CITY OF SPOKANE



NOTICE

REGARDING CITY COUNCIL MEETINGS

Notice is hereby given that City Council has resumed in-person meetings (effective Monday, March 14, 2022). City Council's standing committee meetings, Briefing Sessions, Legislative Sessions and study sessions are held in City Council Chambers – Lower Level of City Hall, 808 W. Spokane Falls Blvd.

City Council Members, City staff, presenters and members of the public will still have the option to participate virtually via WebEx during all meetings, with the exception of Executive Sessions which are closed to the public. Call in information for the May 2, 2022, meetings is below. All meetings will continue to be streamed live on Channel 5 and online at https://my.spokanecity.org/citycable5/live and <a href="https://my.s

WebEx call in information for the week of May 2, 2022:

1:15 p.m. Committee Meeting: 1-408-418-9388; access code: 2491 952 4023; password: 0320 3:30 p.m. Briefing Session: 1-408-418-9388; access code: 2485 018 9050; password: 0320 6:00 p.m. Legislative Session: 1-408-418-9388; access code: 2494 437 6090; password: 0320

<u>Thursday Study Session</u>: 1-408-418-9388; access code: 2480 676 7327; password: 0320

To participate in public comment (including Open Forum):

Testimony sign up is open from 5:00-6:00 p.m. on Monday, May 2, 2022. You must sign up by 6:00 p.m. to be called on to testify. Sign up forms will be available outside of Council Chambers for in-person attendees.

Those wishing to give testimony virtually can sign up between 5:00-6:00 p.m. at https://forms.gle/Vd7n381x3seaL1NW6. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for participation are provided on the form when you sign up.

The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

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!

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

- A. At the 6:00 p.m. legislative session, after the conclusion of the legislative agenda, the Council shall hold an open forum unless a majority of Council Members vote otherwise. The open forum will not extend past 9:30 p.m. unless extended by a supermajority of the Council.
- B. Members of the public can sign up for open forum in the hour preceding the legislative session via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. The order of the speakers be determined at the discretion of the chair. Each speaker shall be limited to no more than three minutes unless a majority of the Council Members in attendance vote on an alternate time limit.
- C. No action, other than a statement of Council Members' intent to address the matter in the future, points of order, or points of information will be taken by Council Members during an open forum.
- D. The open forum is a limited public forum and all matters discussed in the open forum shall relate to the affairs of the City. No person shall be permitted to speak in open forum regarding items on that week's current agenda or the next week's advanced agenda, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.
- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

- A. Members of the public may address the Council regarding the following items during the Council's legislative session: the consent agenda as a whole, first and final readings of regular and special budget ordinances, emergency ordinances, special consideration items, hearing items, and other items before the City Council requiring Council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak on issues that are not part of the current or advanced agendas during open forum.
- B. No member of the public 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 their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- C. Each person speaking in a public Council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. 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.

- E. 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, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.
- G. When addressing the Council, members of the public shall direct all remarks to the Council President, shall refrain from remarks directed personally to any Council Member or any other individual, and shall confine remarks to the matters that are specifically before the Council at that time.
- H. Members of City Council staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they do the following:
 - 1. Announce at the beginning of their testimony that they are there in their personal capacity or their capacity as a member of a relevant board, commission, committee or community group;
 - 2. Protect confidential information, including, but not limited to, confidential financial information and attorney-client communications;
 - 3. Do not use, or be perceived to use, City funds, including giving testimony during paid work time, or City property, including using a City-issued computer or cell phone, in giving testimony.
- I. 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, newly revised, shall extend to all speakers before the City Council. The City Council's Director of Policy and Government Relations and/or City Attorney shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. The City Council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.15(A), with those exceptions stated in Rule 2.16(B). Public testimony shall be limited to the final Council action, except that public testimony shall be allowed at the first reading of ordinances. Public testimony shall be limited to three (3) minutes per speaker unless the time limit is adjusted by a majority vote of the Council. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council.
- B. No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council.
- C. Public testimony will be taken on consent and legislative items that are moved to Council's regular briefing session or study session unless a majority of Council votes otherwise during the meeting in which the items are moved.
- D. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented at the discretion of the Council President:
 - 1. Following an assessment by the chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes may be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to speak on behalf of the proponent's position.
 - d. The designated representative, if any, of the opponents of the issue shall speak following the

presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.

- e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
- f. Up to ten (10) minutes of rebuttal time may be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
- 2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
- 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- 4. In the event that the side for which individuals wish to speak is not identified, those wishing to give testimony shall be granted three (3) minutes to present their position after all sides have made their initial presentations and before each side's rebuttal period.
- E. The time taken for staff or Council Member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.
- F. Testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all Council Members, or via the Contact form on the Council's website.¹

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¹ https://my.spokanecity.org/citycouncil/members/

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MAY 2, 2022

MISSION STATEMENT

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

MAYOR NADINE WOODWARD COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBER JONATHAN BINGLE
COUNCIL MEMBER LORI KINNEAR
COUNCIL MEMBER LORI KINNEAR
COUNCIL MEMBER KAREN STRATTON
COUNCIL MEMBER BETSY WILKERSON
COUNCIL MEMBER ZACK ZAPPONE

CITY COUNCIL CHAMBERS
CITY HALL

808 W. SPOKANE FALLS BLVD. SPOKANE, WA 99201

LAND ACKNOWLEDGEMENT

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021 via Resolution 2021-0019

BRIEFING AND LEGISLATIVE SESSIONS

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. Pursuant to Council Rule 2.16.C, public testimony will be taken on consent and legislative items that are moved to Council's regular Briefing Session unless a majority of Council votes otherwise during the meeting in which the items are moved. The Legislative Session is also open to the public and public comment will be taken on Legislative Session items, except those that are adjudicatory or solely administrative in nature. Following the conclusion of the Legislative Agenda, an Open Forum will be held unless a majority of Council Members vote otherwise. Please see additional Open Forum information that appears at the end of the City Council agenda.

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.

ADDRESSING THE COUNCIL

- No member of the public 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 their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- Each person speaking in a public Council meeting shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- 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. (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, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- When addressing the Council, members of the public shall direct all remarks to the Council President, shall refrain from remarks directed personally to any Council Member or any other individual, and shall continue to the matters that are specifically before the Council at that time.
- Members of the City Council staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they follow the steps outlined in the City Council Rules of Procedure.

SPEAKING TIME LIMITS: Unless the time limit is adjusted by a majority vote of the Council, each person addressing the Council shall be limited to a three-minute speaking time. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council. Note: No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City website at https://my.spokanecity.org.

BRIEFING SESSION

(3:30 p.m.)
(Council Chambers Lower Level of City Hall)
(No Public Testimony Taken)

ROLL CALL OF COUNCIL

INTERVIEWS OF NOMINEES TO BOARDS AND COMMISSIONS

COUNCIL OR STAFF REPORTS OF MATTERS OF INTEREST

ADVANCE AGENDA REVIEW (Staff or Council Member briefings and discussion)

APPROVAL BY MOTION OF THE ADVANCE AGENDA

CURRENT AGENDA REVIEW (Presentation of any new background information and discussion of any adjustments)

EXECUTIVE SESSION

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

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

PLEDGE OF ALLEGIANCE

WORDS OF INSPIRATION AND SPECIAL INTRODUCTIONS

ROLL CALL OF COUNCIL

COUNCIL AND COMMITTEE REPORTS

(Committee Reports for City Council Standing Committees and other Boards and Commissions)

PROCLAMATIONS AND SALUTATIONS

REPORTS FROM NEIGHBORHOOD COUNCILS AND/OR OTHER CITY-SPONSORED COMMUNITY ORGANIZATIONS

ANNOUNCEMENTS

(Announcements Regarding Adjustments to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE REPORTS

(Council Sponsor: Council Member Wilkerson)
Connie Wahl

CONSENT AGENDA

<u> </u>	REPORTS, CONTRACTS AND CLAIMS	RECOM	<u>MENDATION</u>
1.	Purchase of lightly used 2021 Western Star Dump Truck from Gordon Trucks (Spokane) for the Water Department—\$249,989 (incl. tax). (Council Sponsor: Council Member Wilkerson) Richard Giddings	Approve	OPR 2022-0301
2.	· · · · · · · · · · · · · · · · · · ·	Approve	OPR 2020-0604
3.		Approve All	
	a. Spokane International Airport transmission line crossing under I-90—\$5,050,000, and		OPR 2022-0302 ENG 2018107
	b. Thorpe Reservoir No. 2—\$7,825,500. (Council Sponsors: Council President Beggs and Council Member Kinnear) Mark Papich		OPR 2022-0303 ENG 2020074
4.	•	Approve All	RFP 5593-22
	 a. American On-Site Services (Spokane Valley, WA)—estimated annual usage \$140,000 for three- year contract total of \$420,000, and 		OPR 2022-0304
	b. Torre Refuse and Recycling LLC, SDR Site Services (Airway Heights, WA)—estimated annual usage \$140,000 for three-year contract total of \$420,000.		OPR 2022-0305

5.	Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through, 2022, total \$, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$	Approve & Authorize Payments	CPR 2022-0002
6.	City Council Meeting Minutes:, 2022.	Approve All	CPR 2022-0013
	ACTION ON CONSENT AGENDA	Au	

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances amending Ordinance No. C36161 passed by the City Council December 13, 2021, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

ORD C36196

Water-Wastewater Fund

- 1) Increase the appropriation by \$250,000.
- A) Of the increased appropriation, \$250,000 is provided solely for the purchase of new electric vehicles for the Water Department.
- B)The appropriation increase is funded from Water-Wastewater Fund Water Department unappropriated reserves.

(This action arises from the need to purchase up to six all-electric vehicles for use by the Water Department.) (Council Sponsors: Council Members Wilkerson and Kinnear)

Loren Searl

ORD C36197

General Fund

- 1) Increase the revenue in the Public Defender by \$6,250.
- A) Of the increased revenue, \$6,250 is from a transfer in from the Public Safety Personnel and Crime Reduction Fund.
- 2) Increase the appropriation in the Public Defender by \$6,250.
- A) Of the increased appropriation, \$6,250 is provided solely for contractual services.

(This action arises from the need to provide budget authority for Public Defender contractual service needs.) (Council Sponsors: Council President Beggs and Council Member Wilkerson)

Paul Ingiosi

ORD C36198

Real Estate Excise Tax Fund

- 1) Increase the appropriation by \$2,389,500.
- A) Of the increased appropriation, \$1,200,000 is provided solely for a transfer out to the Communications Building Maintenance and Operations Fund.
- B) Of the increased appropriation, \$695,000 is provided solely for a transfer out to the Emergency Medical Services Fund.
- C) Of the increased appropriation, \$424,500 is provided solely for a transfer out to the Management Information Services Fund.
- D) Of the increased appropriation, \$70,000 is provided solely for a transfer out to the General Fund, Police Department.
- E)The appropriation increase is funded from Real Estate Excise Tax unappropriated reserves.

and

Communications Building Maintenance and Operations Fund

- 1) Increase the revenue by \$1,200,000.
- A) Of the increased revenue, \$1,200,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$1,200,000.
- A) Of the increased appropriation, \$1,200,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

and

Emergency Medical Services Fund

- 1) Increase the revenue by \$695,000.
- A) Of the increased revenue, \$695,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$695,000.
- A) Of the increased appropriation, \$695,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

and

Management Information Services Fund

- 1) Increase the revenue by \$424,500.
- A) Of the increased revenue, \$424,500 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$424,500.
- A) Of the increased appropriation, \$424,500 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

and

General Fund

- 1) Increase the revenue in the Police Department by \$70,000.
- A) Of the increased revenue, \$70,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$70,000.
- A) Of the increased appropriation, \$70,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

(This action arises from the need to transfer funds and align budget authority for projects included in the 2022-2027 Capital Improvement Program.) (Council Sponsors: Council President Beggs and Council Member Wilkerson)

Paul Ingiosi

ORD C36199

General Fund

- 1) Delete one classified Treasury Manager position (from 1 to 0) and decrease the associated appropriation for salary and benefits in the Finance, Treasury and Administration department.
- 2) Add one exempt Deputy Treasurer position (from 0 to 1) and increase the associated appropriation for salary and benefits in the Finance, Treasury and Administration department.
- A) There is no change to the overall appropriation level in the General Fund.

(This action arises from the need to create a Deputy Treasurer position.) (Council Sponsors: Council President Beggs and Council Member Wilkerson)

Tonva Wallace

ORD C36200

American Rescue Plan Fund

- 1) Increase appropriation by \$2,000,000, funded from the city's direct allocation of the State and Local Fiscal Recovery Fund of the American Rescue Plan Act.
- A) Of the increased appropriation, \$2,000,000 is provided for the purpose of providing additional funding for local childcare initiatives.

(This action arises from the need to provide additional appropriation authority for funding childcare assistance.) (Council Sponsors: Council President Beggs and Council Members Wilkerson and Zappone)

Tonya Wallace

ORD C36201

American Rescue Plan Act Fund

- 1) Increase operating transfer-out by \$6.271.869
- A) Of the increased appropriation, \$2,374,000 is to be transferred to the Police Property Acquisition fund for the procurement and commissioning of the following police vehicles:
- i.) Up to 25 Ford K8 Electric Hybrid models,
- ii.) Up to 5 Ford Mach-E or equivalent models,
- iii.) Up to 3 Ford Lightening or equivalent models; and
- iv.) Up to 2 Chevrolet Diesel Tahoe or equivalent diesel models.

- B) Of the increase appropriation, \$3,707,869 is to be transferred to the Fire Property Capital Acquisition fund for the procurement and outfitting of fire apparatuses
- C) Of the increased appropriation \$90,000 is to be transferred to the Fleet Replacement fund for the procurement and installation of electric charging infrastructure
- D) Of the increased appropriation of \$100,000 is to be transferred to Fleet Services for the procurement of a study to reduce police vehicle maintenance and purchase costs by proposing reforms to take home vehicle, when cages are included and fleet rotational policies and recommend electric vehicle model choices based on experiences of other police departments and independent analysis.

and

Police Property Acquisition Fund

1) Increase revenue by \$2,374,000

A. \$2,374,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act fund

2) Increase appropriations by \$2,374,000

A.\$2,374,000 of the increased appropriation is to be used solely for the purchase and commissioning of the following police vehicles:

- i.) 25 Ford K8 Electric Hybrid models,
- ii.) 5 Ford Mach-E models,
- iii.) 3 Ford Lightening models; and
- iv.) 2 Chevrolet Diesel Tahoe models

and

Fire Property Acquisition Fund

1) Increase revenue by \$3,707,869

A. \$3,707,869 of the increased revenue is from a transfer-in from the American Rescue Plan Act fund

2) Increase appropriations by \$3,707,869

A. \$3,707,869 of the increased appropriation is to be used solely for the purchase and commissioning of fire apparatuses

and

Fleet Replacement Fund

1) Increase revenue by \$90,000

A. \$90,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act Fund

2) Increase appropriations by \$90,000

A. \$90,000 of the increased appropriation is to be used solely for the purchase and installation of electric charging infrastructure.

and

RES 2022-0001

Fleet Services Fund

1) Increase revenue by \$100,000

A. \$100,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act Fund

2) Increase appropriations by \$100,000

A. \$100,000 of the increased appropriation is to be used solely for the procurement of a study to reduce police vehicle maintenance and purchase costs by proposing reforms to take home vehicle and fleet rotational policies and recommend electric vehicle model choices based on experiences of other police departments and independent analysis.

(This action arises from the need to purchase and commission fire and police vehicles, purchase and installation of electric charging infrastructure and procurement of a study.) (Council Sponsors: Council President Beggs and Council Members Kinnear and Zappone)

Matt Boston

Establishing year-long 20 mph speed limits on streets adjacent to

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

certain parks (as identified in the addendum on file in the City Clerk's Office), after the expiration of a two-year pilot project. (Deferred from April 11, 2022, Agenda) (Council Sponsors: Council Members Kinnear and Cathcart) Council Member Kinnear RES 2022-0038 Requesting that the City of Spokane take advantage of state funding opportunities related to housing and homelessness. (Council Sponsors: Council President Beggs and Council Members Kinnear and Wilkerson) Council Member Kinnear RES 2022-0039 Adopting the City of Spokane Transit-Oriented Development Framework Study as a guide for planning integrated transit-oriented development and multi-modal access by identifying recommendations for aligning policies, regulations, and investments in public infrastructure. (Council Sponsors: Council Members Cathcart and Bingle) Colin Quinn-Hurst **RES 2022-0040** Appointing Nick Antush as Public Defender. (Council Sponsors: Council

President Beggs and Council Member Cathcart)

Kris Smith

RES 2022-0041 Appointing Loren Searl as Water & Hydro Services Director. (Council Spansors Council Members Kinnson and Stratton)

Sponsors: Council Members Kinnear and Stratton)

Kris Smith

RES 2022-0042 Addressing increasing overtime costs within the Spokane Fire Department. (Council Sponsors: Council Members Cathcart and Bingle)

Council Member Cathcart

ORD C36186

Relating to traffic control device visibility and vegetation control along roadways amending Chapter 12.02, Article 1 and Chapter 12.02, Article 5 of Title 12 Spokane Municipal Code. (Deferred from April 18, 2022, Agenda) (Council Sponsors: Council President Beggs and Council Member Wilkerson)

Inga Note

FIRST READING ORDINANCES

ORD C36202 Amending Ordinance C27577 that vacated Dalton Avenue from Ash

Place to Ash Street. (Council Sponsor: Council Member Stratton)

Eldon Brown

ORD C36203 Relating to special events; amending Chapter 10.39 of the Spokane

Municipal Code; SMC sections 4.04.020, 10.39.010, 10.39.020, 10.39.030, 10.39.040, 10.39.050 10.39.055, 10.39.070, 10.39.090, and 17G.050.070. (Council Sponsors: Council President Beggs and Council Member

Zappone)

Carly Cortright

ORD C36204 Relating to design guidelines; amending SMC Section 17G.040.020; and

adopting new design guidelines. (Council Sponsors: Council Members

Stratton and Cathcart)

Dean Gunderson

ORD C36205 Relating to standards for skywalks; amending SMC sections 12.02.0405,

12.02.0410, 12.02.0424, 12.02.0452, 12.02.0464, 12.02.0470, AND 12.02.0476; repealing SMC sections 12.02.0450, 12.02.0460, 12.02.0462 and 12.02.0474; and adding Chapter 17C.255 SMC. (Council Sponsors:

Council Members Stratton and Cathcart)

Dean Gunderson

ORD C36206 Relating to the design review process; amending SMC sections

08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170. (Council

Sponsors: Council Members Stratton and Cathcart)

Dean Gunderson

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

Motion to Approve Advance Agenda for May 2, 2022 (per Council Rule 2.1.2)

OPEN FORUM

At each meeting after the conclusion of the legislative agenda, the Council shall hold an open public comment period until 9:30 p.m., which may be extended by motion. Each speaker is limited to no more than three minutes. In order to participate in Open Forum, you must sign up by 6:00 p.m. A sign-up form will be available on the day of the meeting from 5:00-6:00 p.m. outside of Council Chambers for in-person attendees. Those wishing to comment virtually can sign up between 5:00-6:00 p.m. at https://forms.gle/Vd7n381x3seaL1NW6. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for virtual participation are provided on the form when you sign up. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and items of interest not relating to the Current or Advance Agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

ADJOURNMENT

The May 2, 2022, Regular Legislative Session of the City Council is adjourned to May 9, 2022.

NOTES

SPOKANE Agenda Sheet	Date Rec'd	4/19/2022	
05/02/2022	Clerk's File #	OPR 2022-0301	
		Renews #	
Submitting Dept	FLEET SERVICES	Cross Ref #	
Contact Name/Phone	RICHARD GIDDINGS 625-7706	Project #	
Contact E-Mail	RGIDDINGS@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Purchase w/o Contract	Requisition #	
Agenda Item Name	5100-PURCHASE OF DUMP TRUCK		

Agenda Wording

Fleet Services would like to purchase a lightly used 2021 Western Star Dump Truck from Gordon Trucks, Spokane WA, for the Water department. Total cost including taxes is \$249,989.00

Summary (Background)

Our departments have been struggling to obtain units that they order, regardless of the units being new or used. There is a great lack of units available across our country. This unit became available and would be a great asset to the department.

Lease?	NO	Grant related? NO	Public Works? NO			
Fiscal Impact		Budget Account	Budget Account			
Expense	\$ \$249,989.	.00	# 4100424909434056401	# 410042490943405640199999		
Select	\$		#			
Select	\$		#			
Select	\$		#			
Approv	vals		Council Notification	<u>ıs</u>		
		GIDDINGS, RICHARD	Study Session\Other	Finance 4/18/2022		
Division	n Director	WALLACE, TONYA	Council Sponsor	Betsy Wilkerson		
Finance	<u> </u>	WALLACE, TONYA	Distribution List	•		
Legal		ODLE, MARI	mmartinez			
For the	<u>Mayor</u>	ORMSBY, MICHAEL				
Additio	nal Approva	als .				
<u>Purchasing</u>						

Committee Agenda Sheet Finance and Administration Committee April 18, 2022

Submitting Department FLEET SERVICES					
Contact Name & Phone	MICAELA MARTINEZ, 509-449-0959				
Contact Email	MMARTINEZ@SPOKANECITY.ORG				
Council Sponsor(s)	BETSY WILKERSON				
Select Agenda Item Type					
Agenda Item Name	PURCHASE OF USED DUMP TRUCK				
Summary (Background)	Fleet Services would like to purchase a lightly used 2021 Western Star Dump Truck from Gordon Trucks, Spokane WA. Total cost including taxes is \$249,989.00				
Proposed Council Action & Date:	May 2, 2022, Approval				
Fiscal Impact: Total Cost: estimated: \$249,989.00 Approved in current year budget?					
Operations Impacts					
n/a	sal have on historically excluded communities?				
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? n/a					
How will data be collected regarding the effectiveness of this program, policy or product to ensure it					
is the right solution? We will continue to monitor pricing and availability of units to ensure we are purchasing/leasing appropriately.					
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?					





of HAWAII

GORDON TRUCK CENTERS DEALER FAMILY —

VEHICLE PURCHASE AGREEMENT

TOLL FREE ALL STORES 800-523-8014

Buyer's Name City Of Spokane			Order Date	3 / 22 / 2022
Address 915 N Nelson St			Estimated Delivery Da	te <u>3 /31 /2022</u>
City Spokane	State WA	Zip 99202	Sales Rep Jim Banne	r
Business Phone (509) 625-7865			Customer Email	
Quantity Ordered	1	Stock	Number <u>372748</u>	New
Base Price Per Unit	\$ 229,000.00	VIN N	umber 5KKSBWD19	MLMD1590 ✓ Used
Federal Excise Tax Per Unit	\$	Year <u>-</u>	2021 Col	or Gray
Subtotal Price Per Unit	\$ 229,000.00	Make	Western Star	
Additional Description		Model	49X	
		Tracto	or/Truck/Trailer <u>5 Axle Du</u>	ımp Truck
***Pending customer inspection a	nd approval			
560hp DD16			DE IN CONTES	N DEDORT DES!!!
Allison 4700RDS		<u> TRAI</u>	DE IN: CONDITIO	N REPORT REQUIRE
20k front / 46k rear with locking di		Year_	Make	Model
Tuff Trac Suspension, (2) Hendric	KSON Drop Axies	Body -	Туре	Color
Additional Items Per Unit (Not inc		VIN N	umber	
raditional from a crossing (Not with	• ,	Loan I	Balance Owed To	
l 	\$	—— Addre	SS	
	\$	City	Sta	te Zip
	— \$ ———	Trade	Allowance \$	
	— \$ ———	Balan	ce Owing \$	
	— <u>\$</u> ———	Equity	\$ <u>0.00</u>	
-	\$			
Administration Fee	\$ \$ 150.00	SALI	ES LOCATION	Nampa, ID (208) 461-4751
Title/Transfer Fee Per Unit	\$		Mt. Vernon, WA	Hermiston, OR
Trip/Fuel Permit Per Unit	\$	L	(877) 848-0472	(800) 657-5408
Subtotal:	\$ 229,150.00		Pacific, WA	La Grande, OR
Sales Tax Rate: 9.100 %	\$ 20,839.00	L	(800) 282-0699	(800) 843-1195
Less: Deposit	\$ 0.00		Olympia, WA	Coburg, OR
Less: Cash Down Payment	\$ 0.00	L	(855) 245-4635	(541) 225-2030
Less: Net Trade-in Allowed	\$ 0.00		Ridgefield, WA (360) 887-7562	Redmond, OR (541) 548-7497
Unpaid Balance	\$ 249,989.00	_	□ Spokono MA	Medford, OR
(DUEONDELIVERY)			(888) 744-0390	(541) 779-4622
Signature X			Union Gap, WA (800) 378-9478	Kapolei, HI (808) 682-4315

VEHICLE PURCHASE AGREEMENT

Buyer's Name City Of Spokane	Order Date	3	_/ 22	_/ 2022
Sales Rep_Jim Banner	_			

EXCLUSION OF WARRANTIES: Any warranties on the products sold hereby are made by the manufacturer. The undersigned purchaser understands and agrees that Gordon Truck Centers Inc. makes no warranties of any kind, express or implied, and disclaims all warranties including warranties of merchantability or fitness for a particular purpose, with regard to the products purchased; and that in no event shall Gordon Truck Centers Inc. be liable for incidental or consequential damages or commercial losses arising out of such purchase. This disclaimer does not affect the manufacturer's warranties, if any on this purchase.

Tax, title and license are the purchaser's responsibility.

VEHICLE DELIVERY TERMS: Vehicles must be paid in full prior to customer taking possession. Customer will be notified once vehicle(s) have been received from OEM and are ready for delivery. From the day of notification customer will have fourteen (14) calendar days to fund Gordon Truck Centers Inc. (GTC) any amount still owed on the vehicle and take possession of vehicle. Vehicles not funded after fourteen calendar days will be subject to additional daily flooring charges until payment is received in full. All deposits on factory ordered vehicles are non-refundable. Valid proof of insurance required prior to vehicle pick up or delivery.

FEDERAL EXCISE TAX: (Applicable) Federal Excise Tax will be invoiced and collected at time of sale by Gordon Truck Centers, Inc. Purchaser may provide a signed exemption certificate specific to the vehicles being sold at time of invoicing to be exempted from Federal Excise Tax.

GORDON TRUCK CENTERS INC. (GTC) PREFERRED METHOD OF PAYMENT:

- 1. In-House Finance
- 2. Automated Clearing House (ACH)
- 3. Wire Transfer
 - a. Instructions are available for customer reference
- 4. Cashier's Check
 - a. Must be from local banks only out of state transactions are wire transfer/ACH only
 - b. Must be payable to Gordon Truck Centers Inc.

Purchaser agrees that the VEHICLE PURCHASE AGREEMENT (VPA) includes all terms and conditions, that this VPA cancels and supersedes any prior VPA and as of the date hereof comprises an exclusive statement of the terms of this agreement relating to the subject matter covered hereby. **THIS AGREEMENT SHALL NOT BECOME BINDING UNTIL ACCEPTED BY THE DEALER** as evidenced below. Purchaser by their execution of this agreement acknowledges they have read and accepted its terms and conditions and has received a true copy of this agreement.

Purchaser's Acceptance							
Purchaser's Name (Please Print)	City Of Spokane						
Name of Authorized Representative							
Title of Authorized Representative							
Signature of Authorized Representat	ve X————————————————————————————————————						
Date	Χ						
Gordon Truck Centers	lnc.						
Accepted This Date By:							
X	, Sales Mai	nager					
Date							

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/19/2022
05/02/2022	Clerk's File #	OPR 2020-0604	
		Renews #	
Submitting Dept	FIRE	Cross Ref #	
Contact Name/Phone	BRIAN SCHAEFFER X7001	Project #	
Contact E-Mail	BSCHAEFFER@SPOKANECITY.ORG\	Bid #	
Agenda Item Type	Contract Item	Requisition #	MASTER
Agenda Item Name	1970 - CONTROL SOLUTIONS NORTHW	EST HVAC MAINTEN	ANCE

Agenda Wording

Contract amendment with Control Solutions Northwest, Inc. to add \$100,000.00 in additional funds for care and maintenance of HVAC systems at various Spokane Fire Department Facilities.

Summary (Background)

A multi-year master contract (OPR 2020-0604, RES 2020-0052) was established in July 2020 with Control Solutions Northwest for monitoring, service and repair of HVAC equipment at Dispatch, SFD Training and SFD Maintenance/Inland Northwest Health Services. Due to unanticipated repairs, actual costs have significantly exceeded the contractual allowance for repairs to the HVAC equipment at these facilities.

Lease?	NO C	Grant related? NO	Public Works? YES		
Fiscal Impact			Budget Account		
Expense \$ \$100,000.00		# VARIOUS			
Select	\$		#		
Select	\$		#		
Select	\$		#		
Approv	<u>als</u>		Council Notifications		
Dept Head		SCHAEFFER, BRIAN	Study Session\Other	PSCH 01/10/2022	
Division	Director	SCHAEFFER, BRIAN	Council Sponsor	CP Beggs & CM Kinnear	
<u>Finance</u>		SCHMITT, KEVIN	Distribution List		
<u>Legal</u>		ODLE, MARI	dstockdill@spokanecity.org		
For the I	<u>Mayor</u>	ORMSBY, MICHAEL	fireaccounting@spokanecity.org		
<u>Additio</u>	nal Approva	<u>ls</u>			
Purchasing					

Committee Agenda Sheet Public Safety and Community Health

Submitting Department	Fire			
Contact Name & Phone	Brian Schaeffer 435-7001			
Contact Email	bschaeffer@spokanecity.org			
Council Sponsor(s)	CM Kinnear, CP Beggs			
Select Agenda Item Type				
Agenda Item Name	Supplemental Funding for HVAC Monitoring, Service and Repair Contract			
Summary (Background)	A multi-year master contract (OPR 2020-0604, RES 2020-0052) was established in July 2020 with Control Solutions Northwest for monitoring, service and repair of HVAC equipment at Dispatch, SFD Training and SFD Maintenance/Inland Northwest Health Services. Due to unanticipated repairs, actual costs have significantly exceeded the contractual allowance for repairs to the HVAC equipment at these facilities. • Annual Costs - The contract allowance for repairs is \$27,515 annually for a (3) year total of \$82,545. In the first 18 months of the 36 month contract, a total of nearly \$80,000 was expended for repairs. These higher than anticipated expenditures are due to some expensive, individual repairs: • Leak mitigation/plumbing replacement for Chiller unit at Dispatch - \$29,000 • Replacement of Rooftop Air Conditioner Compressor at Dispatch - \$10,900. • An aggregate of moderately expensive, unrelated repairs - \$13,500. Supplemental Funding — SFD is requesting an additional \$100,000 for service and repair of the associated HVAC systems at these facilities. This funding will apply for the remaining 18 months of the current contract expiring June 30, 2023.			
Proposed Council Action &	Approval by Council not later than 5/31/2022.			
Date:				
Fiscal Impact: Total Cost: <u>\$100,000</u>				
Approved in current year budg	et? □ Yes ⊠ No □ N/A			
Approved in current year budget: Lifes & NO LINA				
Funding Source □ One-time ☒ Recurring Specify funding source: Fire/EMS funds: Dispatch Building budget				
Expense Occurrence 🗵 One-time 🗆 Recurring				
Other budget impacts: (revenue generating, match requirements, etc.) None				

Operations Impacts

What impacts would the proposal have on historically excluded communities?

This proposal is neutral regarding historically excluded communities.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

This proposal involves repairs at SFD support facilities. Data collected will be related to the effectiveness of repairs and expenditure control.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

SFD Accounting will continue to track HVAC repair expenditures to ensure limits are not exceeded throughout the life of the contract.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal is in alignment with Capital Improvement Plan, FD Strategic Plan goal #7 – Provide a high state of readiness od apparatus and equipment to ensure response to the needs of our customers in a safe and efficient manner – obtain timely repairs and upgrades to fire stations and other facilities.



City of Spokane Fire Department

CONTRACT AMENDMENT

Title: HVAC PREVENTATIVE MAINTENANCE FOR FIRE DEPARTMENT AND DISPATCH CENTER FACILITIES

This Contract Amendment is made and entered into by and between the CITY OF SPOKANE FIRE DEPARTMENT as ("City"), a Washington municipal corporation, and CONTROL SOLUTIONS NORTHWEST, INC., whose address is 7222 East Nora, Spokane, Washington 99212 as ("Contractor"), individually hereafter referenced as a "party", and together as the "parties".

WHEREAS, the parties entered into a Contract wherein the Contractor agreed to provide Care and Maintenance of its HVAC systems for Spokane Fire Department and Dispatch Center Facilities; and

WHEREAS, additional repairs are needed, the original Contract needs to be formally Amended by this written document; and

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

1. CONTRACT DOCUMENTS.

The Contract, dated July 29, 2020, 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 DATE.

This Contract Amendment shall become effective on January 1, 2022 and runs through June 30, 2023.

3. COMPENSATION.

The City shall pay an additional amount not to exceed **ONE HUNDRED THOUSAND AND NO/100 DOLLARS** (\$100,000.00), and applicable sales tax, for everything furnished and done under this Contract Amendment. This is the maximum amount to be paid under this Amendment, and shall not be exceeded without the prior written authorization of the City, memorialized with the same formality as the original Contract and this 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 Amendment by having legally-binding representatives affix their signatures below.

CONTROL SOLUTION	S NORTHWEST, INC.	CITY OF SPOKANE FIRE DEPARTMENT		
By Signature	 Date	By Signature	Date	
Type or Print Name		Type or Print Name		
Title		Title		
Attest:		Approved as to form:		
0.11				
City Clerk		Assistant City Attorney		

22-017



< Business Lookup

License Information:

New search Back to results

Entity name: CONTROL SOLUTIONS NORTHWEST, INC.

Business name: CONTROL SOLUTIONS NORTHWEST, INC.

Entity type: Profit Corporation

UBI #: 602-240-826

Business ID: 001

Location ID: 0001

Location: Active

Location address: 7222 E NORA AVE

SPOKANE VALLEY WA 99212-1216

Mailing address: 7222 E NORA AVE

SPOKANE VALLEY WA 99212-1216



Excise tax and reseller permit status: Click here

Secretary of State status: Click here

Endorsements

Endorsements held at this lo	License #	Count	Details	Status	Expiration da First issuance
Cheney General Business - Non-Resident				Active	Jun-30-2022 Jun-30-2021
Kennewick General Business - Non-Resident	102765			Active	Oct-31-2022 Jun-10-2004
Liberty Lake General Business - Non-Resident				Active	Oct-31-2022 Jul-19-2016
Richland General Business - Non-Resident	F03			Active	Oct-31-2022 Feb-07-2012
Spokane General Business - Non-Resident	T12039912B	L		Active	Oct-31-2022 Oct-15-2012
Spokane Valley General Business	01191			Active	Oct-31-2022 Feb-16-2004
Warden General Business - Non-Resident	C45			Active	Oct-31-2022 Oct-20-2021

Governing People May include governing people not registered with Secretary of State **Governing people Title** LAYMAN, MICHAEL (MIKE) MCGAHEY, PATRICK **Registered Trade Names Registered trade names Status** First issued CSN Active Sep-16-2019 The Business Lookup information is updated nightly. Search date and time: 1/13/2022 12:23:41 PM

Contact us

How are "e doing?

