Plan to End Homelessness will focus on action steps aimed at obtaining the following Objectives: increase Leadership, collaboration and civic engagement; increase access to stable and affordable housing; support effective pathways toward self-sufficiency and reduced financial vulnerability; transform homeless services to crisis response systems leading to improved health and safety; and advance health and housing stability for youth experiencing homelessness, including unaccompanied homeless youth and youth aging out of systems such as foster care.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

In an effort to reach out to the unsheltered population, the community has implemented a number of street outreach initiatives. The City of Spokane's CHHS Department and Code Enforcement Department work in conjunction with the Homeless Street Outreach Team, a collaboration between City agencies, homeless housing providers, coordinated assessment, and mental health providers to identify and outreach to individuals occupying homeless encampments. This interagency collaboration includes both a City-funded street outreach team and a PATH-fund outreach team for homeless individuals with mental illness and provides a pipeline for housing and support services to the chronically homeless unsheltered population in our community. Additionally, the CoC funds a local initiative which provides outreach activities at hospitals to identify homeless individuals who are high utilizers of emergency rooms and connect them with housing and health care. These efforts are part of the goal to transform homeless services into a crisis response system.

Addressing the emergency shelter and transitional housing needs of homeless persons

The CoC identifies the need to provide emergency response to families and individuals who are homeless and recognizes the continued need for shelter beds that are available when a person is unsheltered. Although the CoC is moving towards providing permanent housing options rather than temporary options, there are some special populations, such as youth, domestic violence victims, clients exiting institutions, and families with children involved with the child welfare system, who continue to benefit from a supportive transitional housing program.

The City of Spokane made a large investment in the past year to expand the capacity of the emergency shelter system in our community to a 24/7 model whereby households of any type or composition have a safe space to stay during and to sleep at night. Currently the 24/7 shelter system includes programs to

serve the specific needs of homeless adult men, adult women, unaccompanied youth, and households with children, however youth who are in transition (18-24) do not have a dedicated shelter program. The CoC will be exploring opportunities to fill this gap in service.

The efforts connect directly to the goals of transforming homeless services to a crisis response system and the system goal of reducing the length of time an individual or family is homeless.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

ESG is funding rapid re-housing and emergency shelter operations. An intentional shift to focus on permanent housing exits when an individual or household enters the homeless system has been transforming the City's homeless system over the past few years. Over 90% of families presenting as homeless at coordinated assessment only need a short term intervention to end their homelessness. As a result, much of the CoC efforts to serve homeless families are focused on rapid re-housing. Families who present as chronically homeless with very high barriers are placed directly into available PSH units or available bridge housing. These efforts shorten the time families are homeless and increase stability.

The infusion of the Supportive Services for Veteran Families program into the community has provided an essential resource for Veterans and their families who are homeless or at risk. This program provides intensive outreach, housing search and placement and continued case management for this population. For Veterans who need more intensive housing services The Spokane Housing Authority, (SHA), has a successful partnership with the Veterans Administration to provide VASH vouchers to homeless veterans. All referrals are made through the VA, who also provides complete wrap-around supportive services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The Community, Housing and Human Services Department is working with the following housing and health care partners on the implementation of an integrated care program: Empire Health Foundation, Providence Health Care, Community Health Association of Spokane, and Volunteers of America. The

program strives to ensure eligible homeless clients are not discharged from in-patient hospital care or emergency room visit into homelessness. The Roads to Community Living Program coordinates with group homes, assisted living program and private landlords to ensure that long term Medicare eligible clients discharging from hospitals, nursing homes and mental health facilities are not being discharged into homelessness.

The Eastern Washington Regional Support Network (RSN) is responsible for all community-based mental health services for inpatient and outpatient care services. Eastern State Hospital works in conjunction with Frontier Behavioral Health Outreach Team, Spokane County Supportive Living Program and Behavioral Health Options. These programs work with the clients and the outpatient mental health provider to create a plan for housing and continued services.

The CoC has ensured that its members have written procedures to address discharge planning of youth exiting foster care. The Division of Children and Family Services procedures provide for Independent Living Services and require an Independent Living Plan to assist the youth toward a successful transition to adulthood. Local DCFS Social Workers and other community stakeholders work with youth as they near 18 to establish an ILP to guide the services and housing assistance until they are 21.

Spokane County has taken the lead in housing individuals as they exit from correctional institutions. Through their partnership with SNAP, they provide permanent housing through a short term rental assistance program to persons exiting correctional institutions. Airway Heights Corrections facility and the local jail works with Pioneer Human Services who operates a 55 bed work release facility for women and a 80 bed work release facility for men. A formalized discharge plan, in which housing is a requirement, is created for each client as they discharge from these facilities. In addition Spokane County funds and operates the Re-Entry Initiative (REI) Program, community re-entry program dedicated to transitioning people who were homeless and in institutional settings into productive citizens, working and living in homes with limited to no subsidy.

Discussion

AP-70 HOPWA Goals– 91.220 (I)(3)

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City is working to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

- Continue to develop Development Services Center (DSC) policies and public information resources through coordinated departmental action. The Permit Center allows the consolidation of all permit functions in one location to better coordinate the permit activities of Planning, Building, Fire and Engineering. These efforts expedite permitting processing and reduce permitting times providing cost savings for affordable housing development.
- Continue to encourage developers to use a pre-application process (aka “Predevelopment Conference” to provide project applicants and their architects with an opportunity to discuss and understand the various codes and regulations that apply. The ability to review projects early expedites project design, thereby shortening the permitting process and potentially offering cost savings alternatives.
- Continue with the work that began in 2013 to review and update the City's Comprehensive Plan, including the Land Use and Housing Chapters. This may include reviewing population growth forecasts, land supply information and affordable housing needs, resources, goals and policies. In 2016, CHHS staff was involved in the initial work of committees on in-fill housing and housing quality and will continue to track and comment as the committees’ recommendations are reviewed and implemented.
- Continue to improve the City's zoning rules and development standards through the code maintenance process. This may assist in reducing barriers to affordable housing.
- Continue to implement the Centers and Corridors land use strategy as proposed in the Comprehensive Plan. The Comprehensive Plan proposes establishing a number of centers and corridors throughout the community as part of an overall strategy to accommodate growth through infill development. Ultimately, these centers and corridors will accommodate mixed uses with residential development at higher densities, including affordable housing developments.
- The Planning Department and CHHS are working with Impact Capital, a CDFI, to identify areas for assisting developers and property owners. These could relate to City processes and requirements, identifying funding sources and economic development incentives, or other areas. This will include surveys and workshops in 2017.

Discussion:

The City will continue to fund fair housing educational, and other, activities that support fair housing in a positive, solution-oriented manner. Potential activities include sponsoring a regional Fair Housing Conference, assisting the Spokane Association of Realtors (and the real estate industry in general, including the mortgage lending industry) with training related to fair housing. If the City becomes aware of clear violations of the Fair Housing Act, it will work with its community partners to identify potential resolutions.

AP-85 Other Actions – 91.220(k)

Introduction:

The following actions are intended to align with the needs and goals identified in the 2015 – 2020 Consolidated Plan. The Community, Housing and Human Services Department will remain adaptive and ready to serve as needs arise and the response system must be tailored to meet community needs. One such example is the 24/7 Emergency Shelter Homeless Response Program. This program was developed in response to a rising number of homeless individuals without shelter during the day. City leaders and community stakeholders came together in 2016 to develop a strategy that would address community needs.

Actions planned to address obstacles to meeting underserved needs

The City of Spokane is working with local partner agencies and neighborhood councils to strategically target projects that will preserve and expand quality, safe and affordable housing choices; prevent and end homelessness; provide opportunities to improve quality of life; support vibrant neighborhoods and expand economic opportunities.

Actions planned to foster and maintain affordable housing

Given the high demand for affordable housing, the City recognizes the importance of fostering affordable housing development and maintaining existing affordable housing stock. The City also provides Tenant Based Rental Assistance to extremely low-income/homeless families to create affordable housing options at market rate rental housing located across the City. The City fosters relationships with both for-profit and nonprofit (including CHDO) housing developers when soliciting HOME Multifamily Housing Program funding proposals. The City offers developers the opportunity to leverage limited City HOME funding with Low-Income Housing Tax Credits, housing bonds, Washington State Housing Trust Fund dollars, and Federal Home Loan Bank grants. Typically, City HOME funds account for only a fraction of the total cost but deliver large projects providing a large number of long-term affordable rental housing units.

The City maintains its HOME investment in affordable housing by monitoring rental housing occupancy and physical condition over HUD's minimum compliance periods required by 24 CFR 92.254. The City imposes an additional 10-year local compliance period to retain these rental units as affordable housing available to low-income households. The City also grants and loans CDBG funds to repair low-income owner-occupied homes enabling existing homeowners to enjoy a safe and healthy home that they can afford to operate and maintain. The City plans to address foreclosed, abandoned and derelict properties by acquisition and/or renovation to create affordable homeownership opportunities.

Actions planned to reduce lead-based paint hazards

Spokane's Single Family Rehabilitation and Multifamily Housing programs are active in identifying and repairing lead-based paint hazards in eligible owner and renter housing. HUD Title X and EPA Renovator (RRP) requirements are integrated into CDBG and HOME funded programs that rehabilitate housing units constructed prior to 1978. Typical lead hazard control begins with an XRF lead inspection to guide the scope of work. Certified workers complete lead hazard control work in compliance with HUD's Title X and EPA RRP regulations. These projects typically include wet scraping, painting, eliminating friction/impact surfaces, mulching bare soil, and cleaning to Clearance. Each rehabilitated housing unit will achieve Clearance as part of project completion, as proscribed by HUD's Title X regulation.

Actions planned to reduce the number of poverty-level families

The City's anti-poverty strategies are implemented through the following established goals of the Consolidated Plan: preserving and expanding quality, safe, affordable housing choices; providing opportunities to improve the quality of life; and, expanding economic opportunities. The CDBG and HOME program are the principle funding sources targeted at reducing the number of poverty-level families but the ESG program also seeks to stabilize families and individuals so they are able to return to self-sufficiency, which Homeless Housing Assistance Act fund provide prevention assistance. Importantly, the resource management responsibilities of these programs provide staff of the Department of Community, Housing and Human Services an opportunity to facilitate coordination among a range of social and housing programs, operated by other City departments, governmental agencies and the nonprofit community, that together enhance the opportunities to reduce poverty for families.

CDBG program resources are targeted to meet the community development, infrastructure and economic opportunities needs in the community. The City allocates CDBG funding for several economic development activities providing opportunities for both low and moderate income family members to receive living wage employment and low and moderate income business owners to improve and expand their businesses, increasing their profitability and income. Public services activities also include programs for stabilizing families, while the housing rehabilitation program reduces and stabilizes low and moderate income homeowner's housing expenses. CDBG public services activities, such as the housing counseling program and the rental assistance case management program, assist low and moderate income families on the edge of poverty to help them to economic security.

HOME program resources are allocated to address the needs for safe, affordable housing. Program activities that are designed to reduce housing expenses and offer the opportunity to help move families out of poverty are tenant-based-rental assistance and the multifamily development program, which maintains and expands affordable housing. These rental support programs help provide economic stability to the households assisted and are key to the goal of reducing the number of families facing poverty.

Actions planned to develop institutional structure

The City of Spokane works closely with partner agencies and community stakeholders to develop social response programs based on community need. Examples include the Homeless Coordinated Assessment, 24/7 Homeless Shelter Response, Affordable Housing Committee, Economic Development, Continuum of Care Committee and Neighborhood CDBG Programs. Each program provides a response by the City to respond to the institutional needs of community partners and the individuals they serve.

Actions planned to enhance coordination between public and private housing and social service agencies

The City has established a number of cooperative partnerships and collaborations with public and supportive housing providers, private and government health, local government, mental health and social service agencies to address its priority needs and will continue to do so.

Examples include:

- Multi-family Housing: the City works closely with Spokane County, the WA State Department of Commerce, and the WA State Housing Finance Commission to coordinate the funding, development and monitoring of multi-family housing units funded through the HOME program.
- Tenant-Based Rental Assistance: the City partners with the local housing authority to manage the HOME tenant-based rental assistance program. The TBRA program has been prioritized for high needs households and individuals. Referrals to the TBRA program via the community Coordinated Assessment program. Support Services are provided for all TBRA households through CoC Program and local Homeless Housing Assistance Act funded programs.
- Fair Housing: the City partners with the local HUD office, Spokane County and the NW Fair Housing Alliance to fund, plan and host a regional Fair Housing Conference during the month of April (fair housing month).
- Strong Families Initiative: a City-led partnership between the City, the Spokane Housing Authority, Child Protective Services and non-profit housing and services providers to improve the lives and housing stability of families engaged with child welfare.
- The City is the convener and the Collaborative Applicant for the City/County Continuum of Care. The City coordinates a number of homelessness reduction system-wide strategies involving both public and private agencies such as Coordinated Assessment, Housing First and Rapid Re-housing through the Continuum of Care.

Discussion:

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

Spokane does not plan to directly use other forms of investment beyond those listed in 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

HOME regulation 92.254 describes qualifications of homeownership activities as affordable housing. City of Spokane has not budgeted HOME funds for homeownership activities. The City retains written agreements used in a previous homeownership program. These agreements include a recapture provision triggered if a borrower sells, transfers, refinances, or changes the use of the property during the HOME period of affordability. This loan provision limits recaptured funds to net proceeds available from the sale rather than the entire HOME investment. The City's Single Family Rehabilitation program uses this same loan recapture provision which limits recaptured funds to net proceeds of a sale. Consequently, the City is not required to repay HUD should any sale, short sale, foreclosure, involuntary sale, etc. of a program-assisted home provide insufficient funds to fully repay the amount of loaned HUD funding.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

HOME regulation 92.254(a)(4) describes the minimum HOME period of affordability based upon the amount of HOME homeownership assistance. The City of Spokane has not budgeted HOME funds for homeownership activities. The City previously established maximum HOME assistance for each homebuyer transaction and that HOME assistance required a 10-year period of affordability. Earlier homeownership assistance loan documents provided some debt forgiveness over the 10-year HOME affordability period. All City homeownership assistance written agreements included a recapture provision that triggered repayment if a borrower sells, transfers, refinances, or changes the use of the property during the HOME period of affordability. This recapture provision limits recaptured funds to any net proceeds available from the sale rather than the entire HOME investment.

Similarly, HOME-funded affordable rental housing projects include acquisition, new construction, and/or renovation trigger minimum periods of affordability per 24 CFR 92.252(e). New construction projects are always subject to the regulation's 20-year affordability period but acquisition and/or rehab projects commonly trigger a 5, 10, or 15-year HOME affordability period. AThe City-imposed chooses to independently extend the periods of affordability is ten years longer than the minimum HOME affordability period and initially runs concurrently with the HOME affordability period. .

These City-imposed affordability periods are described further in the HOME Multifamily Housing Program Description and agreements.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

HOME funds will not be used to refinance existing debt secured by housing that is being rehabilitated with HOME funds under 24 CFR 92.206(b). However, HOME funds may be used to pay off principal and interest of a construction loan, bridge financing loan, or guaranteed loan as provided under 24 CFR 92.206(g).

Emergency Solutions Grant (ESG) Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

The Emergency Solutions Grant funds, in conjunction with additional funding sources, are currently funding Coordinated Assessment Initiatives through rapid re-housing, and shelter activities. The following program standards have been developed with community feedback, based on the feedback from CoC programs administering these funded activities. The standards continue to take into account the smaller resources and even greater targeting needed for ESG. These standards are included in program specific guidelines for all ESG funded programs.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

In 2012, the CoC developed and funded a Coordinated Assessment Program for homeless and at-risk families. All CoC funded family homeless programs including emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing are required to participate with the Homeless Families Coordinated Assessment (HFCA) program and accept all housing placements through the system. Families can access the HFCA program via phone, walk in, or through targeted outreach by a partnering services provider. All families are screened and assessed with a tool that determines client eligibility, prioritizes clients by need for services, and identifies the appropriate housing intervention. The HFCA program also provides diversion services, such as case management, housing search assistance, or landlord advocacy, to families who may not qualify for financial assistance in order to prevent their homelessness.

In 2014 a system specific to single homeless individuals was implemented. The Singles Homeless Coordinated Assessment (SHCA) is a decentralized assessment system where individuals can be

assessed for housing at five different locations and through homeless outreach teams throughout Spokane County. SNAP serves as the lead agency, completing a majority of the assessments and overseeing training of SHCA assessors. Individuals are initially assessed using the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT) and prioritized for a specific housing intervention based on his or her VI-SPDAT score.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

Locally, the City of Spokane and Spokane County receive and administer ESG funds. As the CoC lead the City of Spokane works, through the Continuum of Care Governance Board and Community Housing and Human Services Board (CHHS), to determine priorities for homeless funding. Spokane County staff sits on both the Continuum of Care Governance Board and CHHS Board and is an integral part in determining how all homeless funds, including ESG funds, are allocated in the community. During the application process for homeless funding the RFP and Evaluation Committee of CoC reviews applications and makes funding recommendations to CoC Governance Board. A representative from both ESG jurisdictions participates in this process.

Applicants eligible to apply for ESG funds include:

- City or County governments
 - Public and private nonprofit organizations (501(c)(3))
 - Private for profit organizations or individuals may implement certain economic development, low income housing rehabilitation and microenterprise activities.
 - Faith based organizations
4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The City currently meets the homeless participation requirement detailed in 24 CFR 576.405(1) through formerly homeless individuals' membership on the Community, Housing and Human Services Board subcommittees, Continuum of Care Governance Board, and the CoC RFP and Evaluation Committee. These committees are responsible for recommending policies and making funding decisions.

5. Describe performance standards for evaluating ESG.

All programs funded through ESG are evaluated for performance quarterly. Data for these evaluations is pulled from the Homeless Management Information System. In addition, all ESG funded programs are required to ensure HMIS data quality by the 5th of each month.

Programs funded for rapid re-housing are measured by the percentage of households exiting to permanent housing, the number of households with increased income at exit, and the average length of time from identified eligibility to being housed.

Programs funded for emergency shelter operations are required to enter universal data into the HMIS system and record entry and exit dates. In addition, these programs are measured by the percentage of households who exit from the emergency shelter into permanent housing, the average length of time individuals are homeless in emergency shelter, the number of households exiting with increased income and connection to mainstream resources.

Housing Trust Fund (HTF)
Reference 24 CFR 91.220(I)(5)

1. Distribution of Funds

- a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2).
- b. Describe the jurisdiction's application requirements for eligible recipients to apply for HTF funds.
- c. Describe the selection criteria that the jurisdiction will use to select applications submitted by eligible recipients.
- d. Describe the jurisdiction's required priority for funding based on geographic distribution, which is a description of the geographic areas of the State (including areas of low-income and minority concentration) in which it will direct assistance during the ensuing program year.
- e. Describe the jurisdiction's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner.
- f. Describe the jurisdiction's required priority for funding based on the extent to which rents for units in

the rental project are affordable to extremely low-income families.

g. Describe the jurisdiction's required priority for funding based on the financial feasibility of the project beyond the required 30-year period.

h. Describe the jurisdiction's required priority for funding based on the merits of the application in meeting the priority housing needs of the jurisdiction (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations).

i. Describe the jurisdiction's required priority for funding based on the location of existing affordable housing.

j. Describe the jurisdiction's required priority for funding based on the extent to which the application makes use of non-federal funding sources.