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/16/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

	is certificate does not confer rights to						may require	an endorsement. A Stat	ement (ווע	
PRODUCER					CONTACT NAME: Helen M. Smith						
Bell Anderson Agency, Inc.					PHONE (425) 201 5200 FAX (425) 201 5100						
600 SW 39th St, Suite 200					(A/C, No, Ext): (423) 291-3200 (A/C, No): (4						
	,				ADDRES	33.				NAIC#	
Renton WA 98057					INSURER(S) AFFORDING COVERAGE INSURER A . Western National Assurance Co.					NAIC # 24465	
INSURED					INSURER A .					21100	
	Control Solutions Northwest, Inc		INSURER B:								
	7222 E. Nora	•			INSURER C:						
7222 E. NOIA					INSURER D:						
Spokane Valley				WA 99212	INSURER E :						
		TIFIC	ATE		INSURER F:						
_				TO MBEITH	REVISION NUMBER: I ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD						
IN CI	IDICATED. NOTWITHSTANDING ANY REQUIR ERTIFICATE MAY BE ISSUED OR MAY PERTA KCLUSIONS AND CONDITIONS OF SUCH PO	REME AIN, TI	NT, TE	ERM OR CONDITION OF ANY (SURANCE AFFORDED BY THE	CONTRA E POLICI	ACT OR OTHER ES DESCRIBEI	R DOCUMENT V D HEREIN IS S	WITH RESPECT TO WHICH T	HIS		
INSR LTR	TYPE OF INSURANCE	ADDL	D WVD POLICY NUMBER			POLICY EFF POLICY EXP (MM/DD/YYYY)		LIMITS			
	COMMERCIAL GENERAL LIABILITY	IIVOD	WVD			(MINI/DD/1111)	(MM/DD/TTTT)	EACH OCCURRENCE	\$ 1,00	0,000	
	CLAIMS-MADE OCCUR							DAMAGE TO RENTED PREMISES (Ea occurrence)	<u> </u>	0,000	
	SEALING MINEE FOR SECON		Y					MED EXP (Any one person)	\$ 15,0	00	
Α		Υ		CPP1253176		02/17/2021	02/17/2022	PERSONAL & ADV INJURY	 	0,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE		0,000	
	POLICY PRO- JECT LOC							PRODUCTS - COMP/OP AGG	ļΨ	0,000	
	OTHER:							TRODUCTO - COMITTOT ACC	\$		
	AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT (Ea accident)	\$ 1,00	0,000	
	ANY AUTO							BODILY INJURY (Per person) \$			
Α	OWNED SCHEDULED			CPP1252543		02/17/2021	02/17/2022	BODILY INJURY (Per accident)			
	AUTOS ONLY HIRED AUTOS ONLY AUTOS ONLY AUTOS ONLY							PROPERTY DAMAGE (Per accident) \$			
	AUTOS ONLY AUTOS ONLY						\$				
	✓ UMBRELLA LIAB ✓ OCCUR							EACH OCCURRENCE \$ 5,00		0,000	
Α	EXCESS LIAB CLAIMS-MADE		UMB1042798		02/17/2021	02/17/2022	E/1011 0 0 0 0 1 11 12 11 0 2		0,000		
	DED RETENTION \$ 10,000							AGGILLOATE	\$		
	WORKERS COMPENSATION							PER OTH- STATUTE ER	Ψ		
_	AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE		CPP1253176- WA Stop Ga		p 02/17/2021		02/17/2022	E.L. EACH ACCIDENT	_{\$} 1,00	0,000	
Α	OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A				02/17/2021		L.L. LACITACCIDENT 5		0,000	
	If yes, describe under DESCRIPTION OF OPERATIONS below									0,000	
DESCRIPTION OF OPERATIONS DRIOW								E.L. DISEASE - POLICY LIMIT \$		<u> </u>	
DESC	 CRIPTION OF OPERATIONS / LOCATIONS / VEHICLE	S (AC	ORD 1	 01, Additional Remarks Schedule,	may be at	ttached if more sp	pace is required)		1		
[Job RE: Maii City	b #: OPR 2016-0108 Job Type: SFD] City Clerk No. OPR 2016-0108 Extension Intenance Agreement/Service Contract for H of Spokane is additional insured per endors In-Contributory per endorsement #WNGL139	VAC (Contro	ls SFD				9 0619. Primary &			
CERTIFICATE HOLDER CANCELLATION											
<u> </u>					3,110						
l					میرہ ا	III D ANV OF T	HE ABOVE DE	SCRIBER BOLICIES RE CAN	ICELLE	DEEODE	

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THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN

ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

City of Spokane 44 W. Riverside

Spokane

WA 99201-0189

ADDITIONAL INSURED – CONTRACTORS – OPERATIONS AND COMPLETED OPERATIONS – WITH ADDITIONAL INSURED REQUIREMENT IN CONSTRUCTION CONTRACT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

1. Additional Insured - Operations

- A. Section II Who Is An Insured is amended to include as an additional insured:
 - (1) Any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy; and
 - (2) Any other person or organization you are required to add as an additional insured under the contract or agreement described in Paragraph 1. above.

Such person(s) or organization(s) is an addtional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

- a. Your acts or omissions: or
- b. The acts or omissions of those acting on your behalf:

in the performance of your ongoing operations for the additional insured.

B. With respect to Additional Insured - Operations, coverage is limited as follows:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

(1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

2. Additional Insured - Completed Operations

- A. Section II Who Is An Insured is amended to include as an additional insured:
 - (1) Any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy; and
 - (2) Any other person or organization you are required to add as an additional insured under the contract or agreement described in Paragraph 1. above.

Such person(s) or organization(s) is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

- a. Your acts or omissions; or
- The acts or omissions of those acting on your behalf;

and included in the "products-completed operations hazard".

- B. With respect to Additional Insured Completed Operations, coverage is limited as follows:
 - A person or organization's status as an insured under Additional Insured – Completed Operations continues only for the period of time required by any written contract or agreement.
 - (2) The insurance provided to the additional insured does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of "your work" for which a consolidated (wrap-up) insurance program has been provided by the prime contractor-project manager or owner of the construction project in which you are involved.

3. Primary and Noncontributory

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and
- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.
- Other Provisions Applicable to Additional Insured Operations and Additional Insured Completed Operations
 - A. The Amendment of Insured Contract Definition (Endorsement CG 24 26) does not apply to an additional insured.
 - B. The coverage provided under Paragraph f. of the definition of "insured contract" under Section V – Definitions does not apply to an additional insured under this endorsement unless required by a written contract or agreement.
 - C. The insurance afforded to such additional insured only applies to the extent permitted by law; and

If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

D. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- (1) The minimum amount required by the contract or agreement; or
- (2) The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

E. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

- (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.



COMMERCIAL GENERAL LIABILITY ENHANCEMENT ENDORSEMENT

The Commercial General Liability Enhancement Endorsement is an optional endorsement that provides coverage enhancements. The following is a summary of broadened coverages provided by this endorsement. No coverage is provided by this summary, refer to following endorsement for changes in your policy.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

COMMERCIAL GENERAL LIABILITY ENHANCEMENT ENDORSEMENT

This endorsement modifies the insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

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With respect to the coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement. The SECTIONS of the Commercial General Liability Coverage Form identified in this endorsement will be amended as shown below.

SECTION I - COVERAGES AMENDMENTS

COVERAGE A - BODILY INJURY AND PROPERTY DAMAGE LIABILITY

A. Non Owned Aircraft Or Watercraft

Item **2. Exclusions**, Paragraph **g**. is replaced by the following:

g. Aircraft, Auto Or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation.... and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved in the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

- A watercraft while ashore on premises you own or rent;
- (2) A watercraft you do not own that is:
 - (a) Less than 50 feet long; and
 - (b) Not being used to carry persons or property for a charge;

This Subparagraph (2) applies to any person, who with your expressed or implied consent, either uses or is responsible for the use of the watercraft;

- (3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured;
- (4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft; or
- (5) "Bodily injury" or "property damage" arising out of:
 - (a) The operation of machinery or equipment that is attached to, or part of, a land vehicle that would qualify under the definition of "mobile equipment" if it were not subject to a compulsory or financial responsibility law or other motor vehicle insurance law where it is licensed or principally garaged; or
 - (b) The operation of any of the machinery or equipment listed in Paragraph f. (2) or f. (3) of the definition of "mobile equipment".

B. Damage To Property Coverage Extensions

Item 2. Exclusions, Paragraph j. is replaced by the following:

j. Damage To Property

"Property damage" to:

- (1) Property you own, rent, or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;
- (2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;

- (3) Property loaned to you;
- (4) Personal property in the care, custody or control of the insured:
- (5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or
- (6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs (1), (3) and (4) of this exclusion do not apply to "property damage" (other than damage by fire, lightning, explosion or sprinkler leakage) to premises, including the contents of such premises, rented to you for a period of seven or fewer consecutive days. A separate limit of insurance applies to Damage To Premises Rented To You as described in SECTION III - LIMITS OF INSURANCE. However, the provisions of this paragraph do not apply if coverage for Damage To Premises Rented To You is excluded by endorsement.

Paragraph (2) of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs (3) and (4) of this exclusion do not apply to the use of elevators.

Paragraphs (3), (4), (5) and (6) of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraph (4) of this exclusion does not apply to "property damage" to borrowed equipment while not being used to perform operations at the jobsite. Subject to Paragraph 2. of SECTION III - LIMITS OF INSURANCE, the rules below fix the most we will pay for "property damage" under this provision:

- (1) \$25,000 any one "occurrence", regardless of the number of persons or organizations who sustain damages because of that "occurrence";
- (2) \$50,000 annual aggregate; and
- (3) We will pay only for damages in excess of \$2,500 as a result of any one "occurrence", regardless of the number of persons or organizations who sustain damages because of that "occurrence". We may, or if required by law, pay all or any part of any deductible amount, if applicable, to effect settlement of any claim or "suit". Upon notice of our payment of a deductible amount, you shall promptly reimburse us for the part of the deductible amount we paid.

Paragraph (6) of this exclusion does not apply to "property damage" included the in "products-completed operations hazard".

The insurance provided for "property damage" from the use of elevators and for "property damage" to borrowed equipment is excess over any other valid and collectible property insurance (including any deductible portion thereof) available to the insured whether primary, excess, contingent or on any other basis.

C. Damage To Premises Rented To You

Item 2. Exclusions, the last paragraph is replaced by the following:

Exclusions c. through n. do not apply to damage by fire, lightning, explosion or sprinkler leakage to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in Paragraph 6. of SECTION III - LIMITS OF INSURANCE.

COVERAGE B - PERSONAL AND ADVERTISING **INJURY LIABILITY**

D. Personal And Advertising Injury

Item 2. Exclusions is amended by replacing Sub-paragraphs **b.** and **c.** with the following:

b. Material Published With Knowledge Of Falsity

"Personal and advertising injury" arising out of oral, written, televised, videotaped or electronic publication, in any manner, of material, if done by or at the direction of the insured with knowledge of its falsity.

c. Material Published Prior To Policy Period

"Personal and advertising injury" arising out of oral, written, televised, videotaped or electronic publication, in any manner, of material whose first publication took place before the beginning of the policy period.

SUPPLEMENTARY PAYMENTS - COVERAGES A AND B

E. Supplementary Payments - Coverages A and B

Item 1. is amended by replacing Subparagraphs b. and d. with the following:

- b. Up to \$5,000 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.
- d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to \$500 a day because of time off from work.

SECTION II - WHO IS AN INSURED AMENDMENTS

A. Employee Bodily Injury To A Co-Employee

Paragraph 2. a. (1) is replaced by the following:

However, none of these "employees" or "volunteer workers" are insureds for "bodily injury" or "personal and advertising injury":

- (a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;
- (b) To the spouse, child, parent, brother or sister of the co-"employee" or "volunteer worker" as a consequence of Paragraph (1)(a) above;
- (c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraph (1)(a) or (b) above; or
- (d) Arising out of his or her providing or failing to provide professional health care services.

However, if a suit seeking damages for "bodily injury" or "personal and advertising injury" to any co-"employee" or other "volunteer worker" arising out of and in the course of the co-"employee's" or "volunteer worker's" employment or while performing duties related to the conduct of your business, or a suit seeking damages brought by the spouse, child, parent, brother or sister of the co-"employee" or other "volunteer worker", is brought against you or a co-"employee" or a "volunteer worker", we will reimburse the reasonable costs that you incur in providing a defense to the co-"employee" or "volunteer worker" against such matters. reimbursement made pursuant to this sub-section will be in addition to the limits of liability set forth in the Declarations.

B. Newly Acquired Organizations

Paragraph 3. a. is replaced by the following:

a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier:

The following are added:

C. Blanket Additional Insured – Vendors – As Required By Contract

 Section II – Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) (referred to throughout this endorsement as vendor) with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business.



However.

- a. The insurance afforded to such vendor only applies to the extent permitted by law; and
- b. If coverage provided to the vendor is required by a contract or agreement, the insurance afforded to such vendor will not be broader than that which you are required by the contract or agreement to provide for such vendor.
- 2. With respect to the insurance afforded to these vendors, the following additional exclusions apply:
 - a. The insurance afforded the vendor does not apply to:
 - (1) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
 - (2) Any express warranty unauthorized by you;
 - (3) Any physical or chemical change in the product made intentionally by the vendor;
 - (4) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

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- (5) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
- (6) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
- (7) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or
- (8) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:
 - (i) The exceptions contained in Subparagraphs (4) or (6); or
 - (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.
- 3. This Provision C. does not apply:
 - a. To any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products;
 - To any vendor for which coverage as an additional insured specifically is scheduled by endorsement; or
 - c. When liability included within the "products-completed operations hazard" has been excluded for such product either by the provisions of the coverage part or by endorsement.

 With respect to the insurance afforded to these vendors, the following is added to Section III – Limits Of Insurance:

If coverage provided to the vendor is required by a contract or agreement, the most we will pay on behalf of the vendor is:

- a. The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

5. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury". "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

D. Blanket Additional Insured – Lessor Of Leased Equipment

1. Section II - Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) from whom you lease equipment when you and such person(s) or organization(s) have agreed in writing in a contract or agreement, executed prior to loss, that such person(s) or organization(s) be added as an additional insured on your policy. person(s) or organization(s) is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

However, the insurance afforded to such additional insured:

- a. Only applies to the extent permitted by law;
- b. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

- 2. With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.
- 3. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

4. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

E. Blanket Additional Insured - Managers Or **Lessors Of Premises**

1. Section II - Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, but only with respect to arising out of the ownership, maintenance or use of that part of the premises leased to you, subject to the following additional exclusions:

This insurance does not apply to:

- a. Any "occurrence" which takes place after you cease to be a tenant in that premises.
- b. Structural alterations, new construction or demolition operations performed by or on behalf of such additional insured.



However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- 2. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- a. The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

3. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

F. Blanket Additional Insured - State Or Governmental Agency Or Subdivision Or Political Subdivision – Permits Or Authorizations

Section II - Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- a. The insurance afforded to such additional insured only applies to the extent permitted by law: and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- 2. This insurance does not apply to:
 - "Bodily injury", "property damage" "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
 - **b.** "Bodily injury" or "property damage" included within the "products-completed operations hazard".
- 3. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- a. The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

4. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

G. Blanket Additional Insured - State Or Governmental Agency Or Subdivision Or Political Subdivision - Permits Or Authorizations Relating To Premises

Section II - Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, subject to the following provision:

- 1. This insurance applies only with respect to the following hazards for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization in connection with premises you own, rent or control and to which this insurance applies:
 - a. The existence. maintenance, repair. construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or

- **b.** The construction, erection or removal of elevators: or
- c. The ownership, maintenance or use of any elevators covered by this insurance.

However,

- a. The insurance afforded to such additional insured only applies to the extent permitted by law: and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- 2. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- a. The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

3. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.



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This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

SECTION III - LIMITS OF INSURANCE AMENDMENTS

A. Damage To Premises Rented To You

Paragraph 6. is replaced by the following:

- 6. Subject to Paragraph 5. above, the most we will pay under Coverage A for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning, explosion or sprinkler leakage, while rented to you or temporarily occupied by you with permission of the owner is the greater of:
 - a. \$300,000; or
 - b. The amount shown next to the Damage To Premises Rented To You Limit in the Declarations.

However, the provisions of this paragraph do not apply if Damage To Premises Rented To You Coverage is excluded by endorsement.

B. Medical Expense Limit

Paragraph 7. is replaced with the following:

- Subject to Paragraph 5. above, the most we will pay under Coverage C for all medical expenses because of "bodily injury" sustained by any one person is the greater of:
 - a. \$10,000; or
 - b. The amount shown next to the Medical Expense Limit in the Declarations.

This insurance does not apply if coverage for Medical Expenses is excluded either by the provisions of the coverage part or by endorsement.

SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS AMENDMENTS

A. Knowledge Of Occurrence

- Item 2. Duties In The Event Of Occurrence, Offense, Claim or Suit is amended by adding the following:
- e. You must give us or our authorized representative prompt notice of an "occurrence", claim or loss only when the "occurrence", claim or loss is known to:
 - (1) You, if you are an individual;
 - (2) A partner, if you are a partnership;
 - (3) An executive officer or insurance manager, if you are a corporation; or
 - (4) A member or manager, if you are a limited liability company.

B. Other Insurance

Item 4. Other Insurance, b. Excess Insurance (1) (a) (ii) is replaced by the following:

(ii) That is fire, lightning, explosion or sprinkler leakage insurance for premises rented to you or temporarily occupied by you with permission of the owner;

C. Unintentional Failure To Disclose Hazards

Item 6. Representations is replaced by the following:

6. Representations And Unintentional Failure To Disclose Hazards

- a. By accepting this policy, you agree:
 - (1) The statements in the Declarations are accurate and complete:
 - (2) Those statements are based upon representations you made to us; and
 - (3) We have issued this policy in reliance upon your representations.
- b. If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Part because of such failure. However, this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

D. Waiver of Subrogation

Item 8. Transfer of Rights of Recovery Against Others to Us is hereby amended by the addition of the following:

We waive any right of recovery we may have because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a written contract, executed prior to loss, requiring such waiver with that person or included organization and in "products-completed operations hazard". However, our rights may only be waived prior to the "occurrence" giving rise to the injury or damage for which we make payment under this Coverage Part. The insured must do nothing after a loss to impair our rights. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce those rights.

SECTION V - DEFINITIONS AMENDMENTS

A. Insured Contract Amended

Paragraph 9. a. is replaced by the following:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion or sprinkler leakage to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";



B. Personal And Advertising Injury Redefined

Paragraph 14. d. and e. are replaced by the following:

- **d.** Oral, written, televised, videotaped or electronic publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or service;
- e. Oral, written, televised, videotaped or electronic publication of material that violates a person's right of privacy;

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

DESIGNATED CONSTRUCTION PROJECT(S) GENERAL AGGREGATE LIMIT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Designated Construction Project(s):
PER WRITTEN CONTRACT OR AGREEMENT WHERE YOU AGREED TO PROVIDE A SEPARATE GENERAL AGGREGATE LIMIT FOR EACH PROJECT

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A. For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I Coverage A, and for all medical expenses caused by accidents under Section I Coverage C, which can be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
 - A separate Designated Construction Project General Aggregate Limit applies to each designated construction project, and that limit is equal to the amount of the General Aggregate Limit shown in the Declarations.
 - 2. The Designated Construction Project General Aggregate Limit is the most we will pay for the sum of all damages under Coverage A, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard", and for medical expenses under Coverage C regardless of the number of:
 - a. Insureds;
 - b. Claims made or "suits" brought; or
 - c. Persons or organizations making claims or bringing "suits".
 - Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the Designated Construction Project General Aggre-

- gate Limit for that designated construction project. Such payments shall not reduce the General Aggregate Limit shown in the Declarations nor shall they reduce any other Designated Construction Project General Aggregate Limit for any other designated construction project shown in the Schedule above.
- 4. The limits shown in the Declarations for Each Occurrence, Damage To Premises Rented To You and Medical Expense continue to apply. However, instead of being subject to the General Aggregate Limit shown in the Declarations, such limits will be subject to the applicable Designated Construction Project General Aggregate Limit.
- B. For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I Coverage A, and for all medical expenses caused by accidents under Section I Coverage C, which cannot be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
 - Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the amount available under the General Aggregate Limit or the Products-completed Operations Aggregate Limit, whichever is applicable; and

- Such payments shall not reduce any Designated Construction Project General Aggregate Limit.
- C. When coverage for liability arising out of the "products-completed operations hazard" is provided, any payments for damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard" will reduce the Products-completed Operations Aggregate Limit, and not reduce the General Aggregate Limit nor the Designated Construction Project General Aggregate Limit.
- D. If the applicable designated construction project has been abandoned, delayed, or abandoned and then restarted, or if the authorized contracting parties deviate from plans, blueprints, designs, specifications or timetables, the project will still be deemed to be the same construction project.
- E. The provisions of Section III Limits Of Insurance not otherwise modified by this endorsement shall continue to apply as stipulated.



SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/14/2022
05/02/2022		Clerk's File #	OPR 2022-0302
		Renews #	
Submitting Dept	INTEGRATED CAPITAL	Cross Ref #	
	MANAGEMENT		
Contact Name/Phone	MARK PAPICH 625-6310	Project #	2018107
Contact E-Mail	MPAPICH@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name 4250 – DRINKING WATER STA		LVING FUND – SIA TR	RANSMISSION LINE
	CROSSING		

Agenda Wording

Drinking Water State Revolving Fund (DWSRF) agreement for a low interest loan for the design and construction of the SIA transmission line crossing under I-90.

Summary (Background)

Loan DWL26042 with Washington State Department of Health (DOH) and DWSRF with an interest rate of 1.75% for 20 years. This Project will design and construct the transmission main line located in the West Plains area of Spokane, an estimated cost of \$5,050,000. This project is identified in the approved 2022-2027 Six Year Capital Improvement Program.

Lease?	NO	Grant related? NO	Public Works? YES	
Fiscal I	mpact		Budget Account	
Expense	\$ 5,050,000		# 4250-98818-94340-5650)1-15801
Select	\$		#	
Select	\$		#	
Select	\$		#	
Approv	als		Council Notification	<u>s</u>
Dept Hea	ad ad	MILLER, KATHERINE E	Study Session\Other	PIES 4/25/22
Division	Director	FEIST, MARLENE	Council Sponsor	Beggs/Kinnear
<u>Finance</u>		ALBIN-MOORE, ANGELA	Distribution List	
<u>Legal</u>		ODLE, MARI	ddaniels@spokanecity.org	
For the I	<u> Mayor</u>	ORMSBY, MICHAEL	icmaccounting@spokaneci	ty.org
Additional Approvals		eraea@spokanecity.org		
<u>Purchas</u>	ing		mpapich@spokanecity.org	
			kemiller@spokanecity.org	
			mfeist@spokanecity.org	
			mdavis@spokanecity.org	

Committee Agenda Sheet Public Infrastructure, Environment, and Sustainability

Submitting Department	Integrated Capital Management		
Contact Name & Phone	Mark Papich, 625-6310		
Contact Email	mpapich@spokanecity.org		
Council Sponsor(s)	Lori Kinnear		
Select Agenda Item Type	Consent Discussion Time Requested:		
Agenda Item Name	DWSRF Loan Agreements		
Summary (Background)	The City of Spokane has been awarded two low-interest loans to fund the design and construction of City of Spokane water projects. The funding source of the loans is the Drinking Water State Revolving Fund (DWSRF). This funding is Federal funding and is administered through the Washington State Department of Health (DOH). Each of the funded projects listed below is approved in the 2022-2027 Six Year Capital Improvement Program.		
	SIA Pipe Crossing Under I-90		
	Loan Amount: \$5,050,000 Interest Rate: 1.75%		
	Loan Term: 20 years		
	Thorpe Additional Reservoir		
	Loan Amount: \$7,827,500 Interest Rate: 1.75%		
	Loan term: 20 years		
Proposed Council Action &	Approve the two DWSRF loan agreements		
Date:			
Fiscal Impact: = \$12,877,500			
Total Cost:	et? Yes No N/A		
Approved in current year budge	et: Partes Lino Lin/A		
Funding Source One-tir	me 🔲 Recurring		
Specify funding source: Utility F	Rates-IC		
Expense Occurrence One-tir	me Recurring		
Other budget impacts: (revenu	e generating, match requirements, etc.)		
Operations Impacts			
What impacts would the propo	sal have on historically excluded communities?		
Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.			
	llyzed, and reported concerning the effect of the program/policy by national origin, income level, disability, sexual orientation, or other		

N/A – This is a public works project to improve the City's water system and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

These two funded projects are identified in the 6-Year Capital Improvement Program as well as the annual budget.



City of Spokane Mark Papich, Senior Engineer 808 West Spokane Blvd Spokane, WA 99201 mpapich@spokanecity.org

RE: Loan Contract Number: DWL26042

Dear Mark Papich;

Enclosed is the Drinking Water State Revolving Fund Loan Contract Number identified above for your signature. The Loan Contract details the terms and conditions that will govern the agreement between us, which includes the project's Scope of Work as a formal attachment. Failure to return the contracts within 60 calendar days of the date of this letter may result in your loan offer being withdrawn.

Review, print and sign the document. Once signatures are obtained, scan and return by email to dohcon.mgmt@doh.wa.gov or print and sign a hard copy, and return the originals to us for full execution.

Please note that the U.S. Environmental Protection Agency is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

A non-refundable one-percent loan administration fee will be collected at contract execution (If applicable), including any subsequent amendments where funds are added. The loan amount may be modified to include an amount sufficient to cover the one-percent loan administration fee. In most cases, the fee will be collected in full at contract execution. Please review the terms and conditions of the Loan Contract and all attachments carefully for details.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov.

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

After the Loan Contracts have been signed by the Department or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred within the contract period of performance, and which have supporting documentation such as receipts or bills.

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

Dennis Hewitt
DOH Contract Manager
360.236.3017
Dennis.Hewitt@DOH.WA.GOV

Enclosures:

ATTACHMENT I: SCOPE OF WORK (PROJECT) ATTACHMENT II: ATTORNEY'S CERTIFICATION

ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS

ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS

ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Washington State Department of Health

DWSRF Municipal Loan Boilerplate

May 2018

	Version History	
Date	Revision(s)	Version
05-15-2018	Original - developed via a team of the DWSRF Grant and Loan Unit Supervisor, the DOH Office of Drinking Water Finance Director, the DOH Office of Contracts and Procurement Technical and Policy Advisor, and DOH's Financial Services Assistant Attorney General.	1

1. CONTRACT FACE SHEET

2020-3898 Loan Number: DWL26042 Washington State Department of Health (DOH) Drinking Water State Revolving Fund (DWSRF) Municipal

1. Borrower		2. Borrower Doing Business As (optional)		
City of Spokane				
808 West Spokane Blvd				
Spokane, WA 99201				
3. Borrower Type			4. Borrower's Statutory	Authority
Construction Loan				•
5. Borrower Contract Man	ager	Information	6. DOH Contract Manag	er
			Dennis Hewitt	
Mark Papich		9.625.6310	P.O. Box 47822	360.236.3017
Senior Engineer	mp	apich@spokanecity.org	Olympia, WA 98504-7822	Dennis.Hewitt@DOH.Wa.Gov
7. Project Name	_			
SIA Transmission Line Cr	ossi			
8. Loan		9. Funding Source	10. Start Date	11. End Date
Amount: \$5,050.000.00		Federal: ⊠ State: ⊠	DOE	10/1/2042
Loan Fee: \$50,000.00		Other:		
Interest Rate: 1.75%				
12. Federal Funding Agen				
Catalogue of Federal A	Assis	stance (CFDA) Number 6	66.468	
13. Borrower Tax ID #		14. SWV #	15. Borrower UBI #	16. Borrower DUNS #
91-6001280		0003387-05	328-013-877	057531253
17. Contract Purpose				
DOH and the party identified	d abo	ove as Borrower, hereafte	r referred to as BORROWI	ER, have entered into this
contract to fund the project i				
The project will be done by	the E	BORROWER as described	d in the scope of work and	this contract. The rights and
obligations of the parties are	e gov	verned by this contract an	d the following documents	incorporated by reference:
General Terms and Condition				
Attorney's Certification; Atta	chm	ent III: Federal and State	Requirements; Attachment	IV: Disadvantaged Business
Enterprise Requirements; A	ttach	nment V: Certification Reg	arding Debarment, Susper	nsion, and Other Responsibility
Matters; Attachment VI: DW	/SRF	Eligible Project Costs; ar	nd Attachment VII: Labor S	tandard Provisions for
Subrecipients that are Gove	ernme	ental Entities. By the sign	ature below, the parties ac	knowledge and accept the
terms of this contract.				-
		FOR DOH		
SIGNATURE AND DATE			SIGNATURE and DATE	
NAME and TITLE		NAME and TITLE		
APPROVED AS TO FORM ONLY				
			Mark Calkins, AAG Signa	
			i wark Garrins, AAG Signa	iui e on file

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3. DECLARATIONS

3.1. BORROWER INFORMATION

Legal Name: City of Spokane Loan Number: DWL26042 Award Year: 2020 State Wide Vendor Number: 0003387-05

3.2. PROJECT INFORMATION (PROJECT)

Project Title: SIA Transmission Line Crossing Under I-90

Project Location (City or County): Spokane / Spokane County

Washington Project State: Project Zip Code: 99201

Project Scope of Work (PROJECT): Attachment I, attached hereto and incorporated by reference.

3.3. CONTRACT COMMUNICATION

Communications regarding Contract performance is delegated by each party to its Contract Manager. Either party may change its Contract Manager by express notice to the other party. Either party may identify on an as needed basis an alternate Contract Manager to serve during the stated temporary absence of its primary Contract Manager. Notices between the parties regarding Contract performance must be provided by written communication to the other party's Contract Manager. Written communication includes email but not voice mail. Notices are presumed received by the other party's Contract Manager upon evidence of delivery between the hours of 8:00 am to 5:00 pm except for state holidays and weekends.

3.4. LOAN INFORMATION

\$5,050,000.00 Loan Amount: Loan Fee (Included in loan amount if applicable): \$50,000.00

Principal Loan Forgiveness %: 0% Loan Term: 20 Years

Interest Rate: 1.75% Payment Month(s):

October 1st Annually Earliest Date for Construction Reimbursement: 12 months prior to contract countersigned by

Time of Performance: 48 months from Contract start date (date of last

signature) to Project Completion date.

Notice to Proceed: 18 months from Contract start date (date of last

signature)

3.5. FUNDING INFORMATION

Total Funds from BORROWER: To be determined Source(s) of Funds from Borrower, with assigned amounts per source: To be determined Total State Funds: To be determined Total Amount of Federal Award To be determined Total Amount of Loan: \$5,050,000.00 Federal Award Date: To be determined Federal Award ID # (FAIN): To be determined

Amount of Federal Funds Obligated by this Action: N/A

3.6. SPECIAL TERMS AND CONDITIONS

N/A

4. GENERAL TERMS AND CONDITIONS

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

4.1. AUTHORITY

Acting under the authority of Section 1452 of the Safe Drinking Water Act (SDWA) Section 130, RCW 39.34, RCW 43.70.040, and RCW 70.119A.170 the Washington State Department of Health (DOH) has awarded BORROWER a Drinking Water State Revolving Fund Loan (LOAN) for the project identified in the Declarations (PROJECT). Under this CONTRACT, BORROWER is a sub-recipient of funds provided by the United States Environmental Protection Agency (EPA), CFDA Number 66.468, Safe Drinking Water State Revolving Fund.

In some CONTRACT attachments, DOH is referred to as "Lender" and BORROWER is referred to as "Contractor."

4.2. FULL AGREEMENT

This CONTRACT contains the full agreement of the parties. No other understandings, oral or otherwise, regarding the subject matter of this CONTRACT exists.

4.3. ORDER OF PRECEDENCE

In the event of an inconsistency in this CONTRACT, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: The order of precedence for terms and conditions under categories B and C is subject to the proviso that when a contract term or condition appears in more than one contract document, the more specific contract term or condition shall control if the different contract provisions cannot be harmonized.

- **A.** Applicable local, state, and federal statutes and regulations
- B. Contract amendments
- **C.** The Contract (in this order)

Declarations and Special Terms and Conditions General Terms and Conditions Attachments I – VII

4.4. LOAN AMOUNT

DOH, using funds from the Drinking Water Assistance Account, will loan BORROWER a sum not to exceed the amount shown as LOAN AMOUNT in the Declarations. The LOAN AMOUNT shall not exceed one hundred percent (100%) of the actual eligible PROJECT costs.

4.5. LOAN FEE

If DOH assessed a LOAN FEE, it is shown in the Declarations as LOAN FEE and included in the total LOAN AMOUNT. The fee (if applicable) is one percent (1%) of the loan request and will not be reduced, regardless of the final LOAN AMOUNT at PROJECT completion. If the LOAN FEE applies and the total LOAN AMOUNT is increased by amendment, DOH will assess an additional LOAN FEE equal to one percent (1%) of the additional LOAN AMOUNT. LOAN FEES are non-refundable.

4.6. LOAN TERM

Unless changed by an amendment, the LOAN TERM will not exceed the period of time shown in the Declarations. The repayment period for DOH subsidized loans is twenty-four (24) years from this CONTRACT's start date. The repayment period for non-DOH subsidized loans is twenty (20) years from this CONTRACT's start date.

4.7. INTEREST RATE

The interest rate is stated in the Declarations. Interest is per annum on the outstanding principal balance and starts to accrue from the date DOH releases LOAN FUNDS to BORROWER. If BORROWER completes the PROJECT within twenty-four (24) months of the CONTRACT start date, DOH will reduce the LOAN INTEREST to one percent

(1%) at PROJECT completion. The reduced interest rate will apply to the remaining payments beginning from the date DOH approves the BORROWER's Project Completion Report.

4.8. LOAN FORGIVENESS

If the LOAN qualifies for LOAN Forgiveness, the percent of the LOAN balance that DOH will forgive at PROJECT completion is stated in the Declarations. DOH calculates the amount forgiven when DOH approves the BORROWER's Project Completion Report. The amount forgiven will be based on either the LOAN AMOUNT or BORROWER's ELIGIBLE PROJECT COSTS, whichever is less, and accrued interest.

4.9. RELEASE OF LOAN FUNDS AND REQUIRED DOCUMENTATION

DOH will release LOAN funds to BORROWER to reimburse BORROWER for eligible PROJECT costs. To request reimbursement, BORROWER must submit a signed and completed invoice using a form provided by DOH. The invoice must reference the PROJECT activity performed, and include supporting documentation such as bills, invoices, receipts, and documentation of compliance with CONTRACT requirements as requested by DOH. The invoice must signed by an official of BORROWER with authority to bind BORROWER.

Invoices must also include a report of the progress made since the last invoice, and the PROJECT status to date. DOH will not release funds until the PROJECT status report and documentation are approved by DOH. Approval will not be unreasonably withheld or delayed. After approving the invoice, documentation, and PROJECT status report, DOH will release funds to BORROWER within thirty (30) days, if BORROWER is not in alleged or actual breach of CONTRACT.

DOH will withhold ten percent (10%) of LOAN funds until DOH confirms that BORROWER has successfully completed all steps for PROJECT COMPLETION. The 10% holdback will be available to BORROWER as part of the last LOAN disbursement.

4.10. TIME OF PERFORMANCE

BORROWER will begin the activities in the PROJECT within thirty (30) calendar days of the CONTRACT start date. BORROWER will issue a 'Notice to Proceed', after the formal award of a construction contract, within eighteen (18) months of the CONTRACT start date.

BORROWER must reach PROJECT COMPLETION within the TIME OF PERFORMANCE. If there are extenuating circumstances, BORROWER may request, in writing, at least ninety (90) calendar days prior to the PROJECT COMPLETION that DOH extend the deadline for PROJECT COMPLETION. At its discretion, DOH may issue an extension. DOH's decision is final and not subject to the dispute clause.

If BORROWER does not meet the requirements of this section, it is a breach of CONTRACT, and DOH may terminate or suspend this CONTRACT.

4.11. PROJECT COMPLETION AMENDMENT AND THE PROJECT COMPLETION REPORT

The PROJECT Completion Amendment determines the final LOAN AMOUNT and LOAN TERM. When activities in the PROJECT are complete, BORROWER will start the process for the PROJECT Completion Amendment by sending DOH the PROJECT Completion Report. In the PROJECT Completion Report., BORROWER will provide the following information to DOH:

- **A.** A statement of the actual dollar amount spent, from all fund sources, to complete the PROJECT.
- **B.** A statement that all ELIGIBLE PROJECT COSTS have been incurred. Costs are incurred when goods and services are received and/or contracted work is performed.
- **C.** Evidence showing BORROWER'S compliance with financial the audit requirements of this CONTRACT.
- **D.** An invoice for the remaining ELIGIBLE PROJECT COSTS.
- E. Documentation of BORROWER's compliance with National Historic Preservation Act, 54 USC Subtitle III.

4.12. LOAN PAYMENTS

BORROWER must begin repaying the LOAN no later than one (1) year after the CONTRACT start date. Payments are due on the first day of the month(s) shown as the PAYMENT MONTH(S) in the Declarations. The first payment is only the interest accrued at that time. All other payments are principal and interest accrued up to the PAYMENT MONTH(S).

BORROWER can repay in full the LOAN balance, including fees and repayment of LOAN FUNDS for ineligible project costs (if any), at any time or make accelerated payments without penalty. The final payment must be on or before the end of the LOAN TERM.

4.13. LOAN DEFAULT

DOH must receive BORROWER'S payment within thirty (30) calendar days of the due date. Late payments are delinquent and assessed a monthly penalty on the first (1st) day past the due date. The penalty is one percent (1%) of the late payment amount per month. Penalty and fees accrue interest at the rate stated as LOAN INTEREST in the Declarations.

DOH may notify any other entity, creditors, or potential creditors of BORROWER's delinquency. BORROWER is responsible for all attorney fees and costs incurred by DOH in any action taken to enforce its rights under this section, including in any alternative dispute resolution proceeding.

4.14. LOAN SECURITY

LOAN Security is only required if identified in the Declarations. In its sole discretion and if allowed under the EPA regulations relevant to this Contract, DOH may subordinate its LOAN security to Borrower's obligations under existing or future bonds and notes. Nothing in this section releases BORROWER from the obligation to make LOAN PAYMENTS when due, and to adjust rates, fees, or surcharges as necessary to meet its obligations under this CONTRACT.

4.15. AMENDMENTS, MODIFICATIONS, ASSIGNMENTS, AND WAIVERS

Amendments, modifications, assignments, and waivers to any of the terms of this CONTRACT supersede, if applicable, those terms as found in the original CONTRACT, and are not binding unless they are in writing and signed by representatives authorized to bind each of the parties. Only the authorized representative or their designee has the express, implied, or apparent authority to alter, amend, assign, modify, or waive any terms of this CONTRACT.

Neither this CONTRACT nor any claim arising under it may be transferred or assigned by BORROWER without DOH's prior written consent. During the LOAN TERM, DOH must approve in advance, any change in ownership of the water system(s) improved with LOAN FUNDS. DOH may require the LOAN, including fees and ineligible project costs (if any), be paid in full as a condition of approval.

Nothing in this CONTRACT may be waived unless approved by DOH in writing. No waiver of any default or breach is implied from any failure to take action upon such default or breach if the default of breach persists or repeats. Waiver of any default or breach is not a waiver of any subsequent default or breach.

4.16. AMERICAN IRON AND STEEL

None of the LOAN funds can be used for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used are produced in the United States. "Iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

DOH may waive this requirement if:

- A. Compliance would be inconsistent with the public interest; or
- **B.** The particular iron and steel products are not produced in the United States in sufficient and reasonably available quantities and are not of a satisfactory quality; or

- **C.** Inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than twenty-five (25) percent; and
- **D.** The waiver is approved by the Environmental Protection Agency (EPA).

BORROWER must submit the waiver request to DOH, which will submit it to EPA. The full text of the American Iron and Steel requirements can be found in H.R. 3547, Consolidated Appropriations Act, 2014, P.L. 113-76, SEC. 436.

4.17. ATTORNEYS' FEES

Unless expressly stated under another section of the CONTRACT, each party agrees to bear its own attorneys' fees and costs for litigation or other action brought to enforce the contract terms.

4.18. BONUS AND COMMISSION PAYMENTS NOT ALLOWED

Funds provided under this CONTRACT cannot be used to pay any bonus or commission to gain approval of the loan application or any other approval under this CONTRACT. This section does not prohibit paying for bona fide technical consultants, managerial, or other such services, if payment is for ELIGIBLE PROJECT COSTS.

4.19. COMPLIANCE

BORROWER will comply with all applicable federal, state and local laws, requirements, and ordinances for the design, implementation, and administration of the PROJECT and this CONTRACT, including but not limited to those stated in the CONTRACT attachments. BORROWER will provide DOH with documentation of compliance, if requested.

In the event of BORROWER's alleged or actual noncompliance with any part of this CONTRACT, DOH may suspend all or part of the CONTRACT, withhold payments, or prohibit BORROWER from incurring additional obligations of LOAN FUNDS during the investigation and pending corrective action by BORROWER, or a decision by DOH to terminate the CONTRACT.

4.20. DISPUTES

Except as otherwise provided in this CONTRACT, when a dispute arises between the parties that cannot be solved by direct negotiation, either party may request a dispute hearing with the Director of the Office of Drinking Water (the Director), who may designate a neutral person to decide the dispute. The parties will be equally responsible for any reasonable costs and fees incurred by the neutral.

The party requesting a dispute hearing must:

- A. Be in writing;
- B. State the disputed issues;
- **C.** State the relative positions of the parties;
- **D.** State BORROWER's name, address, and the CONTRACT number;
- **E.** Provide contact information for the requester's representative, and,
- **F.** Be mailed to the other party's (respondent's) Contract Manager within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent must send a written answer within five (5) working days.

In the alternative, the parties can agree to submit a mutual request to the Director, which should include each party's response to the other party's characterization of the dispute.

The Director or designee will review the written statements and reply in writing to both parties within ten (10) working days. The Director or designee may extend this period if necessary by notifying the parties. The decision on the dispute is non-binding and is not admissible in any succeeding judicial or quasi-judicial proceeding.

This non-binding dispute process must precede any action in a judicial or quasi-judicial tribunal. Nothing in this CONTRACT limits the parties from using any mutually acceptable alternate dispute resolution (ADR) method in addition to or instead of the dispute hearing procedure outlined above.

4.21. ELIGIBLE PROJECT COSTS

BORROWER will comply with Attachment VI: DWSRF Eligible Project Costs and is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

The purchase of any land necessary for the PROJECT must be included in the PROJECT and be documented with an appraisal or equivalent market evaluation, if approved by DOH, and a valid purchase and sale agreement.

Construction expenses incurred after the date shown as earliest date for construction reimbursement in the Declarations are eligible for reimbursement. Requests for reimbursements for costs related to construction activities will not be accepted until BORROWER has met the following conditions:

- A. Completed the State Environmental Review Process (SEPA Review under RCW 43.21C);
- B. Complied with all provisions of the National Historic Preservation Act, 54 USC Subtitle III;
- **C.** Complied with Prevailing Wage requirements;
- **D.** Received approval from DOH of the project report and related construction documents for all applicable activities described in the PROJECT; and
- **E.** Complied with any other LOAN conditions required by DOH.

BORROWER cannot use LOAN FUNDS for any expenses charged by BORROWER against any other contract, subcontract, or source of funds.

If DOH reimburses BORROWER for costs that are later determined by DOH to be ineligible, BORROWER must repay these funds to DOH no later than when the BORROWER returns the PROJECT Completion Amendment to DOH. Prior to final completion, DOH may withhold payment for such costs as allowed under Section 4.36 RECAPTURE. Repayment is subject to interest retroactive to the date of the applicable disbursement by DOH.

4.22. FALSE, INCORRECT, OR INCOMPLETE INFORMATION OR CLAIM

BORROWER warrants that they have not and will not submit to DOH any information that is materially false, incorrect, or incomplete. Providing false, fictitious, or misleading information with respect to the receipt and disbursements of LOAN funds is a basis for criminal, civil, or administrative fines and/or penalties. DOH may also pursue applicable remedies for violations by BORROWER of this section.

4.23. FINANCIAL AUDIT

DOH may require BORROWER to obtain an audit of this PROJECT conforming to Generally Accepted Accounting Principles (GAAP). BORROWER will maintain its records and accounts to facilitate the audit. BORROWER is responsible for correcting any audit findings. BORROWER is responsible for any audit findings incurred by its own organization and/or its subcontractors. DOH reserves the right to recover from BORROWER all disallowed costs and INELEGIBLE PROJECT COSTS resulting from the audit.

The audit must include a report on compliance, including an opinion (or disclaimer of opinion) about whether the BORROWER is in compliance with laws, regulations and requirements of this CONTRACT that could have a direct and material effect on DOH.

BORROWER must send a copy of any required audit per 2 CFR §200.512 to the DOH Contract Manager, no later than nine (9) months after the end of BORROWER's fiscal year(s). BORROWER must send any audit corrective action plan for audit findings and a copy of the management letter, within three (3) months of the audit report.

4.24. GOVERNING LAW AND VENUE

This CONTRACT shall be construed and interpreted according to the laws of the state of Washington, and the venue of any action brought under the CONTRACT will be in the Superior Court for Thurston County.

4.25. HISTORICAL AND CULTURAL REQUIREMENTS

BORROWER will not conduct or authorize destructive PROJECT planning activities before completing the requirements of the National Historic Preservation Act, 54 USC Subtitle III. BORROWER will not begin construction

activities, ground disturbance, or excavation of any sort, until BORROWER has complied with all requirements of the National Historic Preservation Act of 1966, as amended.

If historical or cultural artifacts are discovered during the PROJECT, BORROWER will immediately stop construction and implement reasonable measures to protect the discovery site from further disturbance, take reasonable steps to ensure confidentiality of the discovery site, restrict access to the site, and notify the concerned tribe's cultural staff or committee, Tribal Historical Preservation Officer (THPO), DOH Contract Manager, and the State's Historical Preservation Officer (SHPO) at the Washington State Department of Archaeology and Historic Preservation (DAHP). If human remains are uncovered, BORROWER will report the presence and location of the remains to the local coroner and law enforcement immediately, then contact the concerned tribe's cultural staff or committee, DOH Contract Manager, and DAHP.

BORROWER is legally and financially responsible for compliance with all laws, regulations, and agreements related to the preservation of historical or cultural sites and artifacts and will hold harmless the state of Washington and DOH in relation to any claim related to historical or cultural sites discovered, disturbed, or damaged as a result of BORROWER'S and BORROWER's subcontractors activities.

BORROWER will include the requirements of this section in all contracts for work or services related to the PROJECT. BORROWER will require that bid documents include an inadvertent discovery plan that meets the requirements of this section.

4.26. INDEMNIFICATION

BORROWER agrees to defend, indemnify, and hold harmless DOH and the state of Washington for claims arising out of or incident to BORROWER'S or any BORROWER'S subcontractor's performance or failure to perform the CONTRACT. BORROWER'S obligation to indemnify, defend, and hold harmless DOH and the state of Washington shall not be eliminated or reduced by any actual or alleged concurrent negligence of DOH or its agents, agencies, employees and officials. BORROWER'S obligation to indemnify, defend and hold harmless DOH and the state of Washington includes any claim by BORROWER'S agents, employees, officers, subcontractors or subcontractor employees.

BORROWER waives immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

4.27. INDUSTRIAL INSURANCE COVERAGE

BORROWER will comply with the applicable parts of Title 51 RCW, Industrial Insurance. If BORROWER fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as required by law, DOH may collect from BORROWER the full amount payable to the Industrial Insurance Accident Fund. DOH may deduct the amount owed by BORROWER to the accident fund from the amount payable to BORROWER by DOH under this CONTRACT, and transmit the deducted amount to the Washington State Department of Labor and Industries (L&I).

4.28. LITIGATION

BORROWER warrants that there is no threatened or pending litigation, investigation, or legal action before any court, arbitrator, or administrative agency that, if adversely determined against BORROWER, would have a materially adverse effect on BORROWER's ability to repay the LOAN. BORROWER agrees to promptly notify DOH if any above-referenced actions become known to BORROWER during the pendency of the Contract.

4.29. NONDISCRIMINATION

BORROWER will not discriminate on the basis of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability in the performance of this CONTRACT. BORROWER will comply with all federal and state nondiscrimination laws, including, but not limited to Chapter 49.60 RCW, Washington's Law Against Discrimination and 42 USC 12101 et seq., the Americans with Disabilities Act (ADA), and 40 CFR Part 33 Participation by Disadvantaged Business Enterprises in US EPA Programs . Failure by BORROWER to carry out these requirements is a material breach of this CONTRACT. BORROWER is required to include these non-discriminatory provisions in any contract with a subcontractor.

4.30. PREVAILING WAGE

BORROWER will assure that all contractors and subcontractors performing work funded through this CONTRACT comply with prevailing wage laws by paying the higher of state or federal prevailing wages. BORROWER is legally and financially responsible for compliance with the prevailing wage requirements. BORROWER should consult the United States Department of Labor and Washington State Department of Labor and Industries websites to determine the federal and State prevailing wages that must be paid.

4.31. PROCUREMENT

BORROWER will comply with all procurement requirements for subcontracting for the PROJECT and for obtaining PROJECT-related goods and services. BORROWER must maintain records to verify compliance with procurement requirements.

BORROWER must ensure that all contractors, subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT will insert in full, in any contract, the labor standards provisions in Attachment VIII: Labor Standard Provisions for Subrecipients That Are Governmental Entities.

4.32. PROHIBITION STATEMENT

Per Section 106 of the federal Trafficking Victims Protection Act, BORROWER `s contractors, subcontractors, engineers, vendors, and any other entity performing work funded by this CONTRACT must comply with and include the following terms and conditions in all contracts for work or services for the PROJECT.

"All forms of trafficking in persons, illegal sex trade, or forced labor practices are prohibited in the performance of this award or subawards under the award, or in any manner during the period of time that the award is in effect. This prohibition applies to you as the recipient, your employees, subrecipients under this award, and subrecipients' employees."

4.33. PROJECT SIGNS

If BORROWER displays, during the TIME OF PERFORMANCE, any signs or markers identifying parties that are providing funds for the PROJECT, BORROWER must include the Washington State Department of Health Drinking Water State Revolving Fund and the Washington State Department of Health as participants in the PROJECT.

4.34. PUBLICITY

BORROWER agrees to get prior written consent from DOH's Contract Manager before publishing or using any advertising or publicity materials that include Washington State or DOH's name, or includes language that may reasonably infer or imply a connection with either one.

4.35. RATES AND RESERVES

BORROWER will maintain reserves at a minimum as required by the Water System Plan or Small Water System Management Plan. BORROWER will timely adopt rate increases and/or capital assessments for the system's services to provide sufficient funds, along with other revenues of the system, to pay all operating expenses and debt repayments during the LOAN TERM.

4.36. RECAPTURE

DOH reserves the right to recapture from BORROWER sufficient funds to compensate DOH for BORROWER's noncompliance with any part of this CONTRACT, in addition to any other remedies available under the CONTRACT, at law, or in equity. DOH may withhold LOAN FUNDS from BORROWER to recapture such funds.

4.37. RECORDKEEPING AND ACCESS TO RECORDS

DOH, its agents, and authorized officials of the state and federal governments will have full access and the right to examine, copy, excerpt, or transcribe, at no additional cost and at all reasonable times, any pertinent documents, papers, records, and books of BORROWER and of persons, firms, or organizations with which BORROWER may contract, involving transactions related to this CONTRACT. BORROWER agrees to keep complete records of its compliance with this CONTRACT for a period of six (6) years from the date that the debt to DOH is paid in full. This includes but is not limited to financial reports. If any litigation, claim or audit is started before the expiration of the six (6) year period, BORROWER must keep the records until all litigation, claims or audit findings involving the records have been resolved. These records retention requirements are in addition to the local government records

retention schedules applicable to the BORROWER.

4.38. REGISTRATION WITH THE SYSTEM FOR AWARD MANAGEMENT (SAM)

BORROWER must comply with 48 CFR 52.204-7 to register with the System for Awards Management (SAM.gov). BORROWER is responsible for the accuracy and completeness of its data in the SAM database and any liability resulting from the Government or DOH reliance on inaccurate or incomplete data in it. BORROWER must remain registered in the SAM database. BORROWER should annually review its information in SAM to ensure it is accurate and complete.

4.39. SEVERABILITY

If any part of this CONTRACT or part of any document incorporated by reference is found to be invalid, it will not affect the other parts of this CONTRACT that can be given effect without the invalid part.

4.40. SUBCONTRACTING

Prior to awarding contracts and/or subcontracts, BORROWER must verify that the complete names of both the selected contractor and the owner or president are not in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must provide the DOH Contract Manager with a screen printout documenting that neither the firm, the owner or the president are excluded.

BORROWER will ensure that every contract and subcontract awarded for the PROJECT after the CONTRACT start date will bind the parties to follow all applicable terms of this CONTRACT. BORROWER is responsible to DOH for noncompliance by its contractors and/or subcontractors. BORROWER's contracts or subcontracts do not release or reduce the BORROWER's liability to DOH for any breach in the performance of BORROWER's duties. BORROWER's contracts and subcontracts must include a term that the state of Washington and DOH are not liable for claims or damages arising from a contractor and/or subcontractor's performance or lack thereof.

4.41. SURVIVAL

The CONTRACT's terms, conditions, and warranties that by its sense and context are intended to survive the completion of the performance, cancellation or termination of this CONTRACT, shall so survive.

4.42. TERMINATION FOR CAUSE

If DOH concludes that BORROWER has failed to comply with the CONTRACT requirements or has otherwise breached one or more parts of the CONTRACT, DOH may, at its discretion, upon notice to BORROWER, terminate or suspend the CONTRACT and/or its attached agreements in whole or in part.

The notice will be in writing and state the reason(s) for termination or suspension, and the effective date. The effective date will be determined by DOH. The notice will allow BORROWER at least thirty (30) business days to cure the breach, if curable. If the breach is not cured or cannot be cured within thirty (30) business days, the outstanding balance of the LOAN, with any interest accrued and other costs as authorized by the CONTRACT shall be due and payable to DOH.

If DOH terminates this CONTRACT under this section, DOH is liable only for payment required under the terms of this CONTRACT for ELIGIBLE PROJECT COSTS incurred prior to the effective date of termination.

At DOH's discretion, the termination for cause may be deemed a termination for convenience if DOH determines that the default or failure to perform was outside BORROWER's control, fault or negligence. The rights and remedies of DOH provided in this CONTRACT are not exclusive and are in addition to any other rights and remedies provided by law. Nothing in this section affects BORROWER's obligations to immediately repay the unpaid balance of the LOAN as prescribed in the Washington Administrative Code (WAC) 246-296-150.

4.43. TERMINATION OR SUSPENSION FOR CONVENIENCE

If funding or appropriation from state, federal, or other sources is withdrawn, reduced, or limited in any way during the TIME OF PERFORMANCE, DOH may:

- A. Delay or suspend releasing LOAN FUNDS until funding or appropriation are available to DOH; or
- B. Amend the CONTRACT to reflect the new funding limitations and conditions; or
- C. Terminate the CONTRACT and/or its attached agreements, in whole or in part; or
- D. Suspend the CONTRACT and/or its attached agreements, in whole or in part.

If DOH terminates the CONTRACT and/or its attached agreements in whole or in part, under this section, DOH will notify BORROWER's representative in writing of the reason(s) for termination, and the effective date. The effective date will be determined by DOH.

DOH may choose to suspend this CONTRACT and/or its attached agreements in whole or in part, if DOH determines that the funding insufficiency will likely be resolved in time for BORROWER to resume activities prior to the end of the TIME OF PERFORMANCE. DOH will notify BORROWER's representative by facsimile or email of the reason(s) for suspension, and the effective date. DOH will determine the effective date. BORROWER must suspend performance on the effective date of the suspension. During the period of suspension each party must notify the other party's representative of any conditions that may reasonably affect its ability to resume performance.

During the suspension, when DOH determines that the funding insufficiency is resolved, DOH may notify BORROWER's representative of the proposed date to resume performance. BORROWER must respond to DOH's representative in writing, within five (5) business days of DOH sending notice, as to whether it can resume performance on that date or offer an alternative date to resume performance. If BORROWER cannot resume performance or the alternative date is not acceptable to DOH, the parties agree the CONTRACT will be deemed terminated for convenience, retroactive to the original date of suspension.

If DOH terminates or suspends this CONTRACT, DOH is liable only for payment required under the terms of this CONTRACT for eligible project costs incurred prior to the effective date of suspension or termination. Nothing in this section shall affect Contractor's obligations to repay the unpaid balance of the LOAN. Nothing in this section affects BORROWER's obligation to repay the LOAN, including fees and other expenses as allowed by the CONTRACT.

4.44. TERMINATION PROCEDURES

When BORROWER receives Notice of Termination or on the date a suspension is converted to a termination, except as otherwise directed by DOH, BORROWER will:

- A. Stop work under the CONTRACT on the date, and to the extent specified, in the notice;
- **B.** Place no further orders or subcontracts for materials, services, or facilities related to the CONTRACT;
- C. If expressly requested by DOH, assign to DOH any or all of the rights, title, and interest of BORROWER under the orders and subcontracts so terminated, in which case DOH has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts. Any attempt by BORROWER to settle such claims must have the prior written approval of DOH; and
- D. Preserve and transfer any materials, CONTRACT deliverables and/or DOH property in BORROWER's possession as directed by DOH.

Upon termination of this CONTRACT, DOH will pay BORROWER for amounts due under the CONTRACT prior to the date of termination unless such payment is precluded under any other provision of this CONTRACT. DOH may withhold any amount due as DOH reasonably determines is necessary to protect DOH against potential loss or liability resulting from the termination. DOH will pay any withheld amount to BORROWER if DOH later determines that loss or liability will not occur.

4.45. WORK HOURS AND SAFETY STANDARDS

If this CONTRACT exceeds \$100,000, BORROWER must comply with the applicable Contract Work Hours and Safety Standards Act (40 USC Chapter 37). These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

ATTACHMENT I: SCOPE OF WORK (PROJECT)

DWSRF PROGRAM CONSTRUCTION LOAN CONTRACT INFORMATION

2020-3898 SPOKANE SIA TRANSMISSION LINE CROSSING UNDER I-90

DWSRF Scope of Work Form:

Scope of Work:

Project to include:

1. Construction of approximately 3,000 lineal feet of 30-inch transmission main located in the West Plains area of Spokane. Transmission line costs to include: pipe, valves, backfill, bedding, directional drill under I-90, casing pipe, traffic control, surface restoration, connection to existing system, and other appurtenances.

In addition to costs of construction, costs may include (but are not limited to): engineering, design, construction inspection, hydrogeologic assessment, cultural and environmental review, permits, public involvement, preparation of bid documents, fees, taxes, legal, administrative and audit.

2020-3898 SPOKANE SIA TRANSMISSION LINE CROSSING UNDER I-90

Project Costs by Cost Category:

COST CATEGORY	CURRENT ESTIMATES
Engineering Report (Preliminary Engineering)	\$0
Environmental Review	\$0
Historical Review/Cultural Review	\$0
Land/ROW Acquisition	\$0
Permits	\$0
Public Involvement/Information	\$0
Bid Documents (Design Engineering)	\$200,000.00
Construction: Estimated Cost. Provide details on following pages.	\$4,200,000.00
DOH Review/Approval Fees:	\$0
Contingency: (10% min, 20% max)	\$600,000.00
Sales or Use Taxes	\$0
Construction Engineering/Inspection	\$0
Insurance:	\$0
Audit:	\$0
Legal:	\$0
Service Meters (Purchase and Installation)	\$0
Other:	\$0
TOTAL ESTIMATED PROJECT COSTS (before Loan Fee)	\$5,000,000.00
DWSRF Loan Origination Fee (1%)	<u>\$50,000.00</u>
DWSRF Loan Award	<u>\$5,050,000.00</u>

2020-3898 SPOKANE SIA TRANSMISSION LINE CROSSING UNDER I-90

Project Funding:

TYPE OF FUNDING	SOURCE	CURRENT STATUS
Grants and Other Non-Mat	tching Funds	
Grant #1		
Grant #2		
Other Grants		\$
New Grants		\$
	Total Grants and Other Non-Matching Funds	a) <u>\$</u>
Loans		
This Loan Request	DWSRF loan	\$5,050,000.00
Other Loan #1		\$
Other Loan #2		\$
Other Loans		\$
New Loans		\$
	Total Loans	b) <u>\$5,050,000.00</u>
Local Revenue		
Source #1	Local Utility Rates	\$1,200,000.00
Source #2		\$
Other Local Revenue		\$
New Local Revenue		\$
	Total Local Revenue	c) \$
Other Funds		
Other Funds		\$
Other Funds		\$
	Total Other Funds	d) <u>\$</u>
TOTAL PROJECT FUNDIN	G	e) <u>\$6,250,000.00</u>

2020-3898 SPOKANE SIA TRANSMISSION LINE CROSSING UNDER I-90

Engineer's Certification:

below, or 20 yea	loan will be based on an engineer's certification of the expected useful life of the improvements, as stated rs, whichever is less. If the jurisdiction prefers the term of its loan to be less than either 20 years or the improvements, the preferred loan term should be indicated here: years.
l,	, licensed engineer, certify that the average expected useful life for the improvements
described above	is years.
Signed:	
Name:	
Date:	
Telephone:	
Professional Eng	gineer License Number:

ATTACHMENT II: ATTORNEY'S CERTIFICATION

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

I,	, hereby certify:
	torney at law admitted to practice in the state of Washington and the duly appointed attorney of BORROWER n the Declarations of the Contract identified above; and
	examined any and all documents and records, which are pertinent to the Contract, including the application this financial assistance.
Based on t	the foregoing, it is my opinion that:
em	ORROWER is a public body, properly constituted and operating under the laws of the State of Washington, npowered to receive and expend federal, state and local funds, to contract with the state of Washington, and to ceive and expend the funds involved to accomplish the objectives set forth in its application.
	ORROWER is empowered to accept the Drinking Water State Revolving Fund financial assistance and to ovide for repayment of the loan as set forth in the loan agreement.
de Fu	nere is currently no litigation in existence seeking to enjoin the commencement or completion of the above- escribed public facilities project or to enjoin BORROWER from repaying the Drinking Water State Revolving and loan extended by DOH with respect to such project. BORROWER is not a party to litigation, which will aterially affect its ability to repay such loan on the terms contained in the loan agreement.
	ssumption of this obligation would not exceed statutory and administrative rule debt limitations applicable to ORROWER.
Signature of	of Attorney Date
Name and	BAR Number (WSBA No.)
Address	

ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS (NOT ALL INCLUSIVE)

1) Environmental and Cultural Authorities

- a) Archeological and Historic Preservation Act of 1974, Public Law 86-523 as amended
- b) Clean Air Act, Public Law 84-159 as amended
- c) Coastal Zone Management Act, Public Law 92-583 as amended
- d) Endangered Species Act, Public Law 93-205 as amended
- e) Environmental Justice, Executive Order 12898
- f) Floodplain Management, Executive Order 11988 as amended by Executive Order 12148
- g) Protection of Wetlands, Executive Order 11990
- h) Farmland Protection Policy Act, Public Law 97-98
- i) Fish and Wildlife Coordination Act, Public Law 85-624 as amended
- j) National Historic Preservation Act, 54 USC Subtitle III
- k) Safe Drinking Water Act, Public Law 93-523 as amended
- I) Wild and Scenic Rivers Act, Public Law 90-542 as amended
- m) Washington State Environmental Policy Act, Chapter 43.21C RCW
- n) Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, Revised Code of Washington (RCW) 27.44 regarding Indian Graves and Records; RCW 27.53 regarding Archaeological Sites and Resources; RCW 68.60 regarding Abandoned and Historic Cemeteries and Historic Graves; and Washington Administrative Code (WAC) 25-48 regarding Archaeological Excavation and Removal Permits.

2) Economic and Miscellaneous Authorities

- a) Demonstration Cities and Metropolitan Development Act of 1996, Public Law 89-754 as amended, Executive Order 12372
- b) Procurement Prohibitions under Section 306 of the Clean air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Ac with Respect to Federal Contracts, Grants, or Loans
- c) Uniform Relocation and Real Property Policies Act, Public Law 91-646 as amended
- d) Debarment and Suspension, Executive Order 12549
- e) H.R. 3547, Consolidated Appropriations Act, 2014.

3) Social Policy Authorities

- a) Age Discrimination Act of 1975, Public Law 94-135
- b) Title VI of the Civil Rights Act of 1964, Public Law 88-352
- c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500 (the Clean Water Act)
- d) Section 504 of the Rehabilitation Act of 1973, Public Law 93-112 (including Executive Orders 11914 and 11250)
- e) Equal Employment Opportunity, Executive Order 11246
- f) Disadvantaged Business Enterprise, Public Law 101-549 (the Clean Air Act), and Public Law 102-389 (the Clean Water Act)
- g) Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Public Law 100-590
- h) Chapter 49.60 RCW, Washington's Law against Discrimination, and 42 USC 12101 et seq. the Americans with Disabilities Act (ADA).
- i) The Contract Work Hours and Safety Standards Act (40 USC 327-333)-Where applicable.
- j) The Genetic Information Nondiscrimination Act of 2008 (GINA), 42 USC s. 2000ff et seq.

4) State Laws

- a) Chapter 36.70A RCW, Growth Management Act
- b) Chapter 39.80 RCW, Contracts for Architectural and Engineering Services
- c) Chapter 39.12 RCW, Washington State Public Works Act
- d) Chapter 43.20 RCW, State Department of Health of Health
- e) Chapter 43.70 RCW, Department of Health
- f) Chapter 43.155 RCW, Public Works Project
- g) Chapter 70.116 RCW, Public Water Systems Coordination Act of 1977
- h) Chapter 70.119 RCW, Public Water Supply Systems Certification and Regulation of Operations
- i) Chapter 70.119A RCW, Public Water Systems, Penalties & Compliances
- j) Chapter 246-290 WAC, Group A Public Water Systems

- k) Chapter 246-291 WAC, Group B Public Water Systems
- I) Chapter 246-292 WAC, Waterworks Operator Certification Regulations
- m) Chapter 246-293 WAC, Water Systems Coordination Act
- n) Chapter 246-294 WAC, Drinking Water Operating Permits
- o) Chapter 246-295 WAC, Satellite System Management Agencies
- p) Chapter 246-296 WAC Drinking Water State Revolving Fund Loan Program
- q) Chapter 173-160 WAC, Minimum Standards for Construction & Maintenance of Wells
- r) Title 173 WAC, Department of Ecology Rules
- s) Title 40 Part 141 Code of Federal Regulations, Federal National Primary Drinking Water Regulations (Section Adopted by Reference)

ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

GENERAL COMPLIANCE, 40 CFR, Part 33

BORROWER must comply with the requirements of Environmental Protection Agency's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under this Contract, contained in 40 CFR, Part 33. BORROWER will use the directory of certified firms available through the Washington State Office of Minority and Women's Business Enterprises to meet the requirements.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

The following are exemptions from the fair share objective Requirements:

- Grant and loan recipients receiving a total of \$250K or less in EPA financial assistance in a given fiscal year.
- Tribal recipients of Performance Partnership Eligible grants under 40 CFR Part 35, Subpart B.
 - There is a 3-year phase in period for the requirement to negotiate fair share goals for Tribal and Insular Area recipients.
- Recipients of Technical Assistance Grants.

The Fair Share Objectives or goals for the utilization of disadvantaged businesses negotiated with EPA by the WA Office of Minority Women Business are stated below.

Construction	10% MBE	6% WBE
Supplies	8% MBE	4% WBE
Equipment	8% MBE	4% WBE
Purchased Services	10% MBE	4% WBE

BORROWER must accept the fair share objectives/goals stated above and purchase the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as WA Office of Minority Women Business goals.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, BORROWER will make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that subrecipients, loan recipients, and prime contractors also comply.

Records documenting compliance with the six good faith efforts shall be retained. The six good faith efforts shall include:

- A. Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing the Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- B. Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- C. Consider in the contracting process whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- D. Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- E. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Health.
- F. If the prime contractor awards subcontracts, also require the prime contractor to take the five good faith efforts in paragraphs A through E above.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

BORROWER is required to submit MBE/WBE participation reports to DOH, on a quarterly basis, beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

BORROWER agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BORROWER agrees to require all general contractors to provide forms: EPA Form 6100-2 DBE Subcontractor Participation Form and EPA Form 6100-3 DBE Subcontractor Performance Form to all its Disadvantaged Business Enterprise subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT. These two (2) forms may be obtained from the EPA Office of Small Business Program's website on the internet at http://www.epa.gov/osbp/grants.htm.

BORROWER agrees to require all general contractors to complete and submit to BORROWER and Environmental Protection Agency EPA Form 6100-4 DBE Subcontractor Utilization Form beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed. Only procurements with certified MBE/WBEs are counted toward a Contractor's MBE/WBE accomplishments.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

BORROWER is also required to create and maintain a bidders list if BORROWER of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Section 33.501(b) of the rule is as follows:

A recipient of a Continuing Environmental Program Grant or other annual grant must create and maintain a bidders list. In addition, a recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also must require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. The purpose of a bidders list is to provide the recipient and entities receiving identified loans who conduct competitive bidding with as accurate a database as possible about the universe of MBE/WBE and non-MBE/WBE prime and subcontractors. The list must include all firms that bid or quote on prime contracts or bid or quote on subcontracts under EPA assisted projects, including both MBE/WBEs.

The bidders list must be kept until the grant project period has expired and the recipient is no longer receiving EPA funding under the grant. For entities receiving identified loans, the bidders list must be kept until the project period for the identified loan has ended. The following information must be obtained from all prime and subcontractors:

- (1) Entity's name with point of contact;
- (2) Entity's mailing address, telephone number, and e-mail address;
- (3) The procurement on which the entity bid or quoted, and when; and
- (4) Entity's status as a MBE/WBE¹ or non-MBE/WBE.

The exemption found at § 33.501(c) is as follows:

A recipient of an EPA financial assistance agreement in the amount of \$250,000 or less for any single assistance agreement, or of more than one financial assistance agreement with a combined total of \$250,000 or less in any one fiscal year, is exempt from the paragraph (b) of this section requirement to create and maintain a bidders list. Also, a recipient under the CWSRF, DWSRF, or BCRLF Program is not required to apply the paragraph (b) of this section bidders list requirement of this subpart to an entity receiving an identified loan in an amount of \$250,000 or less, or to an entity receiving more than one identified loan with a combined total of \$250,000 or less in any one fiscal year. This exemption is limited to the paragraph (b) of this section bidders list requirements of this subpart.

¹ Qualified Women and Minority business enterprises may be found on the Internet at www.omwbe.wa.gov or by contacting the Washington State Office of Minority and Women's Enterprises at 360-704-1181.

ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS



United States Environmental Protection Agency
Washington, DC 20460

EPA Project Control Number

The terms, "covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded", as used in this attachment, are defined in the rules implementing Executive Order 12549, including 13 CFR § 400.109. You may contact DOH for help getting a copy of these regulations.

BORROWER, defined as the primary participant and it principals, certifies by signing below that to the best of its knowledge and belief they:

- **A.** Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- **B.** Have not within a three-year (3) period preceding this CONTRACT, been convicted of or had a civil judgment against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
- **C.** Are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses described in this attachment; and,
- **D.** Have not within a three-year period (3) preceding the signing of this CONTRACT had one or more public transactions (federal, state, or local) terminated for cause or default.

Prior to awarding contracts for the PROJECT, BORROWER must verify that neither the contractor's business name(s) nor the names of its principals are in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must keep documentation in the PROJECT files and provide a copy to the DOH Contract Manager.

BORROWER will include the language below without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

The lower tier contractor certifies, by signing this CONTRACT that neither it nor its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine or imprisonment for up to 5 years, or both.

Typed or Printed Name & Title of Authorized Representative		
Signa	ture of Authorized Representative	Date
	I am unable to certify to the above statem	ents. My explanation is attached.

ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS

Must be directly attributable to the project.

- The costs for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- 2. DWSRF loan fees.
- The purchase of a portion of another system's capacity, if it is the most cost effective solution (limited to publicly owned (municipal) systems).
- Construction of reservoirs (clear wells) that are part of the treatment process and are collocated with the treatment facility.
- Construction of distribution reservoirs (finished water).
- Cost associated with restructuring or consolidation of existing water systems by publicly owned water systems.
- 7. Main extensions to connect to safe and reliable sources of drinking water.
- 8. Cost associated with collecting and preparing environmental assessment documents to obtain local permits.
- 9. Direct labor including related employee benefits:
 - Salaries and wages (at actual or average rates) covering productive labor hours of employees of the borrower (excluding the administrative organization of the operating unit involved) for periods of time actively or incidentally engaged in pre-design engineering, design engineering, construction engineering, acquisition of rights of way, and the cleaning, sterilization or bacteriological testing of water system components prior to public use. The costs of services rendered by employees generally classified as administration/project management of the loan are considered a direct cost only when such employees are assigned the types of services described above and shall be limited to 3% or less of the project loan amount.
 - Employee benefits relating to labor are considered a direct cost of construction projects.
 The following items may be included as employee benefits:
 - F.I.C.A. (Social Security) -employer's share.
 - · Retirement benefits.
 - Hospital, health, dental, and other welfare insurance.
 - Life insurance.
 - Industrial and medical insurance.
 - Vacation.
 - Holiday.
 - Sick leave.
 - Military leave and jury duty.

Employee benefits must be calculated as a percentage of direct labor dollars. The

- computation of predetermined percentage rates to be applied to current labor costs must be based on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.
- c. Other than work identified in Number 9.a, no costs associated with labor performed by the borrower's employees, including force account work, are eligible for financing assistance.
- Contract engineering, planning, design, legal, and financial planning services. The Department of Health reserves the right to declare ineligible legal costs that are unreasonable and disproportionate to the project.
- 11. Contract construction work.
- 12. Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations. However, such costs must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less not using this type of fund are allowed the same rates as used by the State Department of Transportation.
- 13. Direct materials and supplies.
- 14. Other direct costs incurred for materials or services acquired for a specific project are eligible costs and may include, but are not limited to such items as:
 - a. Telephone charges.
 - b. Reproduction and photogrammetry costs.
 - c. Video and photography for project documentation.
 - d. Computer usage.
 - e. Printing and advertising.
- 15. Other project related costs include:
 - Competitive Bidding.
 - Audit.
 - Insurance.
 - Prevailing wages.
 - Attorney fees.
 - Environmental Review.
 - · Archaeological Survey.

Water system plan costs are not eligible for reimbursement. Small water system management program and plan amendments costs are eligible for reimbursement.

Projects may be designed to accommodate reasonable growth. This is generally the 20-year projection included in the system's water system plan or small water system management program.

ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Wage Rate Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) Preamble

With respect to the Clean Water and Safe Drinking Water State Revolving Funds, EPA provides capitalization grants to each state which in turn provides subgrants or loans to eligible entities within the state. Typically, the subrecipients are municipal or other local governmental entities that manage the funds. For these types of recipients, the provisions set forth under Roman Numeral I, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section 3(ii)(A), below and for compliance as described in Section I-5.

Occasionally, the subrecipient may be a private for profit or not for profit entity. For these types of recipients, the provisions set forth in Roman Numeral II, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section II-3(ii)(A), below and for compliance as described in Section II-5.

I. Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) For Subrecipients That Are Governmental Entities:

The following terms and conditions specify how recipients will assist EPA in meeting its Davis-Bacon (DB) responsibilities when DB applies to EPA awards of financial assistance under the FY 2013 Continuing Resolution with respect to State recipients and subrecipients that are governmental entities. If a subrecipient has questions regarding when DB applies, obtaining the correct DB wage determinations, DB provisions, or compliance monitoring, it may contact Department of Health. If a State recipient needs guidance, they may obtain additional guidance from DOL's web site at http://www.dol.gov/whd/.

1. Applicability of the Davis- Bacon (DB) prevailing wage requirements.

Under the FY 2013 Continuing Resolution, DB prevailing wage requirements apply to the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund and to any construction project carried out in whole or in part by assistance made available by a drinking water treatment revolving loan fund. If a subrecipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the subrecipient must discuss the situation with the recipient State before authorizing work on that site.