2. Does the jurisdiction's application require the applicant to include a description of the eligible activities to be conducted with HTF funds?

3. Does the jurisdiction's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements?

4. **Performance Goals and Benchmarks.** The jurisdiction has met the requirement to provide for performance goals, consistent with the jurisdiction's goals established under 24 CFR 91.215(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.

5. **Rehabilitation Standards.** The jurisdiction must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The jurisdiction's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The jurisdiction must attach its rehabilitation standards below. If the jurisdiction will not use HTF funds for the rehabilitation of housing, enter "N/A".

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

6. Resale or Recapture Guidelines. Below, the jurisdiction must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter “N/A”.

7. HTF Affordable Homeownership Limits. If the jurisdiction intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter “N/A”.

8. Limited Beneficiaries or Preferences. Describe how the jurisdiction will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve unmet needs identified in its consolidated plan or annual action plan. If the jurisdiction will not limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter “N/A.”

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the jurisdiction must not limit or give preferences to students. The jurisdiction may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303 only if such limitation or preference is described in the action plan.

9. Refinancing of Existing Debt. Enter or attach the jurisdiction’s refinancing guidelines below. The guidelines describe the conditions under which the jurisdiction will refinance existing rental housing project debt. The jurisdiction’s refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the jurisdiction will not refinance existing debt, enter “N/A.”

Discussion:

The City has four monitoring tools to ensure compliance with statutory and regulatory requirements. These are (a) policies and procedures, (b) contract requirements, (c) desk-top monitoring, and (d) on-site monitoring. The City's Community, Housing and Human Services Board establishes policies that guide the application and allocation process for entitlement funded programs and activities.

All applications are evaluated to determine if they are (1) program eligible (2) consistent with local, state and federal regulations and (3) viable as submitted.

Projects funded through CDBG, HOME or ESG will be managed directly, through another City Department, by a developer selected by an HOME RFP process (i.e., Multifamily Housing Program rental housing procurement), or by a subrecipient under contract with the City. In addition to the scope of work, duration and projected accomplishments, each contract contains federal, state and local program requirements, deliverables and/or performance measurements.

When subrecipients request reimbursement, they are required to submit a voucher reimbursement request with backup documentation. Project managers and accounting staff review both. Reimbursement requests are reviewed for eligibility and appropriateness under contracted provisions. If an inappropriate or ineligible cost is incurred, or if performance falls below projections, the City will not reimburse the subrecipient and will work towards rectifying the deficiency.

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

08/21/2017

Date Rec'd

8/10/2017

Clerk's File #

RES 2017-0075

Renews #**Submitting Dept**

CITY COUNCIL

Contact Name/Phone

AMBER 625-6275

Contact E-Mail

AWALDREF@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Agenda Item Name

0320 REGULAR MEETING TIMES FOR CITY COUNCIL COMMITTEES AND STUDY

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

A resolution updating the regular meeting times for the City Council Committees and Study Session and approving amendments to the City Council standing committee administrative procedures.

Summary (Background)

This resolution approves the regular meeting times for the City Council Committees and Study Session and approves amendments to the City Council standing committee administrative procedures.

Fiscal Impact

Grant related? NO

Public Works? NO

Budget Account

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Approvals**Dept Head**

MCDANIEL, ADAM

Division Director**Finance**

DOVAL, MATTHEW

Legal

PICCOLO, MIKE

For the Mayor

DUNIVANT, TIMOTHY

Council Notifications**Study Session****Other****Distribution List**

Rick Romero

Tim Dunivan

Additional Approvals

Theresa Sanders

Purchasing

Gavin Cooley

Resolution No. 2017-0075

A resolution updating the regular meeting times for the City Council Committees and Study Session and approving amendments to the City Council standing committee administrative procedures.

WHEREAS, RCW 42.30.070 provides that the governing body of a public agency, such as the City Council, shall provide the time for holding regular meetings by ordinance or resolution; and

WHEREAS, the City Council has established its regular meeting time for the City Council meetings pursuant to SMC 2.01.010; and

WHEREAS, in addition to the regular City Council meetings, the City Council also holds regular standing committee meetings, a weekly study session and other regular committee meetings as necessary.

WHEREAS, all standing committee meetings, the study sessions and all ad hoc meetings shall be conducted as a meeting of the full council in which a quorum of the City Council may be present; and

WHEREAS, The City Council previously approved Resolution 2011-0023 (April 11, 2011), which approved the administrative procedures for the operation of City Council standing committees; and

WHEREAS, the attached amended administrative policy relates to the City Council standing committees, is consistent with the City Council's Rules of Procedure, the Spokane Municipal Code, and prior resolutions regarding standing committees, and amends the existing administrative policy to reflect changes to the standing committee procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPOKANE that, pursuant to RCW 42.30.070, regular meetings of the City Council's standing committees, study sessions and ad hoc committees is as follows:

1. Public Safety and Community Health – First Monday of each month at 1:15 p.m.
2. Planning, Placemaking and Urban Development Committee – Second Monday of each month at 1:15 p.m.
3. Finance and Administration Committee – Third Monday of each month at 1:15 p.m.

4. Public Infrastructure, Environment and Sustainability Committee – Fourth Monday of each month at 1:15 p.m.
5. Study Session – Each Thursday of each month at 3:30 p.m.

Unless noted otherwise on the agenda posted on the City of Spokane's website, each meeting will be held in the City Council Briefing Center, lower level of City Hall at W. 808 Spokane Falls Blvd.

BE IT FURTHER RESOLVED that the Spokane City Council approves the attached amended administrative procedures for the operation of City Council standing committees.

.

ADOPTED by the City Council this _____ day of August, 2017.

City Clerk

Approved as to form:

Assistant City Attorney

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0320-17-07 LGL 2006-0032
TITLE: : CITY COUNCIL STANDING COMMITTEE PROCEDURES EFFECTIVE DATE: August 10, 2006 REVISION EFFECTIVE DATE: _____, 2017	

1.0 GENERAL

1.1 This document provides procedures for both City staff and the City Council in regards to standing committee meetings of the City Council.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to the City Council and all City departments and divisions.

3.0 REFERENCES

SMC 2.005.010
City Council Rules of Procedure Rule 9

4.0 DEFINITIONS

None

5.0 POLICY

5.1 It is the policy of the City Council to utilize standing committee meetings to facilitate Council business and to become fully informed on City administration activities and strategic initiatives of interest to the Council.

6.0 PROCEDURE

- 6.1 The City Council has established four (4) standing committees. Those committees and their meeting times and locations are as follows:
 - a. Public Safety and Community Health – meets first Monday of the month at 1:15 p.m. in the City Council Briefing Center.
 - b. Planning, Placemaking and Urban Development – meets second Monday of the month at 1:15 p.m. in the City Council Briefing Center.
 - c. Finance and Administration Committee – meets third Monday of the month at 1:15pm in the City Council Briefing Center.
 - d. Public Infrastructure, Environment and Sustainability Committee – meets fourth Monday of the month at 1:15 p.m. in the City Council Briefing Center.
- 6.2 If a City Council Monday legislative meeting is cancelled, standing committee meetings scheduled for that day can be rescheduled for another Monday in the same month at 10:15am.
- 6.3 Standing committee meetings are intended to provide members of the City Council and City staff an opportunity to review and discuss in detail issues or topics that are of interest to the City administration and the City Council and to facilitate the efficient conduct of Council business.
- 6.4 No public testimony will be taken during standing committee meetings. Participation in a standing committee meeting shall be limited to standing committee members, appropriate staff, and other individuals recognized by the committee.
- 6.4 Staffing.
 - 6.4.1 The Senior Executive Assistant to the City Council President will be in charge of coordination and execution of meeting notices with approval from the standing committee chairs and their staff.
 - 6.4.2 The divisions or departments routinely reporting to a respective standing committee shall provide staff to assist the chairperson of the standing committee by taking minutes and distributing material.
 - 6.4.3 Agendas for standing committee meetings shall be set by the chairperson of the standing committee with input from Council staff

and the appropriate department(s) or division head(s). Agendas for standing committee meetings shall be approved by the chairperson of the standing committee prior to publication or distribution.

6.4.4 City staff is not required to attend portions of the meeting in which they are not expected to participate.

6.5 Minutes / Briefing Papers

6.5.1 Minutes shall be taken using the attached template (Attachment No. 1). Original approved and signed standing committee meeting minutes shall be filed with the City Clerk's Office and online. Minutes of standing committee meetings shall be retained pursuant to the applicable retentions schedule.

6.5.2 Staff for the Council Member or department or division which is bringing forward the topic or item under consideration by the standing committee shall prepare a briefing paper on each topic being submitted to the standing committee, which shall be formatted using the attached template (Attachment No. 2).

7.0 RESPONSIBILITIES

The Council President, with the assistance of City administration, shall administer this policy.

8.0 APPENDICES

Attachment No. 1 – Minutes Template
Attachment No. 2 – Briefing Paper Template

APPROVED BY:

City Attorney

Date

Council President

Date

City Administrator

Date

ATTACHMENT 1
STANDING COMMITTEE MINUTES
City of Spokane
Committee Name
Date

Attendance

Include names of individuals in attendance.

Approval of Minutes:

Approval of minutes should be obtained.

Agenda Items:

List agenda items as presented to the Committee (or as outlined in the meeting notice). Please give a brief description of action taken on each item. Include within the agenda items the following:

- **Action Taken:**
- Committee action on agenda items such as deferral, tabled, approval to forward to City Council or other standing committees.

Adjournment

What time the meeting adjourned

Prepared by:

Approved by:

Chair

For further information contact:

ATTACHMENT 2

BRIEFING PAPER City of Spokane Department/Committee Date

Subject

Include a brief description of the subject and, of appropriate, the person or agency interested in the matter.

Background

Provide background on the subject with a short history, what is involved, how it relates to the City, and any existing policy that provides guidance on the subject.

Impact

Convey the impact(s) of the issue as it relates to the city, county, region, community or other specific group(s) and what it may mean to other city programs or functions.

Action

What action is required or expected? What is the timeline?

Funding

Provide all funding sources, i.e. federal, state and local dollars. The individual amounts associated with each source and the funding sources respective compliance requirements. As an example: federal funds require compliance with A-133 guidelines, The Catalogue of Federal Domestic Assistance Number (CFDA) and the applicable compliance supplement. Additionally, please stipulate any and all matching requirements.



Agenda Sheet for City Council Meeting of:
07/24/2017

Date Rec'd	6/29/2017
Clerk's File #	RES 2017-0060
Renews #	

Submitting Dept	PLANNING	Cross Ref #	
Contact Name/Phone	TERI STRIPES 625-6597	Project #	
Contact E-Mail	TSTRIPES@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0650 - MFTE RESIDENTIAL TARGETED AREAS RESOLUTION		

Agenda Wording

A RESOLUTION EXPRESSING THE INTENTION OF THE CITY COUNCIL TO DESIGNATE RESIDENTIAL TARGETED AREAS, AMEND SMC 8.15.030, AND TO SET A PUBLIC HEARING

Summary (Background)

The MFTE Update Committee's Proposals for SMC changes to the Multiple Family Housing Tax Exemption Incentive: • expands boundaries for the incentive. Now aligns with developable infill lands-where zoning allows Multifamily housing • increases the income levels from very low incomes to affordable, qualify for the 12 year exemption (from 50% of Area Median Income to Up to 115% of AMI) • changes the application fee structure

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

<u>Approvals</u>	<u>Council Notifications</u>
<u>Dept Head</u>	<u>Study Session</u>
<u>Division Director</u>	<u>Other</u>
	Plan Commission 6/28/17 & PED 7/10/17

<u>Finance</u>	HUGHES, MICHELLE	<u>Distribution List</u>
<u>Legal</u>	PICCOLO, MIKE	lkey@spokanecity.org
<u>For the Mayor</u>	DUNIVANT, TIMOTHY	tstripes@spokanecity.org
<u>Additional Approvals</u>		mpiccolo@spokanecity.org
<u>Purchasing</u>		abrast@spokanecity.org
		sbishop@spokancity.org

RESOLUTION NO. 2017-0060

A RESOLUTION EXPRESSING THE INTENTION OF THE CITY COUNCIL TO DESIGNATE RESIDENTIAL TARGETED AREAS, AMEND SMC 8.15.030 AND TO SET A PUBLIC HEARING

WHEREAS, Chapter 84.14 RCW authorizes cities to enact multifamily housing property tax incentive programs by designating residential targeted areas within urban centers; and

WHEREAS, the City of Spokane exercised its authority under Chapter 84.14 RCW by enacting Ordinance No. C32575, codified as Chapter 8.15 SMC, which provides a property tax incentive for multifamily housing in urban centers by establishing a methodology for granting such incentives and designating the urban centers and residential targeted areas; and

WHEREAS, the City Council has subsequently revised the designated residential targeted areas; and

WHEREAS, the multifamily housing property tax incentive program is set to expire on December 31, 2017 unless extended by the City Council; and

WHEREAS, the City Council has performed an extensive review of the entire multifamily housing property tax incentive program, including the designation of the residential targeted areas, as part of its legislative deliberation as to whether the program should be renewed; and

WHEREAS, the City Council desires to modify and designate new boundaries for the residential targeted areas by amending SMC 8.15.030 to include the eligible properties set forth in this resolution and the accompanying ordinance; and

WHEREAS, the City Council will also adopt new application fees by amending SMC 8.2.0695 in the accompanying ordinance; and

WHEREAS, RCW 84.14.040 requires public notice and a hearing before the City designates residential targeted areas.

NOW, THEREFORE, it is resolved by the City Council that it is the intent of the City of Spokane to designate those residential targeted areas identified below and as generally identified in Attachment A:

1. Downtown
2. University District
3. South University District
4. Kendall Yards

5. Monroe Corridor
6. Market Corridor
7. Division Corridor
8. Hamilton/Nevada Corridor
9. East Sprague Targeted Investment Pilot
10. Lower South Hill

IT IS FURTHER RESOLVED that the City of Spokane shall conduct a public hearing on July 31, 2017 beginning at 6:00 pm at the City Council Chambers at City Hall, West 808 Spokane Falls Blvd., Spokane, Washington, to take public testimony and consider the designation of the targeted areas as set forth above.

IT IS FURTHER RESOLVED that the City Council shall also consider adoption of an ordinance to amend SMC 8.15.030 amend the residential targeted areas within ORD C _____ and subsequent to the hearing called for in this resolution.

PASSED BY THE CITY COUNCIL ON _____, 2017.

Council President

Attest:

Approved as to form:

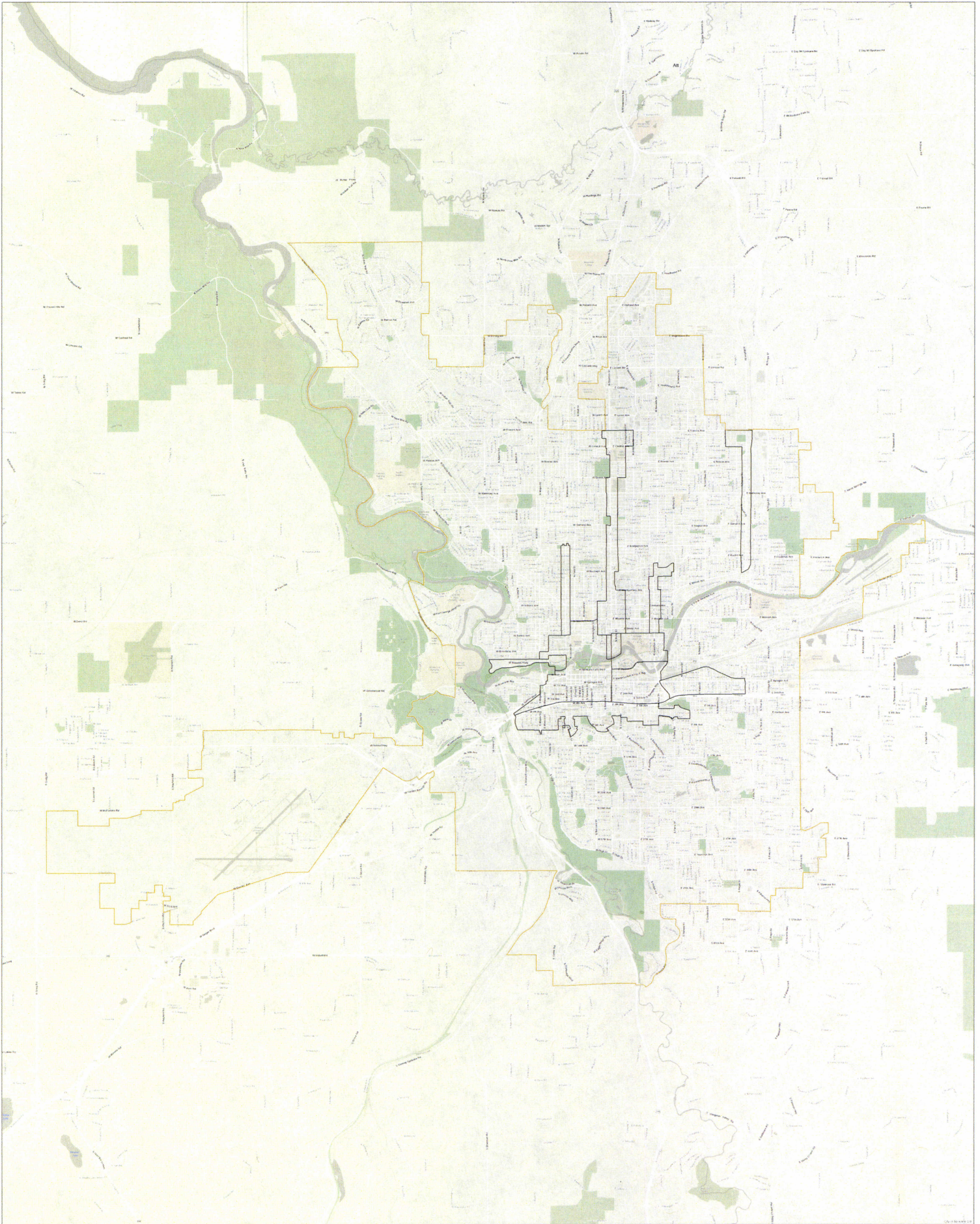
City Clerk

Assistant City Attorney



Mayor

Date

Effective Date



Attachment A
Legend

-  City of Spokane
-  MFTE Proposed Change

- Proposed MFTE -



1:28,000

Date: 6/28/2017



Agenda Sheet for City Council Meeting of:
07/24/2017

Date Rec'd	7/10/2017
Clerk's File #	ORD C35524
Renews #	
Cross Ref #	
Project #	
Bid #	
Requisition #	

Submitting Dept	PLANNING
Contact Name/Phone	TERI STRIPES 625-6597
Contact E-Mail	TSTRIPES@SPOKANECITY.ORG
Agenda Item Type	First Reading Ordinance
Agenda Item Name	0650 - MFTE AMENDMENT ORDINANCE

Agenda Wording

An ordinance relating to multiple family housing property tax exemption; amending sections SMC 8.02.0695, 8.15.020, 8.15.030, 8.15.040, 8.15.050, 8.15.060, 8.15.080, 8.15.090, 8.15.100, 8.15.110, and 8.15.120;

Summary (Background)

The MFTE Update Committee's Proposals for SMC changes to the Multiple Family Housing Tax Exemption Incentive: • expands boundaries for the incentive. Now aligns with developable infill lands-where zoning allows Multifamily housing • increases the income levels from very low incomes to affordable, qualify for the 12 year exemption (from 50% of Area Median Income to Up to 115% of AMI) • changes the application fee structure

Fiscal Impact		Budget Account	
Neutral	\$	#	
Select	\$	#	
Select	\$	#	
Select	\$	#	
Approvals		Council Notifications	
Dept Head	KEY, LISA	Study Session	
Division Director	MALLAHAN, JONATHAN	Other	Plan Commission
Finance	HUGHES, MICHELLE	Distribution List	
Legal	PICCOLO, MIKE	lkey@spokanecity.org	
For the Mayor	DUNIVANT, TIMOTHY	tstripes@spokanecity.org	
Additional Approvals		mpiccolo@spokanecity.org	
Purchasing		abrast@spokanecity.org	
		sbishop@spokanecity.org	



Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

and repealing SMC section 8.15.130 of the Spokane Municipal Code.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

ORDINANCE NO. C35524

An ordinance relating to multiple family housing property tax exemption; amending sections SMC 8.02.0695, 8.15.020, 8.15.030, 8.15.040, 8.15.050, 8.15.060, 8.15.080, 8.15.090, 8.15.100, 8.15.110, and 8.15.120; and repealing SMC section 8.15.130 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC section 8.15.020 is amended to read as follows:

8.15.020 Definitions

As used in this chapter:

- A. “affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household’s monthly income.
 - 1. For the purposes of housing intended for owner occupancy, “affordable housing” means residential housing that is within the means of low or moderate-income households;
- B. "assessor" means the Spokane county assessor;
- C. "council" means the Spokane city council;
- D. "director" means the director of the City’s planning department or any other City office, department or agency that shall succeed to its functions with respect to this chapter, or ((his)) their authorized designee;
- E. “high cost area” means a county where the third quarter median house price for the previous year as reported by the Washington Center for Real Estate Research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period;
- F. “household” means a single person, family or unrelated persons living together;
- G. "low-income" means a single person, family or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.
 - 1. For cities located in high-cost areas, “low-income household” means a household that has an income at or below one hundred percent of the

median family income adjusted for family size, for the county where the project is located;

- H. "moderate-income household" means a single person, family or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.
 - 1. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median income adjusted for family size, for the county where the project is located;
- I. "multi-family housing" means a building having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized or substandard buildings to multi-family housing and does not include transient accommodations, including hotels or motels;
- J. "owner" means the property owner of record;
- K. "permanent residential occupancy" means multi-family housing that provides either rental or owner occupancy for a period of at least one month.
 - 1. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis;
- L. "rehabilitation improvements" means modifications to an existing:
 - 1. structure the residential portion of which has been vacant for at least twelve months prior to application for exemption under this chapter, that are made to achieve a condition of substantial compliance with the applicable building and construction codes contained in Title 11 SMC and all applicable uniform codes adopted pursuant to Title 11 SMC; or
 - 2. occupied residential structure or mixed use structure that contains occupied residential units, that add at least four multifamily housing units;
- M. "residential targeted area" means an area within an urban center that has been so designated by the council pursuant to this chapter;
- N. "substantial compliance" means compliance with the applicable building and construction codes contained in Title 11 SMC and all applicable uniform codes adopted pursuant to Title 11 SMC that is typically required for rehabilitation as opposed to new construction;
- O. "urban center" means a compact identifiable district where urban residents may obtain a variety of products and services and which must contain:

1. several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
2. adequate public facilities including streets, sidewalks, lighting, transit, domestic water and sanitary sewer systems; and
3. a mixture of uses and activities that may include housing, recreation and cultural activities in association with either commercial or office, or both, use.

Section 2. That SMC section 8.15.030 is amended to read as follows:

8.15.030 Residential Targeted Areas – Criteria – Designation

- A. Following notice and public hearing as prescribed in RCW 84.14.040, the council may designate one or more residential targeted areas, upon a finding by the council in its sole discretion that the residential targeted area meets the following criteria:
 1. The residential targeted area is within an urban center.
 2. The residential targeted area lacks sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center if affordable, desirable, attractive, and livable residences were available; and
 3. Providing additional housing opportunity, including affordable housing, in the residential targeted area will assist in achieving one or more of the following purposes:
 - a. Encourage increased residential opportunities within the City, including mixed-income and affordable housing opportunities; or
 - b. Stimulate the construction of new multifamily housing; or
 - c. Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.
- B. In designating a residential targeted area, the council may also consider other factors, including whether:
 1. additional housing, including affordable housing units, in the residential targeted area will attract and maintain an increase in the number of permanent residents;
 2. an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under chapter 36.70A RCW, as implemented through the City's current and future comprehensive plans;
 3. encouraging additional housing in the residential targeted area is consistent with public transportation plans; or
 4. additional housing may contribute to revitalization of a distressed neighborhood or area within the City.

- C. At any time the council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.
- D. The following areas, as shown in Attachment A, are designated as residential targeted areas under this chapter:
 - 1. Downtown
 - 2. University District
 - 3. South University District
 - 4. Kendall Yards
 - 5. Monroe Corridor
 - 6. Market Corridor
 - 7. ~~((Lower))~~ Division Corridor
 - 8. Hamilton/Nevada Corridor
 - 9. East Sprague Targeted Investment Pilot
 - 10. Lower South Hill
- E. If a part of any legal lot is within a designated residential targeted area with zoning allowing for construction of multifamily housing as shown in Attachment A, then the entire lot shall be deemed to lie within such residential targeted area. The areas designated as residential targeted areas are bound by the streets described ~~((above))~~ in Attachment A. Property located outside of, but adjacent to, the described areas is not designated as residential targeted areas.

Section 3. That SMC section 8.15.040 is amended to read as follows:

8.15.040 Project Eligibility

To be eligible for exemption from property taxation under this chapter, the property must satisfy all of the following requirements:

- A. The property must be located in a residential targeted area of an urban center.
- B. The project must be multifamily housing consisting of at least four dwelling units within a residential structure or as part of a mixed-use development in which at least fifty percent of the space within such residential structure or mixed-use development is intended for permanent residential occupancy.
- C. For new construction, a minimum of four new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four additional dwelling units must be added. Existing multifamily vacant housing that

has been vacant for twelve months or more does not have to provide additional multifamily units.

- D. For rehabilitation or conversion of an existing building; the residential portion of the building ((shall fail)) fails to comply with one or more standards of the applicable building or housing codes, and the rehabilitation improvements shall achieve a condition of ((substantial)) compliance with the applicable building and construction codes ((contained in and all applicable uniform codes adopted pursuant to Title 11 SMC)) , or the building has been vacant for at least a year. If the property proposed to be rehabilitated is not vacant, an applicant shall provide each existing tenant housing of comparable size, quality and price and a reasonable opportunity to relocate.
- E. The project must comply with all applicable zoning requirements, land use regulations, design review requirements and building and housing code requirements contained in the Spokane Municipal Code at the time of new construction, rehabilitation or conversion.

Section 4. That SMC section 8.15.050 is amended to read as follows:

8.15.050 Application Procedure – Fee

- A. The owner of property applying for exemption under this chapter shall submit an application to the director, on a form established by the director. The owner shall verify the application by oath or affirmation. The application shall contain such information as the director may deem necessary or useful, and shall include:
 - 1. information setting forth the grounds supporting the requested exemption including information indicated on the application form;
 - 2. a brief written description of the project and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located; and
 - 3. a statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this chapter.
- B. In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the City, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes.
- C. At the time of initial application under this section, the applicant shall pay to the City an initial application fee as set forth in SMC 8.02.0695. If the City denies the

application, the City will retain that portion of the fee attributable to its own actual administrative costs and refund the balance, if any, to the applicant.

- D. The director shall notify the applicant within ~~((twenty-eight))~~ thirty days of the application being filed if the director determines that an application is not complete and shall identify what additional information is required before the application will be complete. Within ~~((twenty-eight))~~ thirty days of receiving additional information, the director shall notify the applicant in writing if the director determines that the application is still not complete, and what additional information is necessary.
- E. An application shall be deemed to be complete if the director does not notify the applicant in writing by the deadlines in this section that the application is incomplete; however, a determination of completeness does not preclude the director from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter.
- F. The application shall be submitted any time before an application for a building or other construction permit. However, an applicant for the multiple family housing property tax exemption may obtain an early start approval pursuant to SMC 17F.040.100 prior to the application for the tax exemption. The improvements made to the property pursuant to the early start approval shall not qualify for the exemption.

Section 5. That SMC section 8.15.060 is amended to read as follows:

8.15.060 Application Review – Issuance of Conditional Certificate-Denial – Appeal

- A. The director may approve the application if ~~((he))~~ they ~~((finds))~~ find that:
 - 1. a minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multi-family units are being developed;
 - 2. if applicable, the proposed multi-unit housing project meets the affordable housing requirements as described in SMC 8.15.090;
 - 3. the proposed project is, or will be at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;
 - 4. the owner has complied with all standards and guidelines adopted by the City under this chapter; and

5. the site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.
- B. The director shall approve or deny an application under this chapter within sixty days after receipt of the completed application.
1. If the application is approved, the applicant shall enter into a conditional contract with the City, subject to approval by the city council, regarding the terms and conditions of the project and eligibility for exemption under this chapter.
 2. The city council's approval of the applicant's conditional contract with the City shall take place within ~~((thirty))~~ sixty days of the director's approval of the completed application.
 3. Upon city council approval of the contract, the director shall execute the contract as approved by the city council, and the director shall issue a conditional certificate of acceptance of tax exemption.
 4. The conditional certificate shall expire three years from the date of city council's approval unless an extension is granted as provided in this chapter.
- C. If the application is denied, the director shall state in writing the reasons for the denial and send notice of denial to the applicant at the address listed on the application within ten days of the denial.
- D. An applicant may appeal the director's denial of the application to the city council within thirty days of receipt of the denial.
1. The appeal before the city council will be based upon the record before the director, and the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision.
 2. The city council's decision on appeal is final.

Section 6. That SMC section 8.15.080 is amended to read as follows:

8.15.080 Final Certificate – Application – Issuance – Denial and Appeal

- A. Upon completion of the rehabilitation improvements or new construction as provided in the contract between the applicant and the City, and upon issuance of a temporary certificate of occupancy, or a permanent certificate of occupancy if no temporary certificate is issued, the applicant may request a final certificate of tax exemption. The applicant shall file with the director such information as the

director may deem necessary or useful to evaluate eligibility for the final certificate, and shall include:

1. a statement of the amount of rehabilitation or construction expenditures made with respect to each multi-family housing unit and the total expenditures made in the rehabilitation or construction of the entire property;
 2. a description of the completed work and a statement that the rehabilitation improvements or new construction of the owner's property qualify the property for the exemption; and
 3. if applicable, a statement that the project meets the affordable housing requirements as described in SMC 8.15.090; and
 4. a statement that the work was completed within the required three years of the issuance of the conditional certificate of tax exemption.
- B. At the time of application for final certificate under this section, the applicant shall pay the appropriate fees as set forth in chapter 8.02 SMC.
- C. Within thirty days of receipt of all materials required for a final certificate, the director shall determine whether the completed work, and the affordability of the units, is consistent with the contract between the City and owner and is qualified for exemption under this chapter, and which specific improvements satisfy the requirements of this chapter.
- D. If the director determines that the project has been completed in accordance with the contract between the applicant and the City and the requirements of this chapter, including, if applicable, affordable housing requirements, the City shall file a final certificate of tax exemption with the assessor within ten days of the expiration of the thirty-day period provided under subsection (C) of this section.
- E. The director is authorized to cause to be recorded, or to require the applicant or owner to record, in the real property records of the Spokane county assessor, the contract with the City required under SMC 8.15.060(B), or such other document(s) as will identify such terms and conditions of eligibility for exemption under this chapter as the director deems appropriate for recording.
- F. The director shall notify the applicant in writing that the City will not file a final certificate if the director determines that the project was not completed within the required three-year period or any approved extension, was not completed in accordance with the contract between the applicant and the City and the requirements of this chapter, if applicable, that the affordable housing requirements as described in SMC 8.15.090 were not met, or if the owner's property is otherwise not qualified.

- G. If the director determines that the project has been completed in accordance with the contract between the applicant and the City and the requirements of this chapter, including, if applicable, affordable housing requirements, the City shall file a final certificate of tax exemption with the assessor within ~~((ten))~~ sixty days ~~((of the expiration of the thirty-day period provided under subsection (C) of this section))~~.

Section 7. That SMC section 8.15.090 is amended to read as follows:

8.15.090 Exemption – Duration – Limits

- A. The assessed value of new housing construction, conversion and rehabilitation improvements qualifying under this chapter will be exempt from ad valorem property taxation as follows:
- ~~1. For properties for which applications for the multiple-family housing property tax exemption eligibility are submitted under this chapter before July 22, 2007, the effective date of ESSHB 1910 enacted by the 2007 Washington State legislature, the value is exempt for ten successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.))~~
 - ~~((2))~~1. For purposes for which applications for certificates of tax exemption eligibility are submitted under this chapter ~~((on or after July 22, 2007,))~~ the value is exempt for:
 - a. eight successive years beginning January 1st of the year immediately following the calendar year of ~~((issuance of))~~ the recording of the Final certificate with Spokane County Assessor; or
 - b. twelve successive years beginning January 1st of the year immediately following the calendar year of ~~((issuance of))~~ the recording of the Final certificate ~~((if the property otherwise qualifies for the exemption under this chapter and meets the conditions under (A)(2)(b) of this subsection))~~ with Spokane County Assessor.
 - i. For the property to qualify for the twelve-year exemption, ~~((under (A)(2)(b) of this subsection,))~~ the applicant must commit to renting or selling at least twenty percent of the multi-family housing units as affordable housing units to low and moderate-income households. ~~((, and the property must satisfy that commitment and any additional affordability and~~

~~income eligibility conditions adopted by the local government under this chapter. “Low-income” includes households with incomes at or below fifty percent of the area median income for the Spokane area (“AMI”), as defined by the United States Department of Housing and Urban Development (“HUD”). “Moderate income” includes households with incomes at or below eighty percent of AMI, as defined by HUD. For purposes of this section, an affordable rental unit shall mean a unit with rent that does not exceed thirty percent of income for households at or below fifty percent of the AMI, adjusted for tenant-paid utilities and household size, that is rented to households whose annual income is at or below fifty percent of the AMI at all times during the entire twelve-year period. An affordable homeowner unit is a unit that is sold at an affordable level, so that households at or below eighty percent of the AMI can qualify to purchase the unit.)) Twenty percent of all units need to be occupied by those with a household income at or below one hundred fifteen percent of Area Median Income, established annually by U.S. Department of Housing and Urban Development (HUD).~~

- ii. In the case of projects intended exclusively for owner occupancy, the requirement for a minimum of twenty percent of the units to be affordable under this subsection may be satisfied solely through housing affordable to moderate-income households.

- B. The exemption does not apply to the value of land or non-housing related improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements, or to increases made by lawful order of the Spokane County board of equalization, the Washington State department of revenue, state board of tax appeals, or Spokane County, to a class of property throughout the county or a specific area of the county to achieve uniformity of assessment or appraisal as required by law. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

Section 8. That SMC section 8.15.100 is amended to read as follows:

8.15.100 Annual Certification and Affordability Certification

- A. Within thirty days ~~((after))~~ of the ~~((first))~~ anniversary of the date the ~~((City filed the))~~ final certificate of tax exemption was recorded at the County and each year thereafter, for the tax exemption period, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:
1. A statement of occupancy and vacancy of the multi-family units during the previous year.
 2. A certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in SMC 8.15.090 since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the City and the requirements of this chapter; and
 3. If the property owner rents the affordable multi-family housing units, the property owner shall file with the City a report indicating the household income of each initial tenant qualifying as low and moderate-income in order to comply with the twenty percent requirement of SMC 8.15.090(A)(2)(b) and RCW 84.14.020(1)(ii)(B).
 - a. The reports shall be on a form provided by the City and shall be signed by the tenants.
 - b. Information on the incomes of occupants of affordable units shall be included with the application for the final certificate of tax exemption, and shall continue to be included with the annual report for each property during the exemption period.
 4. A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable.
- B. Failure to submit the annual declaration may result in cancellation of the tax exemption.

Section 9. That SMC section 8.15.110 is amended to read as follows:

8.15.110 Cancellation of Tax Exemption – Appeal

- A. If at any time the director determines that the property no longer complies with the terms of the contract or with the requirements of this chapter, or for any reason no longer qualifies for the tax exemption, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.
 - B. In the case of multi-family housing units rented as affordable housing, twenty percent of the units must be available to be rented to qualified low and moderate-income tenants at all times during the entire twelve-year exemption period. While an individual tenant's income may rise above the low and moderate-income level during the exemption period, the property owner must demonstrate that subsequent or different tenants of those affordable units do meet the income level requirements for the remainder of the exemption period.
 - C. If after the issuance of a final tax certificate multi-family housing units rented as affordable housing fail to satisfy the requirements for the affordable housing tax exemption and the number of units fall below the twenty percent requirement, the extended twelve-year tax exemption period shall expire and the tax exemption period shall be limited to eight years from the date of the issuance of the final certificate of tax exemption.
 - D. If the property owner sells the affordable multi-family housing units, the new property owner shall file with the City a report indicating that the unit was purchased at a value affordable to low and moderate-income in order to continue to comply with the twenty percent requirement of SMC 8.15.090(A)(1)(b) and RCW 84.14.020(1)(ii)(B).
- ((B))E. If the owner intends to convert the multi-family housing to another use, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the owner must notify the director and the Spokane county assessor within sixty days of the change in use or intended discontinuance.
- 1. Upon such change in use or discontinuance, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.

((G))E. Upon determining that a tax exemption shall be canceled, the director, on behalf of the city council, shall notify the property owner by certified mail, return receipt requested.

1. The property owner may appeal the determination by filing a notice of appeal with the city clerk within thirty days, specifying the factual and legal basis for the appeal.
2. The hearing examiner will conduct a hearing pursuant to chapter 17G.050 SMC at which all affected parties may be heard and all competent evidence received.
3. The hearing examiner will affirm, modify or repeal the decision to cancel the exemption based on the evidence received. The hearing examiner shall give substantial weight to the director's decision and the burden of overcoming that weight shall be upon the appellant.
4. An aggrieved party may appeal the hearing examiner's decision to the Spokane county superior court as provided in RCW 34.05.510 through RCW 34.05.598.

G. If after the issuance of a final tax certificate an owner-occupied multi-family housing unit that initially qualified as a low or moderate-income unit is sold at market rate and no longer qualifies as an affordable housing unit, that unit may lose its tax exempt status and all prior exempt taxes and penalties and interest shall become a lien on the property per RCW 84.14.110 and the subsequent owner shall no longer qualify for the tax exemption. The remaining units' tax exemption status shall not be affected.

H. The City may adopt administrative policies and procedures to implement the reporting requirement for this section which are not inconsistent the provisions of chapter 8.15 SMC and chapter 84.14 RCW.

I. A determination by the director to discontinue an exemption period may be appealed pursuant to SMC 8.15.110.

Section 10. That SMC section 8.15.120 is amended to read as follows:

8.15.120 2017-2018 SMC Amendments and Expiration of Program

With the 2017 amendments to the program, staff will work with applicants who have previously approved conditional contracts, who have not applied for a final certificate of exemption. Both eight and twelve year conditional contracted projects can apply for a final certificate of exemption under the amended code. Those projects will qualify for a term of exemption that the project can now meet. This does not apply to contracts that have been completed a final certificate of exemption.