2. Obtaining Wage Determinations.

- (a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.
 - (i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.
 - (ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c) (3) (iv). The subrecipient shall monitor www.wdol.gov on a weekly

basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

- (b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument.
- (c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.
- (d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

3. Contract and Subcontract provisions.

- (a) The Recipient shall insure that the subrecipient(s) shall insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWSRF or a construction project under the DWSRF financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1 or the FY 2013 Continuing Resolution, the following clauses:
- (1) Minimum wages.
- (i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Borrower and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Subrecipients may obtain wage determinations from the U.S. Department of Labor's web site, www.dol.gov.

- (ii)(A) The subrecipient(s), on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The State award official shall approve a request for an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:
- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and

- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.
- (B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the subrecipient(s) agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and the request, including the local wage determination shall be sent by the subrecipient (s) to the State award official. The State award official will transmit the request, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 and to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification request within 30 days of receipt and so advise the State award official or will notify the State award official within the 30-day period that additional time is necessary.
- (C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the subrecipient(s) do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of all interested parties and the recommendation of the State award official, to the Administrator for determination. The request shall be sent to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt of the request and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.
- (D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.
- (iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.
- (iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.
- (2) Withholding. The subrecipient(s), shall upon written request of the EPA Award Official or an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.
- (3) Payrolls and basic records.
- (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing

apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

- (ii)(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the subrecipient, that is, the entity that receives the sub-grant or loan from the State capitalization grant recipient. Such documentation shall be available on request of the State recipient or EPA. As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on the weekly payrolls. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at http://www.dol.gov/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the subrecipient(s) for transmission to the State or EPA if requested by EPA, the State, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the subrecipient(s).
- (B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:
- (1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;
- (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;
- (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.
- (C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.
- (D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.
- (iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the State, EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or State may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.
- (4) Apprentices and trainees--
- (i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually

registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

- (ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.
- (iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.
- (5) Compliance with Copeland Act requirements. The Borrower must comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.
- (6) Subcontracts. The Borrower and/or subcontractor must insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may by appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.
- (7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.
- (8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

- (9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes will be resolved according to the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and Subrecipient(s), State, EPA, the U.S. Department of Labor, or the employees or their representatives.
- (10) Certification of eligibility.
- (i) By entering into this contract, Borrower certifies that neither it (nor he or she) nor any person or firm who has an interest in the Borrower's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- (ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- (iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 USC 1001.

4. Contract Provision for Contracts in Excess of \$100,000.

- (a) Contract Work Hours and Safety Standards Act. The subrecipient shall insert the following clauses set forth in paragraphs (a)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item 3, above or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.
- (1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- (2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a)(1) of this section.
- (3) Withholding for unpaid wages and liquidated damages. The subrecipient, upon written request of the EPA Award Official or an authorized representative of the Department of Labor, shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.
- (4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a)(1) through (4) of this section.
- (b) In addition to the clauses contained in Item 3, above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, the Subrecipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Subrecipient shall insert in any such contract a clause providing hat the records to be maintained under this paragraph shall be made available by the

contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

5. Compliance Verification

- (a) The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.
- (b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicated that there is a risk that the contractor or subcontractor is not complying with DB.

Subrecipients shall immediately conduct interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence."

- (c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable, the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.
- (d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.
- (e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the Department of Health and to the appropriate DOL Wage and Hour District Office listed at https://www.dol.gov/whd/WHD district offices.pdf.

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/14/2022
05/02/2022		Clerk's File #	OPR 2022-0303
		Renews #	
Submitting Dept	INTEGRATED CAPITAL	Cross Ref #	
	MANAGEMENT		
Contact Name/Phone	MARK PAPICH 625-6310	Project #	2020074
Contact E-Mail	MPAPICH@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	
Agenda Item Name	4250 – DRINKING WATER STATE RESOLVING FUND – THORPE RESERVOIR		

Agenda Wording

Drinking Water State Revolving Fund (DWSRF) agreement for a low interest loan for the design and construction of the Thorpe Reservoir #2.

Summary (Background)

Loan DWL27110 with Washington State Department of Health (DOH) and DWSRF with an interest rate of 1.75% for 20 years. This Project will construct, test, and commission a 3.5 million gallon reservoir adjacent to the existing Thorpe Road Reservoir, an estimated cost of \$7,827,500. This project is identified in the approved 2022-2027 Six Year Capital Improvement Program.

Lease? NO G	rant related? NO	Public Works? YES		
Fiscal Impact		Budget Account		
Expense \$ 7,825,500		# 4250-42300-94340-5650)1-15807	
Select \$		#		
Select \$		#		
Select \$		#		
Approvals		Council Notifications		
Dept Head	MILLER, KATHERINE E	Study Session\Other	PIES 4/25/22	
Division Director	FEIST, MARLENE	Council Sponsor	Beggs/Kinnear	
Finance ALBIN-MOORE, ANGELA		Distribution List		
<u>Legal</u>	ODLE, MARI	ddaniels@spokanecity.org		
For the Mayor	For the Mayor ORMSBY, MICHAEL icmaccounting@spokanecity.org		ty.org	
Additional Approvals		eraea@spokanecity.org		
Purchasing		mpapich@spokanecity.org		
		kemiller@spokanecity.org		
		mfeist@spokanecity.org		
		mdavis@spokanecity.org		

Committee Agenda Sheet Public Infrastructure, Environment, and Sustainability

Submitting Department	Integrated Capital Management		
Contact Name & Phone	Mark Papich, 625-6310		
Contact Email	mpapich@spokanecity.org		
Council Sponsor(s)	Lori Kinnear		
Select Agenda Item Type	Consent Discussion Time Requested:		
Agenda Item Name	DWSRF Loan Agreements		
Summary (Background)	The City of Spokane has been awarded two low-interest loans to fund the design and construction of City of Spokane water projects. The funding source of the loans is the Drinking Water State Revolving Fund (DWSRF). This funding is Federal funding and is administered through the Washington State Department of Health (DOH). Each of the funded projects listed below is approved in the 2022-2027 Six Year Capital Improvement Program.		
	SIA Pipe Crossing Under I-90		
	Loan Amount: \$5,050,000 Interest Rate: 1.75%		
	Loan Term: 20 years		
	Thorpe Additional Reservoir		
	Loan Amount: \$7,827,500 Interest Rate: 1.75%		
	Loan term: 20 years		
Proposed Council Action &	Approve the two DWSRF loan agreements		
Date:			
Fiscal Impact: = \$12,877,500			
Total Cost:			
Approved in current year budget? Yes No N/A			
Funding Source One-time Recurring			
Specify funding source: Utility Rates-IC			
Expense Occurrence One-time Recurring			
Other budget impacts: (revenu	e generating, match requirements, etc.)		
Operations Impacts			
What impacts would the propo	sal have on historically excluded communities?		
Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.			
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?			

N/A – This is a public works project to improve the City's water system and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Public Works follows the City's established procurement and public works bidding regulations and policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

These two funded projects are identified in the 6-Year Capital Improvement Program as well as the annual budget.



City of Spokane Mark Papich, Senior Engineer 808 West Spokane Falls Blvd Spokane, WA 99201 mpapich@spokanecity.org

RE: Loan Contract Number: DWL27110

Dear Mark Papich;

Enclosed is the Drinking Water State Revolving Fund Loan Contract Number identified above for your signature. The Loan Contract details the terms and conditions that will govern the agreement between us, which includes the project's Scope of Work as a formal attachment. Failure to return the contracts within 60 calendar days of the date of this letter may result in your loan offer being withdrawn.

Review, print and sign the document. Once signatures are obtained, scan and return by email to dohcon.mgmt@doh.wa.gov or print and sign a hard copy, and return the originals to us for full execution.

Please note that the U.S. Environmental Protection Agency is the funding source for this program and the Catalog of Federal Domestic Assistance (CFDA) number is 66.468. Consequently, the loan funds are federal and subject to both state and federal requirements.

A non-refundable one-percent loan administration fee will be collected at contract execution (If applicable), including any subsequent amendments where funds are added. The loan amount may be modified to include an amount sufficient to cover the one-percent loan administration fee. In most cases, the fee will be collected in full at contract execution. Please review the terms and conditions of the Loan Contract and all attachments carefully for details.

A requirement of the DWSRF program is that you must maintain updated project records and yearly renewal of your registration in the System for Award Management at www.sam.gov.

Another requirement of the DWSRF program is that all entities are required to verify that the federal government has not suspended or debarred them from receiving federal funds. This includes, but is not limited to, project contractors, subcontractors, engineers, architects, consultants, and equipment vendors. The Exclusion Report can be accessed at www.sam.gov. Failure to provide this required certification may result in termination of your loan contract.

After the Loan Contracts have been signed by the Department or its designee, one fully executed original will be returned to you for your files. Instructions for drawing the loan funds will be returned to you with the executed Loan Contract, as well as the necessary forms. The Loan Contract specifies that draws may be made for costs that have been incurred within the contract period of performance, and which have supporting documentation such as receipts or bills.

We are looking forward to working with you over the course of this project. If you have any questions about this Loan Contract, please contact me.

Sincerely,

Dennis Hewitt
DOH Contract Manager
360.236.3017
Dennis.Hewitt@DOH.WA.GOV

Enclosures:

ATTACHMENT I: SCOPE OF WORK (PROJECT) ATTACHMENT II: ATTORNEY'S CERTIFICATION

ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS

ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS

ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Washington State Department of Health

DWSRF Municipal Loan Boilerplate

May 2018

	Version History	
Date	Revision(s)	Version
05-15-2018	Original - developed via a team of the DWSRF Grant and Loan Unit Supervisor, the DOH Office of Drinking Water Finance Director, the DOH Office of Contracts and Procurement Technical and Policy Advisor, and DOH's Financial Services Assistant Attorney General.	1

1. CONTRACT FACE SHEET

2021-3983 Loan Number: DWL27110 Washington State Department of Health (DOH) Drinking Water State Revolving Fund (DWSRF) Municipal

City of Spokane 808 West Spokane Blvd Spokane, WA 99201		
Snokana WA 00201		
Oporane, WA 33201		
3. Borrower Type 4. Borrower's Statutory Authority		
Construction Loan		
5. Borrower Contract Manager Information 6. DOH Contract Manager		
Dennis Hewitt		
Mark Papich 509.625.6310 P.O. Box 47822 360.236.3017		
Senior Engineer mpapich@spokanecity.org Olympia, WA 98504-7822 Dennis.Hewitt@DOH.W	a.Gov	
7. Project Name		
City of Spokane – Thorpe Reservoir #2		
8. Loan 9. Funding Source 10. Start Date 11. End Date		
Amount: \$7,827,500.00		
Loan Fee: \$77,500.00		
Interest Rate: 1.75%		
12. Federal Funding Agency Environmental Protection Agency		
Catalogue of Federal Assistance (CFDA) Number 66.468		
13. Borrower Tax ID # 14. SWV # 15. Borrower UBI # 16. Borrower DUNS	#	
91-6001280 0003387-05 328-013-877 057531253		
17. Contract Purpose		
DOH and the party identified above as Borrower, hereafter referred to as BORROWER, have entered into the		
contract to fund the project identified above that furthers the goals and objectives of the DOH DWSRF Prog		
The project will be done by the BORROWER as described in the scope of work and this contract. The rights		
obligations of the parties are governed by this contract and the following documents incorporated by referer		
General Terms and Conditions including Declarations; Attachment I: Scope of Work (Project); Attachment II		
Attorney's Certification; Attachment III: Federal and State Requirements; Attachment IV: Disadvantaged Bu		
Enterprise Requirements; Attachment V: Certification Regarding Debarment, Suspension, and Other Respo	nsibility	
Matters; Attachment VI: DWSRF Eligible Project Costs; and Attachment VII: Labor Standard Provisions for		
Subrecipients that are Governmental Entities. By the signature below, the parties acknowledge and accept	the	
terms of this contract.		
FOR CONTRACTOR FOR DOH		
SIGNATURE AND DATE SIGNATURE and DATE	SIGNATURE and DATE	
NAME and TITLE NAME and TITLE		
INAME AND THE NAME AND THE		
APPROVED AS TO FORM ONLY		
Mark Calkins, AAG Signature on File		

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ATTACHMENT IV	DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS
ATTACHMENT V	CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
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ATTACHMENT VII	LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

3. DECLARATIONS

3.1. BORROWER INFORMATION

Legal Name:City of SpokaneLoan Number:DWL27110Award Year:2022State Wide Vendor Number:0003387-05

3.2. PROJECT INFORMATION (PROJECT)

Project Title:
Project Location (City or County):
Project State:
Project Zip Code:
Thorpe Reservoir
Spokane County
Washington
99201

Project Scope of Work (PROJECT): Attachment I, attached hereto and incorporated by reference.

3.3. CONTRACT COMMUNICATION

Communications regarding Contract performance is delegated by each party to its Contract Manager. Either party may change its Contract Manager by express notice to the other party. Either party may identify on an as needed basis an alternate Contract Manager to serve during the stated temporary absence of its primary Contract Manager. Notices between the parties regarding Contract performance must be provided by written communication to the other party's Contract Manager. Written communication includes email but not voice mail. Notices are presumed received by the other party's Contract Manager upon evidence of delivery between the hours of 8:00 am to 5:00 pm except for state holidays and weekends.

3.4. LOAN INFORMATION

Loan Amount: \$7,827,500.00 Loan Fee (Included in loan amount if applicable): \$77,500.00

Principal Loan Forgiveness %: 0%
Loan Term: 20 Years
Interest Rate: 1.75%

Payment Month(s): October 1st Annually

Earliest Date for Construction Reimbursement: 12 months prior to contract countersigned by DOH

Time of Performance: 48 months from Contract start date (date of last signature) to

Project Completion date.

Notice to Proceed: 18 months from Contract start date (date of last signature)

3.5. FUNDING INFORMATION

Total Funds from BORROWER: N/A

Source(s) of Funds from Borrower, with assigned amounts per source: N/A Total State Funds:

To be determined
As Applicable
Total Amount of Loan:

\$7,827,500.00

Federal Award Date:

Federal Award ID # (FAIN): N/A

Amount of Federal Funds Obligated by this Action: **3.6. SPECIAL TERMS AND CONDITIONS**

N/A

4. GENERAL TERMS AND CONDITIONS

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

4.1. AUTHORITY

Acting under the authority of Section 1452 of the Safe Drinking Water Act (SDWA) Section 130, RCW 39.34, RCW 43.70.040, and RCW 70.119A.170 the Washington State Department of Health (DOH) has awarded BORROWER a Drinking Water State Revolving Fund Loan (LOAN) for the project identified in the Declarations (PROJECT). Under this CONTRACT, BORROWER is a sub-recipient of funds provided by the United States Environmental Protection Agency (EPA), CFDA Number 66.468, Safe Drinking Water State Revolving Fund.

In some CONTRACT attachments, DOH is referred to as "Lender" and BORROWER is referred to as "Contractor."

4.2. FULL AGREEMENT

This CONTRACT contains the full agreement of the parties. No other understandings, oral or otherwise, regarding the subject matter of this CONTRACT exists.

4.3. ORDER OF PRECEDENCE

In the event of an inconsistency in this CONTRACT, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: The order of precedence for terms and conditions under categories B and C is subject to the proviso that when a contract term or condition appears in more than one contract document, the more specific contract term or condition shall control if the different contract provisions cannot be harmonized.

- A. Applicable local, state, and federal statutes and regulations
- B. Contract amendments
- **C.** The Contract (in this order)

Declarations and Special Terms and Conditions General Terms and Conditions Attachments I – VII

4.4. LOAN AMOUNT

DOH, using funds from the Drinking Water Assistance Account, will loan BORROWER a sum not to exceed the amount shown as LOAN AMOUNT in the Declarations. The LOAN AMOUNT shall not exceed one hundred percent (100%) of the actual eligible PROJECT costs.

4.5. LOAN FEE

If DOH assessed a LOAN FEE, it is shown in the Declarations as LOAN FEE and included in the total LOAN AMOUNT. The fee (if applicable) is one percent (1%) of the loan request and will not be reduced, regardless of the final LOAN AMOUNT at PROJECT completion. If the LOAN FEE applies and the total LOAN AMOUNT is increased by amendment, DOH will assess an additional LOAN FEE equal to one percent (1%) of the additional LOAN AMOUNT. LOAN FEES are non-refundable.

4.6. LOAN TERM

Unless changed by an amendment, the LOAN TERM will not exceed the period of time shown in the Declarations. The repayment period for DOH subsidized loans is twenty-four (24) years from this CONTRACT's start date. The repayment period for non-DOH subsidized loans is twenty (20) years from this CONTRACT's start date.

4.7. INTEREST RATE

The interest rate is stated in the Declarations. Interest is per annum on the outstanding principal balance and starts to accrue from the date DOH releases LOAN FUNDS to BORROWER. If BORROWER completes the PROJECT within twenty-four (24) months of the CONTRACT start date, DOH will reduce the LOAN INTEREST to one point

two five percent (1.25%) at PROJECT completion. The reduced interest rate will apply to the remaining payments beginning from the date DOH approves the BORROWER's Project Completion Report.

4.8. LOAN FORGIVENESS

If the LOAN qualifies for LOAN Forgiveness, the percent of the LOAN balance that DOH will forgive at PROJECT completion is stated in the Declarations. DOH calculates the amount forgiven when DOH approves the BORROWER's Project Completion Report. The amount forgiven will be based on either the LOAN AMOUNT or BORROWER's ELIGIBLE PROJECT COSTS, whichever is less, and accrued interest.

4.9. RELEASE OF LOAN FUNDS AND REQUIRED DOCUMENTATION

DOH will release LOAN funds to BORROWER to reimburse BORROWER for eligible PROJECT costs. To request reimbursement, BORROWER must submit a signed and completed invoice using a form provided by DOH. The invoice must reference the PROJECT activity performed, and include supporting documentation such as bills, invoices, receipts, and documentation of compliance with CONTRACT requirements as requested by DOH. The invoice must signed by an official of BORROWER with authority to bind BORROWER.

Invoices must also include a report of the progress made since the last invoice, and the PROJECT status to date. DOH will not release funds until the PROJECT status report and documentation are approved by DOH. Approval will not be unreasonably withheld or delayed. After approving the invoice, documentation, and PROJECT status report, DOH will release funds to BORROWER within thirty (30) days, if BORROWER is not in alleged or actual breach of CONTRACT.

DOH will withhold ten percent (10%) of LOAN funds until DOH confirms that BORROWER has successfully completed all steps for PROJECT COMPLETION. The 10% holdback will be available to BORROWER as part of the last LOAN disbursement.

4.10. TIME OF PERFORMANCE

BORROWER will begin the activities in the PROJECT within thirty (30) calendar days of the CONTRACT start date. BORROWER will issue a 'Notice to Proceed', after the formal award of a construction contract, within eighteen (18) months of the CONTRACT start date.

BORROWER must reach PROJECT COMPLETION within the TIME OF PERFORMANCE. If there are extenuating circumstances, BORROWER may request, in writing, at least ninety (90) calendar days prior to the PROJECT COMPLETION that DOH extend the deadline for PROJECT COMPLETION. At its discretion, DOH may issue an extension. DOH's decision is final and not subject to the dispute clause.

If BORROWER does not meet the requirements of this section, it is a breach of CONTRACT, and DOH may terminate or suspend this CONTRACT.

4.11. PROJECT COMPLETION AMENDMENT AND THE PROJECT COMPLETION REPORT

The PROJECT Completion Amendment determines the final LOAN AMOUNT and LOAN TERM. When activities in the PROJECT are complete, BORROWER will start the process for the PROJECT Completion Amendment by sending DOH the PROJECT Completion Report. In the PROJECT Completion Report., BORROWER will provide the following information to DOH:

- **A.** A statement of the actual dollar amount spent, from all fund sources, to complete the PROJECT.
- **B.** A statement that all ELIGIBLE PROJECT COSTS have been incurred. Costs are incurred when goods and services are received and/or contracted work is performed.
- **C.** Evidence showing BORROWER'S compliance with financial the audit requirements of this CONTRACT.
- **D.** An invoice for the remaining ELIGIBLE PROJECT COSTS.
- E. Documentation of BORROWER's compliance with National Historic Preservation Act, 54 USC Subtitle III.

4.12. LOAN PAYMENTS

BORROWER must begin repaying the LOAN no later than one (1) year after the CONTRACT start date. Payments are due on the first day of the month(s) shown as the PAYMENT MONTH(S) in the Declarations. The first payment is only the interest accrued at that time. All other payments are principal and interest accrued up to the PAYMENT MONTH(S).

BORROWER can repay in full the LOAN balance, including fees and repayment of LOAN FUNDS for ineligible project costs (if any), at any time or make accelerated payments without penalty. The final payment must be on or before the end of the LOAN TERM.

4.13. LOAN DEFAULT

DOH must receive BORROWER'S payment within thirty (30) calendar days of the due date. Late payments are delinquent and assessed a monthly penalty on the first (1st) day past the due date. The penalty is one percent (1%) of the late payment amount per month. Penalty and fees accrue interest at the rate stated as LOAN INTEREST in the Declarations.

DOH may notify any other entity, creditors, or potential creditors of BORROWER's delinquency. BORROWER is responsible for all attorney fees and costs incurred by DOH in any action taken to enforce its rights under this section, including in any alternative dispute resolution proceeding.

4.14. LOAN SECURITY

LOAN Security is only required if identified in the Declarations. In its sole discretion and if allowed under the EPA regulations relevant to this Contract, DOH may subordinate its LOAN security to Borrower's obligations under existing or future bonds and notes. Nothing in this section releases BORROWER from the obligation to make LOAN PAYMENTS when due, and to adjust rates, fees, or surcharges as necessary to meet its obligations under this CONTRACT.

4.15. AMENDMENTS, MODIFICATIONS, ASSIGNMENTS, AND WAIVERS

Amendments, modifications, assignments, and waivers to any of the terms of this CONTRACT supersede, if applicable, those terms as found in the original CONTRACT, and are not binding unless they are in writing and signed by representatives authorized to bind each of the parties. Only the authorized representative or their designee has the express, implied, or apparent authority to alter, amend, assign, modify, or waive any terms of this CONTRACT.

Neither this CONTRACT nor any claim arising under it may be transferred or assigned by BORROWER without DOH's prior written consent. During the LOAN TERM, DOH must approve in advance, any change in ownership of the water system(s) improved with LOAN FUNDS. DOH may require the LOAN, including fees and ineligible project costs (if any), be paid in full as a condition of approval.

Nothing in this CONTRACT may be waived unless approved by DOH in writing. No waiver of any default or breach is implied from any failure to take action upon such default or breach if the default of breach persists or repeats. Waiver of any default or breach is not a waiver of any subsequent default or breach.

4.16. AMERICAN IRON AND STEEL

None of the LOAN funds can be used for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used are produced in the United States. "Iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

DOH may waive this requirement if:

- A. Compliance would be inconsistent with the public interest; or
- **B.** The particular iron and steel products are not produced in the United States in sufficient and reasonably available quantities and are not of a satisfactory quality; or

- **C.** Inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than twenty-five (25) percent; and
- **D.** The waiver is approved by the Environmental Protection Agency (EPA).

BORROWER must submit the waiver request to DOH, which will submit it to EPA. The full text of the American Iron and Steel requirements can be found in H.R. 3547, Consolidated Appropriations Act, 2014, P.L. 113-76, SEC. 436.

4.17. ATTORNEYS' FEES

Unless expressly stated under another section of the CONTRACT, each party agrees to bear its own attorneys' fees and costs for litigation or other action brought to enforce the contract terms.

4.18. BONUS AND COMMISSION PAYMENTS NOT ALLOWED

Funds provided under this CONTRACT cannot be used to pay any bonus or commission to gain approval of the loan application or any other approval under this CONTRACT. This section does not prohibit paying for bona fide technical consultants, managerial, or other such services, if payment is for ELIGIBLE PROJECT COSTS.

4.19. COMPLIANCE

BORROWER will comply with all applicable federal, state and local laws, requirements, and ordinances for the design, implementation, and administration of the PROJECT and this CONTRACT, including but not limited to those stated in the CONTRACT attachments. BORROWER will provide DOH with documentation of compliance, if requested.

In the event of BORROWER's alleged or actual noncompliance with any part of this CONTRACT, DOH may suspend all or part of the CONTRACT, withhold payments, or prohibit BORROWER from incurring additional obligations of LOAN FUNDS during the investigation and pending corrective action by BORROWER, or a decision by DOH to terminate the CONTRACT.

4.20. DISPUTES

Except as otherwise provided in this CONTRACT, when a dispute arises between the parties that cannot be solved by direct negotiation, either party may request a dispute hearing with the Director of the Office of Drinking Water (the Director), who may designate a neutral person to decide the dispute. The parties will be equally responsible for any reasonable costs and fees incurred by the neutral.

The party requesting a dispute hearing must:

- A. Be in writing;
- B. State the disputed issues;
- **C.** State the relative positions of the parties;
- **D.** State BORROWER's name, address, and the CONTRACT number;
- **E.** Provide contact information for the requester's representative, and,
- **F.** Be mailed to the other party's (respondent's) Contract Manager within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent must send a written answer within five (5) working days.

In the alternative, the parties can agree to submit a mutual request to the Director, which should include each party's response to the other party's characterization of the dispute.

The Director or designee will review the written statements and reply in writing to both parties within ten (10) working days. The Director or designee may extend this period if necessary by notifying the parties. The decision on the dispute is non-binding and is not admissible in any succeeding judicial or quasi-judicial proceeding.

This non-binding dispute process must precede any action in a judicial or quasi-judicial tribunal. Nothing in this CONTRACT limits the parties from using any mutually acceptable alternate dispute resolution (ADR) method in addition to or instead of the dispute hearing procedure outlined above.

4.21. ELIGIBLE PROJECT COSTS

BORROWER will comply with Attachment VI: DWSRF Eligible Project Costs and is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

The purchase of any land necessary for the PROJECT must be included in the PROJECT and be documented with an appraisal or equivalent market evaluation, if approved by DOH, and a valid purchase and sale agreement.

Construction expenses incurred after the date shown as earliest date for construction reimbursement in the Declarations are eligible for reimbursement. Requests for reimbursements for costs related to construction activities will not be accepted until BORROWER has met the following conditions:

- A. Completed the State Environmental Review Process (SEPA Review under RCW 43.21C);
- B. Complied with all provisions of the National Historic Preservation Act, 54 USC Subtitle III;
- **C.** Complied with Prevailing Wage requirements;
- **D.** Received approval from DOH of the project report and related construction documents for all applicable activities described in the PROJECT; and
- **E.** Complied with any other LOAN conditions required by DOH.

BORROWER cannot use LOAN FUNDS for any expenses charged by BORROWER against any other contract, subcontract, or source of funds.

If DOH reimburses BORROWER for costs that are later determined by DOH to be ineligible, BORROWER must repay these funds to DOH no later than when the BORROWER returns the PROJECT Completion Amendment to DOH. Prior to final completion, DOH may withhold payment for such costs as allowed under Section 4.36 RECAPTURE. Repayment is subject to interest retroactive to the date of the applicable disbursement by DOH.

4.22. FALSE, INCORRECT, OR INCOMPLETE INFORMATION OR CLAIM

BORROWER warrants that they have not and will not submit to DOH any information that is materially false, incorrect, or incomplete. Providing false, fictitious, or misleading information with respect to the receipt and disbursements of LOAN funds is a basis for criminal, civil, or administrative fines and/or penalties. DOH may also pursue applicable remedies for violations by BORROWER of this section.

4.23. FINANCIAL AUDIT

DOH may require BORROWER to obtain an audit of this PROJECT conforming to Generally Accepted Accounting Principles (GAAP). BORROWER will maintain its records and accounts to facilitate the audit. BORROWER is responsible for correcting any audit findings. BORROWER is responsible for any audit findings incurred by its own organization and/or its subcontractors. DOH reserves the right to recover from BORROWER all disallowed costs and INELEGIBLE PROJECT COSTS resulting from the audit.

The audit must include a report on compliance, including an opinion (or disclaimer of opinion) about whether the BORROWER is in compliance with laws, regulations and requirements of this CONTRACT that could have a direct and material effect on DOH.

BORROWER must send a copy of any required audit per 2 CFR §200.512 to the DOH Contract Manager, no later than nine (9) months after the end of BORROWER's fiscal year(s). BORROWER must send any audit corrective action plan for audit findings and a copy of the management letter, within three (3) months of the audit report.

4.24. GOVERNING LAW AND VENUE

This CONTRACT shall be construed and interpreted according to the laws of the state of Washington, and the venue of any action brought under the CONTRACT will be in the Superior Court for Thurston County.

4.25. HISTORICAL AND CULTURAL REQUIREMENTS

BORROWER will not conduct or authorize destructive PROJECT planning activities before completing the requirements of the National Historic Preservation Act, 54 USC Subtitle III. BORROWER will not begin construction

activities, ground disturbance, or excavation of any sort, until BORROWER has complied with all requirements of the National Historic Preservation Act of 1966, as amended.

If historical or cultural artifacts are discovered during the PROJECT, BORROWER will immediately stop construction and implement reasonable measures to protect the discovery site from further disturbance, take reasonable steps to ensure confidentiality of the discovery site, restrict access to the site, and notify the concerned tribe's cultural staff or committee, Tribal Historical Preservation Officer (THPO), DOH Contract Manager, and the State's Historical Preservation Officer (SHPO) at the Washington State Department of Archaeology and Historic Preservation (DAHP). If human remains are uncovered, BORROWER will report the presence and location of the remains to the local coroner and law enforcement immediately, then contact the concerned tribe's cultural staff or committee, DOH Contract Manager, and DAHP.

BORROWER is legally and financially responsible for compliance with all laws, regulations, and agreements related to the preservation of historical or cultural sites and artifacts and will hold harmless the state of Washington and DOH in relation to any claim related to historical or cultural sites discovered, disturbed, or damaged as a result of BORROWER'S and BORROWER's subcontractors activities.

BORROWER will include the requirements of this section in all contracts for work or services related to the PROJECT. BORROWER will require that bid documents include an inadvertent discovery plan that meets the requirements of this section.

4.26. INDEMNIFICATION

BORROWER agrees to defend, indemnify, and hold harmless DOH and the state of Washington for claims arising out of or incident to BORROWER'S or any BORROWER'S subcontractor's performance or failure to perform the CONTRACT. BORROWER'S obligation to indemnify, defend, and hold harmless DOH and the state of Washington shall not be eliminated or reduced by any actual or alleged concurrent negligence of DOH or its agents, agencies, employees and officials. BORROWER'S obligation to indemnify, defend and hold harmless DOH and the state of Washington includes any claim by BORROWER'S agents, employees, officers, subcontractors or subcontractor employees.

BORROWER waives immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

4.27. INDUSTRIAL INSURANCE COVERAGE

BORROWER will comply with the applicable parts of Title 51 RCW, Industrial Insurance. If BORROWER fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as required by law, DOH may collect from BORROWER the full amount payable to the Industrial Insurance Accident Fund. DOH may deduct the amount owed by BORROWER to the accident fund from the amount payable to BORROWER by DOH under this CONTRACT, and transmit the deducted amount to the Washington State Department of Labor and Industries (L&I).

4.28. LITIGATION

BORROWER warrants that there is no threatened or pending litigation, investigation, or legal action before any court, arbitrator, or administrative agency that, if adversely determined against BORROWER, would have a materially adverse effect on BORROWER's ability to repay the LOAN. BORROWER agrees to promptly notify DOH if any above-referenced actions become known to BORROWER during the pendency of the Contract.

4.29. NONDISCRIMINATION

BORROWER will not discriminate on the basis of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability in the performance of this CONTRACT. BORROWER will comply with all federal and state nondiscrimination laws, including, but not limited to Chapter 49.60 RCW, Washington's Law Against Discrimination and 42 USC 12101 et seq., the Americans with Disabilities Act (ADA), and 40 CFR Part 33 Participation by Disadvantaged Business Enterprises in US EPA Programs . Failure by BORROWER to carry out these requirements is a material breach of this CONTRACT. BORROWER is required to include these non-discriminatory provisions in any contract with a subcontractor.

4.30. PREVAILING WAGE

BORROWER will assure that all contractors and subcontractors performing work funded through this CONTRACT comply with prevailing wage laws by paying the higher of state or federal prevailing wages. BORROWER is legally and financially responsible for compliance with the prevailing wage requirements. BORROWER should consult the United States Department of Labor and Washington State Department of Labor and Industries websites to determine the federal and State prevailing wages that must be paid.

4.31. PROCUREMENT

BORROWER will comply with all procurement requirements for subcontracting for the PROJECT and for obtaining PROJECT-related goods and services. BORROWER must maintain records to verify compliance with procurement requirements.

BORROWER must ensure that all contractors, subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT will insert in full, in any contract, the labor standards provisions in Attachment VIII: Labor Standard Provisions for Subrecipients That Are Governmental Entities.

4.32. PROHIBITION STATEMENT

Per Section 106 of the federal Trafficking Victims Protection Act, BORROWER `s contractors, subcontractors, engineers, vendors, and any other entity performing work funded by this CONTRACT must comply with and include the following terms and conditions in all contracts for work or services for the PROJECT.

"All forms of trafficking in persons, illegal sex trade, or forced labor practices are prohibited in the performance of this award or subawards under the award, or in any manner during the period of time that the award is in effect. This prohibition applies to you as the recipient, your employees, subrecipients under this award, and subrecipients' employees."

4.33. PROJECT SIGNS

If BORROWER displays, during the TIME OF PERFORMANCE, any signs or markers identifying parties that are providing funds for the PROJECT, BORROWER must include the Washington State Department of Health Drinking Water State Revolving Fund and the Washington State Department of Health as participants in the PROJECT.

4.34. PUBLICITY

BORROWER agrees to get prior written consent from DOH's Contract Manager before publishing or using any advertising or publicity materials that include Washington State or DOH's name, or includes language that may reasonably infer or imply a connection with either one.

4.35. RATES AND RESERVES

BORROWER will maintain reserves at a minimum as required by the Water System Plan or Small Water System Management Plan. BORROWER will timely adopt rate increases and/or capital assessments for the system's services to provide sufficient funds, along with other revenues of the system, to pay all operating expenses and debt repayments during the LOAN TERM.

4.36. RECAPTURE

DOH reserves the right to recapture from BORROWER sufficient funds to compensate DOH for BORROWER's noncompliance with any part of this CONTRACT, in addition to any other remedies available under the CONTRACT, at law, or in equity. DOH may withhold LOAN FUNDS from BORROWER to recapture such funds.

4.37. RECORDKEEPING AND ACCESS TO RECORDS

DOH, its agents, and authorized officials of the state and federal governments will have full access and the right to examine, copy, excerpt, or transcribe, at no additional cost and at all reasonable times, any pertinent documents, papers, records, and books of BORROWER and of persons, firms, or organizations with which BORROWER may contract, involving transactions related to this CONTRACT. BORROWER agrees to keep complete records of its compliance with this CONTRACT for a period of six (6) years from the date that the debt to DOH is paid in full. This includes but is not limited to financial reports. If any litigation, claim or audit is started before the expiration of the six (6) year period, BORROWER must keep the records until all litigation, claims or audit findings involving the records have been resolved. These records retention requirements are in addition to the local government records

retention schedules applicable to the BORROWER.

4.38. REGISTRATION WITH THE SYSTEM FOR AWARD MANAGEMENT (SAM)

BORROWER must comply with 48 CFR 52.204-7 to register with the System for Awards Management (SAM.gov). BORROWER is responsible for the accuracy and completeness of its data in the SAM database and any liability resulting from the Government or DOH reliance on inaccurate or incomplete data in it. BORROWER must remain registered in the SAM database. BORROWER should annually review its information in SAM to ensure it is accurate and complete.

4.39. SEVERABILITY

If any part of this CONTRACT or part of any document incorporated by reference is found to be invalid, it will not affect the other parts of this CONTRACT that can be given effect without the invalid part.

4.40. SUBCONTRACTING

Prior to awarding contracts and/or subcontracts, BORROWER must verify that the complete names of both the selected contractor and the owner or president are not in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must provide the DOH Contract Manager with a screen printout documenting that neither the firm, the owner or the president are excluded.

BORROWER will ensure that every contract and subcontract awarded for the PROJECT after the CONTRACT start date will bind the parties to follow all applicable terms of this CONTRACT. BORROWER is responsible to DOH for noncompliance by its contractors and/or subcontractors. BORROWER's contracts or subcontracts do not release or reduce the BORROWER's liability to DOH for any breach in the performance of BORROWER's duties. BORROWER's contracts and subcontracts must include a term that the state of Washington and DOH are not liable for claims or damages arising from a contractor and/or subcontractor's performance or lack thereof.

4.41. SURVIVAL

The CONTRACT's terms, conditions, and warranties that by its sense and context are intended to survive the completion of the performance, cancellation or termination of this CONTRACT, shall so survive.

4.42. TERMINATION FOR CAUSE

If DOH concludes that BORROWER has failed to comply with the CONTRACT requirements or has otherwise breached one or more parts of the CONTRACT, DOH may, at its discretion, upon notice to BORROWER, terminate or suspend the CONTRACT and/or its attached agreements in whole or in part.