The program established by this chapter shall expire December 31, ~~((2017))~~ 2028, unless repealed or extended by the city council by ordinance. Upon expiration, no further applications for a conditional certificate of tax exemption shall be accepted. Incomplete applications shall be returned to the applicant. Pending complete applications for a conditional certificate, extension of conditional certificate and final certificate shall be processed as provided in this chapter.

Section 11. That SMC section 8.15.130 is repealed.

Section 12. That SMC 8.02.0695 is amended to read as follows:

8.02.0695 Multifamily Housing Property Tax Incentive Program

- A. For an application to receive a conditional certificate of tax exemption under the multifamily housing property tax incentive program: ~~((Four hundred fifty dollars plus eighty dollars for each multifamily dwelling unit up to a maximum variable fee of an additional five hundred sixty dollars))~~ a fee of three hundred fifty dollars has to be paid in full at the time of application.
- B. For an application to extend the conditional certificate of tax exemption under the multifamily housing property tax incentive program: Four hundred dollars.
- C. For an application to receive a final certificate of tax exemption under the multifamily housing property tax incentive program: ~~((Two hundred dollars))~~ One thousand fifty dollars for each parcel receiving the tax exemption, this fee includes the required filing fees of the certificate and associated documents with the Spokane County assessor's office.

PASSED BY THE CITY COUNCIL ON _____, 2017.

Council President

Attest:

City Clerk

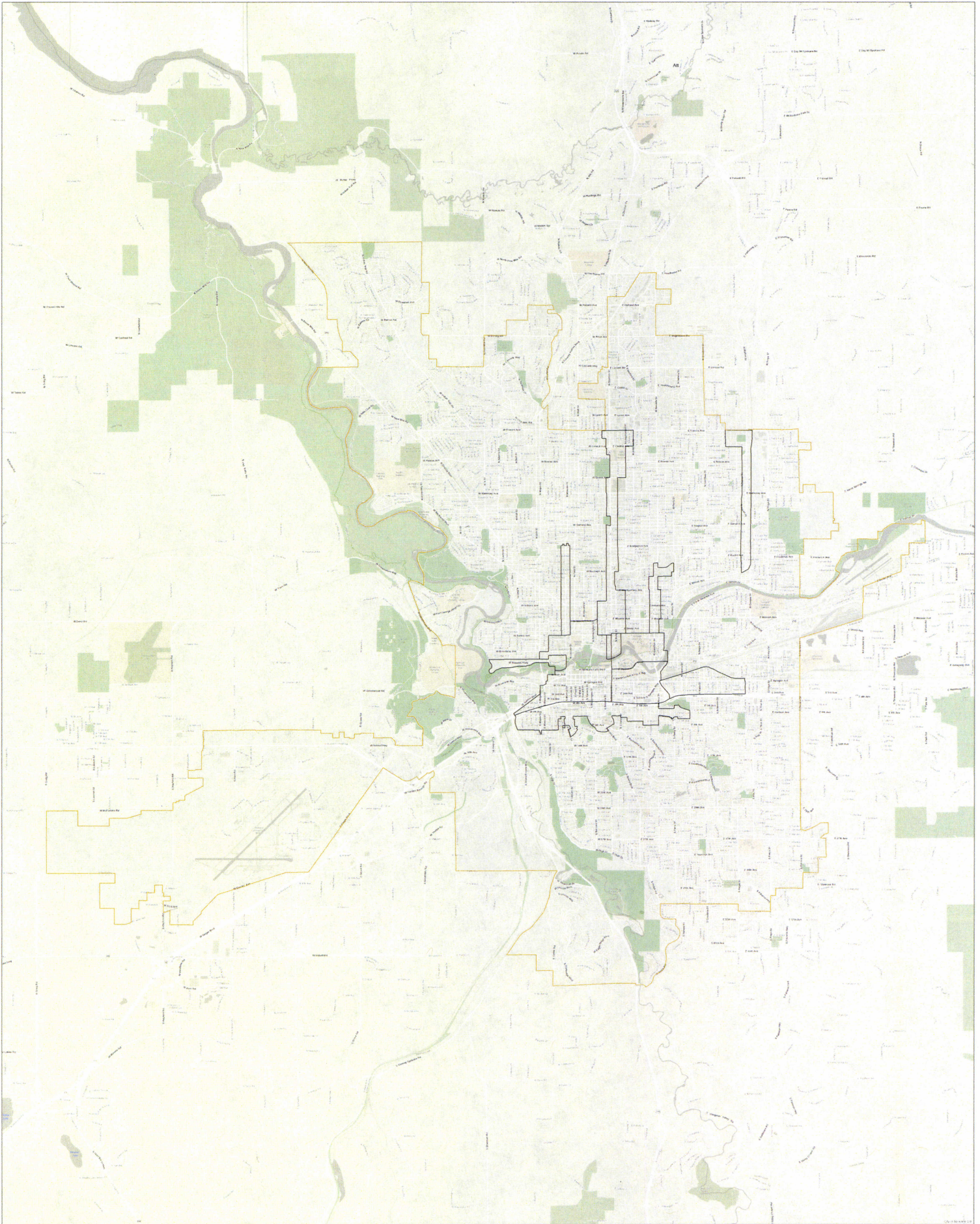
Mayor

Approved as to form:



Assistant City Attorney

Date

Effective Date



Attachment A
Legend

-  City of Spokane
-  MFTE Proposed Change

- Proposed MFTE -



1:28,000

Date: 6/28/2017

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

08/14/2017

Date Rec'd

8/1/2017

Clerk's File #

ORD C35535

Renews #**Submitting Dept**

PLANNING

Cross Ref #**Contact Name/Phone**

NATHAN GWIN 625-6893

Project #**Contact E-Mail**

NGWINN@SPOKANECITY.ORG

Bid #**Agenda Item Type**

First Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE - COMMERCIAL STRUCTURES

Agenda Wording

An ordinance relating to expansion of the area in residential zones where existing neighborhood structures may establish an approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020 and 17C.370.030.

Summary (Background)

The proposal would expand an area where existing neighborhood commercial structures may be reused for low-impact neighborhood scale and neighborhood serving businesses and multi-family uses and include new procedures and specifications for buildings. An existing pilot code limits this option to locations in West Central Spokane (Spokane Municipal Code Chapter 17C.370).

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

KEY, LISA

Study Session

7/27/17

Division Director

KEY, LISA

Other**Finance**

HUGHES, MICHELLE

Distribution List**Legal**

RICHMAN, JAMES

Engineering Admin

For the Mayor

DUNIVANT, TIMOTHY

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tpalmquist@spokanecity.org

COVER SHEET
ORDINANCE DRAFT VERSION 3

PLANNING AND DEVELOPMENT DEPARTMENT STAFF PROPOSED CHANGES

Development Code Amendment to Spokane Municipal Code Chapter 17C.370,
Existing Neighborhood Commercial Structures in Residential Zones

1. Changes to Plan Commission recommendation proposed by staff (shown in red text):

	Reference
<ul style="list-style-type: none">• Change description from restoring a discontinued use to establishing an approved commercial use	Ordinance Title
<ul style="list-style-type: none">• Uses in structures 3,000 square feet or larger require a public hearing and decision by hearing examiner (Type III application)	17C.370.030 (A)(1)
<ul style="list-style-type: none">• No expansions to structures larger than 5,000 square feet	17C.370.030 (F)(4)
<ul style="list-style-type: none">• If expanding or providing additional parking, L2 screening required	17C.370.030 (F)(4)

2. Change to Plan Commission recommendation by Council President Stuckart (shown in green text), who sponsored the proposal:

<ul style="list-style-type: none">• Reinstate the Neighborhood Retail Zone parking minimum, which has no minimum parking requirement for structures less than 3,000 square feet, and reduced parking for structures 5,000 square feet or less, under SMC 17C.230.130 (B)	17C.370.030 (F)(5)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

3. Change to Plan Commission recommendation by Council Member Mumm (shown in blue text):

<ul style="list-style-type: none">• Require a public hearing and hearing examiner approval (Type III application) for non-residential projects on sites without frontage on a designated arterial street	17C.370.030 (A)(1)
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

ORDINANCE NO. C35535

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may **establish an** approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses. The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone ~~((and located on a parcel with frontage on an arterial street as classified on the official City Arterial Street Map))~~. The provisions of this chapter apply only to the ~~((area shown on Map 17C.370-M1))~~ RA, RSF, RTE, RMF, and RHD zones.

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative or Hearing Examiner Decision.

1. Establishing a ~~((non-residential))~~ use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in chapter 17G.060

SMC. A Type III application is required for projects **that have a floor area of three thousand square feet or more**, including building additions, **and for any non-residential project on a site that does not have frontage on a designated arterial (principal, minor, or collector)**. For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.
- B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.
- C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.
- D. Decision criteria ((is)) are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.
- E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.
 1. Uses Not Allowed.
Sale or leasing of:
 - a. motorized consumer vehicles,
 - b. fire arms,

- c. weapons,
- d. ~~((medical))~~ marijuana.

2. Uses Allowed:

- a. Office uses found in SMC 17C.190.250;
- b. Retail sales and service uses found in SMC 17C.190.270; and
- c. Uses allowed within the RMF zone found in SMC 17C.110.100.

F. Development and operation standards in addition to the base zone:

1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC, which may be converted under SMC 17C.320.060.
2. ~~((The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on SMC 12.08.040 Official Arterial Street Map, or the building must be listed on the Spokane Register of Historic Places at the time of application.))~~ Reserved.
3. The site must be located within ~~((an eligible area as shown on Map 17C.370-M1))~~ the RA, RSF, RTF, RMF, or RHD zones.
4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area ~~((at the time of this chapter's date of adoption))~~ existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards, **except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by SMC 17C.200.030 shall be required for any structural expansion or provision of additional off-street parking.**
5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in chapter 17C.230 SMC Parking and Loading **for a Neighborhood Retail Zone (NR).** ~~((Exceptions to the required parking and loading include:~~
 - a. ~~On-street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~
 - b. ~~The minimum parking required for this section is the amount specified in chapter 17C.230 SMC Parking and Loading minus the first five parking spaces. (Example: If the minimum parking~~

~~required as determined in chapter 17C.230 SMC Parking and Loading is calculated at five spaces then the required parking is five minus five equals zero.))~~

6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
 7. Drive through facilities are prohibited.
 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
 11. The signage standards for the CC4 zones shall apply. Temporary outdoor signage is prohibited except that one sandwich board sign is permitted. If the sandwich board sign is erected in the public right-of-way it must be consistent with SMC 17C.240.240.
- G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:
1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
 2. Conditions needed to mitigate off-site impacts consistent with SMC 17C.220 Off-Site Impacts.
 3. Specific conditions under which the use may operate.
- H. Appeals ~~((of the Planning Director Administrative Determination))~~.
The decisions of the planning director may be appealed to the hearing examiner as provided for in SMC 17G.060.210 and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.

Section 2. That Map 17C.370-M1, Neighborhood Commercial Structures in Retail Zones, is deleted.

ADOPTED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

BRIEFING PAPER

City of Spokane

Planning & Development

August 1, 2017

Subject

This proposal is an ordinance that would expand the area in Spokane where existing neighborhood commercial structures in residential zones may be restored to re-establish a commercial use, or change into a small multi-family building or office.

Background

The City's [Comprehensive Plan](#) encourages regulations that are appropriate for historic neighborhoods and nurture economic activity (DP4.8, ED7). In 2012, the City of Spokane adopted regulations in [SMC chapter 17C.370](#) to allow commercial, office, and multi-family uses to be established in former commercial structures in residential zones within the West Central Neighborhood Council area boundary. The structures must be either registered historic structures or located on a site with frontage on an arterial street.

Proposed changes to regulations could extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings outside of the West Central neighborhood. Other changes proposed will require a public hearing and Hearing Examiner approval for structures with a ground floor area of 3,000 square feet or more. City staff identified approximately 94 potentially eligible existing structures citywide (including those currently in commercial use through an existing conditional use permit). 54 of these structures are located on sites with frontage on a designated arterial. Staff initially proposed to maintain the limit on arterial locations, and remove registered historic structures, as a more incremental change than locations citywide, regardless of frontage on an arterial.

Impact

Potentially eligible sites are previously developed commercial structures. At the time an application is made for a project permit under the Development Code, the applicant would provide public notice to neighboring property owners, occupants, and taxpayers, as well as the impacted neighborhood council. The Planning Director or Hearing Examiner would review impacts to public facilities and infrastructure, and potential negative impacts on the residential character of the area, and mitigation of those impacts may be required via the conditions of project approval.

Recommendation

On June 14, 2017, by a vote of 8-0, the Plan Commission recommended approval with the amendment to add sites that do not have frontage on designated arterials citywide. This increased the number of potential sites by approximately 40 known properties.

If the City Council adopts the Plan Commission recommendation, staff recommends the changes summarized on the [cover sheet](#) for version 2 of the draft ordinance, to change the ordinance title description, require a public hearing review for uses in structures 3,000 square feet or larger, limit structural expansions to 5,000 square feet, reinstate the Neighborhood Retail Zone parking standard, and remove the exception to subtract five required parking spaces.

Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Text Amendment to Spokane Municipal Code Chapter 17C.370, Existing
Neighborhood Commercial Structures in Residential Zones

A recommendation from the City Plan Commission to the City Council to APPROVE proposed amendments to the Unified Development Code. The proposal amends Spokane Municipal Code (SMC) Title 17C Land Use Standards, by making revisions to Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones.

Findings of Fact:

- A.** The City of Spokane's Comprehensive Plan acknowledges the desirability of neighborhood businesses that provide nearby residents with access to goods and services. The Plan also recognizes that, if sized appropriately, the transportation and parking impacts of neighborhood businesses may be minimized.
- B.** City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Goal DP4, Preservation states: *Preserve and protect Spokane's significant historic structures, neighborhoods, and sites.* Policy DP 4.8 Zoning Provisions and Building Regulations states: *Utilize the existing and develop new zoning provisions, building regulations, and design standards that are appropriate for historic properties, sites, districts, and neighborhoods.*
- C.** City of Spokane Comprehensive Plan, Economic Development Chapter, Goal ED7, Regulatory Environment and Tax Structure states: *Create a regulatory environment and tax structure that encourage investment, nurture economic activity, and promote a good business climate.* Policy ED 7.6, Development Standards and Permitting Process states: *Periodically evaluate and improve the City of Spokane's development standards and permitting process to ensure that they are equitable, cost-effective, timely, and meet community needs and goals.*
- D.** City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR2, Transportation Options states: *Provide a variety of transportation options, including walking, bicycling, taking the bus, car pooling, and driving private automobiles, to ensure that all citizens have viable travel options and reduce dependency on automobiles.* Policy TR 2.4, Parking Requirements states: *Develop and maintain parking requirements for vehicles that adequately meet the demand for parking yet discourages dependence on driving.*
- E.** City of Spokane Comprehensive Plan, Transportation Chapter, Goal TR5, Neighborhood Protection states: *Protect neighborhoods from the impacts of the transportation system, including the impacts of increased and faster moving traffic.* Policy TR 5.7, Neighborhood Parking states: *Preserve neighborhood on-street parking for neighborhood residents.*
- F.** In 2012, the City adopted chapter 17C.370 SMC, which allows existing neighborhood commercial structures located within a residential zone to be reused for low-impact

neighborhood scale and neighborhood serving businesses. The provisions of chapter 17C.370 SMC are limited to the West Central neighborhood.

- G. Since its adoption, the City has not received any applications for a change of use under chapter 17C.370 SMC. The City has received interest, however, in expanding application of the chapter to the rest of the City's residential areas.
- H. Public open houses were held May 4, and May 9, 2017, at West Central and East Central community centers, seeking public feedback on the proposal to amend chapter 17C.370 SMC to extend its application beyond the West Central neighborhood to the rest of the City's residential areas. The City provided notice of the open house meetings by advertising on its website and via email notice to neighborhood councils and interested parties. In addition, approximately 2,000 post cards were mailed to property owners, property tax payers, business owners, and residents of real property located within 400 feet of known structures that may be eligible for a change in use under chapter 17C.370 if amended.
- I. Several written public comments received during and following the open houses included various concerns about potential on-street parking impacts to neighbors of existing neighborhood commercial structures in residential zones.
- J. On May 10, 2017, the Spokane City Plan Commission held a workshop to study the proposed amendment to chapter 17C.370 SMC.
- K. On May 12, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to chapter 17C.370 SMC. On May 16, 2017, the City received an acknowledgement letter from the Department of Commerce.
- L. On May 31, 2017, the City caused Notice of the proposed amendments to SMC chapter 17C.370 and announcement of the Plan Commission's June 14, 2017 hearing to be published in the Spokesman Review.
- M. On May 31, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed amendments to SMC chapter 17C.370. The public comment period for the SEPA determination ended on June 14, 2017.
- N. On June 14, 2017, the City Plan Commission held a public hearing on the proposed amendments; deliberations followed.
- O. During deliberations, the Plan Commission considered the proposed text amendment using the criteria set forth in SMC 17G.025.010.
- P. The following modifications to the proposed text amendment were considered by the Plan Commission at its hearing on June 14, 2017:
 - 1. 17C.370.030 (A)(1) - Consolidate application process changes in this paragraph.
 - 2. 17C.370.030(F)(4) - Remove application process references and clarify that any structural expansion is limited by the current applicable development standards.

3. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.
4. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
5. 17C.370.030: strike paragraph (F)(2)

Q. The Plan Commission incorporated the following revisions to the proposed language of the text amendment in its recommendation to City Council, during deliberations at the June 14, 2017 hearing:

1. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
2. 17C.370.030: strike paragraph (F)(2)
3. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.
4. 17C.370.020: strike "and located on a parcel with frontage on an arterial as identified on the City's official Arterial Street Map.
5. 17C.370.030(F)(5) - Remove reference to the parking standards of the Neighborhood Retail zone. Also, reinstate the exception that subtracts the first five parking spaces. This returns back to the original adopted language.

Public Comment:

- A.** Sixteen written comments were received regarding the proposed amendments, 10 in favor, 4 neutral, and two in opposition.
- B.** During the hearing on June 14, the Plan Commission heard testimony from 3 individuals: Shaun Thompson Duffy, Ryan Kelly, and George Thomsen; all expressed support for the proposed amendments.
- C.** No other testimony was heard.

Conclusions:

- A.** Proposed changes to regulations WILL extend potential benefits from renewed maintenance and investment to older, neighborhood-scale buildings and their surroundings in areas of the city outside of the West Central neighborhood.
- B.** The provisions of the Development Code, including the exception to the minimum parking requirement under SMC 17C.370.030(F)(5), which subtracts the first five parking spaces, DO appropriately balance the concerns expressed in the written comments received regarding parking impacts.
- C.** With regard as to whether the proposed amendments meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission makes the following findings:
 1. The proposed amendments ARE consistent the applicable goals and policies of the City's Comprehensive Plan.
 2. The proposed amendments DO bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 8 to 0, the Plan Commission recommends to the City Council the APPROVAL of the proposed amendments to the Unified Development Code, with changes as deliberated.