The notice will be in writing and state the reason(s) for termination or suspension, and the effective date. The effective date will be determined by DOH. The notice will allow BORROWER at least thirty (30) business days to cure the breach, if curable. If the breach is not cured or cannot be cured within thirty (30) business days, the outstanding balance of the LOAN, with any interest accrued and other costs as authorized by the CONTRACT shall be due and payable to DOH.

If DOH terminates this CONTRACT under this section, DOH is liable only for payment required under the terms of this CONTRACT for ELIGIBLE PROJECT COSTS incurred prior to the effective date of termination.

At DOH's discretion, the termination for cause may be deemed a termination for convenience if DOH determines that the default or failure to perform was outside BORROWER's control, fault or negligence. The rights and remedies of DOH provided in this CONTRACT are not exclusive and are in addition to any other rights and remedies provided by law. Nothing in this section affects BORROWER's obligations to immediately repay the unpaid balance of the LOAN as prescribed in the Washington Administrative Code (WAC) 246-296-150.

4.43. TERMINATION OR SUSPENSION FOR CONVENIENCE

If funding or appropriation from state, federal, or other sources is withdrawn, reduced, or limited in any way during the TIME OF PERFORMANCE, DOH may:

- A. Delay or suspend releasing LOAN FUNDS until funding or appropriation are available to DOH; or
- B. Amend the CONTRACT to reflect the new funding limitations and conditions; or
- C. Terminate the CONTRACT and/or its attached agreements, in whole or in part; or
- D. Suspend the CONTRACT and/or its attached agreements, in whole or in part.

If DOH terminates the CONTRACT and/or its attached agreements in whole or in part, under this section, DOH will notify BORROWER's representative in writing of the reason(s) for termination, and the effective date. The effective date will be determined by DOH.

DOH may choose to suspend this CONTRACT and/or its attached agreements in whole or in part, if DOH determines that the funding insufficiency will likely be resolved in time for BORROWER to resume activities prior to the end of the TIME OF PERFORMANCE. DOH will notify BORROWER's representative by facsimile or email of the reason(s) for suspension, and the effective date. DOH will determine the effective date. BORROWER must suspend performance on the effective date of the suspension. During the period of suspension each party must notify the other party's representative of any conditions that may reasonably affect its ability to resume performance.

During the suspension, when DOH determines that the funding insufficiency is resolved, DOH may notify BORROWER's representative of the proposed date to resume performance. BORROWER must respond to DOH's representative in writing, within five (5) business days of DOH sending notice, as to whether it can resume performance on that date or offer an alternative date to resume performance. If BORROWER cannot resume performance or the alternative date is not acceptable to DOH, the parties agree the CONTRACT will be deemed terminated for convenience, retroactive to the original date of suspension.

If DOH terminates or suspends this CONTRACT, DOH is liable only for payment required under the terms of this CONTRACT for eligible project costs incurred prior to the effective date of suspension or termination. Nothing in this section shall affect Contractor's obligations to repay the unpaid balance of the LOAN. Nothing in this section affects BORROWER's obligation to repay the LOAN, including fees and other expenses as allowed by the CONTRACT.

4.44. TERMINATION PROCEDURES

When BORROWER receives Notice of Termination or on the date a suspension is converted to a termination, except as otherwise directed by DOH, BORROWER will:

- A. Stop work under the CONTRACT on the date, and to the extent specified, in the notice;
- **B.** Place no further orders or subcontracts for materials, services, or facilities related to the CONTRACT;
- C. If expressly requested by DOH, assign to DOH any or all of the rights, title, and interest of BORROWER under the orders and subcontracts so terminated, in which case DOH has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts. Any attempt by BORROWER to settle such claims must have the prior written approval of DOH; and
- D. Preserve and transfer any materials, CONTRACT deliverables and/or DOH property in BORROWER's possession as directed by DOH.

Upon termination of this CONTRACT, DOH will pay BORROWER for amounts due under the CONTRACT prior to the date of termination unless such payment is precluded under any other provision of this CONTRACT. DOH may withhold any amount due as DOH reasonably determines is necessary to protect DOH against potential loss or liability resulting from the termination. DOH will pay any withheld amount to BORROWER if DOH later determines that loss or liability will not occur.

4.45. WORK HOURS AND SAFETY STANDARDS

If this CONTRACT exceeds \$100,000, BORROWER must comply with the applicable Contract Work Hours and Safety Standards Act (40 USC Chapter 37). These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

ATTACHMENT I: SCOPE OF WORK (PROJECT)

DWSRF PROGRAM

LOAN CONTRACT INFORMATION

2021-3983 CITY OF SPOKANE THORPE RESERVOIR #2

DWSRF Scope of Work Form:

Scope of Work:

Project to include:

1. Construction, testing, and commissioning of a 3.5 million gallon reservoir adjacent to the existing Thorpe Road Reservoir in Spokane. Construction costs may include: engineering, site preparation, reservoir materials, reservoir installation, controls, telemetry, on-site piping, valving, fencing, security, and connection to distribution system.

In addition to costs of construction, costs may include (but are not limited to): engineering, design, construction inspection, geotechnical assessment, cultural and environmental review, permits, public involvement, preparation of bid documents, fees, taxes, legal, administrative, and audit.

2021-3983 CITY OF SPOKANE THORPE RESERVOIR #2

Project Costs by Cost Category:

COST CATEGORY	CURRENT ESTIMATES
Engineering Report (Preliminary Engineering)	
Environmental Review	
Historical Review/Cultural Review	
Land/ROW Acquisition	
Permits	
Public Involvement/Information	
Bid Documents (Design Engineering)	\$500,000
Construction: Estimated Cost. Provide details on following pages.	\$6,041,667
DOH Review/Approval Fees:	
Contingency: (10% min, 20% max)	\$1,208,333
Sales or Use Taxes	
Construction Engineering/Inspection	
Insurance:	
Audit:	
Legal:	
Service Meters (Purchase and Installation)	
Other:	
TOTAL ESTIMATED PROJECT COSTS (before Loan Fee)	\$7,750,000
DWSRF Loan Origination Fee (1%)	<u>\$77,500</u>
DWSRF Loan Award	<u>\$7,827,500</u>

2021-3983 CITY OF SPOKANE THORPE RESERVOIR #2

Project Funding:

TYPE OF FUNDING	SOURCE	CURRENT STATU	JS
Grants and Other Non-Mat	ching Funds		
Grant #1		\$	
Grant #2		\$	
Other Grants		\$	
New Grants		\$	
	Total Grants and Other Non-Matching Funds	a) <u>\$</u>	
Loans			
This Loan Request	DWSRF loan	\$7,827,50	00
Other Loan #1		\$	
Other Loan #2		\$	
Other Loans		\$	
New Loans		\$	
	Total Loans	b) <u>\$</u>	
Local Revenue			
Source #1	Reserves	\$	
Source #2		\$	
Other Local Revenue		\$	
New Local Revenue		\$	
	Total Local Revenue	c) <u>\$</u>	
Other Funds			
Other Funds		\$	
Other Funds		\$	
	Total Other Funds	d) <u>\$</u>	
TOTAL PROJECT LOAN		e) \$7,827,5 0	00

f) 2021-3983 CITY OF SPOKANE THORPE RESERVOIR #2

Engineer's Certification:

ATTACHMENT II: ATTORNEY'S CERTIFICATION

DRINKING WATER STATE REVOLVING FUND (MUNICIPAL)

l,	, hereby certify:
	n attorney at law admitted to practice in the state of Washington and the duly appointed attorney of BORROWER ed in the Declarations of the Contract identified above; and
	also examined any and all documents and records, which are pertinent to the Contract, including the application sting this financial assistance.
Based	on the foregoing, it is my opinion that:
1.	BORROWER is a public body, properly constituted and operating under the laws of the State of Washington, empowered to receive and expend federal, state and local funds, to contract with the state of Washington, and to receive and expend the funds involved to accomplish the objectives set forth in its application.
2.	BORROWER is empowered to accept the Drinking Water State Revolving Fund financial assistance and to provide for repayment of the loan as set forth in the loan agreement.
3.	There is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin BORROWER from repaying the Drinking Water State Revolving Fund loan extended by DOH with respect to such project. BORROWER is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.
4.	Assumption of this obligation would not exceed statutory and administrative rule debt limitations applicable to BORROWER.
Signat	ure of Attorney Date
Name	and BAR Number (WSBA No.)
Addres	SS

ATTACHMENT III: FEDERAL AND STATE REQUIREMENTS (NOT ALL INCLUSIVE)

1) Environmental and Cultural Authorities

- a) Archeological and Historic Preservation Act of 1974, Public Law 86-523 as amended
- b) Clean Air Act, Public Law 84-159 as amended
- c) Coastal Zone Management Act, Public Law 92-583 as amended
- d) Endangered Species Act, Public Law 93-205 as amended
- e) Environmental Justice, Executive Order 12898
- f) Floodplain Management, Executive Order 11988 as amended by Executive Order 12148
- g) Protection of Wetlands, Executive Order 11990
- h) Farmland Protection Policy Act, Public Law 97-98
- i) Fish and Wildlife Coordination Act, Public Law 85-624 as amended
- j) National Historic Preservation Act, 54 USC Subtitle III
- k) Safe Drinking Water Act, Public Law 93-523 as amended
- I) Wild and Scenic Rivers Act, Public Law 90-542 as amended
- m) Washington State Environmental Policy Act, Chapter 43.21C RCW
- n) Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, Revised Code of Washington (RCW) 27.44 regarding Indian Graves and Records; RCW 27.53 regarding Archaeological Sites and Resources; RCW 68.60 regarding Abandoned and Historic Cemeteries and Historic Graves; and Washington Administrative Code (WAC) 25-48 regarding Archaeological Excavation and Removal Permits.

2) Economic and Miscellaneous Authorities

- a) Demonstration Cities and Metropolitan Development Act of 1996, Public Law 89-754 as amended, Executive Order 12372
- b) Procurement Prohibitions under Section 306 of the Clean air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Ac with Respect to Federal Contracts, Grants, or Loans
- c) Uniform Relocation and Real Property Policies Act, Public Law 91-646 as amended
- d) Debarment and Suspension, Executive Order 12549
- e) H.R. 3547, Consolidated Appropriations Act, 2014.

3) Social Policy Authorities

- a) Age Discrimination Act of 1975, Public Law 94-135
- b) Title VI of the Civil Rights Act of 1964, Public Law 88-352
- c) Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500 (the Clean Water Act)
- d) Section 504 of the Rehabilitation Act of 1973, Public Law 93-112 (including Executive Orders 11914 and 11250)
- e) Equal Employment Opportunity, Executive Order 11246
- f) Disadvantaged Business Enterprise, Public Law 101-549 (the Clean Air Act), and Public Law 102-389 (the Clean Water Act)
- g) Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Public Law 100-590
- h) Chapter 49.60 RCW, Washington's Law against Discrimination, and 42 USC 12101 et seq. the Americans with Disabilities Act (ADA).
- i) The Contract Work Hours and Safety Standards Act (40 USC 327-333)-Where applicable.
- j) The Genetic Information Nondiscrimination Act of 2008 (GINA), 42 USC s. 2000ff et seq.

4) State Laws

- a) Chapter 36.70A RCW, Growth Management Act
- b) Chapter 39.80 RCW, Contracts for Architectural and Engineering Services
- c) Chapter 39.12 RCW, Washington State Public Works Act
- d) Chapter 43.20 RCW, State Department of Health of Health
- e) Chapter 43.70 RCW, Department of Health
- f) Chapter 43.155 RCW, Public Works Project
- g) Chapter 70.116 RCW, Public Water Systems Coordination Act of 1977
- h) Chapter 70.119 RCW, Public Water Supply Systems Certification and Regulation of Operations
- i) Chapter 70.119A RCW, Public Water Systems, Penalties & Compliances
- j) Chapter 246-290 WAC, Group A Public Water Systems

- k) Chapter 246-291 WAC, Group B Public Water Systems
- I) Chapter 246-292 WAC, Waterworks Operator Certification Regulations
- m) Chapter 246-293 WAC, Water Systems Coordination Act
- n) Chapter 246-294 WAC, Drinking Water Operating Permits
- o) Chapter 246-295 WAC, Satellite System Management Agencies
- p) Chapter 246-296 WAC Drinking Water State Revolving Fund Loan Program
- q) Chapter 173-160 WAC, Minimum Standards for Construction & Maintenance of Wells
- r) Title 173 WAC, Department of Ecology Rules
- s) Title 40 Part 141 Code of Federal Regulations, Federal National Primary Drinking Water Regulations (Section Adopted by Reference)

ATTACHMENT IV: DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENTS

GENERAL COMPLIANCE, 40 CFR, Part 33

BORROWER must comply with the requirements of Environmental Protection Agency's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under this Contract, contained in 40 CFR, Part 33. BORROWER will use the directory of certified firms available through the Washington State Office of Minority and Women's Business Enterprises to meet the requirements.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

The following are exemptions from the fair share objective Requirements:

- Grant and loan recipients receiving a total of \$250K or less in EPA financial assistance in a given fiscal year.
- Tribal recipients of Performance Partnership Eligible grants under 40 CFR Part 35, Subpart B.
 - There is a 3-year phase in period for the requirement to negotiate fair share goals for Tribal and Insular Area recipients.
- Recipients of Technical Assistance Grants.

The Fair Share Objectives or goals for the utilization of disadvantaged businesses negotiated with EPA by the WA Office of Minority Women Business are stated below.

Construction	10% MBE	6% WBE
Supplies	8% MBE	4% WBE
Equipment	8% MBE	4% WBE
Purchased Services	10% MBE	4% WBE

BORROWER must accept the fair share objectives/goals stated above and purchase the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as WA Office of Minority Women Business goals.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, BORROWER will make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to ensure that subrecipients, loan recipients, and prime contractors also comply.

Records documenting compliance with the six good faith efforts shall be retained. The six good faith efforts shall include:

- A. Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing the Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- B. Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- C. Consider in the contracting process whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- D. Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- E. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Health.
- F. If the prime contractor awards subcontracts, also require the prime contractor to take the five good faith efforts in paragraphs A through E above.

MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503

BORROWER is required to submit MBE/WBE participation reports to DOH, on a quarterly basis, beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

BORROWER agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BORROWER agrees to require all general contractors to provide forms: EPA Form 6100-2 DBE Subcontractor Participation Form and EPA Form 6100-3 DBE Subcontractor Performance Form to all its Disadvantaged Business Enterprise subcontractors, engineers, vendors, and any other entity for work or services listed in the PROJECT. These two (2) forms may be obtained from the EPA Office of Small Business Program's website on the internet at http://www.epa.gov/osbp/grants.htm.

BORROWER agrees to require all general contractors to complete and submit to BORROWER and Environmental Protection Agency EPA Form 6100-4 DBE Subcontractor Utilization Form beginning with the Federal fiscal year reporting period BORROWER receives the award and continuing until the project is completed. Only procurements with certified MBE/WBEs are counted toward a Contractor's MBE/WBE accomplishments.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

BORROWER is also required to create and maintain a bidders list if BORROWER of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Section 33.501(b) of the rule is as follows:

A recipient of a Continuing Environmental Program Grant or other annual grant must create and maintain a bidders list. In addition, a recipient of an EPA financial assistance agreement to capitalize a revolving loan fund also must require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. The purpose of a bidders list is to provide the recipient and entities receiving identified loans who conduct competitive bidding with as accurate a database as possible about the universe of MBE/WBE and non-MBE/WBE prime and subcontractors. The list must include all firms that bid or quote on prime contracts or bid or quote on subcontracts under EPA assisted projects, including both MBE/WBEs.

The bidders list must be kept until the grant project period has expired and the recipient is no longer receiving EPA funding under the grant. For entities receiving identified loans, the bidders list must be kept until the project period for the identified loan has ended. The following information must be obtained from all prime and subcontractors:

- (1) Entity's name with point of contact;
- (2) Entity's mailing address, telephone number, and e-mail address;
- (3) The procurement on which the entity bid or quoted, and when; and
- (4) Entity's status as a MBE/WBE¹ or non-MBE/WBE.

The exemption found at § 33.501(c) is as follows:

A recipient of an EPA financial assistance agreement in the amount of \$250,000 or less for any single assistance agreement, or of more than one financial assistance agreement with a combined total of \$250,000 or less in any one fiscal year, is exempt from the paragraph (b) of this section requirement to create and maintain a bidders list. Also, a recipient under the CWSRF, DWSRF, or BCRLF Program is not required to apply the paragraph (b) of this section bidders list requirement of this subpart to an entity receiving an identified loan in an amount of \$250,000 or less, or to an entity receiving more than one identified loan with a combined total of \$250,000 or less in any one fiscal year. This exemption is limited to the paragraph (b) of this section bidders list requirements of this subpart.

¹ Qualified Women and Minority business enterprises may be found on the Internet at www.omwbe.wa.gov or by contacting the Washington State Office of Minority and Women's Enterprises at 360-704-1181.

ATTACHMENT V: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS



United States Environmental Protection Agency
Washington, DC 20460

EPA Project Control Number

The terms, "covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded", as used in this attachment, are defined in the rules implementing Executive Order 12549, including 13 CFR § 400.109. You may contact DOH for help getting a copy of these regulations.

BORROWER, defined as the primary participant and it principals, certifies by signing below that to the best of its knowledge and belief they:

- **A.** Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- **B.** Have not within a three-year (3) period preceding this CONTRACT, been convicted of or had a civil judgment against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
- **C.** Are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses described in this attachment; and,
- **D.** Have not within a three-year period (3) preceding the signing of this CONTRACT had one or more public transactions (federal, state, or local) terminated for cause or default.

Prior to awarding contracts for the PROJECT, BORROWER must verify that neither the contractor's business name(s) nor the names of its principals are in the Federal Excluded Parties List System for Ineligible Professionals and Debarred Contractors (www.SAM.gov). BORROWER must keep documentation in the PROJECT files and provide a copy to the DOH Contract Manager.

BORROWER will include the language below without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

The lower tier contractor certifies, by signing this CONTRACT that neither it nor its principals are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine or imprisonment for up to 5 years, or both.

Typed or Printed Name & Title of Authorized Representative		
Signatu	ure of Authorized Representative	Date
	I am unable to certify to the above statement	ents. My explanation is attached

ATTACHMENT VI: DWSRF ELIGIBLE PROJECT COSTS

Must be directly attributable to the project.

- The costs for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- 2. DWSRF loan fees.
- The purchase of a portion of another system's capacity, if it is the most cost effective solution (limited to publicly owned (municipal) systems).
- Construction of reservoirs (clear wells) that are part of the treatment process and are collocated with the treatment facility.
- Construction of distribution reservoirs (finished water).
- Cost associated with restructuring or consolidation of existing water systems by publicly owned water systems.
- 7. Main extensions to connect to safe and reliable sources of drinking water.
- 8. Cost associated with collecting and preparing environmental assessment documents to obtain local permits.
- 9. Direct labor including related employee benefits:
 - Salaries and wages (at actual or average rates) covering productive labor hours of employees of the borrower (excluding the administrative organization of the operating unit involved) for periods of time actively or incidentally engaged in pre-design engineering, design engineering, construction engineering, acquisition of rights of way, and the cleaning, sterilization or bacteriological testing of water system components prior to public use. The costs of services rendered by employees generally classified as administration/project management of the loan are considered a direct cost only when such employees are assigned the types of services described above and shall be limited to 3% or less of the project loan amount.
 - Employee benefits relating to labor are considered a direct cost of construction projects.
 The following items may be included as employee benefits:
 - F.I.C.A. (Social Security) -employer's share.
 - · Retirement benefits.
 - Hospital, health, dental, and other welfare insurance.
 - Life insurance.
 - Industrial and medical insurance.
 - Vacation.
 - Holiday.
 - Sick leave.
 - Military leave and jury duty.

Employee benefits must be calculated as a percentage of direct labor dollars. The

- computation of predetermined percentage rates to be applied to current labor costs must be based on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.
- c. Other than work identified in Number 9.a, no costs associated with labor performed by the borrower's employees, including force account work, are eligible for financing assistance.
- Contract engineering, planning, design, legal, and financial planning services. The Department of Health reserves the right to declare ineligible legal costs that are unreasonable and disproportionate to the project.
- 11. Contract construction work.
- 12. Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations. However, such costs must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less not using this type of fund are allowed the same rates as used by the State Department of Transportation.
- 13. Direct materials and supplies.
- 14. Other direct costs incurred for materials or services acquired for a specific project are eligible costs and may include, but are not limited to such items as:
 - a. Telephone charges.
 - b. Reproduction and photogrammetry costs.
 - c. Video and photography for project documentation.
 - d. Computer usage.
 - e. Printing and advertising.
- 15. Other project related costs include:
 - Competitive Bidding.
 - Audit.
 - Insurance.
 - Prevailing wages.
 - Attorney fees.
 - Environmental Review.
 - · Archaeological Survey.

Water system plan costs are not eligible for reimbursement. Small water system management program and plan amendments costs are eligible for reimbursement.

Projects may be designed to accommodate reasonable growth. This is generally the 20-year projection included in the system's water system plan or small water system management program.

ATTACHMENT VII: LABOR STANDARD PROVISIONS FOR SUBRECIPIENTS THAT ARE GOVERNMENTAL ENTITIES

Wage Rate Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) Preamble

With respect to the Clean Water and Safe Drinking Water State Revolving Funds, EPA provides capitalization grants to each state which in turn provides subgrants or loans to eligible entities within the state. Typically, the subrecipients are municipal or other local governmental entities that manage the funds. For these types of recipients, the provisions set forth under Roman Numeral I, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section 3(ii)(A), below and for compliance as described in Section I-5.

Occasionally, the subrecipient may be a private for profit or not for profit entity. For these types of recipients, the provisions set forth in Roman Numeral II, below, shall apply. Although EPA and the State remain responsible for ensuring subrecipients' compliance with the wage rate requirements set forth herein, those subrecipients shall have the primary responsibility to maintain payroll records as described in Section II-3(ii)(A), below and for compliance as described in Section II-5.

I. Requirements Under The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) For Subrecipients That Are Governmental Entities:

The following terms and conditions specify how recipients will assist EPA in meeting its Davis-Bacon (DB) responsibilities when DB applies to EPA awards of financial assistance under the FY 2013 Continuing Resolution with respect to State recipients and subrecipients that are governmental entities. If a subrecipient has questions regarding when DB applies, obtaining the correct DB wage determinations, DB provisions, or compliance monitoring, it may contact Department of Health. If a State recipient needs guidance, they may obtain additional guidance from DOL's web site at http://www.dol.gov/whd/.

1. Applicability of the Davis- Bacon (DB) prevailing wage requirements.

Under the FY 2013 Continuing Resolution, DB prevailing wage requirements apply to the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund and to any construction project carried out in whole or in part by assistance made available by a drinking water treatment revolving loan fund. If a subrecipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the subrecipient must discuss the situation with the recipient State before authorizing work on that site.

2. Obtaining Wage Determinations.

- (a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.
 - (i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.
 - (ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c) (3) (iv). The subrecipient shall monitor www.wdol.gov on a weekly

basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.

- (b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument.
- (c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.
- (d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

3. Contract and Subcontract provisions.

- (a) The Recipient shall insure that the subrecipient(s) shall insert in full in any contract in excess of \$2,000 which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a treatment work under the CWSRF or a construction project under the DWSRF financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution (except where a different meaning is expressly indicated), and which is subject to the labor standards provisions of any of the acts listed in § 5.1 or the FY 2013 Continuing Resolution, the following clauses:
- (1) Minimum wages.
- (i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the Borrower and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

Subrecipients may obtain wage determinations from the U.S. Department of Labor's web site, www.dol.gov.

- (ii)(A) The subrecipient(s), on behalf of EPA, shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The State award official shall approve a request for an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:
- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and

- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.
- (B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the subrecipient(s) agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), documentation of the action taken and the request, including the local wage determination shall be sent by the subrecipient (s) to the State award official. The State award official will transmit the request, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210 and to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification request within 30 days of receipt and so advise the State award official or will notify the State award official within the 30-day period that additional time is necessary.
- (C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the subrecipient(s) do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the request and the local wage determination, including the views of all interested parties and the recommendation of the State award official, to the Administrator for determination. The request shall be sent to the EPA DB Regional Coordinator concurrently. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt of the request and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.
- (D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.
- (iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.
- (iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.
- (2) Withholding. The subrecipient(s), shall upon written request of the EPA Award Official or an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.
- (3) Payrolls and basic records.
- (i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing

apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

- (ii)(A) The contractor shall submit weekly, for each week in which any contract work is performed, a copy of all payrolls to the subrecipient, that is, the entity that receives the sub-grant or loan from the State capitalization grant recipient. Such documentation shall be available on request of the State recipient or EPA. As to each payroll copy received, the subrecipient shall provide written confirmation in a form satisfactory to the State indicating whether or not the project is in compliance with the requirements of 29 CFR 5.5(a)(1) based on the most recent payroll copies for the specified week. The payrolls shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on the weekly payrolls. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at http://www.dol.gov/whd/forms/wh347instr.htm or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the subrecipient(s) for transmission to the State or EPA if requested by EPA, the State, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the subrecipient(s).
- (B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:
- (1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;
- (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;
- (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.
- (C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.
- (D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.
- (iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the State, EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency or State may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.
- (4) Apprentices and trainees--
- (i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually

registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

- (ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.
- (iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.
- (5) Compliance with Copeland Act requirements. The Borrower must comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.
- (6) Subcontracts. The Borrower and/or subcontractor must insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA determines may by appropriate, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.
- (7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.
- (8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

- (9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes will be resolved according to the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and Subrecipient(s), State, EPA, the U.S. Department of Labor, or the employees or their representatives.
- (10) Certification of eligibility.
- (i) By entering into this contract, Borrower certifies that neither it (nor he or she) nor any person or firm who has an interest in the Borrower's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- (ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- (iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 USC 1001.

4. Contract Provision for Contracts in Excess of \$100,000.

- (a) Contract Work Hours and Safety Standards Act. The subrecipient shall insert the following clauses set forth in paragraphs (a)(1), (2), (3), and (4) of this section in full in any contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by Item 3, above or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.
- (1) Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.
- (2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a)(1) of this section the contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a)(1) of this section.
- (3) Withholding for unpaid wages and liquidated damages. The subrecipient, upon written request of the EPA Award Official or an authorized representative of the Department of Labor, shall withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.
- (4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a)(1) through (4) of this section.
- (b) In addition to the clauses contained in Item 3, above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, the Subrecipient shall insert a clause requiring that the contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the Subrecipient shall insert in any such contract a clause providing hat the records to be maintained under this paragraph shall be made available by the

contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the (write the name of agency) and the Department of Labor, and the contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

5. Compliance Verification

- (a) The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.
- (b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicated that there is a risk that the contractor or subcontractor is not complying with DB.

Subrecipients shall immediately conduct interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence."

- (c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable, the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.
- (d) The subrecipient shall periodically review contractors and subcontractors use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.
- (e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the Department of Health and to the appropriate DOL Wage and Hour District Office listed at https://www.dol.gov/whd/WHD district offices.pdf.

SPOKANE Agenda Sheet	OKANE Agenda Sheet for City Council Meeting of:			4/20/2022
05/02/2022			Clerk's File #	OPR 2022-0304
			Renews #	
Submitting Dept	GRANTS, CONTRACTS &		Cross Ref #	
	PURCHASING			
Contact Name/Phone	CONNIE WAHL 625-6411		Project #	
Contact E-Mail	CWAHL@SPOKANECITY.ORG		Bid #	RFP 5593-22
Agenda Item Type	Contract Item		Requisition #	MASTER
Agenda Item Name	5500 AMERICAN ON-SITE PORTABLE TOILET/SINK RENTAL SERVICES			

Agenda Wording

Master contract with American On-Site Services for multiple departments for portable toilet/wash station rental services to support ongoing operations. Estimated annual usage is \$140,000.00 for 3 year contract total of \$420,000

Summary (Background)

A procurement process including a Request for Proposals and evaluation of Firm's proposals by an evaluation committee comprised of multiple departments determined it was in the City's best interest to have two options for services. Inventory and service capacity have been impacted by supply chain issues and increased need for rentals by the City, other agencies, and businesses. Contracts will be with American On-Site and Torre Refuse and Recycling. Contract has two one-year renewal options.

Lease? NO G	rant related? YES	Public Works? NO			
Fiscal Impact		Budget Account			
Expense \$ 420,000.00		# various			
Select \$		#			
Select \$		#			
Select \$		#			
<u>Approvals</u>		Council Notification	<u>s</u>		
Dept Head	WALLACE, TONYA	Study Session\Other	Finance 4/18/2022		
<u>Division Director</u>	WALLACE, TONYA	Council Sponsor	Betsy Wilkerson		
<u>Finance</u>	INGIOSI, PAUL	<u>Distribution List</u>			
<u>Legal</u>	ODLE, MARI	cwahl@spokanecity.org			
For the Mayor	ORMSBY, MICHAEL				
Additional Approval	<u>s</u>				
<u>Purchasing</u>	PRINCE, THEA				
<u>GRANTS,</u>	MURRAY, MICHELLE				
CONTRACTS &					
<u>PURCHASING</u>					

Committee Agenda Sheet [COMMITTEE]

Submitting Department	Purchasing			
Contact Name & Phone	Connie Wahl – 509-625-6411			
Contact Email	cwahl@spokanecity.org			
Council Sponsor(s)	CM Wilkerson			
Select Agenda Item Type	□ Consent □ Discussion Time Requested: 4/6/2022			
Agenda Item Name	American On-Site - Portable Toilet and Wash Station Rental Services			
Summary (Background)	Master contract for multiple departments for portable toilet and hand wash station rental services to support ongoing operations. Examples of use include varying work sites that do not access to restrooms, golf course location sites, and public events that need additional toilet and hand wash capacity.			
	A procurement process including a Request for Proposals and evaluation of Firm's proposals by an evaluation committee comprised of multiple departments determined it was in the City's best interest to have two options for services. Inventory and service capacity have been impacted by supply chain issues and increased need for rentals by the City, other agencies, and businesses.			
Proposed Council Action &	Approval/Pass			
Date:	May 2 nd Council Meeting			
Fiscal Impact: Total Cost: Up to \$140,000 based on unit pricing scheduled as needed. Approved in current year budget?				
•	e generating, match requirements, etc.) N/A			
Operations Impacts What impacts would the propo	sal have on historically excluded communities?			
N/A	isal have on historically excluded communities?			

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? This contract complies with procurement requirements and supports internal department ongoing operations to provide quality customer service.



City of Spokane

MASTER CONTRACT

Title: PORTABLE TOILET AND WASH STATION RENTAL SERVICES

THIS MASTER CONTRACT is between the **CITY OF SPOKANE**, a Washington State municipal corporation, as ("City"), and **AMERICAN ONSITE SERVICES, LLC**, whose address is 3808 North Sullivan Road, Spokane Valley, Washington 99216, as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

- 1. <u>PERFORMANCE</u>. The Company will provide portable toilet and wash station rental, cleaning, delivery, and pick-up services as needed for various City departments. Services will be provided on an as needed basis upon request and in accordance with the requirements, pricing, terms, and conditions in Request for Proposals #5593-22 titled "Portable Toilet and Wash Station Rental Services", and Company's Response to RFP and Pricing Schedule, attached as Exhibit B. This is an optional use master contract for various departments with no guarantee of usage. The City reserves the right to contract with other vendors providing similar products and services during the contract term. In the event of a discrepancy between the documents this City Contract controls.
- 2. <u>CONTRACT TERMS</u>. The Contract shall begin May 1, 2022, and run through April 30, 2025, unless amended by written agreement or terminated earlier under the provisions. This Contract can be extended and is renewable upon mutual agreement.
- 3. <u>COMPENSATION</u>. The City shall compensate the Company in accordance with Request for Proposal, Proposal response and "Pricing and Service Schedule" based on unit pricing. Payment will only be made for products or services requested, received, and accepted. This is a unit-price contract with no guarantee of usage or total dollar amount to be paid.
- 4. <u>PAYMENT</u>. The Company shall send its application for payment to the individual City Departments requesting service. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Contractor's application except as provided by state law.
- 5. <u>COMPLIANCE WITH LAWS</u>. Each party shall comply with all applicable federal, state, and local laws and regulations.
- 6. <u>ASSIGNMENTS</u>. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.

- 7. <u>AMENDMENTS</u>. This Contract may be amended at any time by mutual written agreement.
- 8. <u>ANTI-KICKBACK</u>. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.
- 9. <u>TERMINATION</u>. Either party may terminate this Contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay the Company for all work previously authorized and performed prior to the termination date.
- 10. <u>INSURANCE</u>. During the term of the Agreement, the Company shall maintain in force at its own expense, the following insurance coverages:
- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers; and
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$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 the Company's General Liability insurance policy must be a *minimum* of \$1,000,000, in order to meet the insurance coverages required under this Contract;
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without forty-five (45) days written notice from the Company or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Company 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 Company's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the forty-five (45) day cancellation clause, and the deduction or retention level. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

11. <u>INDEMNIFICATION</u>. The Company shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Company's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Company to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the

concurrent negligence of the Company's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Company, its agents or employees. The Company specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Company's own employees against the City and, solely for the purpose of this indemnification and defense, the Company specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Company recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

- 12. <u>DEBARMENT AND SUSPENSION</u>. The Company has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.
- 13. <u>SEVERABILITY</u>. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.
- 14. <u>STANDARD OF PERFORMANCE</u>. The silence or omission in the Contract regarding any detail required for the proper performance of the work, means that the Company shall perform the best general practice.
- 15. <u>NONDISCRIMINATION</u>. 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 Company agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Company.
- 16. <u>BUSINESS REGISTRATION REQUIREMENT</u>. 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 Company shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Company does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.
- 17. <u>AUDIT / RECORDS</u>. The Company and its subcontractors shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Company and its subcontractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.
- 18. <u>CONFIDENTIALITY/PUBLIC RECORDS</u>. Notwithstanding anything to the contrary, City will maintain the confidentiality of Company's materials and information only to the extent that is

legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Company's materials or information and the City determines there are exemptions only the Company can assert, City will endeavor to give Company notice. Company, at its own expense, will be required to go to Court to get an injunction preventing the release of the records. In the event that Company does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

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

AMERICAN ONSITE SERVICES, LLC	CITY OF SPOKANE			
By Signature Date	By Signature Date			
Type or Print Name	Type or Print Name			
Title	Title			
Attest:	Approved as to form:			
City Clerk	Assistant City Attorney			
Attachments that are part of this Agreemer	nt:			

22-075

Exhibit A – Certificate Regarding Debarment Exhibit B – Company's Response to RFP

EXHIBIT A CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

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

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

- 1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
- 4. I understand that a false statement of this certification may be grounds for termination of the contract.

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

	EXHIBIT B				
	PRICING AND SERVICE SCHED	ULE FORM			
ESTIMATED UNITS	SECTION A – FOR VARIOUS CITY DEPARTMENTS	RENTAL COST PER UNIT FOR:			
		DAY	WEEK	MONTH	
	UNITS IN CONTINUOUS OR SEASONAL USE - WEEKLY CLEANING/MAINTENANCE SERVICE, DELIVERY AND PICK-UP TO BE INCLUDED IN UNIT COST				
15 EA	Standard Portable/Chemical Toilets with hand sanitizer.		95.00	110.00	
4 EA	Portable/Chemical Toilets for Disabled with hand sanitizer.		185.00	205.00	
4 EA	Portable/Chemical Toilets with Sink with hand sanitizer.		145.00	165.00	
1 EA	Portable Trailer to hold/move Portable Toilet		90.00	100.00	
1 EA	Privilege for City to supply and move trailer with rental unit		60.00	65.00	
	UNITS FOR EVENTS AND MINOR EMERGENCIES - WEEKLY CLEANING/MAINTENANCE SERVICE, DELIVERY AND PICK-UP TO BE INCLUDED IN UNIT COST.				
7 EA	Standard Portable/Chemical Toilets with hand sanitizer.	95.00	95.00		
6 EA	Portable/Chemical Toilets for Disabled with hand sanitizer.	185.00	185.00		
4 EA	Portable Hand Wash Stations with hand soap. Two person unit	125.00	125.00		
4 EA	Portable Hand Wash Stations with hand soap. Two station unit	125.00	125.00		
5 EA	Service/Maintenance requested for event toilet – per each service	25.00	25.00		
5 EA	Service/Maintenance requested for event sink – per each service	25.00	25.00		
	Delivery within 1 day from receipt of order charge	50.00	50.00	50.00	

a.	Indicate price for each cleaning/mainter	nance service	requested in addition to	what is included in
	standard weekly and monthly rentals:	\$ 25.00	per service.	

Standard Delivery: Firm will deliver the above items within _1_____days from receipt of order request.