A handwritten signature in black ink, appearing to read "D. Dellwo", is written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
June 14, 2017**

PUBLIC OUTREACH SUMMARY

Development Code Amendment to Spokane Municipal Code Chapter 17C.370, Existing Neighborhood Commercial Structures in Residential Zones

- January 19, 2017 Presentation to Land Use Committee of the Community Assembly
- March 8, 2017 Plan Commission public workshop
- April 20, 2017 Presentation to Land Use Committee of the Community Assembly
- April 21-27, 2017 Postcards mailed to 2,071 neighboring parcel occupants, owners, and taxpayers to announce proposal and advertise open houses
- May 4, 2017 Open house - West Central Community Center
- Attended by 12 people
- May 9, 2017 Open house - East Central Community Center
- Attended by 18 people
- May 10, 2017 Plan Commission public workshop
- May 31, 2017 Newspaper notice of June 14 Plan Commission public hearing, and State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS)
- Notice and DNS to interested parties via email
- June 1, 2017 Presentation to Community Assembly to describe proposal
- June 14, 2017 Plan Commission public hearing
- June 29, 2017 SEPA Responsible Official issued Revised DNS
- Notice of Plan Commission's change to proposal and Revised DNS sent to interested parties via email
- July 6, 2017 Presentation to Community Assembly to describe proposed changes to include sites citywide, not only sites with frontage on arterials
- July 21, 2017 Postcards mailed to 3,140 additional neighboring parcel occupants, owners, and taxpayers not previously notified in April, to announce proposal and advertise August 3 open house
- July 27, 2017 City Council study session
- August 3, 2017 Open house scheduled at West Central Community Center



Existing Neighborhood Commercial Structures in Residential Zones Expansion

Communication Log

Date	Via	Name	Topic	Summary	Details
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Initial feedback on proposal	The group suggested defining and targeting developers/consumers of former commercial structures. Concerns with potential for continued low investments in sites. Need to address quality and maintenance of properties rehabilitated under the proposal. (NG)
1/19/2017	Meeting	Community Assembly - Land Use Committee	Proposal	Continued feedback on proposal	Members of the committee expressed interest in including some sites that are located apart from arterial streets. A member also suggested a five-year time period for the pilot period, rather than two years, to allow additional time for obtaining financing. (NG)
4/21/2017	Email	Daniel Sanchez	Public Safety	Offenses by homeless population should be a priority	Enforce SMC 10.10 Offenses Against Peace and Order to address proliferation of homeless population before attending to the subject proposal. (NG)
4/25/2017	Phone	Mark Breithaupt	Scope	Question about scope	Asked whether this proposal would apply to this owner's triplex at 1117 W Shannon Ave. I explained the proposal only applied to non-residential structures. (NG)
4/25/2017	Phone	Debbie Rainey	Scope	Question about scope	Wanted to know which structures the proposal applies to and whether it would allow people to build behind homes. (NG)
4/27/2017	Phone	Douglas Horvath (owner of record)	Land Use	Wants rezone to build additional home	Caller said he owned a house at 616 N Cochran St and wanted to know how the proposal impacted him and whether he could build an additional home in the yard on the RSF property. I advised him to speak with a land-use attorney to inquire about rezone. (NG)
4/28/2017	Phone	Barbara Ingham	Scope	General questions	Curious whether there was interest in her neighborhood (Liberty & Nevada). Asked about what buildings the proposal would apply to; stated she was not concerned after learning about proposed limitations and scope. (NG)
5/3/2017	Phone	Jeanette Farrell	Scope	Against community services/group living in neighborhoods	Caller favored commercial uses in former commercial structures but did not think community services or group living facilities should be allowed. I explained that no such project was proposed and further notice to neighbors of any such project and opportunity for comment would occur. (NG)

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/4/2017	Meeting	Open House	Parking Impacts	On-street parking difficulty	On-street parking at the Flying Goat has improved but is problematic with blocking driveways and requiring striping. Residential occupants and guests are forced to park in neighboring driveways or further away. (NG)
5/4/2017	Meeting	Open House	Target audience	Entrepreneurial groups	Target members of entrepreneurial groups and others who might be interested in a corner store location. (NG)
5/4/2017	Meeting	Open House	Land Use	Recreational marijuana	Would recreational marijuana be allowed at a site under the proposal? (No; State-licensed marijuana producers, processors, and retailers are only allowed in locations specified in SMC 17C.347.030). (NG)
5/4/2017	Comment Form	Melissa Mohr	Land Use, Parking	Support of proposal	Supports restoration of a former commercial building in her neighborhood. Parking impact has been minimal. More local businesses support bicycling for some trips. (NG)
5/4/2017	Email	Jim Frank	Scope	Less limits, restrictions	"The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive."
5/5/2017	Email	Ron Wells	Land Use	Support of proposal	Supports restoring historic neighborhood stores to low impact commercial uses. (NG)
5/8/2017	Email	Dwight Hume	Proposal	Support of proposal	Supports expansion of proposal to former zones and areas of the city. (NG)
5/8/2017	Email	Daniel Sanchez	Public Safety	Enforce Peace and Order ordinances as first priority	To improve the city, first enforce Spokane Municipal Code 10.10 Peace and Order ordinances for individuals who sleep on sidewalks, panhandle, camp under viaducts, etc. (NG)
5/8/2017	Phone	Jim Frank	Scope, Parking	Allow expansions and clarify parking requirements	Expansions should be allowed to neighboring vacant sites to create multiple commercial sites to create sufficient mass to draw neighbors to it and function successfully as retail. Also, no parking requirement for smaller buildings should be stated in this chapter. (NG)
5/9/2017	Comment Form	Diane Belyea	Parking Impacts		Please see written comment form attached.
5/9/2017	Comment Form	Melvin Paddock	Use		Please see written comment form attached.
5/9/2017	Comment Form	Ryan Kelly	Proposal		Please see written comment form attached.

City of Spokane - Planning Development

Date	Via	Name	Topic	Summary	Details
5/9/2017	Comment Form	Bonnie McInnis	Designation, location		Please see written comment form attached.
5/9/2017	Comment Form	Mariah McKay	Use		Please see written comment form attached.
5/9/2017	Comment Form	Lillie Sellers	Use		Please see written comment form attached.
5/9/2017	Comment Form	Helen Blyton	Incentives		Please see written comment form attached.
5/10/2017	Email	Jim Frank	Parking, Development Impacts	New development standards for parking, setbacks, sidewalks	Prohibit parking for smaller buildings, limit location of parking, require setbacks, sidewalks. (NG)
5/12/2017	Email	George Thomsen	Proposal	Support of proposal	Small businesses add value to neighborhoods. (NG)
5/15/2017	Email	Marcella Bennett	Parking Impacts	Parking concerns	Concerned about how parking issues will be addressed. (NG)
6/15/2017	Testimony	(See details)	Proposal	Support of proposal	During the hearing on June 14, the Plan Commission heard testimony from three individuals: Shaun Thomposn Duffy, Ryan Kelly, and George Thomsen; all expressed support for the proposed amendments.
6/30/2017	Email	Robynn Sleep	Sites Off Arterials	Support of proposal	Including sites off arterials would contribute to neighborhood vibrancy and cause less traffic congestion and parking problems. (NG)
7/28/2017	Email	Patricia Hansen	Map	Map should omit occupied commercial structure	The map shows an occupied office building, a former fire station, that should be removed from the map of known potentially eligible sites. (NG)
7/31/2017	Phone	Patricia Hansen	Map	Map key should show fully occupied uses	The map does not distinguish between fully occupied structures and vacant or converted structures. The map should distinguish between the different types of properties. (NG)

Gwinn, Nathan

From: Daniel Sanchez <mootsys406@gmail.com>
Sent: Monday, April 24, 2017 9:40 AM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Thanks

On Mon, Apr 24, 2017 at 9:31 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Good morning Mr. Sanchez,

Thanks for your comment. I will add it to the comment summary and public record for the file.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [mailto:mootsys406@gmail.com]
Sent: Friday, April 21, 2017 4:19 PM
To: Gwinn, Nathan
Subject: Re: Open Houses May 4 and May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures


When we start enforcing existing law in the city, I'll take this role of government more seriously.. As of right now, Spokane Municipal Code 10.10- all facets, aren't worth the paper they're written on..

I get it, real estate development and social engineering is fun.. Dealing with the proliferating homeless population isn't.. But its an issue of public safety. You want to improve our city- enforce the existing laws..

On Fri, Apr 21, 2017 at 4:06 PM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

The City of Spokane Planning and Development Department invites you to join us at public open houses on Thursday, May 4, and Tuesday, May 9. The proposal is a text amendment to the Unified Development Code

that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas. Direct notice of the proposal is being sent to residents and property owners near potentially eligible properties. Please share this message with others you believe may be interested!



Activate Existing Neighborhood Commercial Structures Open Houses




Photo: Google Street View

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.	Tuesday, May 9, 5 p.m. – 7 p.m.
West Central Community Center 1603 North Belt Street, Spokane	East Central Community Center 500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 4, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melissa Mohr

ADDRESS: 2007 W. Dean Ave.

PHONE NUMBER: (509) 994-7816

E-MAIL CONTACT: melissajmohr@gmail.com

I have a historic neighborhood business on my block,
and I love it! Having an extra car or two park on my
block is not a problem, and I am so glad that the building
is now in good condition and hosting lovely people.
♡ Batch ♡

More local businesses makes it easier for people to start bicycling
for some trips, and gradually work up to longer trips if they
want to.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #509-625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Thursday, May 04, 2017 7:58 PM
To: Stratton, Karen
Cc: 'jfrank@greenstonehomes.com'; Mallahan, Jonathan
Subject: RE: Activating Existing Neighborhood Commercial Structures

Thanks, Karen! Yes, I sent the announcement to the infill contacts, including Jim. We had twelve people sign in and maybe a few more in attendance tonight. Good discussions. I will send a reminder on Tuesday for the other event and include Jim's comment in the record for the file.

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Stratton, Karen
Sent: Thursday, May 04, 2017 4:52 PM
To: Gwinn, Nathan
Subject: FW: Activating Existing Neighborhood Commercial Structures
Importance: High

I am stuck at City Hall. But, I wanted to forward this comment from Jim Frank, Kendall Yards. I tried to forward this information as best as I could to individuals I think could attend --- and I think Jim would be interested in this issue. Not sure he was notified earlier, but at least he commented.

Karen

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Thursday, May 04, 2017 4:44 PM
To: Stratton, Karen
Subject: Re: Activating Existing Neighborhood Commercial Structures

Thanks Karen,

The pilot program in West Central was far to limited and restrictive and has not worked well. I hope this new plan is more useful and less restrictive.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 4/05/2017, at 4:09 PM, Stratton, Karen <kstratton@spokanecity.org> wrote:

I am not sure who received notice of this meeting, but I thought I would forward in case you are interested in attending. I am sorry for such late notice ---- I just got this today!

Karen

From: Fisher, Jessica
Sent: Thursday, May 04, 2017 10:31 AM
To: Fisher, Jessica
Subject: Activating Existing Neighborhood Commercial Structures

<image002.png>

FOR IMMEDIATE RELEASE

May 4, 2017

Contact: Nathan Gwinn, City Planner
Planning & Development Services
ngwinn@spokanecity.org
(509) 625-6893

ACTIVATING EXISTING NEIGHBORHOOD COMMERCIAL STRUCTURES IN RESIDENTIAL AREAS

CITY WILL HOST OPEN HOUSE EVENTS ON MAY 4 AND MAY 9

Corner stores provide historic residential neighborhoods with character and convenience. But many that were later abandoned, converted, or rezoned, struggle with maintenance and repair as they are now prevented from restoring a former commercial activity.

To assist an investigation into whether such structures might again be permitted to contribute to the community as a reestablished commercial use, or small multifamily building or office, the City Planning & Development Department will conduct open houses Thursday, May 4 and Tuesday, May 9 to engage in community discussion about a proposed revision to the Spokane City Zoning Code.

This initiative would expand an area where pre-existing commercial structures in residential zones may be reused for low-impact neighborhood scale and neighborhood serving businesses. An existing pilot code allowing sites that were historically stores or other commercial uses to reopen as a new commercial use is currently limited to West Central Spokane.

This initiative is meant to increase the diversity of options for small businesses in a manner that has a minimal impact to neighbors, while encouraging active, walkable retail and other commercial uses. Changes to West Central would include new specifications for limited expansions to existing structures.

The City of Spokane will host two open houses to invite citizens to provide input before the proposal is considered by the Plan Commission and eventually the Spokane City Council. The first event will be held on Thursday, May 4, from 4:30 to 6 p.m. at West Central Community Center, 1603 North Belt Street. The second open house will be held on Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street.

[Documents related to the project can be found on the City of Spokane website.](#)

<image003.jpg>

Jessica Fisher | City of Spokane | Public Information Assistant
509.625.6749 | jfisher@spokanecity.org | spokanecity.org

<image004.png> <image005.png> <image006.png>

<Activate Existing Neighborhood Commercial Structures.doc>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Friday, May 05, 2017 9:55 AM
To: 'Ron Wells'
Subject: RE: Neighborhood stores

Good morning Ron,

Thank you for your message. I will add it to the record for this file.

Yes, as the ordinance is currently drafted for expanding the area outside West Central, it would maintain a required location on arterials, and eliminate the provision for structures elsewhere listed on the Spokane Historic Register. In our research, we did not find very many former commercial structures that are currently listed, and any of those historic structures would have an alternative means of converting the use under a different code section ([SMC 17C.335](#)). My understanding is that is the process that Browne's Tavern and Batch Bakeshop were reviewed under.

There has been discussion about locations farther away from arterials, such as at a specified distance, or whether an arterial location matters at all. With the limitation to arterials, stores may have sufficient foot traffic for viable business, and traffic and parking impacts to the neighborhood may also be less apparent.

However, several former commercial locations from previous thoroughfares and streetcar routes would be excluded. This appears to be the case with the Camp Grande building, which is one block from the nearest designated arterial, Inland Empire Way.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Ron Wells [<mailto:RonWells@ronwellsgroup.com>]
Sent: Friday, May 05, 2017 7:01 AM
To: Gwinn, Nathan
Subject: Neighborhood stores

Nathan. Good morning. I hope all is well with you these days.

I applaud the initiative to restore historic neighborhood stores to low impact commercial uses. Great idea!!! I've struggled for 8 years with what to do with an old vacant store that was with Camp Grande, located at the corner of Coeur d'Alene and 12th Avenue in Vinegar Flats. However as I read the initiative, it's limited to only a designated arterial. I assume Coeur d'Alene does not qualify?

Hope you have a great day!!!

Thank you very much.

Ron Wells
Ron Wells Group LLC
(Formerly Wells and Company LLC)
2310 W. 12th Avenue

Spokane, WA 99224

Mobile (509) 954-6940

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Dwight Hume'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Good afternoon, Dwight:

Thank you for your comment. I will include it in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Dwight Hume [<mailto:dhume@spokane-landuse.com>]
Sent: Monday, May 08, 2017 10:33 AM
To: Gwinn, Nathan
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan: I fully support the effort to enable former retail sites to be resurrected such as was done in West Central. There is no reason for isolating this benefit to one sub-area of the city. However, I would like to see the City expand this enablement to other former zones as well and for the same reasons. Thank you for your consideration of these comments.

Regards

Dwight J Hume

Land Use Solutions & Entitlement LLC
9101 N Mt. View Lane
Spokane, WA 99218-2140
509-435-3108

From: Gwinn, Nathan [<mailto:ngwinn@spokanecity.org>]
Sent: Monday, May 08, 2017 10:16 AM
To: Gwinn, Nathan
Subject: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



FIND US



LIKE US



FOLLOW US

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 08, 2017 4:30 PM
To: 'Daniel Sanchez'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Mr. Sanchez:

Thanks for your comment. I will include it with the other one in the file for this proposal.

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Daniel Sanchez [<mailto:mootsys406@gmail.com>]
Sent: Monday, May 08, 2017 1:33 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Enforce existing laws..

Spokane Municipal Code 10.10- "Peace and Order"- ordinances are flagrantly ignored.. If you want to improve the city- stop allowing people to sleep on the sidewalks, panhandle at every intersection, camp under the viaducts, etc, etc..

There's nothing to talk about until those laws are enforced.

On Mon, May 8, 2017 at 10:15 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org





COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Diane Belyea
ADDRESS: 215 E. 19th Ave **PHONE NUMBER:** (509) 747-1422
E-MAIL CONTACT: dianebelyea@msn.com

I live on 19th off Grand. This area is zoned for commercial/residential. Rockwood Bakery is a block away. Parking for that business is not a problem for us; however, we did have issues with the medical office on Grand/20th. The employees were parking on our street (both sides) which made it very difficult to ① drive on the street with 2 way traffic ② Turn off Grand onto 19th because parked cars made it a bottle neck just to enter the street and ③ People were taking our parking space in front of our house! I'm all for taking existing structures (commercial) and improving neighborhood services (esp. home values) but parking

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Needs to be addressed.



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Melvin S. Paddock
ADDRESS: 726 S LAURA PHONE NUMBER: 509 217-7793
E-MAIL CONTACT: VALUETINE.TAYLOR@GMAIL.COM
Would like to see 1026 E NEWARK
Become commercial property.
To go along with the Perry Dis.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you... We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Ryan Kelly

ADDRESS:

2516 E North Attamont

PHONE NUMBER:

471-891-3127

E-MAIL CONTACT:

Ryan.Kelly76@gmail.com

Great Plan. I'm All for it.

Big thumbs up.



Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Bonnie McInnis

ADDRESS:

1523 W. Gardner

PHONE NUMBER:

509.327.0369

E-MAIL CONTACT:

bonnie.mcin@comcast.net

Interested in historical designation
code - ? ie Batch Bakery

Interest in non-residential locations
becoming viable - ?

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Mariah McKay

ADDRESS:

1024 W 11th Ave

PHONE NUMBER:

939-0015

E-MAIL CONTACT:

mariah.mckay@gmail.com

I support allowing historically commercial structures to be used again for commercial purposes for the following reasons:

- * reduces travel time to shopping & dining & employment destinations, making walking & biking more possible

- * creates locational advantages for innovative small businesses

- * stimulates upgrades and reinvestment

- * creates more interesting neighborhoods

- * prevents blight & derelict properties

- * increases property values by adding nearby amenities

- * creates potential "3rd Spaces" to increase social cohesion among neighbors & community members

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name: Lillie Sellers

ADDRESS: 3418 E 23rd Ave Spd 99223 PHONE NUMBER: 509 214 7171

E-MAIL CONTACT: l.seller356@yahoo.com

The rezoning of this property to a small grocery store would be ideal for this neighborhood. It would be a convenience for persons living in the immediate area in New Bryant Arms ~~Appts~~ Apartments which houses low income families (57). There are elderly as well as disabled persons among them.

I would greatly appreciate an update on the progress. Thanks

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane



COMMENT SHEET

Existing Neighborhood Commercial Structures in Residential Zones

May 9, 2017

For more project info visit:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Name:

Helen Blyton

ADDRESS:

POB 1117 N. Napa

PHONE NUMBER:

509-951-8831

E-MAIL CONTACT:

CLINESAC@MSN.COM

Idea is good BUT if the city would like to have investment in distressed areas - recommended
1) Reduce stringent landscaping and stormwater drainage requirements so they are more suitable for area - current regs are very costly making investment low in these areas. We can't have same level as in downtown.

2) Recognize differences between income properties and home owned residential properties when evaluating codes. Income properties should have different (reduced) screening requirements.

3) Provide a tax incentive for investors who develop these areas identified.

Please feel free to share your questions, comments or concerns with us!

Postal Mail – fold this comment card in thirds, add postage and drop in the mail

Phone – call us at #625-6983

E-mail – write to us at ngwinn@spokanecity.org

Thank you...We look forward to hearing from you!

Planning & Development Services, City of Spokane

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 8:50 AM
To: 'Jim Frank'
Subject: RE: Draft Ordinance

Jim,

I can add these comments to our record on the ordinance for the existing neighborhood commercial structures. We checked in with the Plan Commission on May 10, discussed the input received during the open houses, and identified the next step of a public hearing on June 14. We will send email notice of the public hearing to the contact list, later this month.

Did you want to follow these comments with additional comments on the draft ordinance?

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Wednesday, May 10, 2017 7:07 AM
To: Gwinn, Nathan; Palmquist, Tami
Subject: Re: Draft Ordinance

Thanks. I actually think parking (other than garage or underground) should be prohibited for uses smaller than 3000 SF. Since most of the uses occur in residential neighborhoods, nothing impacts neighborhood character more than parking lots. At a minimum they should be set back from the street the required street front setback of the underlying zone. Whereas there should be a requirement that the building (existing or expanded) should be street fronting creating a walkable urban form. There should be a minimum sidewalk standard as well. The last thing you want is a building set back from the street with parking in front in a residential neighborhood.

Jim

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

On 9/05/2017, at 9:05 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

Hi Jim,

Yes, here is the attached MS Word version.

Since our conversation, I confirmed that a mixed-use, commercial and residential building would not be required to provide parking if less than 3,000 square feet (under changes made since 2012). There is some discussion related to why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7). However, if any parking is provided off-street (as a choice of the developer), then under the International Building Code, the first space would need to be an accessible one.

I copied Tami above in case she has any clarification to add.

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Jim Frank [<mailto:jfrank@greenstonehomes.com>]
Sent: Tuesday, May 09, 2017 6:14 AM
To: Gwinn, Nathan
Subject: Draft Ordinance

Nathan...is it possible to get the draft ordinance in a word document format? It would make it easier to provide comments and suggestions on the specific code sections.

Thanks, Jim

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-4-21-draft-legacy-commercial-ordinance.pdf>

Jim Frank
Greenstone Corporation

Enriched Living. Lasting Value.
www.greenstonehomes.com

<2017-4-21-draftlegacy-commercial-ordinance.docx>

Gwinn, Nathan

From: Gwinn, Nathan
Sent: Monday, May 15, 2017 4:27 PM
To: 'George Thomsen'
Subject: RE: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

George,

It was good to meet you also. I will respond to your questions and include this message in the record for the file.

We did check in with the Plan Commission at its workshop on May 10, where we shared the input received by the project team during the open houses. We are moving ahead with the public hearing at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. As an employee of the City, I encourage you and anyone else interested in the outcome of the proposal, including those who have concerns or who might be opposed, to attend the meeting and give your input to the Plan Commissioners as they consider their recommendation to City Council. They will typically deliberate and make the recommendation that day, or they may continue it to an upcoming meeting. Following the recommendation, we will request to go on City Council's agenda to consider adopting the ordinance, which will likely occur in July or August.

The update to the parking requirement is somewhat complex. Basically there were some adjustments to requirements in 2012 and 2015, following the adoption of this overlay to allow commercial uses in existing commercial structures in West Central. The adjustments included allowing available on-street parking spaces next to a building to count toward requirements, as well as changes affecting smaller buildings in the Neighborhood Retail Zone. This ordinance uses those standards for the Neighborhood Retail Zone, so it no longer makes sense to allow the reductions originally written for the existing neighborhood commercial buildings. I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Please let me know if you have further questions or need any additional information. The draft ordinance text with the changes shown is fairly short and is posted on the project webpage: [Activate Existing Neighborhood Commercial Structures - City of Spokane, Washington](#)

Sincerely,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: George Thomsen [mailto:georget1000@gmail.com]
Sent: Friday, May 12, 2017 1:24 PM
To: Gwinn, Nathan
Subject: Re: Open House May 9 to Discuss Activating Spokane's Existing Neighborhood Commercial Structures

Nathan,

I was good to meet you at the East Central open house. I think it is clear that I am fully in support of this project moving forward. I truly believe that small businesses in residential neighborhoods add material value to the residents around them.

As the owner of one of the prospective properties, I am looking forward to bringing life back to a building and corner that has been an eyesore for too long. As a resident of the same neighborhood, I would hope that someone else would be doing this project if I was not. Our prospective tenants are also residents of the neighborhood and look forward to being able to walk to their workplace and provide business for the area.

I do have a couple questions....

Were you able to get on the agenda for next month planning meeting? And when will we know the result of that meeting?

I saw a note in the handouts about updated parking requirements, can you explain what those updates are?

Is there anything else I can do at this point to help make sure the process is moving forward?

Thank you,
George Thomsen

On May 8, 2017 10:16 AM, "Gwinn, Nathan" <ngwinn@spokanecity.org> wrote:

This message is to remind you about the City of Spokane Planning and Development Department's open house tomorrow evening. Following the first open house last week, this second event will be held Tuesday, May 9, from 5 to 7 p.m. at East Central Community Center, 500 South Stone Street. The proposal is a text amendment to the Development Code that would expand an area, on a limited basis, that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Input is needed on the draft proposal from all perspectives to identify issues, consider how it helps achieve the City's planning goals, and explore how a change of use to an existing commercial structure might change or impact the neighborhood. Maps and other documents are available on the [project web page](#).



Activate Existing Neighborhood Commercial Structures Open Houses

Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open Houses

Thursday, May 4, 4:30 – 6 p.m.

West Central Community Center
1603 North Belt Street, Spokane

Tuesday, May 9, 5 p.m. – 7 p.m.

East Central Community Center
500 South Stone Street, Spokane

If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Thank you!



Nathan Gwinn | Assistant Planner | Planning & Development

509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



Gwinn, Nathan

From: Gwinn, Nathan
Sent: Tuesday, May 16, 2017 3:07 PM
To: 'Marcella Bennett'
Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorban76
Subject: RE: Notification of Proposed Changes to Properties Currently Zoned Residential

Good afternoon Marcella,

Thank you for following up on our talk at the open house about the parking requirements. I am grateful for the feedback about the event, and glad you made it. As I mentioned during our discussion May 4, while the parking history at the Flying Goat is informative, we should be certain to distinguish between how that project was approved, and the additional process in the proposal for existing neighborhood commercial structures. I will try to explain how the processes and criteria differ.

Properties zoned for commercial uses such as the Flying Goat (located in a Neighborhood Retail zone) do not require additional land-use approval processes, such as a conditional use permit. Conversely, this proposal would set an applicant on a different track for approval than the Flying Goat, one that requires obtaining a conditional use permit and review under the additional regulations designed to promote compatibility with residential land uses. Since they have a location in a residential zone, the commercial structures under consideration here cannot obtain a building permit until a decision is first reached on the conditional use permit.

Below are some essential distinctions between a project for similar uses on a commercially zoned property and this proposal. In order to allow existing neighborhood commercial structures to be reused for low-impact neighborhood scale and neighborhood serving businesses, a project under this proposal would also be subject to all of the following items unique to existing commercial structures, and not part of the consideration for property zoned for commercial use such as the Flying Goat:

- Under current regulations in [SMC 17C.370.030\(F\)\(2\)](#), the site must have frontage on an arterial street or be listed on the Spokane Register of Historic Places. The proposal would remove the historic exception to the arterial street location, where on-street parking may or may not be provided or allowed. However, where parking is allowed, on-street parking patterns in the vicinity may follow more established patterns (and be closer to transit) than at locations farther away from arterials.
- Under the current regulations in [SMC 17C.370.030\(F\)\(4\)](#), the site size may not be expanded beyond the site area. Under the proposed changes to this paragraph in the draft [ordinance](#) (pp. 3-4), the development of additional off-street motor vehicle parking would require a public hearing and decision by the hearing examiner; *and*
- Whether or not additional off-street parking is proposed, [SMC 17C.370.030\(D\)](#) requires conditional use review procedures and use of decision criteria in [SMC 17G.060.170](#), including Subsection (C)(5):

5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.

This paragraph allows a decision maker to impose conditions that might include developing additional off-street parking if he or she finds it necessary to avoid significant interference with the use of neighboring property or the surrounding area; *and*

- Finding that the use is permitted if the benefits of the proposed use and improvements to the property (such as existing or new off-street parking) would mitigate potential negative impacts on the residential character of the area; [SMC 17C.370.030\(E\)](#) or
- Finding that the use is **not permitted** if the negative impacts on the residential character of the area cannot be mitigated with conditions of approval. [SMC 17C.370.030\(E\)](#)

In addition to these differences, the applicant is required to provide notice under this proposal. However, despite these several additional differences, for structures less than 3,000 square feet, additional parking under this proposal may not be required. Even so, it may be provided by an applicant anyway for the convenience of property owners or users, subject to the standards of [SMC chapter 17C.230](#). One additional parking requirement that is not in the current proposal, but was discussed in the past, is to require any permanent outdoor seating areas for uses such as restaurants to be counted as part of the square footage of the structure.

In a final note about the parking requirements for this proposal, the changes proposed would actually increase the amount of required parking by fixing some outdated exceptions. Parking under the current code is as required for the Neighborhood Retail zone, which has reduced off-street parking requirements for smaller buildings (5,000 square feet or less, which is where the exception is found for buildings less than 3,000 square feet, under [SMC 17C.230.130\(B\)](#)). The existing requirement and outdated exceptions are described in [SMC 17C.370.030\(F\)\(5\)](#). The proposed changes to remove parking exceptions in the existing code would generally require providing more parking than under the current code. To help describe the change, I provided a more detailed explanation why the exceptions in the code should be removed in the [application](#) on pages 7 and 8 (starting at the bottom half of page 7).

Regarding the pictures, addresses, and locations of the known existing commercial structures, you may view the open house posters, including the map with this information on page 2, presented at the open houses, by clicking the following link:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/open-house-posters.pdf>

A public hearing will be scheduled for this proposal at the City Plan Commission on Wednesday, June 14, at 4 p.m. in the Council Chambers in the Lower Level of City Hall. We will send notice by email later this month to the contact list. To view the documents above and for more information, please see the project webpage:

my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/

Thank you,

Nathan Gwinn | Assistant Planner | City of Spokane
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org

From: Marcella Bennett [mailto:marcellabennett@hotmail.com]

Sent: Monday, May 15, 2017 7:59 AM

To: Gwinn, Nathan

Cc: Key, Lisa; Merle Gilliland; Anna Mae Hogan; 'BETOW, ANNE'; 'HORLACHER, DENNIS'; Erin Jennings; Kathy Miotke; 'MUMM, CANDACE'; jjspring@comcast.net; Pat Lynass; lisacorb76

Subject: Notification of Proposed Changes to Properties Currently Zoned Residential

Nathan,

The meeting you conducted on May 4th at the West Central Community Center was quite informative. Could you please advise how the parking issues will be addressed should any of the "business opportunities" take place on these properties? The horror story related that evening regarding the parking problems encountered by the residents surrounding the "Flying Goat" would make one believe the city has taken steps to prevent this

from happening in the future. Also, I understand there are pictures, addresses and descriptions of each of the properties which have been targeted on your website. Could you please give a detailed "path" as to how we can locate these on your website?

Your assistance is greatly appreciated.

Marcella Bennett
Citizens for Maintaining Neighborhood Character

Gwinn, Nathan

From: Robynn Sleep <robynnsleep@gmail.com>
Sent: Friday, June 30, 2017 9:49 AM
To: Gwinn, Nathan
Subject: Re: pre-existing commercial structures map?

Thank you, I look forward to your presentation on July 6.

On Fri, Jun 30, 2017 at 9:32 AM, Gwinn, Nathan <ngwinn@spokanecity.org> wrote:

FYI, we are also planning to brief the Community Assembly about the changes at its meeting on July 6.

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Gwinn, Nathan
Sent: Friday, June 30, 2017 9:32 AM
To: 'robynnsleep@gmail.com'
Subject: RE: pre-existing commercial structures map?

Hi Robynn,

Thank you for your comment and inquiry. I will add this to the record for the file.

Yes, the map, and list on the next pages, of known potentially eligible sites has been updated and is on the [project webpage](#). Additional sites on arterials are included with Special Use Permits and of a larger size, which are now thought to be eligible. We are preparing to notify the neighbors of any of the sites that were not previously notified. The direct link to that updated map is:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-6-27-potentially-eligible-properties.pdf>

Best,

Nathan Gwinn | Assistant Planner | City of Spokane

[509.625.6893](tel:509.625.6893) | ngwinn@spokanecity.org | www.spokanecity.org

From: Robynn Sleep [<mailto:robynnsleep@gmail.com>]

Sent: Thursday, June 29, 2017 4:40 PM

To: Gwinn, Nathan

Subject: pre-existing commercial structures map?

Hi Nathan,

Since the number of properties included in this code amendment has increased since you presented to the Community Assembly Land Use Committee, I wondered if you have an updated map of the qualifying properties? Or if it is available online? Or you could send me a GIS shape file if you have that. I think it's a great idea to expand it to all areas of the residential zone, it seems like it will make the entire neighborhood more vibrant and will be far less likely to cause traffic congestion and parking problems.

Thanks!

--

Robynn Sleep

Cliff-Cannon Rep to LUC

--

Robynn Sleep

Gwinn, Nathan

From: Patricia Hansen <patricia@pahansen.com>
Sent: Friday, July 28, 2017 8:09 PM
To: Gwinn, Nathan
Cc: lauraccnc@sisna.com; Seth Knutson; Steve Spickard; Pat Freeman; bsa307@gmail.com; Lulu P; rosemarysmall@gmail.com; Judy Gardner; Nancy MacKerrow; grj@desertpine.com; Philip Small; Robynn Sleep; jessicayocom7@gmail.com
Subject: FW: Open House August 3 to Discuss Additional Locations for Activating Spokane's Existing Neighborhood Commercial Structures
Attachments: 2017-6-14-pc-recommended-draft-ordinance.pdf; 2017-6-27-potentially-eligible-properties.pdf

Nathan,

Thank you for including Cliff Cannon Neighborhood on your email announcement. Our Executive Committee reviewed the information and have a follow up question, which I thought we asked earlier. On the map #43 describes the Old Fire Station which was converted to office spaces on both floors. There are rarely, if ever, vacancies. We asked why this property is still on the list as it doesn't seem to fit the intention of "Activating Spokane's Existing Neighborhood Commercial Structures." This commercial structure has already been "activated". We would like to have it removed from the map. Who should we make our request to?

Sincerely,

Patricia

*Dr. Patricia Hansen
1104 W. 8th Ave.
Spokane, WA 99204
509-838-2722 office
208-755-1925 cell*

From: "Gwinn, Nathan" <ngwinn@spokanecity.org>
Date: Thursday, July 27, 2017 at 5:55 PM
To: "Gwinn, Nathan" <ngwinn@spokanecity.org>
Subject: Open House August 3 to Discuss Additional Locations for Activating Spokane's Existing Neighborhood Commercial Structures

Your input is invited about a change proposed to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or

office. Learn about new changes proposed by the City Plan Commission at a new open house to extend the provisions to sites citywide, rather than restricting sites to arterial streets as originally proposed.

The City of Spokane Planning and Development Department invites you to join a third public open house scheduled on **Thursday, August 3**, at West Central Community Center, 1603 N. Belt. Please drop by at the open house any time **between 4:30 and 6:30 p.m.** The open house is part of outreach to gather input about a proposed change that would add eligible locations to the original proposal. This proposal is a text amendment to the Development Code that would expand an area that might encourage investment opportunities for existing neighborhood commercial structures in residential areas.

Please find the **Plan Commission's recommendation and draft ordinance** and **updated map and list of known potential eligible structures** attached and on the project web page at the link below.

Last May, the City of Spokane conducted two open houses about an initiative that would expand the area where pre-existing commercial structures in residential zones may be reused for low-impact neighborhood scale and neighborhood serving businesses. Following these open houses the City Plan Commission recommended expanding the properties eligible for this proposed Development Code text amendment to include sites citywide, not just those with frontage on arterial streets.

After hearing additional public testimony at a legislative meeting agenda, the City Council would consider and decide whether to adopt the Plan Commission's recommendation. The Council's decision has not been scheduled, but will be held after the open house. This list will be notified when the proposal is added to a Council legislative meeting agenda.

Direct notice of the open house was sent to residents and property owners near additional known potentially eligible properties. Please follow the link to the project webpage below for more information and share this message with others you believe may be interested!

Project Webpage:

<https://my.spokanecity.org/projects/activate-existing-neighborhood-commercial-structures/>

Map and List of Known Potentially Eligible Sites under Expanded Proposal:

<https://static.spokanecity.org/documents/projects/activate-existing-neighborhood-commercial-structures/2017-6-27-potentially-eligible-properties.pdf>



Activate Existing Neighborhood Commercial Structures Open House



Come share your thoughts about a proposed revision to the Spokane City Zoning Code that might permit more former neighborhood commercial structures to re-establish a commercial use, or change into a small multi-family building or office.

The purpose of this revision is to consider new activities at historically commercial sites, now zoned residential, that may increase maintenance and attract investment to older buildings and their surroundings. While currently allowed only on sites in a defined area in West Central Spokane, the proposal would extend the option to other residential areas of the city. The changes include new specifications for limited expansions in West Central and other areas.

Existing Neighborhood Commercial Structures Open House

Thursday, August 3, 4:30 – 6:30 p.m.

West Central Community Center
1603 North Belt Street, Spokane

You are receiving this notice because you either reside or own property or a business near an identified potentially eligible structure and may have an interest in these recommendations. If you are interested in receiving further notice about this project, please sign up for the project email list by sending your email to ngwinn@SpokaneCity.org.