Payment Terms: Net 30 days F.O.B. Delivery Point: Multiple locations as requested by City Staff.

b. Indicate percentage off retail for additional types of portable toilet and sink unit rentals: %0_

Response time to emergency request for unit place hours	ement or repla	cement: 2	
Response time to emergency request for service: Yeldon	2 hours	_Emergency Contact: _	Jermaine

ESTIMATED UNITS	SECTION B WASTE TO ENERGY FACILITY	RENTAL COST PER UNIT FOR		UNIT FOR:
		DAY	WEEK	MONTH
	UNITS IN CONTINUOUS USE - WEEKLY CLEANING/MAINTENANCE SERVICE, DELIVERY AND PICK-UP TO BE INCLUDED IN UNIT COST			
1 EA	Standard Portable/Chemical Toilets with hand sanitizer. Weekly cleaning/maintenance service as directed (currently Tuesday between the hours of 7:00 a.m 9:00 a.m.).		95.00	110.00
1 EA	Standard Portable/Chemical Toilets without hand sanitizer. Weekly cleaning/maintenance service as directed (currently Tuesday between the hours of 7:00 a.m 9:00 a.m.).	95.00 110.00		
1 EA	Hook Toilet, Portable/Chemical Toilet with hand sanitizer. WTEF to lift/lower unit with Crane from 5th Floor. Unit located at 5 th Floor Crane Deck. Weekly cleaning/maintenance service as directed (currently Tuesday between the hours of 7:00 a.m 9:00 a.m.)		145.00	165.00
	UNITS FOR MAINTENANCE OUTAGES OR SEASONAL USE (approximately 3 times per year) - DAILY CLEANING/MAINTENANCE SERVICE, DELIVERY AND PICK-UP TO BE INCLUDED IN UNIT COST			
4 EA	4 EA Portable Hand Wash Stations with hand soap. Daily cleaning/maintenance service as directed.		295.00	
6 EA Standard Portable/Chemical Toilets with hand sanitizer. <u>Daily</u> cleaning/maintenance service as directed		95.00	245.00	
OR - 6 EA	continue Charles Developing Indiana		170.00	
	Delivery within 1 day from receipt of order	50.00	50.00	50.00

Firm shall coordinate placement of units with Maintenance Superintendent at phone: 509-625-6520 ADDITIONAL SERVICE PRICE:
a. Indicate price for cleaning/maintenance service in addition to what is included in standard daily/weekly/monthly
rentals as described in table:
<u>\$ 25</u> per service:
Phone Number: _253-606-2189 Email Address: _jermaine@americanonsite.net
Standard Delivery: We (I) will deliver the above items within _1days from receipt of order request.
Payment Terms: Net 30 days F.O.B. Delivery Point: 2900 S. Geiger Blvd., Spokane, WA 99204.
Response time to emergency request for unit placement or replacement: _2 hours
Response time to emergency request for service: _2 hours Emergency Contact: _Jermaine Yeldon
Phone Number: _253-606-2189 Email Address: ermaine@americanonsite.netS

?

Susiness Lookup

License Information:

New search Back to results

Entity name: TORRE REFUSE & RECYCLING LLC

Business name: SUNSHINE DISPOSAL & RECYCLING

Entity type: Limited Liability Company

UBI #: 602-373-036

Business ID: 001

Location ID: 0001

Location: Active

Location address: 2405 N UNIVERSITY RD

SPOKANE VALLEY WA 99206-4778

Mailing address: PO BOX 13369

SPOKANE VALLEY WA 99213

Excise tax and reseller permit status:Click here

Secretary of State status: Click here

Endorsements held at this k License #	Count	Details	Status	Expiration da First issuance
Endorsements				
Endorsements held at this k License #	Count	Details	Status	Expiration da First issuance
Clarkston General 008/24.0 Business - Non-Resident			Active	Mar-31-2023 Aug-20-2009
Colville General Business - Non-Resident			Active	Mar-31-2023 Dec-01-2020
Minor Work Permit			Active	Mar-31-2023 May-01-2013



Endorsements held at this lc License # Count Details	Status	Expiration da First issuance
Republic General Business - Non-Resident	Active	Mar-31-2023 Jan-05-2021
Spokane General Business T12107337BL - Non-Resident	Active	Mar-31-2023 Oct-15-2012
Spokane Valley General Business	Active	Mar-31-2023 May-10-2013

Governing People May include governing people not registered with Secretary of State

Governing people	Title
TORRE, MARC	
TORRE, MICHAEL	

Registered Trade Names

Registered trade names	Status	First issued
SDR SITE SERVICES	Active	Dec-06-2017
SUNNY BUCKETS	Active	Aug-24-2016
SUNSHINE DISPOSAL & RECYCLING	Active	Mar-15-2004

View Additional Locations

The Business Lookup information is updated nightly. Search date and time: 4/20/2022 10:08:33 AM

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KPHILLIPS1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/22/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies)

t	f SUBROGATION IS WAIVED, subje his certificate does not confer rights t	ct to	o the	e terms and conditions of tificate holder in lieu of su	the not	liev cortain	policies me	VNAL INSURED provision y require an endorsemen	is or b	e endorsed. tatement on
PRO	DDUCER					CT Briana (
818	ant Insurance Services, Inc. B W Riverside Ave Ste 800				PHONE (A/C, No	, Ext): (509)	343-9274	FAX (A/C, No):		
Spo	okane, WA 99201				ADDRES	_{ss:} Briana.0	Carpenter@	alliant.com		
								RDING COVERAGE		NAIC #
INICI	URED				INSURE	RA: Cincini	nati Indemr	nity Company		23280
IIVO					INSURE	RB:				
	American On-Site Services 3808 N Sullivan Rd. Bldg 10				INSURE	RC:				
	Spokane Valley, WA 99216	/ A			INSURE	RD:				
					INSURE					
CO	OVERAGES CER	TIFI	CATI	E NUMBER:	INSURE	RF:				
T IN C	HIS IS TO CERTIFY THAT THE POLICI NDICATED. NOTWITHSTANDING ANY R CERTIFICATE MAY BE ISSUED OR MAY	ES C EQU	F INS	SURANCE LISTED BELOW I	N OF A	THE BOLLS	CLOK OTHER	R DOCUMENT WITH RESPE		
INSR	777	OLI	OILO.	LIMITS SHOWIN WAT HAVE	DEEN K	EDOCED BY	PAID CLAIMS			
A		INSD	SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	S	
, 1	CLAIMS-MADE X OCCUR			EDD 047000				EACH OCCURRENCE	\$	1,000,000
	OCCUR OCCUR	Х		EPP 0479967		3/21/2021	5/10/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	500,000
								MED EXP (Any one person)	\$	10,000
								PERSONAL & ADV INJURY	\$	1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO- JECT LOC							GENERAL AGGREGATE	\$	2,000,000
	OTHER: General Aggregate							PRODUCTS - COMP/OP AGG	\$	2,000,000
Α	AUTOMOBILE LIABILITY		-					COMBINED SINGLE LIMIT	\$	4 000 000
	X ANY AUTO			EDD 0470007		0/04/0004		(Ea accident)	\$	1,000,000
	OWNED SCHEDULED			EPP 0479967		3/21/2021	5/10/2022	BODILY INJURY (Per person)	\$	
	AUTOS ONLY AUTOS HIRED NON-OWNED AUTOS ONLY							BODILY INJURY (Per accident)	\$	
	AUTOS ONLY AUTOS ÖNLY							PROPERTY DAMAGE (Per accident)	\$	
	UMBRELLA LIAB OCCUR								\$	
	EXCESS LIAB CLAIMS-MADE							EACH OCCURRENCE	\$	
	DED RETENTION\$							AGGREGATE	\$	
Α	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			, , , , , , , , , , , , , , , , , , , ,				PER OTH-	\$	
				EPP 0479967		3/21/2021	5/10/2022	STATUTE ER		1,000,000
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A		2				E.L. EACH ACCIDENT	\$	1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below								\$	1,000,000
	DESCRIPTION OF CITETOTHOROUGH							E.L. DISEASE - POLICY LIMIT	\$.,000,000
DES	CRIPTION OF OPERATIONS / LOCATIONS / VEHICL	ES (A	CORD	0 101. Additional Remarks Schedul	le. may be	attached if mor	e snace is requir	ed)		
City	of Spokane, its agents, officers and em	ploy	ees a	re Additional Insureds with	respec	t to General	Liability per	form attached.		
CE	RTIFICATE HOLDER				CANCI	ELLATION				
	City of Spokane 808 W. Spokane Falls Blvd.				THE	EXPIRATION	DATE TH	ESCRIBED POLICIES BE CA EREOF, NOTICE WILL E Y PROVISIONS.		
Spokane, WA 99201				AUTHORIZED REPRESENTATIVE						

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONTRACTORS ADDITIONAL INSURED - AUTOMATIC STATUS AND AUTOMATIC WAIVER OF SUBROGATION WHEN REQUIRED IN WRITTEN CONTRACT, AGREEMENT, PERMIT OR AUTHORIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

- A. Additional Insured Owners, Lessees Or Contractors - Automatic Status For Other Parties When Required In Written Contract Or Agreement With You
 - Section II Who Is An Insured is amended to include as an additional insured any person or organization you have agreed in writing in a contract or agreement to add as an additional insured on this Coverage Part. Such person(s) or organization(s) is an additional insured only with respect to liability for:
 - a. "Bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by the performance of your ongoing operations by you or on your behalf, under that written contract or written agreement. Ongoing operations does not apply to "bodily injury" or "property damage" occurring after:
 - (1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
 - (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project; and
 - b. "Bodily injury" or "property damage" caused, in whole or in part, by "your work" performed under that written contract or written agreement and in

- cluded in the "products-completed operations hazard", but only if:
- (1) The Coverage Part to which this endorsement is attached provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard"; and
- (2) The written contract or written agreement requires you to provide additional insured coverage included within the "products-completed operations hazard" for that person or organization.
- If the written contract or written agreement requires you to provide additional insured coverage included within the "products-completed operations hazard" for a specified length of time for that person or organization, the "bodily injury" or "property damage" must occur prior to the expiration of that period of time in order for this insurance to apply.
- If the written contract or written agreement requires you to provide additional insured coverage for a person or organization per only ISO additional insured endorsement form number CG 20 10, without specifying an edition date, and without specifically requiring additional insured coverage included within the "products-completed operations hazard", this Paragraph b. does not apply to that person or organization.
- If the written contract or written agreement described in Paragraph 1. above specifically requires you to provide additional insured coverage to that person or organization:
 - **a.** Arising out of your ongoing operations or arising out of 'your work'; or

b. By way of an edition of an ISO additional insured endorsement that includes arising out of your ongoing operations or arising out of "your work":

then the phrase *caused, in whole or in part, by* in Paragraph **A.1.a.** and/or Paragraph **A.1.b.** above, whichever applies, is replaced by the phrase *arising out of.*

 With respect to the insurance afforded to the additional insureds described in Paragraph A.1., the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

- a. The preparing, approving or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
- **b.** Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of, or the failure to render, any professional architectural, engineering or surveying services.

- 4. This Paragraph A. does not apply to additional insureds described in Paragraph B.
- B. Additional Insured State Or Governmental Agency Or Subdivision Or Political Subdivision - Automatic Status When Required In Written Permits Or Authorizations
 - 1. Section II Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision you have agreed in writing in a contract, agreement, permit or authorization to add as an additional insured on this Coverage Part. Such state or governmental agency or subdivision or political subdivision is an additional insured only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision issued, in writing, a contract, agreement, permit or authorization.

2. With respect to the insurance afforded to the additional insureds described in Paragraph B.1., the following additional exclusions apply:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
- b. "Bodily injury" or "property damage" included within the "productscompleted operations hazard."
- **C.** The insurance afforded to additional insureds described in Paragraphs **A.** and **B.**:
 - Only applies to the extent permitted by law; and
 - Will not be broader than that which you are required by the written contract, written agreement, written permit or written authorization to provide for such additional insured; and
 - Does not apply to any person, organization, state, governmental agency or subdivision or political subdivision specifically named as an additional insured for the same project in the schedule of an endorsement added to this Coverage Part.
- D. With respect to the insurance afforded to the additional insureds described in Paragraphs
 A. and B., the following is added to Section III
 Limits Of Insurance:

The most we will pay on behalf of the additional insured is the amount of insurance:

- Required by the written contract, written agreement, written permit or written authorization described in Paragraphs A. and B.; or
- 2. Available under the applicable Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

E. Section IV - Commercial General Liability Conditions is amended to add the following:

Automatic Additional Insured Provision

This insurance applies only if the "bodily injury" or "property damage" occurs, or the "personal and advertising injury" offense is committed:

1. During the policy period; and

- Subsequent to your execution of the written contract or written agreement, or the issuance of a written permit or written authorization, described in Paragraphs A. and B.
- F. Except when G. below applies, the following is added to Section IV - Commercial General Liability Conditions, 5. Other Insurance, and supersedes any provision to the contrary:

When Other Additional Insured Coverage Applies On An Excess Basis

This insurance is primary to other insurance available to the additional insured described in Paragraphs **A.** and **B.** except:

- As otherwise provided in Section IV -Commercial General Liability Conditions, 5. Other Insurance, b. Excess Insurance; or
- For any other valid and collectible insurance available to the additional insured as an additional insured by attachment of an endorsement to another insurance policy that is written on an excess basis. In such case, this insurance is also excess.
- G. The following is added to Section IV Commercial General Liability Conditions, 5. Other Insurance, and supersedes any provision to the contrary:

Primary Insurance When Required By Written Contract, Agreement, Permit Or Authorization

Except when wrap-up insurance applies to the claim or "suit" on behalf of the additional insured, this insurance is primary to any other insurance available to the additional insured described in Paragraphs A. and B. provided that:

- The additional insured is a Named Insured under such other insurance; and
- You have agreed in writing in a contract, agreement, permit or authorization described in Paragraph A. or B. that this insurance would be primary to any other insurance available to the additional insured

As used in this endorsement, wrap-up insurance means any insurance provided by a consolidated (wrap-up) insurance program.

Primary And Noncontributory Insurance When Required By Written Contract, Agreement, Permit Or Authorization

Except when wrap-up insurance applies to the claim or "suit" on behalf of the additional insured, this insurance is primary to and will not seek contribution from any other insurance available to the additional insured described in Paragraphs A. and B. provided that:

- The additional insured is a Named Insured under such other insurance; and
- You have agreed in writing in a contract, agreement, permit or authorization described in Paragraph A. or B. that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

As used in this endorsement, wrap-up insurance means any insurance provided by a consolidated (wrap-up) insurance program.

H. Section IV - Commercial General Liability Conditions, 9. Transfer Of Rights Of Recovery Against Others To Us is amended by the addition of the following:

We waive any right of recovery we may have against any additional insured under this endorsement against whom you have agreed to waive such right of recovery in a written contract, written agreement, written permit or written authorization because of payments we make for injury or damage arising out of your ongoing operations or 'your work" done under a written contract, written agreement, written permit or written authorization. However, our rights may only be waived prior to the "occurrence" giving rise to the injury or damage for which we make payment under this Coverage Part. The insured must do nothing after a loss to impair our rights. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce those rights.

SPOKANE Agenda Sheet	Date Rec'd	4/20/2022		
05/02/2022			Clerk's File #	OPR 2022-0305
			Renews #	
Submitting Dept	GRANTS, CONTRACTS 8	&	Cross Ref #	
	PURCHASING			
Contact Name/Phone	CONNIE WAHL	625-6411	Project #	
Contact E-Mail	CWAHL@SPOKANECIT	Y.ORG	Bid #	RFP #5593-21
Agenda Item Type	Contract Item		Requisition #	MASTER
Agenda Item Name	5500 TORRE REFUSE &	RECYCLING - PC	RTABLE TOILET/SINK	RENTAL SERVICES

Agenda Wording

Master contract with Torre Refuse and Recycling for multiple departments for portable toilet/wash station rental services to support ongoing operations. Estimated annual usage is \$140,000.00 for 3 year contract total of \$420,000.

Summary (Background)

A procurement process including a Request for Proposals and evaluation of Firm's proposals by an evaluation committee comprised of multiple departments determined it was in the City's best interest to have two options for services. Inventory and service capacity have been impacted by supply chain issues and increased need for rentals by the City, other agencies, and businesses. Contracts will be with American On-Site and Torre Refuse and Recycling. Contract has two one-year renewal options.

Lease? NO	Grant related? YES	Public Works? NO		
Fiscal Impact		Budget Account		
Expense \$ 420,000		# various		
Select \$		#		
Select \$		#		
Select \$		#		
Approvals		Council Notifications		
Dept Head	WALLACE, TONYA	Study Session\Other	Finance 4/18/2022	
<u>Division Director</u>	WALLACE, TONYA	Council Sponsor	Betsy Wilkerson	
<u>Finance</u>	INGIOSI, PAUL	Distribution List		
<u>Legal</u>	ODLE, MARI	cwahl@spokanecity.org		
For the Mayor	ORMSBY, MICHAEL			
Additional Approva	als			
<u>Purchasing</u>	PRINCE, THEA			
<u>GRANTS,</u>	MURRAY, MICHELLE			
CONTRACTS &				
<u>PURCHASING</u>				

Committee Agenda Sheet [COMMITTEE]

Submitting Department	Purchasing						
Contact Name & Phone	Connie Wahl – 509-625-6411						
Contact Email	cwahl@spokanecity.org						
Council Sponsor(s)	CM Wilkerson						
Select Agenda Item Type							
Agenda Item Name	Torre Refuse & Recycling LLC - Portable Toilet and Wash Station Rental Services						
Summary (Background)	Master contract for multiple departments for portable toilet and hand wash station rental services to support ongoing operations. Examples of use include varying work sites that do not access to restrooms, golf course location sites, and public events that need additional toilet and hand wash capacity.						
	A procurement process including a Request for Proposals and evaluation of Firm's proposals by an evaluation committee comprised of multiple departments determined it was in the City's best interest to have two options for services. Inventory and service capacity have been impacted by supply chain issues and increased need for rentals by the City, other agencies, and businesses.						
Proposed Council Action & Date:	Approval/Pass May 2 nd Council Meeting						
Fiscal Impact:							
	ed on unit pricing scheduled as needed.						
Approved in current year budg	dget? ⊠ Yes □ No □ N/A						
Funding Source	e-time 🗵 Recurring						
Specify funding source: various	s department budgets						
Expense Occurrence	e-time Recurring – 3-year contract with 2 additional 1-year						
Other budget impacts: (revenu	e generating, match requirements, etc.) N/A						
Operations Impacts							
What impacts would the propo	sal have on historically excluded communities?						
N/A							

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution? N/A
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? This contract complies with procurement requirements and supports internal department ongoing operations to provide quality customer service.



City of Spokane

MASTER CONTRACT

Title: PORTABLE TOILET AND WASH STATION RENTAL SERVICES

THIS MASTER CONTRACT is between the **CITY OF SPOKANE**, a Washington State municipal corporation, as ("City"), and **TORRE REFUSE AND RECYCLING LLC, SDR SITE SERVICES**, whose address is 11320 West McFarland Road, Airway Heights, Washington 99001, as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

- 1. <u>PERFORMANCE</u>. The Company will provide portable toilet and wash station rental, cleaning, delivery, and pick-up services as needed for various City departments. Services will be provided on an as needed basis upon request and in accordance with the requirements, pricing, terms, and conditions in Request for Proposals #5593-22 titled "Portable Toilet and Wash Station Rental Services", and Company's Response to RFP and Pricing Schedule, attached as Exhibit B. This is an optional use master contract for various departments with no guarantee of usage. The City reserves the right to contract with other vendors providing similar products and services during the contract term. In the event of a discrepancy between the documents this City Contract controls.
- 2. <u>CONTRACT TERMS</u>. The Contract shall begin May 1, 2022, and run through April 30, 2025, unless amended by written agreement or terminated earlier under the provisions. This Contract can be extended and is renewable upon mutual agreement.
- 3. <u>COMPENSATION</u>. The City shall compensate the Company in accordance with Request for Proposal, Proposal response and "Pricing and Service Schedule" based on unit pricing. Payment will only be made for products or services requested, received, and accepted. This is a unit-price contract with no guarantee of usage or total dollar amount to be paid.
- 4. <u>PAYMENT</u>. The Company shall send its application for payment to the individual City Departments requesting service. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Contractor's application except as provided by state law.
- 5. <u>COMPLIANCE WITH LAWS</u>. Each party shall comply with all applicable federal, state, and local laws and regulations.
- 6. <u>ASSIGNMENTS</u>. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.

- 7. <u>AMENDMENTS</u>. This Contract may be amended at any time by mutual written agreement.
- 8. <u>ANTI-KICKBACK</u>. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this Contract shall have or acquire any interest in the Contract, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Contract.
- 9. <u>TERMINATION</u>. Either party may terminate this Contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay the Company for all work previously authorized and performed prior to the termination date.
- 10. <u>INSURANCE</u>. During the term of the Agreement, the Company shall maintain in force at its own expense, the following insurance coverages:
- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers; and
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$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 the Company's General Liability insurance policy must be a *minimum* of \$1,000,000, in order to meet the insurance coverages required under this Contract;
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without forty-five (45) days written notice from the Company or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Company 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 Company's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the forty-five (45) day cancellation clause, and the deduction or retention level. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

11. <u>INDEMNIFICATION</u>. The Company shall defend, indemnify, and hold the City and its officers and employees harmless from all claims, demands, or suits at law or equity asserted by third parties for bodily injury (including death) and/or property damage which arise from the Company's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Company to indemnify the City against and hold harmless the City from claims, demands or suits based solely upon the negligence of the City, its agents, officers, and employees. If a claim or suit is caused by or results from the

concurrent negligence of the Company's agents or employees and the City, its agents, officers and employees, this indemnity provision shall be valid and enforceable to the extent of the negligence of the Company, its agents or employees. The Company specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Company's own employees against the City and, solely for the purpose of this indemnification and defense, the Company specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Company recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The indemnity and agreement to defend and hold the City harmless provided for in this section shall survive any termination or expiration of this agreement.

- 12. <u>DEBARMENT AND SUSPENSION</u>. The Company has provided its certification that it is in compliance with and shall not contract with individuals or organizations which are debarred, suspended, or otherwise excluded from or ineligible from participation in Federal Assistance Programs under Executive Order 12549 and "Debarment and Suspension", codified at 29 CFR part 98.
- 13. <u>SEVERABILITY</u>. In the event any provision of this Contract should become invalid, the rest of the Contract shall remain in full force and effect.
- 14. <u>STANDARD OF PERFORMANCE</u>. The silence or omission in the Contract regarding any detail required for the proper performance of the work, means that the Company shall perform the best general practice.
- 15. <u>NONDISCRIMINATION</u>. 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 Company agrees to comply with, and to require that all subcontractors comply with, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as applicable to the Company.
- 16. <u>BUSINESS REGISTRATION REQUIREMENT</u>. 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 Company shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Company does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.
- 17. <u>AUDIT / RECORDS</u>. The Company and its subcontractors shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Company and its subcontractors shall provide access to authorized City representatives, at reasonable times and in a reasonable manner to inspect and copy any such record. In the event of conflict between this provision and related auditing provisions required under federal law applicable to the Contract, the federal law shall prevail.
- 18. <u>CONFIDENTIALITY/PUBLIC RECORDS</u>. Notwithstanding anything to the contrary, City will maintain the confidentiality of Company's materials and information only to the extent that is

legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Company's materials or information and the City determines there are exemptions only the Company can assert, City will endeavor to give Company notice. Company, at its own expense, will be required to go to Court to get an injunction preventing the release of the records. In the event that Company does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

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

SDR SITE SERVICES	CITY OF SPOKANE			
By Signature Date	By Signature Date			
Type or Print Name	Type or Print Name			
Title	Title			
Attest:	Approved as to form:			
City Clerk	Assistant City Attorney			
Attachments that are part of this Agreement	:			

Exhibit A – Certificate Regarding Debarment Exhibit B – Company's Response to RFP

22-076

4

EXHIBIT A CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INCLIGIBILITY AND VOLUNTARY EXCLUSION

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

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

- 1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- 2. Where the lower tier contractor is unable to certify to any of the statements in this contract, such contractor shall attach an explanation to this contract.
- 4. I understand that a false statement of this certification may be grounds for termination of the contract.

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

EXHIBIT B SEE ATTACHED

?

Susiness Lookup

License Information:

New search Back to results

Entity name: TORRE REFUSE & RECYCLING LLC

Business name: SUNSHINE DISPOSAL & RECYCLING

Entity type: Limited Liability Company

UBI #: 602-373-036

Business ID: 001

Location ID: 0001

Location: Active

Location address: 2405 N UNIVERSITY RD

SPOKANE VALLEY WA 99206-4778

Mailing address: PO BOX 13369

SPOKANE VALLEY WA 99213

Excise tax and reseller permit status:Click here

Secretary of State status: Click here

Endorsements held at this k License #	Count	Details	Status	Expiration da First issuance
Endorsements				
Endorsements held at this k License #	Count	Details	Status	Expiration da First issuance
Clarkston General 008/24.0 Business - Non-Resident			Active	Mar-31-2023 Aug-20-2009
Colville General Business - Non-Resident			Active	Mar-31-2023 Dec-01-2020
Minor Work Permit			Active	Mar-31-2023 May-01-2013



Endorsements held at this lc License # Count Details	Status	Expiration da First issuance
Republic General Business - Non-Resident	Active	Mar-31-2023 Jan-05-2021
Spokane General Business T12107337BL - Non-Resident	Active	Mar-31-2023 Oct-15-2012
Spokane Valley General Business	Active	Mar-31-2023 May-10-2013

Governing People May include governing people not registered with Secretary of State

Governing people	Title
TORRE, MARC	
TORRE, MICHAEL	

Registered Trade Names

Registered trade names	Status	First issued
SDR SITE SERVICES	Active	Dec-06-2017
SUNNY BUCKETS	Active	Aug-24-2016
SUNSHINE DISPOSAL & RECYCLING	Active	Mar-15-2004

View Additional Locations

The Business Lookup information is updated nightly. Search date and time: 4/20/2022 10:08:33 AM

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LPARISOT

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/31/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

	ODUCER			CONTACT NAME: PHONE (FOO)	customer purcusaries		EAV		North Co.
818	iant Insurance Services, Inc. 3 W Riverside Ave Ste 800 okane, WA 99201			PHONE (A/C, No, Ext): (509) E-MAIL ADDRESS:	325-3024		(A/C, No):	(509)	325-1803
Opt	orano, wa obeo				ISURER(S) AFEO	RDING COVERAGE			NAIC#
			INSURER A : Pionee			mpany		40312	
INS	URED			INSURER B:	opeolalty.	modranoc oc	inpuny		40012
	Torre Refuse & Recycling L	LC		INSURER C :					
	PO Box 13369			INSURER D :					
	Spokane Valley, WA 99213-3	3369		INSURER E :					
				INSURER F:					
CC	OVERAGES CER	TIFICAT	E NUMBER:			REVISION NU	MBER:		
II	THIS IS TO CERTIFY THAT THE POLICIE NDICATED. NOTWITHSTANDING ANY R CERTIFICATE MAY BE ISSUED OR MAY EXCLUSIONS AND CONDITIONS OF SUCH	PERTAIN POLICIES	MENT, TERM OR CONDITION N, THE INSURANCE AFFOR S. LIMITS SHOWN MAY HAV	ON OF ANY CONTRA RDED BY THE POLIC E BEEN REDUCED BY	ACT OR OTHE CIES DESCRIE PAID CLAIMS	R DOCUMENT WI BED HEREIN IS S S.	TH RESPE SUBJECT T	O AL	O WHICH THIS
LTR	TYPE OF INSURANCE	ADDL SUB INSD WVI	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)		LIMIT		1,000,000
Α			CDD4045050	0/4/0004	01410000	DAMAGE TO REN		\$	1,000,000
	CLAIMS-MADE X OCCUR	X	CPP1245956	9/1/2021	9/1/2022	DAMAGE TO REN' PREMISES (Ea occ	currence)	\$	10,000
						MED EXP (Any one	V.Secretario Associ	\$	1,000,000
						PERSONAL & ADV	10000000	\$	2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO- JECT X LOC					GENERAL AGGRE	an a	\$	2,000,000
	The second secon					PRODUCTS - COM	IP/OP AGG	\$	_,,000,,000
A	OTHER: AUTOMOBILE LIABILITY					COMBINED SINGL	E LIMIT	\$	1,000,000
135.3	X ANY AUTO		CPP1241445	9/1/2021	9/1/2022	(Ea accident) BODILY INJURY (F	er person)	\$	
	OWNED SCHEDULED AUTOS ONLY		011 1211110	0,1,2021	0/11/2022	BODILY INJURY (F		\$	
	HIRED NON-OWNED AUTOS ONLY					PROPERTY DAMA (Per accident)		\$	
	AUTOS ONET					(i di doddon)		\$	
	UMBRELLA LIAB OCCUR					EACH OCCURREN	ICE	\$	
	EXCESS LIAB CLAIMS-MADE					AGGREGATE		\$	
	DED RETENTION\$							\$	
Α	AND EMPLOYERS' LIABILITY					PER STATUTE	OTH- ER		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N/A	CPP1245956	9/1/2021	9/1/2022	E.L. EACH ACCIDE	NT	\$	1,000,000
	(Mandatory in NH) If yes, describe under					E.L. DISEASE - EA	EMPLOYEE	\$	1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - PO	LICY LIMIT	\$	1,000,000
City	SCRIPTION OF OPERATIONS / LOCATIONS / VEHIC y of Spokane, its agents, officers and em	LES (ACOR	RD 101, Additional Remarks Schet are additional insured und	Jule, may be attached if mo ler general liability po	ore space is requi er form attach	ired) ied.			
CE	ERTIFICATE HOLDER			CANCELLATION					
UE	ENTIFICATE HOLDER			CANCELLATION					
City of Spokane 808 W Spokane Falls Blvd.			SHOULD ANY OF THE EXPIRATIO ACCORDANCE W	N DATE TH	HEREOF, NOTIC				
	Spokane, WA 99201			AUTHORIZED REPRESI	ENTATIVE				

COMMERCIAL GENERAL LIABILITY ENHANCEMENT ENDORSEMENT

The Commercial General Liability Enhancement Endorsement is an optional endorsement that provides coverage enhancements. The following is a summary of broadened coverages provided by this endorsement. No coverage is provided by this summary, refer to following endorsement for changes in your policy.

SUMMARY OF COVERAGES PAG	E
Bodily Injury And Property Damage Liability • Non Owned Watercraft Up To 50 Feet	2
Property Damage Liability Elevators	3
Supplementary Payments – Amended Bail Bonds Up To \$5,000	
Who Is An Insured Amendments Employee Bodily Injury To A Co-Employee	4 6 6 7
Damage To Premises Rented To You - \$300,000	9
Medical Payments Increased Limit - \$10,000 Or Amount Shown on Declarations	9
Conditions Knowledge of Occurrence, Offense, Claim Or Suit Amended Unintentional Failure To Disclose Hazards Waiver of Subrogation	9
Insured Contract Amended	0
Personal And Advertising Injury Redefined Televised, Videotaped Or Electronic Publication	0

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

COMMERCIAL GENERAL LIABILITY ENHANCEMENT ENDORSEMENT

This endorsement modifies the insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

With respect to the coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement. The SECTIONS of the Commercial General Liability Coverage Form identified in this endorsement will be amended as shown below.

SECTION I – COVERAGES AMENDMENTS COVERAGE A – BODILY INJURY AND PROPERTY DAMAGE LIABILITY

A. Non Owned Aircraft Or Watercraft

Item **2. Exclusions**, Paragraph **g.** is replaced by the following:

g. Aircraft, Auto Or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved in the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

- A watercraft while ashore on premises you own or rent;
- (2) A watercraft you do not own that is:
 - (a) Less than 50 feet long; and
 - (b) Not being used to carry persons or property for a charge;

This Subparagraph (2) applies to any person, who with your expressed or implied consent, either uses or is responsible for the use of the watercraft;

- (3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured:
- (4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft; or
- (5) "Bodily injury" or "property damage" arising out of:
 - (a) The operation of machinery or equipment that is attached to, or part of, a land vehicle that would qualify under the definition of "mobile equipment" if it were not subject to a compulsory or financial responsibility law or other motor vehicle insurance law where it is licensed or principally garaged; or
 - (b) The operation of any of the machinery or equipment listed in Paragraph f. (2) or f. (3) of the definition of "mobile equipment".

B. Damage To Property Coverage Extensions

Item 2. Exclusions, Paragraph j. is replaced by the following:

j. Damage To Property

"Property damage" to:

- (1) Property you own, rent, or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;
- (2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;

- (3) Property loaned to you;
- (4) Personal property in the care, custody or control of the insured;
- (5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or
- (6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs (1), (3) and (4) of this exclusion do not apply to "property damage" (other than damage by fire, lightning, explosion or sprinkler leakage) to premises, including the contents of such premises, rented to you for a period of seven or fewer consecutive days. A separate limit of insurance applies to Damage To Premises Rented To You as described in **SECTION III – LIMITS OF INSURANCE**. However, the provisions of this paragraph do not apply if coverage for Damage To Premises Rented To You is excluded by endorsement.

Paragraph (2) of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs (3) and (4) of this exclusion do not apply to the use of elevators.

Paragraphs (3), (4), (5) and (6) of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraph (4) of this exclusion does not apply to "property damage" to borrowed equipment while not being used to perform operations at the jobsite. Subject to Paragraph 2. of SECTION III – LIMITS OF INSURANCE, the rules below fix the most we will pay for "property damage" under this provision:

- (1) \$25,000 any one "occurrence", regardless of the number of persons or organizations who sustain damages because of that "occurrence";
- (2) \$50,000 annual aggregate; and
- (3) We will pay only for damages in excess of \$2,500 as a result of any one "occurrence", regardless of the number of persons or organizations who sustain damages because of that "occurrence". We may, or if required by law, pay all or any part of any deductible amount, if applicable, to effect settlement of any claim or "suit". Upon notice of our payment of a deductible amount, you shall promptly reimburse us for the part of the deductible amount we paid.

Paragraph (6) of this exclusion does not apply to "property damage" included in the "products-completed operations hazard".

The insurance provided for "property damage" from the use of elevators and for "property damage" to borrowed equipment is excess over any other valid and collectible property insurance (including any deductible portion thereof) available to the insured whether primary, excess, contingent or on any other basis.

C. Damage To Premises Rented To You

Item **2. Exclusions**, the last paragraph is replaced by the following:

Exclusions c. through n. do not apply to damage by fire, lightning, explosion or sprinkler leakage to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in Paragraph 6. of SECTION III – LIMITS OF INSURANCE.

COVERAGE B - PERSONAL AND ADVERTISING INJURY LIABILITY

D. Personal And Advertising Injury

Item **2. Exclusions** is amended by replacing Subparagraphs **b.** and **c.** with the following:

- b. Material Published With Knowledge Of Falsity "Personal and advertising injury" arising out of oral, written, televised, videotaped or electronic publication, in any manner, of material, if done by or at the direction of the insured with knowledge of its falsity.
- c. Material Published Prior To Policy Period

"Personal and advertising injury" arising out of oral, written, televised, videotaped or electronic publication, in any manner, of material whose first publication took place before the beginning of the policy period.

SUPPLEMENTARY PAYMENTS - COVERAGES A AND B

- E. Supplementary Payments Coverages A and B Item 1. is amended by replacing Subparagraphs b. and d. with the following:
 - b. Up to \$5,000 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.
 - d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to \$500 a day because of time off from work

SECTION II - WHO IS AN INSURED AMENDMENTS

A. Employee Bodily Injury To A Co-Employee

Paragraph 2. a. (1) is replaced by the following: However, none of these "employees" or "volunteer workers" are insureds for "bodily injury" or "personal and advertising injury":

- (a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;
- (b) To the spouse, child, parent, brother or sister of the co-"employee" or "volunteer worker" as a consequence of Paragraph (1)(a) above;
- (c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraph (1)(a) or (b) above; or
- (d) Arising out of his or her providing or failing to provide professional health care services.

However, if a suit seeking damages for "bodily injury" or "personal and advertising injury" to any co"employee" or other "volunteer worker" arising out of and in the course of the co-"employee's" or "volunteer worker's" employment or while performing duties related to the conduct of your business, or a suit seeking damages brought by the spouse, child, parent, brother or sister of the co-"employee" or other "volunteer worker", is brought against you or a co"employee" or a "volunteer worker", we will reimburse the reasonable costs that you incur in providing a defense to the co-"employee" or "volunteer worker" against such matters. Any reimbursement made pursuant to this sub-section will be in addition to the limits of liability set forth in the Declarations.

B. Newly Acquired Organizations

Paragraph 3. a. is replaced by the following:

a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier: The following are added:

C. Blanket Additional Insured – Vendors – As Required By Contract

Section II – Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) (referred to throughout this endorsement as vendor) with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business.

However,

- The insurance afforded to such vendor only applies to the extent permitted by law; and
- b. If coverage provided to the vendor is required by a contract or agreement, the insurance afforded to such vendor will not be broader than that which you are required by the contract or agreement to provide for such vendor.
- With respect to the insurance afforded to these vendors, the following additional exclusions apply:
 - a. The insurance afforded the vendor does not apply to:
 - (1) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
 - (2) Any express warranty unauthorized by you;
 - (3) Any physical or chemical change in the product made intentionally by the vendor;
 - (4) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

- (5) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;
- (6) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;
- (7) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor: or
- (8) "Bodily injury or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:
 - (i) The exceptions contained in Subparagraphs (4) or (6); or
 - (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.
- 3. This Provision C. does not apply:
 - To any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products;
 - To any vendor for which coverage as an additional insured specifically is scheduled by endorsement; or
 - c. When liability included within the "products-completed operations hazard" has been excluded for such product either by the provisions of the coverage part or by endorsement.

 With respect to the insurance afforded to these vendors, the following is added to Section III – Limits Of Insurance:

If coverage provided to the vendor is required by a contract or agreement, the most we will pay on behalf of the vendor is:

- a. The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations

5. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

Blanket Additional Insured – Lessor Of Leased Equipment

1. Section II – Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) from whom you lease equipment when you and such person(s) or organization(s) have agreed in writing in a contract or agreement, executed prior to loss, that such person(s) or organization(s) be added as an additional insured on your policy. Such person(s) or organization(s) is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

However, the insurance afforded to such additional insured:

- a. Only applies to the extent permitted by law; and
- b. Will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

- With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.
- With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- The minimum amount required by the contract or agreement; or
- The Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

4. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

E. Blanket Additional Insured – Managers Or Lessors Of Premises

 Section II – Who Is An Insured is amended to include as an additional insured any person(s) or organization(s) with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you, subject to the following additional exclusions:

This insurance does not apply to:

- a. Any "occurrence" which takes place after you cease to be a tenant in that premises.
- Structural alterations, new construction or demolition operations performed by or on behalf of such additional insured.

However:

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- The minimum amount required by the contract or agreement; or
- b. The Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

3. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

F. Blanket Additional Insured – State Or Governmental Agency Or Subdivision Or Political Subdivision – Permits Or Authorizations

Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, subject to the following provisions:

This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- 2. This insurance does not apply to:
 - a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or
 - b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".
- 3. With respect to the insurance afforded to these additional insureds, the following is added to Section III Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- The minimum amount required by the contract or agreement; or
- **b.** The Limits of Insurance shown in the Declarations:

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

G. Blanket Additional Insured – State Or Governmental Agency Or Subdivision Or Political Subdivision – Permits Or Authorizations Relating To Premises

Section II – Who Is An Insured is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision with whom you have agreed in a written contract, executed prior to loss, to name as an additional insured, subject to the following provision:

- 1. This insurance applies only with respect to the following hazards for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization in connection with premises you own, rent or control and to which this insurance applies:
 - a. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or

- The construction, erection or removal of elevators; or
- c. The ownership, maintenance or use of any elevators covered by this insurance.

However,

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.
- With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is:

- The minimum amount required by the contract or agreement; or
- The Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

3. With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
 - (1) The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
 - (2) Supervisory, inspection, architectural or engineering activities.

This exclusion applies even if the claims against an additional insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage", or the offense which caused the "personal and advertising injury", involved the rendering of or failure to render any professional services by you with respect to your providing engineering, architectural or surveying services in your capacity as an engineer, architect or surveyor.

SECTION III - LIMITS OF INSURANCE AMENDMENTS

A. Damage To Premises Rented To You

Paragraph 6. is replaced by the following:

- 6. Subject to Paragraph 5. above, the most we will pay under Coverage A for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning, explosion or sprinkler leakage, while rented to you or temporarily occupied by you with permission of the owner is the greater of:
 - a. \$300,000; or
 - b. The amount shown next to the Damage To Premises Rented To You Limit in the Declarations.

However, the provisions of this paragraph do not apply if Damage To Premises Rented To You Coverage is excluded by endorsement.

B. Medical Expense Limit

Paragraph 7. is replaced with the following:

- Subject to Paragraph 5. above, the most we will
 pay under Coverage C for all medical expenses
 because of "bodily injury" sustained by any one
 person is the greater of:
 - a. \$10,000; or
 - b. The amount shown next to the Medical Expense Limit in the Declarations.

This insurance does not apply if coverage for Medical Expenses is excluded either by the provisions of the coverage part or by endorsement.

SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS AMENDMENTS

A. Knowledge Of Occurrence

Item 2. Duties In The Event Of Occurrence, Offense, Claim or Suit is amended by adding the following:

- e. You must give us or our authorized representative prompt notice of an "occurrence", claim or loss only when the "occurrence", claim or loss is known to:
 - (1) You, if you are an individual;
 - (2) A partner, if you are a partnership;
 - (3) An executive officer or insurance manager, if you are a corporation; or
 - (4) A member or manager, if you are a limited liability company.

B. Other Insurance

Item 4. Other Insurance, b. Excess Insurance (1)

- (a) (ii) is replaced by the following:
- (ii) That is fire, lightning, explosion or sprinkler leakage insurance for premises rented to you or temporarily occupied by you with permission of the owner;

C. Unintentional Failure To Disclose Hazards

Item 6. Representations is replaced by the following:

- Representations And Unintentional Failure To Disclose Hazards
 - a. By accepting this policy, you agree:
 - (1) The statements in the Declarations are accurate and complete;
 - (2) Those statements are based upon representations you made to us; and
 - (3) We have issued this policy in reliance upon your representations.
 - b. If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Part because of such failure. However, this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

D. Waiver of Subrogation

Item 8. Transfer of Rights of Recovery Against Others to Us is hereby amended by the addition of the following:

We waive any right of recovery we may have because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a written contract, executed prior to loss, requiring such waiver with that person or organization and included in the "products-completed operations hazard". However, our rights may only be waived prior to the "occurrence" giving rise to the injury or damage for which we make payment under this Coverage Part. The insured must do nothing after a loss to impair our rights. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce those rights.

SECTION V - DEFINITIONS AMENDMENTS

A. Insured Contract Amended

Paragraph 9. a. is replaced by the following:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion or sprinkler leakage to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";

B. Personal And Advertising Injury Redefined

Paragraph 14. d. and e. are replaced by the following:

- d. Oral, written, televised, videotaped or electronic publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or service;
- Oral, written, televised, videotaped or electronic publication of material that violates a person's right of privacy;



Department of Labor & Industries

Certificate of Workers' Compensation Coverage

April 20, 2022

WA UBI No.	602 373 036
L&I Account ID	462,631-02
Legal Business Name	TORRE REFUSE & RECYCLING LLC
Doing Business As	SUNSHINE DISPOSAL & RECYCLING
Workers' Comp Premium Status:	Account is current.
Estimated Workers Reported (See Description Below)	Quarter 4 of Year 2021 "51 to 75 Workers"
Account Representative	Employer Services Help Line, (360) 902-4817
Licensed Contractor?	No

What does "Estimated Workers Reported" mean?

Estimated workers reported represents the number of full time position requiring at least 480 hours of work per calendar quarter. A single 480 hour position may be filled by one person, or several part time workers.

Industrial Insurance Information

Employers report and pay premiums each quarter based on hours of employee work already performed, and are liable for premiums found later to be due. Industrial insurance accounts have no policy periods, cancellation dates, limitations of coverage or waiver of subrogation (See RCW 51.12.050 and 51.16.190).

SPOKANE Agenda Sheet	Date Rec'd	4/18/2022		
05/02/2022	Clerk's File #	ORD C36196		
		Renews #		
Submitting Dept	WATER & HYDROELECTRIC SERVICES	Cross Ref #		
Contact Name/Phone	LOREN SEARL 625-6851	Project #		
Contact E-Mail	LSEARL@SPOKANECITY.ORG	Bid #		
Agenda Item Type	Special Budget Ordinance	Requisition #		
Agenda Item Name 4100 - SBO WATER DEPARTMENT ELECTRIC VEHICLE PURCHASE FUNDING				

Agenda Wording

The Water Department is requesting a Special Budget Ordinance to pay for the purchase of six all-electric vehicles. The projected cost is \$250,000.00 including tax.

Summary (Background)

The vehicle purchase was included in the 2021 Budget, but due to ordering issues the purchase was cancelled by vendor and the dollars were unencumbered in late 2021. The all-electric F150 Trucks have become available to order again, however they were not included in the 2022 Water & Hydroelectric Budget. Approval for the purchase of the vehicles was on the March 21, 2022 (2022 Pre-Approval of Purchased/Leased Vehicles and Equipment) presented by Fleet.

Lease? NO G	rant related? NO	Public Works? NO		
Fiscal Impact		Budget Account		
Expense \$ 250,000.00		# 4100-42490-94340-5640	04-99999	
Select \$		#		
Select \$		#		
Select \$		#		
Approvals		Council Notification	<u>s</u>	
Dept Head	GENNETT, RAYLENE	Study Session\Other	Finance and Admin 4/18	
Division Director	FEIST, MARLENE	Council Sponsor	Betsy Wilkerson, Lori	
			Kinnear	
<u>Finance</u>	ALBIN-MOORE, ANGELA	<u>Distribution List</u>		
<u>Legal</u>	PICCOLO, MIKE	Isearl@spokanecity.org		
For the Mayor	ORMSBY, MICHAEL	AAlbinmoore@spokanecity	v.org	
Additional Approvals	<u> </u>	MFeist@spokancity.org		
Purchasing		RGennett@spokanecity.org		
MANAGEMENT &	INGIOSI, PAUL			
BUDGET				

ORDINANCE NO C36196

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the Water-Wastewater Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase the appropriation by \$250,000.
- A) Of the increased appropriation, \$250,000 is provided solely for the purchase of new electric vehicles for the Water Department.
- B) The appropriation increase is funded from Water-Wastewater Fund Water Department unappropriated reserves.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to purchase up to six all-electric vehicles for use by the Water Department, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _		
-	Council President	
Attest:		
City Clerk		
Approved as to form:	tout City Attampay	
ASSIST	tant City Attorney	
Mayor		Date
Mayor		Date
Effective Date		

Committee Agenda Sheet Finance and Administration

Submitting Department	Public Works, Water & Hydroelectric Services					
Contact Name & Phone	Loren Searl 625-6851					
Contact Email	LSearl@spokanecity.org					
Council Sponsor(s)	Betsy Wilkerson, Lori Kinnear					
Select Agenda Item Type						
Agenda Item Name	SBO – Water Electric F150 Vehicle Purchase(s)					
Summary (Background)	The Water Department is requesting a Special Budget Ordinance to pay for the purchase of six all –electric vehicles. The projected cost is \$250,000.00 including tax. The vehicle purchase was included in the 2021 Budget, but due to					
	The vehicle purchase was included in the 2021 Budget, but due to ordering issues the purchase was cancelled by vendor and the dollars were unencumbered in late 2021. The all-electric F150 Trucks have become available to order again, however they were not included in the 2022 Water & Hydroelectric Budget.					
	Approval for the purchase of the vehicles was on the March 21, 2022 (2022 Pre-Approval of Purchased/Leased Vehicles and Equipment) presented by Fleet.					
Proposed Council Action &	April 18, 2022, Approval					
Date:						
Fiscal Impact:						
Total Cost: \$250,000.00 Approved in current year budg	et? □ Yes ⊠ No □ N/A					
Approved in current year budg	et: Lifes A NO Li N/A					
Funding Source 🗵 One	e-time Recurring					
Specify funding source:						
Expense Occurrence 🗵 One	e-time Recurring					
	e generating, match requirements, etc.)					
Operations Impacts						
What impacts would the proposal have on historically excluded communities? n/a						
How will data be collected, analyzed, and reported concerning the effect of the program/policy by						
racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other						
existing disparities?						
n/a						
How will data be collected regarding the effectiveness of this program, policy or product to ensure it						
is the right solution? We will continue to monitor as	ailability and pricing to make sure that we are budgeting correctly					
based on new realities for futu						
Describe how this proposal alig	ns with current City Policies, including the Comprehensive Plan,					
1	tal Improvement Program, Neighborhood Master Plans, Council					
Resolutions, and others? n/a						

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/20/2022
05/02/2022	Clerk's File #	ORD C36197	
		Renews #	
Submitting Dept	FINANCE, TREASURY & ADMIN	Cross Ref #	
Contact Name/Phone	PAUL INGIOSI 509-625-6061	Project #	
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	0410 - PUBLIC DEFENDER VISTA SITE S	SUPPORT PAYMENT SI	ВО

Agenda Wording

An ordinance to provide budget authority for the Public Defender's Office site support payment.

Summary (Background)

In July 2020, the City signed a Memorandum of Understanding (MOU) with the Spokane County United Way where the Spokane County United Way would recruit and assign one AmeriCorps VISTA member to the City's Public Defender's Office for the purpose of creating a training program as well as identifying and creating a sustainable source for volunteer case managers to work in Community Court. The annual site support payment amount has increased from \$5,000 to \$6,250 since the MOU was originally signed.

Lease? NO Gr	ant related? NO	Public Works? NO		
Fiscal Impact		Budget Account		
Expense \$ 6,250		# 1625-18100-97101-80101-99999		
Revenue \$ 6,250		# 0700-14100-99999-3972	20-99999	
Expense \$ 6,250		# 0700-14100-15930-54XX	(X-99999	
Select \$		#		
Approvals		Council Notification	<u>s</u>	
Dept Head	WALLACE, TONYA	Study Session\Other	Finance Committee -	
			4/18/22	
<u>Division Director</u>	WALLACE, TONYA	Council Sponsor	CM Wilkerson / CP Beggs	
<u>Finance</u>	INGIOSI, PAUL	Distribution List		
<u>Legal</u>	PICCOLO, MIKE	twallace@spokanecity.org		
For the Mayor	ORMSBY, MICHAEL	baweber@spokanecity.org		
Additional Approvals	<u>3</u>	budget@spokanecity.org		
Purchasing				
MANAGEMENT &	INGIOSI, PAUL			
BUDGET				

ORDINANCE NO C36197

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase the revenue in the Public Defender by \$6,250.
- A) Of the increased revenue, \$6,250 is from a transfer in from the Public Safety Personnel and Crime Reduction Fund.
- 2) Increase the appropriation in the Public Defender by \$6,250.
- A) Of the increased appropriation, \$6,250 is provided solely for contractual services.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide budget authority for Public Defender contractual service needs, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _		
-	Council President	
Attest:		
City Clerk		
Approved as to form:		
Assis	tant City Attorney	
Mayor		Date
F# - # P - 1		
Effective Date		

Committee Agenda Sheet Finance and Administration Committee

Submitting Department	Finance		
Contact Name & Phone	Paul Ingiosi – 509-625-6061		
Contact Email	pingiosi@spokanecity.org		
Council Sponsor(s)	Council Member Wilkerson and Council President Beggs		
Select Agenda Item Type	Consent Discussion Time Requested:		
Agenda Item Name	SBO – Public Defender VISTA Site Support Payment		
Summary (Background)	Background In July 2020, the City signed a Memorandum of Understanding (MOU) with the Spokane County United Way where the Spokane County United Way would recruit and assign one AmeriCorps VISTA member to the City's Public Defender's Office for the purpose of creating a training program as well as identifying and creating a sustainable source for volunteer case managers to work in Community Court. As part of the (MOU) the City would pay the Spokane County United Way an annual Site Support Payment (SSP) of \$5,000. The original resolution from 2020 identified the Public Safety Personnel and Crime Reduction Fund as the funding source for the payment. Summary Since the MOU was signed the annual cost of the SSP has increased to \$6,250. Appropriation in the Public Safety Personnel and Crime Reduction Fund will be transferred to a transfer out to the General Fund. The special budget ordinance will establish a transfer in revenue line in the General Fund (Public Defender) and accompanying expenditure line for the SSP.		
Proposed Council Action & Date:	SBO – May 2, 2022		
•			

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
n/a
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
n/a
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
n/a

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/20/2022
05/02/2022		Clerk's File #	ORD C36198
		Renews #	
Submitting Dept	FINANCE, TREASURY & ADMIN	Cross Ref #	
Contact Name/Phone	PAUL INGIOSI 509-625-6061	Project #	
Contact E-Mail	PINGIOSI@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	0410 - CAPITAL IMPROVEMENT PROGRAM FUNDING SBO		

Agenda Wording

An ordinance providing budget authority for certain projects previously approved in the 2022-2027 Capital Improvement Program.

Summary (Background)

The 2022-2027 Capital Improvement Program (CIP) included \$3,646,500 in projects funded from the Real Estate Excise Tax 1 Fund. Of the amount included in the CIP, \$1,257,000 was appropriated in the budget however the remaining \$2,389,500 was inadvertently not appropriated in the 2022 budget. This special budget ordinance would appropriate the balance for the specific projects already included and approved in the CIP.

Lease?	NO Gr	ant related? NO	Public Works? NO		
Fiscal Impact		Budget Account			
Expense	\$ 1,200,000		# 1640-35351-94000-56XXX-99999		
Expense	\$ 695,000		# 1970-35160-94000-56XXX-99999		
Expense	\$ 424,500		# 5310-73100-94180-56XX	(X-99999	
Expense	\$ 70,000		# 0680-11470-94000-56XX	(X-99999	
Approva	al <u>s</u>		Council Notification	<u>s</u>	
Dept Hea	<u>ad</u>	INGIOSI, PAUL	Study Session\Other	Finance Committee -	
				4/18/22	
Division	Director	WALLACE, TONYA	Council Sponsor	CM Wilkerson / CM	
				Kinnear	
<u>Finance</u>		INGIOSI, PAUL	Distribution List		
<u>Legal</u>		PICCOLO, MIKE	twallace@spokanecity.org		
For the M	<u>Mayor</u>	ORMSBY, MICHAEL	mmurray@spokanecity.org	5	
Additio	nal Approvals	<u> </u>	baweber@spokanecity.org		
Purchas	ing		budget@spokanecity.org		
MANAGEMENT & WALLACE, TONYA		WALLACE, TONYA			
BUDGE1					

ORDINANCE NO C36198

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of various funds, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase the appropriation by \$2,389,500.
- A) Of the increased appropriation, \$1,200,000 is provided solely for a transfer out to the Communications Building Maintenance and Operations Fund.
- B) Of the increased appropriation, \$695,000 is provided solely for a transfer out to the Emergency Medical Services Fund.
- C) Of the increased appropriation, \$424,500 is provided solely for a transfer out to the Management Information Services Fund.
- D) Of the increased appropriation, \$70,000 is provided solely for a transfer out to the General Fund, Police Department.
- E) The appropriation increase is funded from Real Estate Excise Tax unappropriated reserves.

Section 2. That in the budget of the Communications Building Maintenance and Operations Fund, and the budget annexed thereto with reference to the Communications Building Maintenance and Operations Fund, the following changes be made:

- 1) Increase the revenue by \$1,200,000.
- A) Of the increased revenue, \$1,200,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$1,200,000.
- A) Of the increased appropriation, \$1,200,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

Section 3. That in the budget of the Emergency Medical Services Fund, and the budget annexed thereto with reference to the Emergency Medical Services Fund, the following changes be made:

- 1) Increase the revenue by \$695,000.
- A) Of the increased revenue, \$695,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$695,000.
- A) Of the increased appropriation, \$695,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

Section 4. That in the budget of the Management Information Services Fund, and the budget annexed thereto with reference to the Management Information Services Fund, the following changes be made:

- 1) Increase the revenue by \$424,500.
- A) Of the increased revenue, \$424,500 is from a transfer in from the Real Estate Excise Tax Fund.

- 2) Increase the appropriation by \$424,500.
- A) Of the increased appropriation, \$424,500 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

Section 5. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

- 1) Increase the revenue in the Police Department by \$70,000.
- A) Of the increased revenue, \$70,000 is from a transfer in from the Real Estate Excise Tax Fund.
- 2) Increase the appropriation by \$70,000.
- A) Of the increased appropriation, \$70,000 is provided solely for capital projects included in the 2022-2027 Capital Improvement Program.

Section 6. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to transfer funds and align budget authority for projects included in the 2022-2027 Capital Improvement Program, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _		
-	Council Presiden	nt
Attest:		
City Clerk		
Approved as to form:Assist	tant City Attorney	
Mayor		Date
Effective Date		

Committee Agenda Sheet Finance and Administration Committee

Submitting Department	Finance		
Contact Name & Phone	Paul Ingiosi – 509-625-6061		
Contact Email	pingiosi@spokanecity.org		
Council Sponsor(s)	Council Member Wilkerson and Council Member Kinnear		
Select Agenda Item Type	Consent Discussion Time Requested: <u>5 minutes</u>		
Agenda Item Name	SBO – Real Estate Excise Tax Funded Projects in the Capital		
	Improvement Program		
Summary (Background)	Background The City collects two separate 0.25% excise taxes on the selling price on each sale of real property in the City. Each Real Estate Excise Tax (REET) is accounted for in separate funds (REET 1 and REET 2) and may be used for specific purposes outlined in Washington state and City code.		
	The 2022-2027 Capital Improvement Program (CIP) included \$3,646,500 in projects funded from the REET 1 Fund (attached). Of the amount included in the CIP, \$1,257,000 was appropriated in the budget as a transfer out to Facilities-Capital Fund. The remaining \$2,389,500 was inadvertently not appropriated in the 2022 budget. Summary The special budget ordinance would appropriate \$2,389,500 from the REET 1 unappropriated fund balance and transfer funds and budget authority to the following funds for projects already included in the 2022-2027 CIP: Combined Communications Building - \$1,200,000 EMS Fund - \$695,000 ITSD Fund - \$424,500		
Proposed Council Action &	SBO – May 2, 2022		
Date:			
Fiscal Impact: Total Cost: \$2,389,500 Approved in current year budget? Yes No N/A Funding Source One-time Recurring Specify funding source: Various funds Expense Occurrence One-time Recurring Other budget impacts: (revenue generating, match requirements, etc.)			
Operations Impacts	e generating, mater requirements, etc.)		
	osal have on historically excluded communities?		
n/a			

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
n/a
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
n/a
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
n/a

Fund Name	Project Title	To Date	2022	2023	2024	2025	2026	2027
REET1	City Hall Roof Replacement	-	\$700,000	-	-	-	-	-
	City-Owned Buildings ADA Restrooms Updates	-	\$150,000	-	-	-	-	-
	Citywide HVAC Controls Upgrade Phase 1	-	\$407,000	\$593,000	-	-	-	-
	Fire Facilities: HVAC and Mechanical Systems	\$309,894	\$140,000	-	-	-	-	-
	Fire Facilities: CCB Generator Control System Upgrade	-	\$150,000	-	-	-	-	-
	Fire Facilities: CCB Roof Replacement	-	\$1,000,000	\$557,163	-	-	-	-
	Fire Facilities: CCB UPS Replacement	-	\$50,000	\$1,200,000	-	-	-	-
	Fire Facilities: Critical Roof Replacements	\$336,811	\$95,000	-	-	-	-	-
	Fire Facilities: Individual Bunkroom & Nursing Room Updates	-	\$460,000	\$322,400	\$335,296	\$348,708	\$362,656	\$377,162
	Fire Facilities: Station 5 Permanent Construction	\$300,000	-	\$50,000	-	-	-	-
	P1F North Route Redundant Internet	-	\$200,000	-	-	-	-	-
	P2F Greene St. Bridge	-	\$50,000	-	-	-	-	-
	P3F City Hall to Fire Station 1 Fiber Increase	-	\$7,500	-	-	-	-	-
	PF4 Spokane Falls Blvd Conduit and Fiber	-	\$135,000	-	-	-	-	-
	PF5 Fire Station 1 to Cowley Fiber Increase	-	\$32,000	-	-	-	-	-
	Police Academy Remodel	-	\$70,000		-	-	-	-
	Total	\$946,705	\$3,646,500	\$2,737,563	\$335,296	\$348,708	\$362,656	\$377,162
Fund Name	Project Title	To Date	2022	2023	2024	2025	2026	2027
	EMS Fund		\$695,000					
	Combined Communications Building Fund		\$1,200,000					
	ITSD		\$424,500					
	Police (General Fund)		\$70,000					
	Facilities Fund (included in 2022 budget)		\$1,257,000					

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/20/2022
05/02/2022		Clerk's File #	ORD C36199
		Renews #	
Submitting Dept	FINANCE, TREASURY & ADMIN	Cross Ref #	
Contact Name/Phone	TONYA WALLACE 509-625-6845	Project #	
Contact E-Mail	TWALLACE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	0410 - DEPUTY TREASURER POSITION SBO		

Agenda Wording

An ordinance creating a Deputy Treasurer position.

Summary (Background)

The Treasury Manager position in the Finance Division is responsible for day-to-day management of the City's treasury operations. The City's previous Treasury Manager's last day was 1/28/22. A need for a higher-level, exempt Deputy Treasurer position has been identified. The ordinance will delete the classified position and create an exempt Deputy Treasurer position. The salary savings from the deleted position will fund the new position resulting in no increase to the General Fund in 2022.

Lease? NO Gr	rant related? NO	Public Works? NO		
Fiscal Impact		Budget Account		
Select \$		#		
Select \$		#		
Select \$		#		
Select \$		#		
Approvals		Council Notification	<u>s</u>	
Dept Head	WALLACE, TONYA	Study Session\Other	Finance Committee -	
			4/18/22	
Division Director	WALLACE, TONYA	Council Sponsor	CM Wilkerson / CM	
			Cathcart	
<u>Finance</u>	INGIOSI, PAUL	Distribution List		
<u>Legal</u>	PICCOLO, MIKE	twallace@spokanecity.org		
For the Mayor	ORMSBY, MICHAEL	baweber@spokanecity.org		
Additional Approvals	<u> </u>	budget@spokanecity.org		
Purchasing				
MANAGEMENT &	INGIOSI, PAUL			
BUDGET				

ORDINANCE NO C36199

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Delete one classified Treasury Manager position (from 1 to 0) and decrease the associated appropriation for salary and benefits in the Finance, Treasury and Administration department.
- 2) Add one exempt Deputy Treasurer position (from 0 to 1) and increase the associated appropriation for salary and benefits in the Finance, Treasury and Administration department.
- A) There is no change to the overall appropriation level in the General Fund.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to create a Deputy Treasurer position, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _		
-	Council President	
Attest:		
City Clerk		
Approved as to form:Assist	tant City Attorney	
Mayor		Date
Effective Date		

Committee Agenda Sheet Finance and Administration Committee

Submitting Department	Finance
Contact Name & Phone	Tonya Wallace – 509-625-6845
Contact Email	twallace@spokanecity.org
Council Sponsor(s)	Council Member Wilkerson and Council Member Cathcart
Select Agenda Item Type	Consent Discussion Time Requested: 10 minutes
Agenda Item Name	SBO – Deputy Treasurer Position
Summary (Background)	Background The Treasury Manager position in the Finance, Treasury and Administration department is responsible for day-to-day management of the City's treasury operations. The City's previous Treasury Manager's last day was Jan. 28, 2022.
	Summary A need for a higher-level, exempt Deputy Treasurer position has been identified. See attached job description.
	The special budget ordinance will delete the classified Treasury Manager position and create an exempt Deputy Treasurer position. The salary and benefit savings from the Treasury Manager position, approximately \$119,500, will be reappropriated for the Deputy Treasurer position resulting in no increase to the General Fund appropriation for 2022.
Proposed Council Action &	SBO – May 2, 2022
Date:	
Fiscal Impact: Total Cost: n/a Approved in current year budget?	
Funding Source One-time Recurring Specify funding source: General Fund	
Expense Occurrence One-time Recurring	
	e generating, match requirements, etc.)
Operations Impacts	
What impacts would the proposal have on historically excluded communities?	
n/a	

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
n/a
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
n/a
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
n/a

Job Information:

Job Title: Reports to: Date:

Deputy Treasurer Chief Financial Officer December 2021

Classification: SPN: Pay Range:

Exempt-Confidential

Nature of Work

Assists with the establishment of policies and procedures for treasury management with a focus on continuous improvement and delivering value to customers. Plans, manages, and directs all city treasury programs and activities including treasury operations, debt, and the investment portfolio. Oversees day-to-day management of treasury operations and ensures maintenance of sound internal controls over the city's cash and securities assets. Oversees and performs cash management analysis and prepares cash flow projections, advises on funds available for investment. Works with substantial independent authority, coordinating programs and functions that have a city-wide financial impact, and are subject to review by periodic internal and external audits.

Supervision

Work in this position is performed with independence under the general direction of the Chief Financial Officer. Incumbent is authorized to recommend and/or effect the full range of duties (with appropriate managerial review) including hiring, performance evaluations, transferring, promoting, assigning of significant duties, rewarding, disciplining and terminating employment; exercise independent professional judgement, initiative, and resourcefulness in developing effective internal controls or improved processes, obtaining effective results and overcoming unusual situations in accordance with best practices, and applicable laws and industry standards.

General Functions:

- Participates in the resolution of complex treasury issues. Calculates and understands financial market-debt ratios, for the present, future, and discounting calculations.
- Manages and oversees debt and financing-related programs. Manages multiple projects, meets critical deadlines, and makes decisions under pressure. Analyzes complex financial issues and develops, recommends, and implements solutions; analyzes and interprets complex financial and legal documents.
- Assists personnel and professional staff, in performing complex financing and other treasury-related duties. Communicates effectively using the English Language, both verbally and in writing; displays an attitude of cooperation and

professionalism to work effectively at all levels of the city, public and partner organizations. Advises city leadership on Treasury related issues. Prepares and makes presentations to city staff, Mayor and City Council as needed.

- Performs and/ or oversees complex cash management analyses to forecast funds available for investment.
- Oversees monitoring of available funds in bank accounts to ensure that optimal
 cash balances are maintained while minimizing bank fees. Anticipates large cash
 disbursement needs for the city and department programs. Provides city-wide
 management and oversight of electronic and cash payment processes including
 online payments, cashiering credit cards and cash payments, debit cards,
 automated clearing house and lockboxes.
- Works with department staff to establish electronic payment methods, processes, procedures, PCI compliance, cash handling and internal controls. Maintains relationships, monitors performance, and negotiates contracts with credit card processors, banks, and other financial institutions. Liaisons with the city's bank on credit card merchant accounts and related equipment.
- Drives initiatives, in collaboration with departments and IT, to improve banking and cash management infrastructure and processes.
- Develops investment strategies in consultation with the City's investment advisor(s). Evaluates various investment recommendations, considering length of time, return on dollars, and flexibility of terms to maximize return on idle funds consistent with the fiduciary nature of the position and applicable investment policies. Confers with personnel in city departments to incorporate cash flow needs, investment expectations, and risk tolerance.
- Establishes, monitors, and maintains investment controls and policies.
- Analyzes investment transactions designed to improve overall returns within the context of a prudent, safe, and appropriately liquid investment portfolio. Maintains relationships with and monitors performance of third-party managers, trustees, and custodians.
- Administers the city's investment management software. Oversees preparation of reports for the City Council and Mayor describing investment performance.
- Provides direction, support and supervision of the annual Business Improvement District (BID) and Local Improvement District (LID) assessments, billings, and collections.
- Participates in evaluating alternative debt instruments, prepares proposals and evaluates responses. Participates in presentation to and maintains key relationships with credit rating agencies, bond insurers, lenders, investors and other participates in the bond market.
- Prepares or reviews final documents to accommodate the debt transaction and complete the closing. Oversees annual bond disclosures, reporting requirements, covenant compliance, arbitrage compliance certifications and bond payments.

Prepares year-end investment and debt audit work papers.

Requirements of Work:

Knowledge of:

Advanced knowledge of principles, methods, strategies, and techniques of debt analysis and bond financing; financial market trends and economics; principles and practices of municipal bond issuance and management; investment regulations for municipal bond proceeds; federal, state, and municipal market regulations; automated financial management systems and software, including client-server technology; principles and practices of effective management; principles of governmental accounting, budgeting operations, capital, and financial management; generally accepted accounting principles; federal tax, state and local government financial management principles; electronic banking and egovernment operations; research methods and report writing techniques; statistical and financial analysis techniques.

Intermediate knowledge of contemporary office practices and procedures and office software products.

Ability to perform complex cash management analyses to forecast funds available for investment, while anticipating large cash disbursement needs for City and department programs and functions; calculate and understand financial marketdebt ratios, present, future, and discounting calculations; manage and oversee debt and financing-related programs within the City treasury; manage multiple projects; meet critical deadlines and make decisions under pressure; analyze complex financial issues, and develop/recommend/implement solutions; analyze and interpret complex financial and legal documents, legislation, tax law, municipal rulemaking, and City Council guidelines; understand contracts, leases, agreements and ordinances affecting finances; effectively supervise and train staff; supervise subordinate personnel and professional staff, in performing complex financing and other treasury-related duties; communicate effectively, both verbally and in writing; display an attitude of cooperation and work harmoniously with all levels of City employees, the general public and other organizations; communicate effectively in the English language at a level necessary for efficient job performance; complete assignments in a timely fashion; understand and comply with all rules, policies and regulations; maintain prompt and regular attendance; and perform all essential and marginal functions as assigned by an authorized employee, supervisor and/or manager with or without a reasonable accommodation.

Ability to:

effectively manage, train and organize the work of a professional and administrative support staff; interpret and apply the State procurement statutes; perform detailed review of purchasing documents, specifications, and contracts; expedite and complete technical procurement involving multiple departments and vendors; negotiate contract terms and conditions, price reductions, and cooperative purchasing agreements; prepare and present written reports; display

an attitude of cooperation and work harmoniously with all levels of City employees, the general public, and other organizations; communicate effectively in the English language at a level necessary for efficient job performance; complete assignments in a timely fashion; understand and comply with all rules, policies, and regulations; maintain prompt and regular attendance; perform all essential and marginal functions as assigned by an authorized employee, supervisor, and/or manager with or without a reasonable accommodation.

Physical Requirements:

- Ability to see, with or without corrective lenses, well enough to read standard print and text displayed on a computer monitor.
- Ability to hear sounds, with or without assistive hearing devices, well enough to communicate by telephone. CITY OF
- Enough manual dexterity to write and use office equipment.
- Enough physical mobility to move about the office and travel to various locales for meetings.
- Individuals must be capable of operating vehicles safely and have an acceptable driving record.

Minimum Qualifications:

Bachelor's degree in financial management, business administration, public administration, accounting, economics, or related field.

Seven years of relevant professional experience in finance, banking, or accounting with five years of progressively responsible experience in cash management, investment of funds, or debt management; or an equivalent combination of experience and education.

Preferred Knowledge, Training, and Experience:

Master's degree in Financial Management, Business Administration, Public Administration, Finance, Accounting or a related field and five years direct experience in a Treasurer or Treasury Manager role. Experience in a public agency is preferred. Possession of Government Finance Officers Association (GFOA) Certified Public Finance Officer certification, Association of Financial Professionals (AFP) Certified Treasury Professional, CFA Institute's Chartered Financial Analyst designation, or as a Certified Public Accountant.

Licensing and Other Requirements

Valid state-issued driver's license.

Special Requirements

Applicants must be able to pass:

Background check processes which includes a criminal history check and reference checks in accordance with the City of Spokane's hiring process.

Credit History Check

Driving Record Check



JOB DESCRIPTION

JOB TITLE:
Deputy Treasurer
BARGAINING UNIT:
M&P-A

REPORTS TO: Chief Financial Officer SPN: 116 DATE: April 2022 PAY RANGE: 53

DEPARTMENT PURPOSE

Demonstrate accountability to Spokane's citizens by safeguarding the City's fiscal integrity through the development and implementation of sound financial policies and practices.

POSITION PURPOSE

Assists with the establishment of policies and procedures for treasury management with a focus on continuous improvement and delivering value to customers. Plans, manages, and directs all city treasury programs and activities including treasury operations, debt, and the investment portfolio. Oversees day-to-day management of treasury operations and ensures maintenance of sound internal controls over the city's cash and securities assets.

SUPERVISION EXERCISED

Plans, organizes and directs operations and activities of the department, assisting in the more technical aspects of work performed by subordinates. This position works independently under direction as established by the Chief Financial Officer.

The following Responsibilities and Requirements are functions the individual who holds or desires the position must be able to perform unaided or with the assistance of a reasonable accommodation.

KEY RESPONSIBILITIES

- Participates in the resolution of complex treasury issues.
 Calculates and understands financial market-debt ratios, for the present, future, and discounting calculations.
- Manages and oversees debt and financing-related programs.

BEHAVIORAL STANDARDS

As an exempt employee of the City of Spokane, the Deputy Treasurer is subject to the City's Code of Ethics set forth in Chapter 1.04A of the Spokane Municipal Code. As such, "it is the policy of the City of Spokane to uphold, promote, and demand the highest standards of ethics from all of its employees who shall maintain the utmost standards of responsibility, trustworthiness, integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as a public servant including the appearance of impropriety, and never use their City position, authority or resources for personal gain."