For additional information, go to my.SpokaneCity.org/projects or contact Nathan Gwinn at ngwinn@spokanecity.org or 509-625-6893



Nathan Gwinn | Assistant Planner | Planning & Development
509.625.6893 | ngwinn@spokanecity.org | www.spokanecity.org



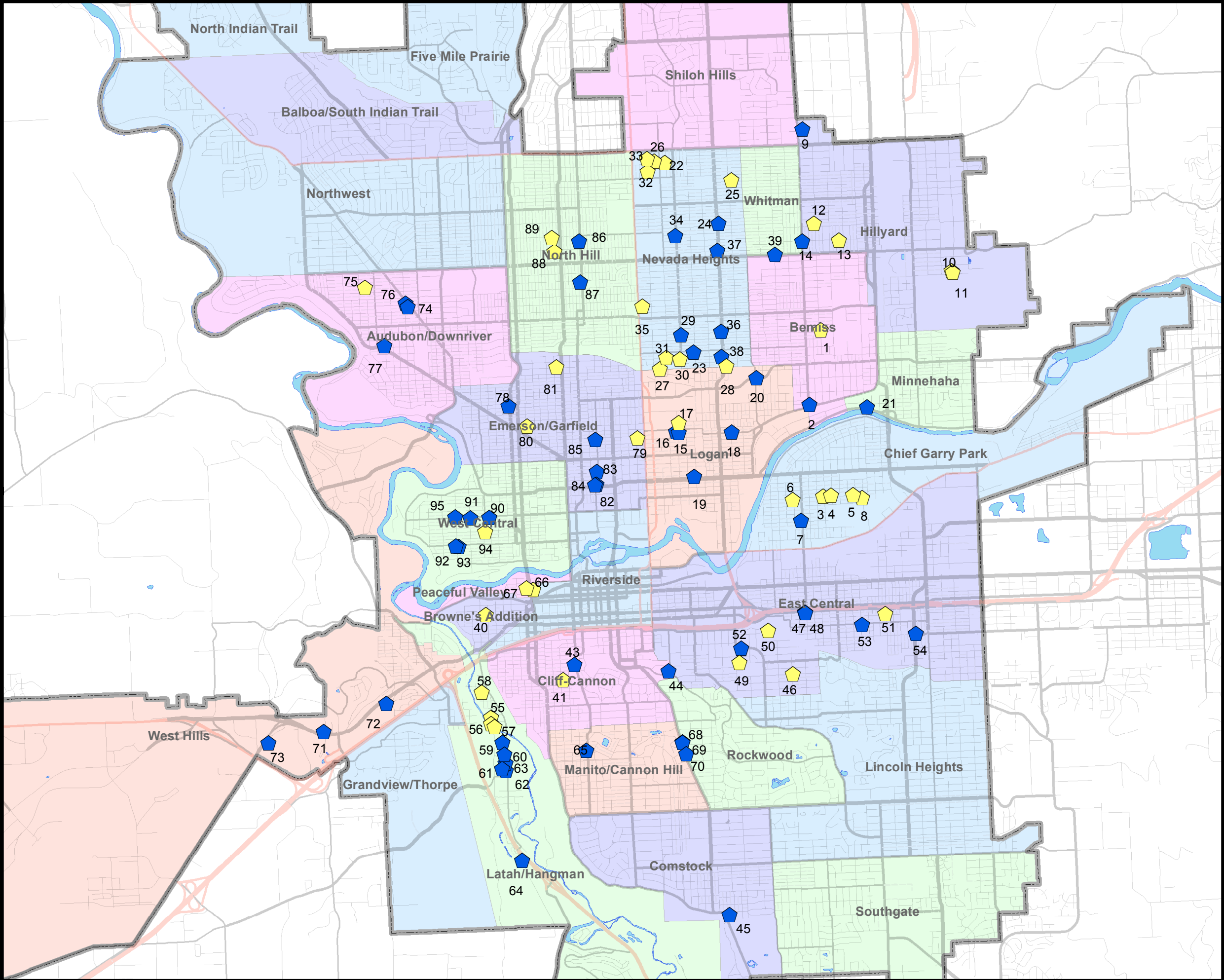
FIND US



LIKE US



FOLLOW US



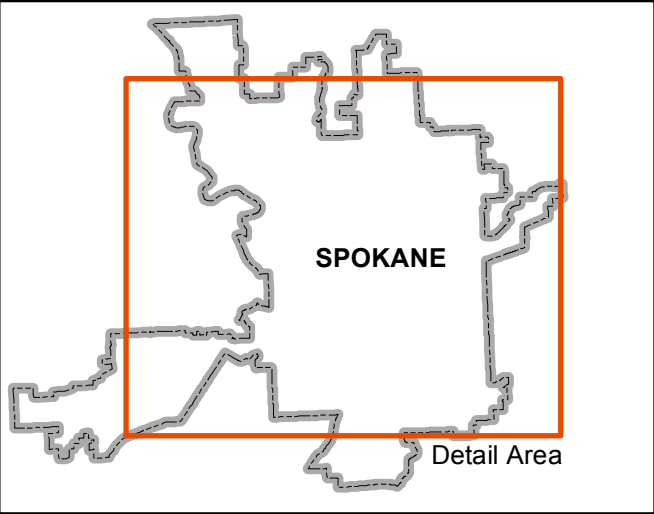
Known Potentially Eligible Sites and Neighborhood Council Boundaries

Existing Neighborhood
Commercial Structures
Spokane, WA

DRAFT

Printed by: ngwinn

Print date: 6/27/2017



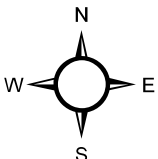
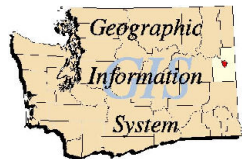
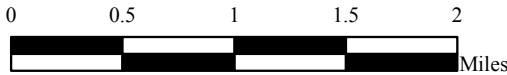
Legend

No frontage on a designated arterial (40)

Frontage on a designated arterial* (54)

City of Spokane

* Includes sites with potentially active Special Use Permits, and sites with structures larger than 5,000 sq. ft.



THIS IS NOT A LEGAL DOCUMENT:
The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.

Known Potentially Qualifying Properties under Proposed Expanded SMC 17C.370 - Including Sites Not on Arterials Existing Neighborhood Commercial Structures within Residential Zones											
ID	Parcel	Full Address	Observed Use/Structure	Current Use Category	Feet to Arterial	Zoning	Construction Year	Footprint	Neighborhood Council	Special Use Permit?	Council Dist.
1	35044.0411	2307 E Glass Ave	Converted Fire Station	Residential	660	RSF	1913	1300	Bemiss	Yes	1
2	35091.2412	2101 E Illinois Ave	Possible Retail	Non-Res	0	RSF	1923	1,308	Bemiss	No	1
3	35161.2108	2229 E Boone Ave	Former Retail	Residential	1000	RSF	1926	2874	Chief Garry Park	No	1
4	35161.2007	2327 E Boone Ave	Former Retail	Residential	1000	RSF	1911	750	Chief Garry Park	No	1
5	35161.1708	2623 E Boone Ave	Former Retail	Residential	990	RSF	1912	1568	Chief Garry Park	No	1
6	35162.2505	1125 N Magnolia St	Former Commercial	Residential	375	RSF	1902	2064	Chief Garry Park	No	1
7	35162.4007	1929 E Mallon Ave	Former Commercial	Residential	0	RSF	1906	1,316	Chief Garry Park	No	1
8	35161.2905	1115 N Nelson St	Wholesale - Garage	Non-Res	1200	RSF	1980	2240	Chief Garry Park	Yes	1
9	36284.0606	6509 N Lee St	Retail - Auto (vehicle storage, contracting)	Non-Res	0	RSF	1975	2,000	Hillyard	No	1
10	35031.0618	4121 E Rich Ave	Warehouse	Non-Res	1100	RSF	1979	440	Hillyard	No	1
11	35031.0617	4125 E Rich Ave	Warehouse	Non-Res	1060	RSF	1979	3200	Hillyard	No	1
12	36334.1327	5111 N Stone St	Converted Retail	Residential	600	RSF	1916	1649	Hillyard	No	1
13	36334.3025	2612 E Wabash Ave	Possible Former Retail	Residential	730	RSF	1923	1723	Hillyard	No	1
14	36334.2523	2102 E Wabash. Ave	Storefront	Non-Res	0	RSF	1920	952	Hillyard	No	1
15	35083.0607	2114 N Astor St	Former Retail or Commercial	Residential	0	RSF	1908	6500	Logan	No	1
16	35083.0501	2129 N Astor St	Former Retail or Commercial	Residential	0	RSF	1904	2,454	Logan	No	1
17	35082.3606	2228 N Astor St	Former Retail or Commercial	Residential	251	RSF	1906	6687	Logan	No	1
18	35084.1010	1003 E Illinois Ave	Former Retail	Residential	0	RSF	1910	2,412	Logan	No	1
19	35083.4706	525 E Mission Ave	Office	Non-Res	0	RSF	1918, 1986	8640	Logan	No	1
20	35092.1007	2902 N Perry St	Wholesale	Non-Res	0	RMF	1956	5075	Logan	No	1
21	35102.3702	2929 E Upriver Dr	Unknown Non-Residential - Possibly Vacant	Non-Res	0	RMF	1919	3,016	Minnehaha	No	1
22	36322.0428	6103 N Astor St	Service - Finance	Non-Res	140	RTF	2005	4205	Nevada Heights	No	1
23	35053.3201	556 E Bridgeport Ave	Multi-Family - former store	Residential	0	RSF	1909	2,100	Nevada Heights	Yes	1
24	36324.0729	5202 N Nevada St	Auto Repair and Maintenance	Non-Res	0	RSF	1956	2,396	Nevada Heights	No	1
25	36321.1713	1211 E Columbia Ave	General Purpose Building	Residential	832	RSF	1937	1320	Nevada Heights	No	1
26	36322.0512	203 E Dalke Ave	Medical Office	Non-Res	141	RHD	1995	5758	Nevada Heights	No	1
27	35053.3828	127 E Euclid Ave	Service - Professional	Non-Res	1170	RSF	1994	1976	Nevada Heights	Yes	1
28	35054.3926	1011 E Euclid Ave	Service - Qwest - Office	Non-Res	100	RTF	1956	11692	Nevada Heights	Yes	1
29	35053.1709	502 E Gordon Ave	Former Retail - Currently Multi-family	Residential	0	RSF	1902	7504	Nevada Heights	No	1
30	35053.3401	428 E Liberty Ave	Converted Retail	Residential	278	RSF	1913	1760	Nevada Heights	No	1
31	35053.3022	3201 N Lidgerwood St	Retail - Gen	Non-Res	145	RSF	1909	3405	Nevada Heights	No	1
32	36322.1121	6002 N Mayfair St	Medical Office	Non-Res	120	RHD	1995	13722	Nevada Heights	Yes	1
33	36322.0616	6120 N Mayfair St	Service - Professional	Non-Res	340	RHD	1990	3973	Nevada Heights	No	1
34	36323.1121	5023 N Addison St	Store (Possibly Vacant)	Non-Res	0	RSF	1914	2,502	Nevada Heights	No	1
35	35052.2920	15 E Walton Ave	Retail Other - Not in Use	Residential	125	RMF	1942	2905	Nevada Heights	No	1
36	35054.1417	3601 N Nevada St	Service - Gen	Non-Res	0	RSF	1931	2,790	Nevada Heights	Yes	1
37	36324.3422	4803 N Nevada St	Restaurant	Non-Res	0	RSF	1905	1,666	Nevada Heights	Yes	1
38	35054.3501	928 E Liberty Ave	Office Secondary Use - Possibly Vacant	Residential	0	RSF	1952	1,548	Nevada Heights	No	1
39	36333.4207	1701 E Wellesley Ave	Converted Commercial or Retail	Residential	0	RSF	1907	1,865	Whitman	No	1
40	25242.0101	2105 W Pacific Ave	Service - Professional - Dentistry	Non-Res	920	RHD	1973, 2001	3485	Browne's Addition	No	2
41	35193.1405	1117 W 10th Ave	Former Office	Residential	800	RSF	1907	3490	Cliff-Cannon	No	2
43	35193.0505	804 S Monroe Ave	Office - Former Fire Station	Non-Res	0	RMF	1932	4,000	Cliff-Cannon	Yes	2
44	35203.1803	922 S Cowley St	Service - Finance	Non-Res	0	RHD	1956	4,038	Cliff-Cannon	No	2
45	35324.3103	4315 S Scott St	Office	Non-Res	0	RSF	1932	2,742	Comstock	Yes	2
46	35213.1126	1801 E 11th Ave	Former Retail	Residential	540	RSF	1925	1976	East Central	No	2
47	35212.3507	1928 E 3rd Ave	Retail (Vacant)	Vacant	0	RTF	1910	1,500	East Central	No	2
48	35212.3506	1930 E 3rd Ave	Retail (Vacant) Attached to 35212.3507	Vacant	0	RTF	1987	2,481	East Central	No	2
49	35204.1114	1013 E 9th Ave	Service - Repair	Non-Res	850	RSF	1895, 1910	8552	East Central	No	2
50	35212.2808	1421 E Celesta Ave	Converted Industrial	Residential	965	RMF	1908	11093	East Central	Yes	2
51	35222.2604	328 S Fiske St	Former Commercial	Residential	220	RTF	1915	1876	East Central	No	2
52	35204.0906	1026 E Newark Ave	Abandoned Retail	Residential	0	RSF	1926	2,214	East Central	No	2
53	35211.4701	2702 E 5th Ave	Former Masonic Lodge	Residential	0	RTF	1927	1,600	East Central	Yes	2
54	35222.4719	615 S Thor St	Service - Professional	Non-Res	0	RTF	1955	3,833	East Central	Yes	2

Known Potentially Qualifying Properties under Proposed Expanded SMC 17C.370 - Including Sites Not on Arterials Existing Neighborhood Commercial Structures within Residential Zones											
ID	Parcel	Full Address	Observed Use/Structure	Current Use Category	Feet to Arterial	Zoning	Construction Year	Footprint	Neighborhood Council	Special Use Permit?	Council Dist.
55	25252.1301	1508 S Chestnut St	Wholesale	Non-Res	525	RSF	1954	2120	Latah/Hangman	No	2
56	25252.0014	1602 S Chestnut St	Service - Finance	Non-Res	620	RSF	1904, 1994	2000	Latah/Hangman	Yes	2
57	25251.1108	1611 S Chestnut St	Wholesale	Non-Res	530	RSF	1955	7224	Latah/Hangman	No	2
58	25243.3901	1126 S Coeur d'Alene St	Possible Former Retail - Auto Court	Residential	300	RSF	1929	1260	Latah/Hangman	No	2
59	25251.1805	1732 S Inland Empire Way	Retail - General Mrchds - Nursery	Non-Res	0	RA	1947, 62, 88, 90, 95, 05	8428	Latah/Hangman	No	2
60	25251.2103	2100 S Inland Empire Way	Retail - General Mrchds - Nursery	Non-Res	0	RSF	1939, 46, 82	20126	Latah/Hangman	Yes	2
61	25254.0110	2134 S Inland Empire Way	Wholesale	Non-Res	0	RSF	1982	13400	Latah/Hangman	Yes	2
62	25254.0210	2206 S Inland Empire Way	Commercial Use - Accessory to Dwelling	Residential	0	RSF	1950	2,082	Latah/Hangman	Yes	2
63	25251.2004	1930 S Inland Empire Way	Service Repair	Non-Res	0	RSF	1939	1,250	Latah/Hangman	Yes	2
64	25361.0004	3504 S Inland Empire Way	Retail - Auto	Non-Res	0	RSF	1986	2,000	Latah/Hangman	Yes	2
65	35302.3612	904 W 20th Ave	Former Retail	Residential	0	RSF	1928	2,492	Manito/Cannon Hill	Yes	2
66	25134.4508	1423 W Clarke Ave	Converted Commercial	Residential	260	RMF	1935	1749	Peaceful Valley	No	2
67	25134.4124	107 N Maple St	Converted School - Now Residential	Residential	100	RMF	1918	11250	Peaceful Valley	No	2
68	35292.1219	1919 S Grand Blvd	Service - Professional	Non-Res	0	RSF	2007	3,878	Rockwood	No	2
69	35292.1220	1923 S Grand Blvd	Service - Professional	Non-Res	0	RSF	2007	3,351	Rockwood	No	2
70	35292.2014	2103 S Grand Blvd	Service - Professional	Non-Res	0	RSF	1959	1,564	Rockwood	Yes	2
71	25271.0504	1606 S Assembly St	Wholesale - Nursery	Non-Res	0	RSF	1949, 50, 98	11620	West Hills	No	2
72	25234.3001	3500 W Woodland Blvd	Storage/Shop? - Finch Arboretum	Non-Res	0	RSF	1971	1,568	West Hills	No	2
73	25275.2510	1611 S Geiger Blvd	Wholesale	Non-Res	0	RSF	1982	10500	West Hills	No	2
74	25021.3605	3019 W Rockwell Ave	Former Commercial	Residential	0	RSF	1930	1,605	Audubon/Downriver	No	3
75	25021.1425	3607 W Princeton Ave	Possible Former Retail	Residential	660	RSF	1971	2148	Audubon/Downriver	Yes	3
76	25021.3311	4203 N Driscoll Blvd	Gas station/convenience store	Non-Res	0	RSF	1956	1,049	Audubon/Downriver	No	3
77	25024.5311	3404 W Northwest Blvd	Dental Office	Non-Res	0	RSF	1988	1,766	Audubon/Downriver	No	3
78	25121.3205	2659 N Ash St	Professional Services	Non-Res	0	RSF	1907, 1999	6688	Emerson/Garfield	Yes	3
79	35074.1710	2124 N Atlantic St	Service - Repair	Non-Res	222	RSF	1914	4800	Emerson/Garfield	Yes	3
80	25121.5909	1434 W Carlisle Ave	Former Retail - Suspected	Residential	410	RSF	1909	819	Emerson/Garfield	No	3
81	35063.3702	1024 W Dalton Ave	Service - Repair	Non-Res	270	RSF	1958	1200	Emerson/Garfield	No	3
82	35181.2801	1501 N Howard St	Service - Finance	Non-Res	0	RHD	1979, 2004	9758	Emerson/Garfield	No	3
83	35074.6207	604 W Augusta Ave	Converted Commercial (Now Residential)	Residential	0	RHD	1911	2,404	Emerson/Garfield	No	3
84	35181.2802	546 W Maxwell Ave	Former Commercial	Non-Res	0	RHD	1923	6350	Emerson/Garfield	No	3
85	35074.2512	601 W Mansfield Ave	Retail (Vacant)	Non-Res	0	RTF	1936	2,686	Emerson/Garfield	Yes	3
86	36313.1104	5007 N Wall St	Barn attached to Residence	Residential	0	RSF	1944	552	North Hill	No	3
87	35062.4101	705 W Heroy Ave	Former Branch Library	Residential	0	RSF	1930	1,680	North Hill	No	3
88	36313.1724	4828 N Madison St	Former Retail - Now Multifamily	Residential	280	RSF	1909	1591	North Hill	No	3
89	36313.1501	5029 W Madison St	Former Retail	Residential	320	RSF	1928	1100	North Hill	Yes	3
90	25131.5401	2001 W Boone Ave	Converted Retail (Possibly Vacant)	Vacant	0	RHD	1957	1,308	West Central	No	3
91	25132.0101	2229 W Boone Ave	Retail - Ice Cream	Non-Res	0	RSF	1928	478	West Central	No	3
92	25133.0314	2501 W Broadway Ave	Former Store and Attached Duplex	Vacant	0	RSF	1907	1,996	West Central	No	3
93	25133.0201	2425 W Broadway Ave	Service Repair	Vacant	0	RSF	1957	1,500	West Central	No	3
94	25131.6115	2023 W Dean Ave	Bakery	Non-Res	451	RHD	1905, 2015	1500	West Central	No	3
95	25132.2216	2502 W Boone Ave	Former Retail	Residential	0	RSF	1928	1,440	West Central	No	3

Note: This list is of known potentially eligible sites only. The sites listed are subject to site review and verification.

Sources: Spokane County Assessor, City of Spokane Visual Survey

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

08/14/2017

Date Rec'd

8/1/2017

Clerk's File #

ORD C35536

Renews #**Submitting Dept**

PLANNING

Cross Ref #**Contact Name/Phone**

TIRRELL BLACK 625-6185

Project #**Contact E-Mail**

TBLACK@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Final Reading Ordinance

Requisition #**Agenda Item Name**

0650 - ORDINANCE -THRESHOLD DOCKETING PROCESS

Agenda Wording

An ordinance adopting a threshold docketing process for deciding when comprehensive plan amendment proposals will be added to the City's annual comprehensive plan amendment work program or alternatively to an ongoing work program or periodic update;

Summary (Background)

This proposed amendment to the municipal code will update the way annual amendment proposals to the Comprehensive Plan and Unified Development Code are reviewed by adding a threshold review or "docketing" step. Chapters 17G.020 and 17G.025 govern these procedures.

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

KEY, LISA

Study Session

6/22/17

Division Director

KEY, LISA

Other

Plan Commission

Finance

HUGHES, MICHELLE

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Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

amending sections 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 and 08.02.010; adopting new sections 17G.020.25 and 17G.020.26 to Chapter 17G.020 of the Spokane Municipal Code.

Summary (Background)

Fiscal Impact

Select \$

Select \$

Budget Account

#

#

Distribution List

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

Subject

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

Background

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

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

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

Key Concepts in this code update:

- An “early threshold review” procedure, which would be used to establish the Annual Comprehensive Amendment Work Program (“the docket” for short), has been added to the draft ordinance. The Plan Commission considered several alternative procedures for conducting this threshold review at their workshops. Following the Plan Commission Public Hearing on this matter, the Plan Commission and City Council, at their joint study session on July 13, 2017, agreed to language that will create a city council ad hoc committee consisting of three City Council Members and three Plan Commission Members. (This is discussed in specifics in Item #1 below).
- A new proposed code section, 17G.020.026, Threshold Review Decision Criteria, has been added. Decision Criteria for non-city unified development code proposals would be added to SMC 17G.025.010(C) as well.
- This proposal would incorporate any non-city amendments proposed to the Unified Development Code (Title 17) into the docket procedure.
- The limitation on accepting “inconsistent amendments” only every other year has been removed. Now inconsistent amendments could potentially be considered every year.

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

Plan Commission Action and Additional Changes:

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

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

1. Additional text was proposed for new section 17G.020.025(A)(1)(a)(i) to include language about establishing an ad hoc committee of three City Council members and three Plan Commission members to review and send recommendation to City Council. This change is from PC/CC Study Session on July 13, 2017.
2. Adding language was proposed for 17G.020.060(A)(2), Process for Application, Review and Decision, Threshold Review, which would add that neighborhood council engagement be encouraged early in the process, prior to application. This suggestion comes from Council Member Beggs. It reads:
In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).
3. Staff revision is proposed for section 17G.020.026, Threshold Review Criteria, to delete section D. Staff feel this is already addressed in SMC 17G.020.030(K) (Demonstration of Need) and is more appropriately addressed during final review.
“D” in the draft before Plan Commission read: “The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole; and”
4. In 17G.020.026(G), addition of the word “or” to clarify that decision criteria H is not required and is thus no longer included in the proposed code update. This is in response to a comment from Plan Commissioner during the hearing on June 14, 2017.
5. Staff proposes a clerical change to the numbering in SMC 17G.020.026 from A-G for review steps, to A(1-3) for Threshold Review steps and B(1-12) for Final Review steps.

Project Timeline

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

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

ORDINANCE NO. C- 35536

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

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

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

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

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

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

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

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

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

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

The City of Spokane does ordain:

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

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

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ~~((for amending))~~ the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

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

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

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

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

17G.020.020 ((Timing)) Amendment Process

~~((A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.))~~

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

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

17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.
 - i. Review by Ad Hoc Committee. Pursuant to the procedural provisions of this chapter, complete applications proposing an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by an ad hoc committee comprised of three city council members and three plan commission members. This ad hoc committee will conduct a public meeting and make a recommendation to the City Council using the criteria set forth in SMC 17G.020.026, as to which amendment proposals should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. The ad hoc committee shall review the geographic scope of any proposed amendments. The committee may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment’s site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. City Council Review. The City Council will hold a public hearing and will review the committee’s recommendation and the criteria set forth in section 17G.020.026, and determine which amendment proposals will be included in the Annual Comprehensive Plan Amendment Work Program, and their geographic scope. Those proposals included in the Annual Comprehensive Plan Amendment Work Program will then be referred back to staff and to the Plan Commission for the Final Review process.

- iv. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

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

1. City Council.

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

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

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

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

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

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

17G.020.026 Threshold Review Decision Criteria

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

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

- D. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- E. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- F. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- G. State law required, or a decision of a court or administrative agency has directed such a change.

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

17G.020.030 Final Review Criteria

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

- A. **Regulatory Changes.**
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **Financing.**
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.

D. Funding Shortfall.

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

E. Internal Consistency.

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

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

F. Regional Consistency.

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

G. Cumulative Effect.

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

1. Land Use Impacts.

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

2. Grouping.

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

H. SEPA.

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

1. Grouping.

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

2. DS.

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

I. Adequate Public Facilities

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

J. UGA.

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

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

1. Policy Adjustments.

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

- a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- b. the capacity to provide adequate services is diminished or increased;
- c. land availability to meet demand is reduced;
- d. population or employment growth is significantly different than the plan's assumptions;
- e. plan objectives are not being met as specified;

- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
 - g. transportation and/or other capital improvements are not being made as expected;
 - h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.
2. Map Changes.
Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:
- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
 - b. The map amendment or site is suitable for the proposed designation;
 - c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.
3. Rezones, Land Use Plan Map Amendment.
Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

~~((L. Inconsistent Amendments.~~

- ~~1. Review Cycle.
Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.~~
- ~~2. Adequate Documentation of Need for Change.
The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed~~

~~sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~b. the capacity to provide adequate services is diminished or increased;~~
- ~~c. land availability to meet demand is reduced;~~
- ~~d. population or employment growth is significantly different than the plan's assumptions;~~
- ~~e. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~3. Overall Consistency.~~

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

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

17G.020.040 Amendment ((Exceptions)) Frequency

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

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

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

- B. Adoption or amendment of ~~((a))~~ the shoreline master program.
- C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.
- E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
- F. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.
- H. Technical corrections that would remove typographical errors or resolve a mapping error.
- I. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

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

17G.020.050 Amendment Applications

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

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

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~
- ~~2. regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
- ~~3. administrative and regulatory procedures that implement the comprehensive plan; or~~
- ~~4. the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

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

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

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

- ~~1. ((Pre-application)) Threshold review application form, including a general summary of the nature of the ((desired change)) proposed amendment.~~
- ~~2. The ((pre-application)) threshold review fee as specified in chapter 8.02 SMC.~~

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

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

- ~~1. A general application.~~
- ~~2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:~~
 - ~~a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ((or inconsistent)) with the current comprehensive plan, and whether the applicant~~

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

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
4. A notification district map.
5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ((pre-application)) threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

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

17G.020.060 Process for Application, Review and Decision

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

~~((B))~~1. Pre-application Conference.

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

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

2. Map Amendments.

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

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

4. Determination of Completeness.

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

B. Final Review.

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

~~((D. — Application Certification, Docketing.~~

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

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

~~((E))~~2. ~~((Full Review — SEPA))~~ Review by City Staff and Agencies.

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

~~((F))~~3. Notice of Application/SEPA.

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

~~((G))~~4. Public Comment Period.

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

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

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

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

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination (~~((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty))~~) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

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

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

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

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

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

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

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

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

~~((4))~~a. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.

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

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

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

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

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

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

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

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

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

~~((Θ))~~ 12. Changes Made.

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

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

17G.020.070 Notification

A. Application Deadline.

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

B. Private Applicant.

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

C. Text Changes.

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

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

D. Map Changes.

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

E. City Council Hearing.

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

F. City Council Decisions.

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

G. Duration, Content of Notice.

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

H. Transmittal to State, Notice of Intent to Adopt.

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

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

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

17G.025.010 Text Amendments to the Unified Development Code

A. Initiation.

~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood council, or other party; or
3. A ~~((City))~~ city department, the plan commission, or the city council.

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

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

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

- a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
- b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
- c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and

- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ~~((After submittal,))~~ If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ~~((shall))~~ should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

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

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

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

1. Contents of Notice.

A notice of public hearing shall include the following:

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

2. Distribution of Notice.

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

F. Plan Commission Recommendation – Procedure.

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

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

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

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

H. City Council Action.

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

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

I. Transmittal to the State of Washington.

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

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

J. Inapplicability to certain chapters.

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

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

08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to [SMC 17G.020.010\(G\)\(3\)](#) and shall be credited to the full application fee pursuant to [SMC 17G.020.010\(G\)\(4\)\(e\)](#).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

ADOPTED BY THE CITY COUNCIL ON _____.

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

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

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

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

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

Findings of Fact:

- A.** Pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion.
- B.** Pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC").
- C.** The stated purpose of the proposed amendment was to add efficiencies to the City's annual Comprehensive Plan amendment process by establishing a threshold review process that would be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program. The threshold review process proposed to add efficiencies to the City's annual amendment process by identifying amendment proposals which may be more appropriately addressed as part of other ongoing work programs, or included in the City's next periodic update. The proposed threshold review process also sought to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. The proposed early threshold review was also intended to benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments.
- D.** The proposed threshold review process has been adopted in many local jurisdictions around the State and is consistent with the GMA.
- E.** The Community Assembly received a presentation on this proposal at their meeting of May 4, 2017.
- F.** The Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017.

- G. On April 26, 2017, the City notified the Washington State Department of Commerce of its intent to adopt the proposed threshold review process. The City received an acknowledgement letter from the Department of Commerce on April 26, 2017.
- H. Notice of these proposed amendments to SMC and announcement of the Plan Commission's June 14, 2017 hearing was published in the Spokesman Review on May 31, 2017 and June 7, 2017.
- I. This proposed change is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19).
- J. The City Plan Commission held a public hearing on June 14, 2017 to obtain public comments on the proposed amendments; deliberations followed.

Public Comment:

- A. The Plan Commission received one written comment in opposition to the proposed amendment, dated June 14, 2017, from Dwight Hume. His letter expressed concerns regarding the use of public hearings during the docketing process to allow public comment on whether or not the application "qualifies for consideration; and, the potential of Plan Commission and/or City Council to direct the action for consideration to another Planning process, which is an unreliable option due to staffing and budget considerations. He states that the applicant has a right to "due process". His letter also indicated that if it was a matter of excessive staff time, the provision of hourly rates for extraordinary staff time in the City's fee schedule should be assessed, but it would need to be assessed both against the applicant and the neighborhood or other opposition groups.
- B. At their hearing on June 14, 2017, the Plan Commission heard testimony from two individuals, Dwight Hume and Jim Frank, in opposition to the proposed amendment. Dwight Hume's testimony reiterated the points in his letter (described in paragraph A, above). Jim Frank also testified, stating that last year's Comprehensive Plan amendment in the North Indian Trails neighborhood would not have been considered unreasonable by any rational person based upon the language in the Comprehensive Plan. He indicated that the neighborhood doesn't like the Comprehensive Plan because it is a suburban neighborhood and we are trying to impose an urban plan on a suburban neighborhood. He further stated that the proposed amendment would throw cold water on investment in the City, and that the amendment was ill-conceived.
- C. No other testimony was heard.

Discussion:

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

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

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

Conclusions:

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

- A.** The proposed amendments are not consistent the applicable goals and policies of the City's Comprehensive Plan.
- B.** The proposed amendments do not bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

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

A handwritten signature in dark ink, appearing to read 'Dennis Dellwo', is written over a horizontal line.

**Dennis Dellwo, President
Spokane Plan Commission
June 28, 2017**

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

Chapter 17G.020
Comprehensive Plan Amendment Procedure

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

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ~~((for amending))~~ the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 6. ~~((The proposed changes))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.
- C. Scope of Amendments
A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:

1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
3. Administrative and regulatory procedures that implement the comprehensive plan; or
4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
5. Proposed amendments may not include amendments to the urban growth area boundary.

17G.020.020 ((Timing)) Amendment Process

- ~~((A. No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.))~~
- B. ((A.)) This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((an area-wide or)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

New Section:

Section 17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.

- i. City Council Review. Pursuant to the applicable procedural provisions of this chapter, complete applications to propose an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by the City Council. The City Council will hold a public hearing and, using the criteria set forth in SMC 17G.020.026, determine which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. Prior to the hearing, the City Council shall review the geographic scope of any proposed amendments. The City Council may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
- 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.
 - b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130(5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

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

1. City Council.

- a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.
- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

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

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

Section 17G.020.026 Threshold Review Decision Criteria

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

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- D. The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan land use map or text was amended. For purposes of this section, “significantly changed conditions” requires demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject

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

- E. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- F. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- G. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated;
- H. State law required, or a decision of a court or administrative agency has directed such a change.

17G.020.030 Final Review Criteria

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

- A. **Regulatory Changes.**
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **Financing.**
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
- D. **Funding Shortfall.**

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

E. Internal Consistency.

1. The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.
2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

F. Regional Consistency.

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

G. Cumulative Effect.

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

1. Land Use Impacts.
In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
2. Grouping.
Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

H. SEPA.

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

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

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

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

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

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

1. Policy Adjustments.
Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:
 - a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - b. the capacity to provide adequate services is diminished or increased;
 - c. land availability to meet demand is reduced;
 - d. population or employment growth is significantly different than the plan's assumptions;

- e. plan objectives are not being met as specified;
- f. the effect of the plan on land values and affordable housing is contrary to plan goals;
- g. transportation and/or other capital improvements are not being made as expected;
- h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.

2. Map Changes.

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

- a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- b. The map amendment or site is suitable for the proposed designation;
- c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

3. Rezones, Land Use Plan Map Amendment.

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

~~((L. Inconsistent Amendments.~~

~~1. Review Cycle.~~

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

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

~~The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~b. the capacity to provide adequate services is diminished or increased;~~
- ~~c. land availability to meet demand is reduced;~~
- ~~d. population or employment growth is significantly different than the plan's assumptions;~~
- ~~e. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~3. Overall Consistency.~~

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

17G.020.040 Amendment ((Exceptions)) Frequency

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

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

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

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

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

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

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

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

~~((F))~~G. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.

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

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

17G.020.050 Amendment Applications

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

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

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

2. ~~regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
3. ~~administrative and regulatory procedures that implement the comprehensive plan; or~~
4. ~~the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

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

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

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

1. ~~((Pre-application)) Threshold review application form, including a general summary of the nature of the ((desired change)) proposed amendment.~~
2. ~~The ((pre-application)) threshold review fee as specified in chapter 8.02 SMC.~~

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

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

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

- b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
4. A notification district map.
5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ~~((pre-application))~~ threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 17G.020.060 is amended as follows:

17G.020.060 Process for Application, Review and Decision

~~((A. Pre-application Form.~~

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

~~((B))~~A. Pre-application Conference.

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

~~((C))~~B. ~~((Deadline for Consideration))~~ Application Deadline.

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

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

~~((D.—Application Certification, Docketing.~~

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

~~((E))C.((Full Review—SEPA)) Review by City Staff and Agencies.~~

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

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

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

((G))E. Public Comment Period.

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

((H))F. Plan Commission Consideration.

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

((I))G. SEPA Determination.

~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination ((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty)) pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).

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

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

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

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

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

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

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

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

1. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.
 - a. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

2. Denial for the following reason(s):

- a. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.
- b. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
- c. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

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

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

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

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

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

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

17G.020.070 Notification

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once ((in early January and again)) in early ((September)) August regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the *Official Gazette*, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the *Official Gazette*, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.
- F. City Council Decisions.

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

G. Duration, Content of Notice.

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

H. Transmittal to State, Notice of Intent to Adopt.

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

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

17G.020.075 Supplemental Notice

A. Purpose.

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

1. notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
2. placing notices in appropriate regional, neighborhood, foreign language or trade journals; and
3. publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

B. Who to Notify.

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

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

1. Property owners, residents and building occupants.
2. Other affected and interested individuals.
3. Tribes.
4. Government agencies.
5. Businesses.
6. School districts; and
7. Organizations.

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

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

17G.020.080 Public Participation Program

A. Roles

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

B. Goals.

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

1. broad dissemination of proposals and alternatives;
2. opportunity for written comments;
3. public meetings after effective notice;
4. provision for open discussion;
5. communication programs;
6. information services; and

7. consideration of and response to public comments.

C. Strategies and Methods.

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

1. efforts to involve the broadest cross-section of the community;
2. a series of public meetings or workshops should be held at various locations;
3. opportunity to make written comment;
4. a variety of communication programs and information services, such as information packets, brochures and a speakers bureau;
5. drafts of proposals and alternatives should be reproduced and made available to the public at the planning department offices, public libraries, and the planning department's website;
6. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media;
7. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.

D. Neighborhood Meetings.

Since all proposals are required to be consistent with any adopted neighborhood plan or center plan; persons proposing site-specific amendments are encouraged to address these through the neighborhood planning process. If the affected area currently has no existing neighborhood or center planning group, the applicant should meet with whatever representative body already exists (e.g., neighborhood council, or CDBG steering committee).

E. Consideration of and Response to Public Comments.

All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

F. SEPA.

Every effort should be made to incorporate public involvement efforts into the SEPA process.

- G. Emergencies.
Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

end

DRAFT ORDINANCE

Amending SMC Section 8.02.699 Comprehensive Plan and Land Use Code
Amendments

Title 08 Taxation and Revenue

Chapter 08.02 Fees and Charges

Article VI. Land Use and Occupancy

Section 08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A ~~((pre-application))~~ threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Section 17G.025.010 Text Amendments to the Unified Development Code

- A. Initiation.
~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
 - 1. Property owner(s) or their representatives;
 - 2. Any citizen, agency, neighborhood council, or other party; or
 - 3. A ~~((City))~~ city department, the plan commission, or the city council.
- B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form(s) provided by the City. Application fees are

specified in chapter 8.02 SMC.

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

1. ((After submittal of an applicant-initiated application, the application)) Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:
 - a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and
 - e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
 - f. State law required, or a decision of a court or administrative agency has directed such a change.
2. ((After submittal,)) If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ((shall)) should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and

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

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

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

1. Contents of Notice.

A notice of public hearing shall include the following:

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

2. Distribution of Notice.

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

F. Plan Commission Recommendation – Procedure.

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

1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city

council with the notation that the plan commission makes no recommendation.

G. Approval Criteria.

The City may approve amendments to this code if it finds that:

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

H. City Council Action.

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

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

I. Transmittal to the State of Washington.

At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.

J. Inapplicability to certain chapters.

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

submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

Williams, Stephen

From: Pfister, Terri
Sent: Friday, August 11, 2017 1:12 PM
To: Williams, Stephen
Subject: FW: Annual Comp Plan Amendment Process

From: Black, Tirrell
Sent: Friday, August 11, 2017 7:52 AM
To: City Council Members
Cc: Pfister, Terri; Key, Lisa; Richman, James
Subject: FW: Annual Comp Plan Amendment Process

Good Morning,

I am forwarding to you this comment email on ORD 35536 which is on the agenda for action on August 21. This proposed ordinance would amend the procedures in the SMC for annual Comprehensive Plan and non-city requests to amend the Unified Development Code. To date, this is the only comment I have received. Public testimony at the Plan Commission is summarized in the Plan Commission's findings which are in your packet.

Sincerely,

Tirrell Black, AICP

City of Spokane | Associate Planner

509.625.6185 | main 509.625.6300 | tblack@spokanecity.org | spokanecity.org

From: enigma_1955@yahoo.com [mailto:enigma_1955@yahoo.com]
Sent: Thursday, August 10, 2017 7:06 PM
To: Black, Tirrell <tblack@spokanecity.org>
Subject: Annual Comp Plan Amendment Process

I am in favor to the proposed changes in the Annual Comp Plan Amnendment Process.

It is past time to give back control of neighborhoods to the citizens of those neighborhoods and away from the hands of highly financed developers with less than altruistic motives. Way of life should take precedence over money.

Leonard Hershman

5103 W Ridgecrest Dr.

Spokane, WA 99208

Sent from my Verizon 4G LTE Smartphone