- Assists personnel and professional staff, in performing complex financing and other treasury-related duties. Advises city leadership on Treasury related issues. Prepares and makes presentations to city staff, Mayor and City Council as needed.
- Performs and/ or oversees complex cash management analyses to forecast funds available for investment.
- Oversees monitoring of available funds in bank accounts to ensure that optimal cash balances are maintained while minimizing bank fees. Anticipates large cash disbursement needs for the city and department programs. Provides city-wide management and oversight of electronic and cash payment processes including online payments, cashiering credit cards and cash payments, debit cards, automated clearing house and lockboxes.
- Works with department staff to establish electronic payment methods, processes, procedures, PCI compliance, cash handling and internal controls. Maintains relationships, monitors performance, and negotiates contracts with credit card processors, banks, and other financial institutions. Liaisons with the city's bank on credit card merchant accounts and related equipment.
- Drives initiatives, in collaboration with departments and IT, to improve banking and cash management infrastructure and processes.
- Develops investment strategies in consultation with the City's investment advisor(s).
 Evaluates various investment recommendations, considering length of time, return on
 dollars, and flexibility of terms to maximize return on idle funds consistent with the fiduciary
 nature of the position and applicable investment policies. Confers with personnel in city
 departments to incorporate cash flow needs, investment expectations, and risk tolerance.
- Establishes, monitors, and maintains investment controls and policies.
- Analyzes investment transactions designed to improve overall returns within the context of a prudent, safe, and appropriately liquid investment portfolio. Maintains relationships with and monitors performance of third-party managers, trustees, and custodians.
- Administers the city's investment management software. Oversees preparation of reports for the City Council and Mayor describing investment performance.
- Provides direction, support and supervision of the annual Business Improvement District (BID) and Local Improvement District (LID) assessments, billings, and collections.
- Participates in evaluating alternative debt instruments, prepares proposals and evaluates responses. Participates in presentation to and maintains key relationships with credit rating agencies, bond insurers, lenders, investors and other participates in the bond market.
- Prepares or reviews final documents to accommodate the debt transaction and complete the closing. Oversees annual bond disclosures, reporting requirements, covenant compliance, arbitrage compliance certifications and bond payments.
- Prepares year-end investment and debt audit work papers.

REQUIREMENTS

Knowledge of:

- Principles and practices of sound cash management;
- Governmental accounting principles;
- Applicable federal, state and local laws, rules, regulations and guidelines;
- City's tax ordinances and pertinent regulations;
- Banking activities including, but not limited to, deposits, EFT's, credit cards, online payments, contracts;
- Principles of supervision, training and performance feedback;
- Principles, methods, strategies, and techniques of debt analysis and bond financing;
- Financial market trends and economics;

Deputy Treasurer

- Principles and practices of municipal bond issuance and management;
- Investment regulations for municipal bond proceeds;
- Automated financial management systems and software, including client-server technology;
- Principles of governmental accounting, budgeting operations, capital, and financial management;
- Electronic banking and e-government operations;
- Research methods and report writing techniques;
- Statistical and financial analysis techniques

Ability to:

- Manage multiple projects, meet critical deadlines, and make decisions under pressure;
- Analyze complex financial issues and develop, recommend, and implement solutions;
- Analyze and interpret complex financial and legal documents;
- Maintain expertise in current techniques and laws;
- Formulate and install standard and special accounting methods, procedures, forms, records and receipting systems
- Complex cash management analyses to forecast funds available for investment, while anticipating large cash disbursement needs for City and department programs and functions;
- Calculate and understand financial market-debt ratios, present, future, and discounting calculations;
- Manage and oversee debt and financing-related programs within the City treasury;
- Understand contracts, leases, agreements and ordinances affecting finances;
- Effectively supervise and train staff; supervise subordinate personnel and professional staff, in performing complex financing and other treasury-related duties;
- Communicate effectively, both verbally and in writing;
- Display an attitude of cooperation and work harmoniously with all levels of City employees, the general public and other organizations;

MINIMUM QUALIFICATIONS

Any combination equivalent to the experience and education that would likely provide the relevant knowledge and abilities would be qualifying. Generally this will include:

Education:

 Bachelor's degree in financial management, business administration, public administration, accounting, economics, or related field.

Experience:

- Seven (7) years of relevant professional experience in finance, banking, or accounting with five (5) years of progressively responsible experience in cash management, investment of funds, or debt management; or an equivalent combination of experience and education.
- Two (2) years of supervisory experience.

WORKING CONDITIONS

Work is conducted primarily in an office setting. It involves frequent attendance at meetings to include some irregular hours and potentially out-of-town travel. Incumbents in this classification

Deputy Treasurer

are expected to communicate verbally, in person, and by telephone. A computer terminal is used and requires the use of repetitive arm-hand movements.

EEO STATEMENT

We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.

Johnnie Perkins Johnnie Perkins (Apr 13, 2022 16:39 PDT)	Apr 13, 2022	
Johnnie Perkins, City Administrator	Date	
Kristin Smith Kristin Smith (Apr 13, 2022 17:23 PDT)	Apr 13, 2022	
Kristin Smith, Human Resources Director	Date	

Deputy Treasurer FINAL

Final Audit Report 2022-04-14

Created: 2022-04-13

By: Shellee Ives (sives@spokanecity.org)

Status: Signed

Transaction ID: CBJCHBCAABAA108M-HiA9tibOiJZRSVtqJB5fBAxn_C9

"Deputy Treasurer FINAL" History

- Document created by Shellee Ives (sives@spokanecity.org) 2022-04-13 11:35:50 PM GMT- IP address: 198.1.39.252
- Document emailed to Johnnie Perkins (jperkins@spokanecity.org) for signature 2022-04-13 11:37:37 PM GMT
- Email viewed by Johnnie Perkins (jperkins@spokanecity.org)
 2022-04-13 11:39:15 PM GMT- IP address: 198.1.39.252
- Document e-signed by Johnnie Perkins (jperkins@spokanecity.org)

 Signature Date: 2022-04-13 11:39:24 PM GMT Time Source: server- IP address: 198.1.39.252
- Document emailed to Kristin Smith (ksmith@spokanecity.org) for signature 2022-04-13 11:39:26 PM GMT
- Email viewed by Kristin Smith (ksmith@spokanecity.org) 2022-04-14 0:21:50 AM GMT- IP address: 198.1.39.252
- Document e-signed by Kristin Smith (ksmith@spokanecity.org)

 Signature Date: 2022-04-14 0:23:24 AM GMT Time Source: server- IP address: 198.1.39.252
- Agreement completed. 2022-04-14 - 0:23:24 AM GMT

DATE: 03/31/2022

I. BACKGROUND

	Position Data					
SPN #:	116					
Position Title:	Deputy Treasurer					
Department:	Finance/Treasury					
Salary Grade:	53					
Union:	M&P-A					
Current Incumbent:	☑ Vacant or Click to enter name					

Nature of Request					
☐ Re-evaluation (no significant change in duties)					
☐ Reclassification (significant change in duties)	☐ Other (please specify)	Click or tap here to enter text.			

II. POSITION SUMMARY

Briefly describe primary purpose of the position. Please indicate if the focus of the position involves supervising or managing other employees.

Assists with the establishment of policies and procedures for treasury management with a focus on continuous improvement and delivering value to customers. Plans, manages, and directs all city treasury programs and activities including treasury operations, debt, and the investment portfolio. Oversees day-to-day management of treasury operations and ensures maintenance of sound internal controls over the city's cash and securities assets.

Education and Experience Required
4 yr. degree
7 yrs. exp.
2 yrs. sup.

III. COMPAREABLE MARKET DATA

		SAL	_ARY	ECI Rate		
ORGANIZATION	JOB TITLE	Low	High	Compared to Spokane	EDUCATIONAL REQUIREMENTS	BRIEF DESCRIPTION
Benton County	Chief Deputy Treasurer	\$89,700 \$71,306	\$89,700 \$71,306	21% more	Not listed	Under general direction of the Treasurer, serves as the Chief Deputy of the Office of the Benton County Treasurer. Plans, directs, and oversees accounting, cash management including investments, and the Financial System for the Treasurer's Office and all taxing districts. Directs and manages staff in daily departmental operations to provide citizens of the County and various governmental entities with treasury and tax collection services. Provides highly responsible and complex administrative support to the County Treasurer. The Chief Deputy has full responsibility and authority to serve in the absence of the Treasurer. This class specification reflects the general concept and intent of the classification and should not be construed as a detailed statement of all the work requirements that may be inherent in a position.
Benton County	Manager of Treasury Operations	\$65,868 \$52,361	\$84,488 \$57,719	21% more	Not listed	Plans, organizes and directs the accounting for and distribution of tax collection, general receipting and miscellaneous assessments. Oversees

Kitsap County	Chief Deputy Treasurer	\$76,188 \$68,273	\$97,236 \$87,134	10% more	Not listed	the placement of investments, redemption of warrants, and administration of long-term debt for the County and junior taxing districts. Classification under revision.
Port of Tacoma	Sr Financial Analyst & Deputy Treasurer	\$75,912 \$58,219	\$98,676 \$75,678	23% more	Not listed	Not listed
City of Tacoma	City Treasurer	\$120,492 \$92,409	\$154,440 \$118,445	23% more	Not listed	The classification of City Treasurer is a standalone classification. Receipts, deposits, safeguards, invests, and disburses public monies for the City. Directs all treasury functions and manages City banking relationships, investments, and liquidity. Manages assigned finance functions and staff. Distinguishing Characteristics The City Treasurer serves as the most senior level City official dealing with treasury functions in accordance with State statute and City charter. Supervises staff and treasury functions including managing the City's banking and investment activities.
Cowlitz Public Utility District	Controller/Treasurer	\$105,252 \$103,540	\$157,896 \$155,328	2% more	Not listed	Mission: Provide customers safe, reliable, cost-effective and sustainable electricity. Vision: Connecting customers to energy to power Cowlitz County's future. General Description: The Controller is responsible for the daily operations and supervision of the

						accounting department and treasury functions.
Snohomish	County Treasurer	\$98,928	\$139,788	26% more	Not listed	Not listed
County	Chief Deputy	\$73,011	\$103,167			
City of	Assistant Director –	\$127,056	\$163,572	26% more	Not listed	Not listed
Lynnwood	Treasury	\$93,771	\$120,721			
King County	Treasury Manager	\$116,496 \$71,455	\$147,660 \$90,570	39% more	Not listed	The responsibilities of this classification include managing the County's treasury function and serving as the County Treasurer for the billing, collection and disbursement of real and personal property taxes, gambling taxes, utility charges and local improvement district assessments.
City of Yakima	Treasury Services Officer	\$84,384	\$102,444	0%	4 yr. degree 5 yrs. exp.	Not listed
	MEAN	\$76,872	\$99,251		S yis. exp.	

IV. ADDITIONAL INFORMATION

Click or tap here to enter text.	
	· · · · · · · · · · · · · · · · · · ·

Internal Analysis

DATE: 03/31/2022

	Position Data
SPN #:	116
Position Title:	Deputy Treasurer
Department:	Finance/Treasury
Current Salary Grade:	N/A
Recommended Grade:	53
Union/Pay Plan:	M&P-A
Current Incumbent:	Click to enter name. If multiple enter "various" Check if position is vacant

Nature of Request					
☐ Re-evaluation (no significant change in duties)					
☐ Reclassification (significant change in duties)	☐ Other (please specify) Click or tap here to enter text.				

CLASS	SPN	RANGE	RANGE	PAY PLAN	MINIMUM	DUTIES
SPECIFICATION			VALUE		REQUIREMENTS	
Deputy	116	53	83,812 –	M&P-A	4 yr. degree	Assists with the establishment of policies and procedures
Treasurer		(Recommended)	116,406		7 yrs. exp.	for treasury management with a focus on continuous
					2 yrs. sup.	improvement and delivering value to customers. Plans,
						manages, and directs all city treasury programs and
						activities including treasury operations, debt, and the
						investment portfolio. Oversees day-to-day management of
						treasury operations and ensures maintenance of sound
						internal controls over the city's cash and securities assets.
Director of	843	53	83,812 –	M&P-A	4 yr. degree	This position will perform professional work in the areas of
Police Business			116,406		6 yrs. exp.	strategic planning, grant management, and workload
Services					2 yrs. sup.	analysis in addition to overseeing the non-commissioned
						administrative operations in the Police Department
						including Finance, Police Records, Clerical, and the SPD
						Property Facility. This position serves as the first point of
						contact for Human Resources within the Police
						Department.

Internal Analysis

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Director of	817	53	83,812 –	M&P-A	4 yr. degree	This position works with considerable independence in
Sustainability			116,406		6 yrs. exp.	leading efforts around sustainability innovation and
					4 yrs. sup.	strategic visioning. It is responsible for ensuring success of
						the City's programs, policies, goals, and objectives.
DSC	742	53	83,812 –	M&P-A	4 yr. degree	Analyze operations within the Development Services
Operations			116,406		8 yrs exp.	Center, Code Enforcement, and Parking Services functions
Manager					3 yrs. sup.	to ensure customer service goals, mission, and overall
						strategic plan remain viable.
Chief	731	53	83,812 -	M&P-A	4 yr. degree	Provides accounting and financial services and support to
Accountant			116,406		5 yrs. exp.	the organization. The department is responsible for the
						development, implementation, and maintenance of
						effective financial accounting systems and controls.
Director of	818	53	84,292 –	Non-	4 yr. degree	This position is responsible for ensuring compliance with
Emergency			117,533	Exempt	3 yrs exp.	local, county, state and federal regulations, laws and
Management						guidelines related to emergency management. This position
						will advise City Officials and staff on emergency
						management issues; ensure necessary training is
						conducted, and appropriate certifications and/or
						qualifications are obtained and maintained by City
						employees.
Internal	832	52	77,381-	Non-	4 yr. degree	This position provides direct support in management and
Auditor			108,993	Exempt	5 yrs exp.	analysis of City operations, specifically working in the areas
					2 yrs. sup.	of internal audits and process improvements for
						compliance with governing rules.

Position Title: Deputy Treasurer SPN 116

Advanced knowledge of a field of work. Sufficient comprehension to perform difficult assignments requiring the application of advanced level approaches and practices of a field of work; and to perform expert work involving the development of new techniques and novel approaches covering broad aspects of the field of work. Regular Regular Regular Regular The work consists of a broad range of related and unrelated activities within a field. Information must be developed through	OSILIOII IILIE. L	Level	Regularity	Level Description	Points
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). Work Direction and Contro	ol 6		allocates resources; controls all means used to accomplish work within assigned unit; takes actions to adjust work effort to meet objectives; decides on and implements new or changed work methods and reviews and approves decisions made by subordinate	185
				Point Total:	1356
				Recommended Range:	53

Level	Job Knowedge Definition	270 Points	Ma Poi
1	Knowledge of a few simple steps or tasks; and sufficient comprehension to follow oral instructions or demonstrations.	37	2
2	Knowledge of a few procedures, steps or tasks; and sufficient comprehension to follow oral and written instructions, to correct mistakes, and to request work. Knowledge of a specific set of procedures to perform normally recurring assignments; and sufficient comprehension to identify errors and make corrections, answer routine	74	4
3	questions about the work, and explain procedures to others. Knowledge of a broader scope of rules, procedures, and methods of operation that exist within an extensive body of rules, procedures, and methods of operation. Sufficient	111	6
4	comprehension to answer questions about the purpose of the work, to explain work requirements to others, and to vary work procedures within established routines depending on different situations.	148	8
5	Knowledge of an extensive <u>body</u> of rules, procedures, and methods of operation which constitute a comprehensive system within a field of work. Sufficient comprehension to perform a variety of assignments, to vary work procedures, and to modify or adapt work procedures to fit the situation. Knowledge of the theories, principles, concepts, methods, procedures, and techniques within a specific area or a field of work. Sufficient comprehension to gather, organize, classify, and analyze factual data, to draw logical conclusions, and to apply conclusions to tasks within normally occurring work situations. This level of knowledge	185	1
6	encompasses the knowledge of concepts and principles within a technical, trade, or craft profession. Complete knowledge of the theories, principles, concepts, methods, procedures, and techniques within a broader field of work. Sufficient comprehension to gather,	222	1
7	organize, classify, and analyze a more comprehensive scope of data and to perform assignments requiring critical work planning and design.	259	1
8	Comprehensive knowledge of the theories, principles, concepts, methods, procedures, and techniques within a broad field of work. Sufficient comprehension to gather, organize, classify, and analyze complex data and draw logical conclusions; and to perform non-standard, unusual, or highly difficult assignments in a broad field of work.	296	1
9	Advanced knowledge of a field of work. Sufficient comprehension to perform difficult assignments requiring the application of advanced level approaches and practices of a field of work; and to perform expert work involving the development of new techniques and novel approaches covering broad aspects of the field of work. Mastery of a field of work. Sufficient comprehension to perform authoritative work in conceiving and implementing programs, or advancing new hypotheses or theories	333	1
10	which affect substantially the overall goals and objectives of the organization.	370	2
	Human Relations Skill	270	M
evel/Frequency	Definition	Points	Po
1Regular	Relationships are primarily with employees in the immediate work area, or in closely related units of the organization. Contacts involve obtaining or giving facts or information concerning routine matters; or may involve casual contacts with the general public requiring ordinary courtesy and effectiveness in responding to routine requests for information. Relationships are primarily with employees in the immediate work area, or in closely related units of the organization. Contacts involve obtaining or giving facts or	33	3
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roccassional	requests for information.	33	
2Regular	Relationships are primarily with employees in other departments, the general public, or with representatives of outside organizations. Contacts involve exchanging important information or explaining procedures to facilitate a process or to provide a service.	33 66	
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Page	5Occassional	Relationships are with individuals outside the organization and involve presenting and justifying matters where diverse viewpoints, goals, and objectives are strongly advocated and must be reconciled to achieve suitable alternatives or to arrive at acceptable compromises.	149	162
The work consists of trasks that are clear-cut and directly related. Actions required are obvious or may be determined by routine observation. The work consists of trasks that are clear-cut and directly related. Actions required are obvious or may be determined by routine observation. The work consists of related problems and information on which to act is obtained through investigation, research, tests, or calculations using standard mathematics. The nature of the work is repetitive, requiring basic analytical skills. The work consists of some variety of related and unrelated activities within a field. Information must be developed through specialized methods of analysis. Complex the work consists of a broad range of related and unrelated activities within a field. Information must be developed through intensive analysis of many different elements. Decisions involve major areas of uncortainty and alternative requires careful and probing assessment to determine their probable effects. The work consists of different and unrelated functions and programs or very broadly related activities within a field. Actions are based on consideration of many abstract and uncortain issues, including the vive of concerned groups, and/or technical matters that must be resolved. The work consists of different and unrelated functions and programs of a very broad scope involving theoretical issues of a proder standard and uncertain issues, including the vive of concerned groups, and/or technical matters that must be resolved. The work is sedentary in nature and requires no unusual degree of physical effort. Work may include some intermittent light physical effort which is incidental to to the job's primary purpose. The work requires light physical effort and agility, including: long periods of standing; walking over rough, uneven surfaces; neurring bending, crouching, stooping, that had tools; or maintaining hands and arms in essentially the same position for prolonged periods of time while performing manual operations. Or,	Level			
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The work requires extensive physical effort and agility, including: continuously carrying heavy loads over rough, uneven surfaces; climbing tall ladders, poles, or ropes; recurring lifting of heavy and/or awkward objects of 30 to 50 pounds, or intermittently lifting objects of any weight; or extensive physical exertion necessary to accomplish tasks, including the operation of equipment which requires extensive and continuous physical exertion. This level of physical effort requires a moderate degree of physical	3Occassional	The work requires extensive physical effort and agility, including: continuously carrying heavy loads over rough, uneven surfaces; climbing tall ladders, poles, or ropes; recurring lifting of heavy and/or awkward objects of 30 to 50 pounds, or intermittently lifting objects of any weight; or extensive physical exertion necessary to accomplish	32	23
	4Regular	The work requires extensive physical effort and agility, including: continuously carrying heavy loads over rough, uneven surfaces; climbing tall ladders, poles, or ropes; recurring lifting of heavy and/or awkward objects of 30 to 50 pounds, or intermittently lifting objects of any weight; or extensive physical exertion necessary to accomplish	63	45
	4Occassional		53	38

5Regular	This work requires extreme and highly repetitive physical effort, including: recurring lifting of objects in excess of 50 pounds continuously and with a reasonable degree of speed. The intensity of the physical effort at this level requires a high degree of physical endurance. This work requires extreme and highly repetitive physical effort, including: recurring lifting of objects in excess of 50 pounds continuously and with a reasonable degree of	84	
5Occassional	speed. The intensity of the physical effort at this level requires a high degree of physical endurance.	74	
Level	Effect of Actions Definition	270 Points	M&P Points
LCVCI	Domination .	1 011113	1 Onto
1	The work product or service primarily aids other employees within the same work unit in accomplishing administrative goals by performing routine support-type functions. The work product or service contributes to the accuracy, reliability, and acceptability of other processes, services, or functions which effect administrative tasks or delivery	47	43
2	of departmental programs and services.	94	86
3	The work product or service ensures the proper operation of a service, function, or system affecting specific administrative functions or departmental programs or services. The work product or service ensures the effectiveness of functions, operations, or services having critical and/or extensive impact on administrative functions or	141	129
4	departmental programs and services by devising solutions to unusual problems or conditions. The work product or service affects the planning, development, and operation of a major administrative function or departmental program or service by solving critical	188	172
5	problems or developing and/or implementing new approaches and concepts. The work product or service affects the overall administration of a major organizational administrative function or departmental program or service by planning, reviewing,	235	215
6	and approving decisions and actions. The work product or service affects the overall administration of the most critical and sensitive organizational administrative function or departmental program or service by	282	258
7	planning, reviewing, and approving decisions and actions.	329	301
	Policies and Procedures	270	M&P
Level	Definition	Points	Points
1	A few specific and detailed procedures cover all important aspects of the work. The employee is required to follow procedures closely without deviation. A number of procedures covering different aspects of the work are established. The employee uses initiative and judgement to locate, select, and apply the appropriate	27	37
2	procedures to specific situations within a well-established scope of work. Policies and procedures cover most aspects of the work, but employees must interpret or vary policies or procedures to deal with situations not specifically covered.	54	74
3	Employees consider precedents, reason from similar situations, analyze results, and may vary from established policies and procedures within a wider scope of work. General policies are established, but specific procedures are not established or do not cover many aspects of the work, and/or the employee is required to establish	81	111
4	procedures, or to propose new policies. Policies are broadly stated, but require extensive interpretation within the context of specific and complex situations and/or the employee formulates, reviews, and approves	108	148
5	policies and procedures governing a major administrative or program function within the organization. Policies are non-existent. Employee formulates, presents, and argues for adoption of policies and administrative rules, governing a major administrative or program	135	185
6	function, before the chief administrative official or appointed or elected policy bodies.	162	222
	Amount of Discretion	270	M&P
Level	Definition	Points	Points
1	Work is subject, wholly or in part, to a few specific and detailed practices and procedures covered by precedents or well-defined policy. Assignments are specific and deailed and employees refer all matters not specifically covered to supervisors. Work is reviewed closely for accuracy and adherence to instructions. Assignments are general for most ongoing work with which the employee is familiar. The employee uses initiative and judgement in carrying out recurring assignments	34	50
2	without specific instructions, but refers problems and unfamiliar situations to supervisor. Work is reviewed for compliance with instructions, established procedures, and for accuracy.	68	100
	Assignments are stated in terms of specific objectives or desired end results. The employee plans and carries out successive steps of the work in accordance with standard practices of the field; and independently handles most unusual problems and deviations encountered. Employees are limited to considering past practices in		
3	similar situations in deviating from established procedures. Completed work is reviewed for technical adequacy and appropriateness to requirements. Assignments are stated in general terms and the employee alone, or in conjunction with the supervisor, decides specific work projects to perform. The employee proceeds independently to plan, coordinate, and commit resources needed to accomplish the work. Employee normally determines the approach and methods to be used.	102	150
4	Completed work is reviewed periodically for compatibility with overall policy and organizational objectives. Assignments are stated in terms of broadly-defined organizational policies or objectives. The employee carries out the work independently, committing all authorized	136	200
5	resources needed to accomplish the work. Review of work focuses on the fulfillment of organization missions, goals, or objectives.	170	250

6	Assignments are stated in terms of basic legislative mandates and philosophical directives issued by an electied or appointed governing body or chief administrative official. The employee deigns, plans, reviews, and implements programs and services. Review of work is in the nature of executive oversight of overall achievements.	204	300
	Surroundings	270	M&P
Level	Definition	Points	Points
1Regular	The work environment has no discernable discomforts or unpleasentness which would adversely effect the performance of work.	0	0
1Occassional	The work environment has no discernable discomforts or unpleasentness which would adversely effect the performance of work.	0	0
	The work environment involves some discomforts or unpleasantness such as: high levels of noise, vibrations, dust, or dirt; confinement in a small space, resulting in		
2Regular	restricted body movement; or constraint in the continuous operation of a piece of equipment; or constant exposure to public scrutiny during the performance of job duties.	14	15
	The work environment involves some discomforts or unpleasantness such as: high levels of noise, vibrations, dust, or dirt; confinement in a small space, resulting in		
2Occassional	restricted body movement; or constraint in the continuous operation of a piece of equipment; or constant exposure to public scrutiny during the performance of job duties. The work environment involves considerable discomforts or unpleasantness such as: places where obnoxious odors or grease are present; where exposure to extreme	7	8
3Regular	cold, heat, wind, rain, or snow is required to perform the work; or where work must be performed at great heights.	28	30
o. togulai	The work environment involves considerable discomforts or unpleasantness such as: places where obnoxious odors or grease are present; where exposure to extreme		00
3Occassional	cold, heat, wind, rain, or snow is required to perform the work; or where work must be performed at great heights.	21	23
000000000000000000000000000000000000000	The work environment involves very disagreeable or unpleasant surroundings which cause extreme discomfort and/or unpleasantness, despite the provision of special		
4Regular	clothing and equipment.	42	45
	The work environment involves very disagreeable or unpleasant surroundings which cause extreme discomfort and/or unpleasantness, despite the provision of special		
4Occassional	clothing and equipment.	35	38
	Hazards	270	M&P
Level	Definition	Points	Points
	The work environment presents minimal risks which require standard safeuards against injury. The employee does not routinely or consciously think about basic safety		
1Regular	precautions which may be appropriate and necessary to the job.	0	0
ū	The work environment presents minimal risks which require standard safeuards against injury. The employee does not routinely or consciously think about basic safety		
1Occassional	precautions which may be appropriate and necessary to the job.	0	0
	The work involves some clearly definable risks and conscious attention to safety to avoid injury. The nature of the work may require the use of safety equipment such as		
	hard hats, goggles, or ear protectors; or may require the use of personal defensive measures. Or, the work is of an intensive and highly repetitive nature that can expose		
2Regular	employees to eye strain, back strain, or carpal tunnel syndrome.	14	27
	The work involves some clearly definable risks and conscious attention to safety to avoid injury. The nature of the work may require the use of safety equipment such as		
	hard hats, goggles, or ear protectors; or may require the use of personal defensive measures. Or, the work is of an intensive and highly repetitive nature that can expose		
2Occassional	employees to eye strain, back strain, or carpal tunnel syndrome.	7	14
	The work involves considerable risks requiring a heightened attention to safety precautions to avoid injury. The nature of the work may involve the controlled exposure to		
3Regular	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings.	28	54
	The work involves considerable risks requiring a heightened attention to safety precautions to avoid injury. The nature of the work may involve the controlled exposure to		
21129	The work involves considerable risks requiring a heightened attention to safety precautions to avoid injury. The nature of the work may involve the controlled exposure to		
Ü	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings.	21	41
Ü		21	41
Ü	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings.	21 42	41 81
3Occassional	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or		
3Occassional	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals.		
3Occassional 4Regular	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or	42	81
3Occassional 4Regular	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. Work Direction and Control Definition	42 35 270 Points	81 68
3Occassional 4Regular 4Occassional	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. Work Direction and Control Definition Exercises no work direction and control over other employees.	42 35 270	81 68 M&P
3Occassional 4Regular 4Occassional	potentially injurious activity requiring the use of specialized safety equipment such as gas masks, ropes, and slings. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. The work involves high risks with exposure to inherently life-endangering situations, despite the use of extreme precautions. Employees may be exposed to high voltage or potentially fatal doses of chemicals. Work Direction and Control Definition	42 35 270 Points	81 68 M&P Points

	Supervises others in the performance of work; works under direction of a mid- or higher-level manager; establishes daily work assignments and inspects work for compliance with requirements; ensures that work rules and practices are observed, that materials, supplies, and equipment are properly used and that records are maintained; trains new employees in specific assigned responsibilities; evaluates performance of subordinate employees; participates in some personnel decisions which	100	
4	are the final responsibility of a higher authority (First level supervisor).	102	111
	Plans and coordinates long range work objectives and work assignments, under general administrative guidance, for a work unit, division, or small department. Establishes work standards within administratively prescribed guidelines, determines priorities and the distribution of work, schedules work operations and personnel; resolves procedural and technical problems; resolves policy issues within scope of responsibility and developes policy options; makes some final critical personnel decisions and		
5	provides information to a higher-level manager for use in making other personnel decisions.	136	148
	Plans, organizes, directs, and controls major work programs at the large department or smaller division level. Plans for and allocates resources; controls all means used to accomplish work within assigned unit; takes actions to adjust work effort to meet objectives; decides on and implements new or changed work methods and reviews and		
6	approves decisions made by subordinate supervisors; and decides or acts on a variety of critical personnel matters.	170	185
	Plans, organizes, directs, and controls the implementation of work programs at a large department level with multiple leves of subordinate managers; decides on own authority, or in consultation with policy body, on major organization, work policies and methods, and the kind and level of services to provide; ensures effective coordination		
7	of work programs throughout the organization; makes and approves personnel decisions affecting top management positions within the organization.	204	222

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/20/2022
05/02/2022		Clerk's File #	ORD C36200
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	CM ZAPPONE X6256	Project #	
Contact E-Mail	ZZAPPONE@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	0320 - ALLOCATING ADDITONAL ARPA	FUNDING TO CHILDO	CARE INITITATIVES

Agenda Wording

Allocating an additional \$2,000,000 in American Rescue Plan Act funding to childcare initiatives.

Summary (Background)

\$1,000,000 in ARPA funding was previously allocated for childcare. The RFP workgroup for this project determined that more funding is needed to meet the needs of the community. The addition of this \$2,000,000, if approved by Council, will take the total allocated amount to \$3,000,000.

Lease?	NO	Grant related? NO	Public Works? NO	
<u>Fiscal</u>	<u>Impact</u>		Budget Account	
Select	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	
Approv	<u>rals</u>		Council Notification	<u>is</u>
Dept He	ead ead	ALLERS, HANNAHLEE	Study Session\Other	Finance 4/18
Divisior	n Director		Council Sponsor	CM Zappone, CM
				Wilkerson, CP Beggs
<u>Finance</u>	<u>)</u>		Distribution List	
Legal				
For the	<u>Mayor</u>			
Additio	nal Approva	als		
Purchas	<u>sing</u>			

Committee Agenda Sheet FINANCE & ADMINISTRATION COMMITTEE

Submitting Department	Ibmitting Department City Council						
Contact Name & Phone	tact Name & Phone Zack Zappone						
Contact Email	zzapone@spokanecity.org						
Council Sponsor(s)	CM Wilkerson & CM Zappone						
Select Agenda Item Type							
Agenda Item Name	SBO – Increased allocation for \$2,000,000						
Summary (Background)	This SBO would increase the allocation by \$2,000,000 to a total of \$3,000,000 from the American Rescue Plan. This funding request is based on community member and source matter expert discussions. Two rounds of community outreach were conducted. Through these conversations providers conveyed a need for additional resources for childcare in our community. Providers indicated that there is a large need for vouchers. Providers also expressed the need to hire and retain staff, which allow them to increase capacity. This will allow providers to increase capacity, which will have a positive economic impact because it will allow parents to reenter or remain in the workforce.						
Proposed Council Action & Date:	Approval on 5/2/22						
Fiscal Impact: Total Cost:							
Approved in current year budg	et? □ Yes ⊠ No □ N/A						
Funding Source 🗵 One Specify funding source:	e-time Recurring						
Expense Occurrence 🗵 One	e-time						
Other budget impacts: (revenu	e generating, match requirements, etc.)						
Operations Impacts							
What impacts would the propo	sal have on historically excluded communities?						
Equity impact will be included v	Equity impact will be included when RFP is presented						
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? Equity impact will be included when RFP is presented							
Lyany impact will be included	when his 15 presented						
How will data be collected regative the right solution?	arding the effectiveness of this program, policy or product to ensure it						

Performance evaluation of project will be performed as project benchmarks are achieved.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Project aligns with Council priority set forth in original ARPA allocation. Full details of the project to follow.

ORDINANCE NO C36200

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the American Rescue Plan Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase appropriation by \$2,000,000, funded from the city's direct allocation of the State and Local Fiscal Recovery Fund of the American Rescue Plan Act.
- A) Of the increased appropriation, \$2,000,000 is provided for the purpose of providing additional funding for local childcare initiatives.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide additional appropriation authority for funding childcare assistance, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council		-
_	Council Presider	 nt
Attest:		
City Clerk		
Approved as to form:Assista	ant City Attorney	
Mayor		Date
Effective Date		

SPOKANE Agenda Sheet	Date Rec'd	4/20/2022	
05/02/2022		Clerk's File #	ORD C36201
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	MATT BOSTON X6820	Project #	
Contact E-Mail	MBOSTON@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Special Budget Ordinance	Requisition #	
Agenda Item Name	0320 - SBO FOR PUBLIC SAFETY VEHIC	LES	

Agenda Wording

Allocating \$6,271,869 in American Rescue Plan Act funding for the purchase of public safety vehicles.

Summary (Background)

Council approved Resolution 2022-0030 on Monday, March 28, preauthorizing Fleet to enter into purchase agreements for public safety vehicles. This SBO is a follow up to the resolution and allocates \$6,271,869 of American Rescue Plan funds for public safety vehicle purchases as laid out in the resolution.

Lease?	NO Gr	ant related?	NO	Public Works?	NO	
Fiscal I	mpact			Budget Acc	ount	
Select	\$			#		
Select	\$			#		
Select	\$			#		
Select	\$			#		
Approv	als			Council Not	ification	<u>s</u>
Dept Hea	<u>ad</u>	ALLERS, HAN	NAHLEE	Study Sessio	n\Other	4/11 Public Safety
Division	<u>Director</u>			Council Spon	<u>isor</u>	Beggs, Kinnear, Zappone
<u>Finance</u>				Distribution	List	
Legal						
For the I	<u> Mayor</u>					
Additio	nal Approvals	<u> </u>				
Purchas	<u>ing</u>					

Committee Agenda Sheet Public Safety & Community Health

Submitting Department	City Council
Contact Name & Phone	CP Beggs; 625-6254
Contact Email	bbeggs@spokanecity.org
Council Sponsor(s)	Beggs, Kinnear, Zappone
Select Agenda Item Type	
Agenda Item Name	SBO Funding Public Safety Vehicle Purchases
Summary (Background)	Council approved Resolution 2022-0030 on Monday, March 28, preauthorizing Fleet to enter into purchase agreements for public safety vehicles. This SBO is a follow up to the resolution and allocates \$6,271,869 of American Rescue Plan funds for public safety vehicle purchases as laid out in the resolution.
Proposed Council Action & Date:	Will file after committee for consideration on April 25, 2022
Fiscal Impact: Total Cost: \$6,271,869 Approved in current year budget?	□ Yes ⊠ No □ N/A
Funding Source	☐ Recurring
Expense Occurrence 🗵 One-time	☐ Recurring
Other budget impacts: (revenue gene	rating, match requirements, etc.)
Operations Impacts	
What impacts would the proposal hav	e on historically excluded communities?
N/A	
	and reported concerning the effect of the program/policy by Il origin, income level, disability, sexual orientation, or other
Data of this type will not be collected.	
How will data be collected regarding t is the right solution?	he effectiveness of this program, policy or product to ensure it
Vehicle effectiveness will be determin	ed by Fleet based on various factors.
, ,	n current City Policies, including the Comprehensive Plan, rovement Program, Neighborhood Master Plans, Council
These purchases align with the City's punless determined not practical.	policy, and related State law, of purchasing electric vehicles

ORDINANCE NO C36201

An ordinance amending Ordinance No. C-36161, passed by the City Council December 13, 2021, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2022, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2022, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2022 budget Ordinance No. C-36161, as above entitled, and which passed the City Council December 13, 2021, it is necessary to make changes in the appropriations of the American Rescue Plan Act Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

NOW, **THEREFORE**, the City of Spokane does ordain:

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

- 1) Increase operating transfer-out by \$6,271,869
 - A) Of the increased appropriation, \$2,374,000 is to be transferred to the Police Property Acquisition fund for the procurement and commissioning of the following police vehicles:
 - i.) Up to 25 Ford K8 Electric Hybrid models,
 - ii.) Up to 5 Ford Mach-E or equivalent models,
 - iii.) Up to 3 Ford Lightening or equivalent models; and
 - iv.) Up to 2 Chevrolet Diesel Tahoe or equivalent diesel models.
 - B) Of the increase appropriation, \$3,707,869 is to be transferred to the Fire Property Capital Acquisition fund for the procurement and outfitting of fire apparatuses
 - C) Of the increased appropriation \$90,000 is to be transferred to the Fleet Replacement fund for the procurement and installation of electric charging infrastructure
 - D) Of the increased appropriation of \$100,000 is to be transferred to Fleet Services for the procurement of a study to reduce police vehicle maintenance and purchase costs by proposing reforms to take home vehicle, when cages are included and fleet rotational policies and recommend electric vehicle model choices based on experiences of other police departments and independent analysis.

Section 2. That in the budget of the Police Property Acquisition Fund, and the budget annexed thereto with reference to the Police Property Acquisition Fund, the following changes be made:

1) Increase revenue by \$2,374,000

- A. \$2,374,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act fund
- 2) Increase appropriations by \$2,374,000
 - A. \$2,374,000 of the increased appropriation is to be used solely for the purchase and commissioning of the following police vehicles:
 - i.) 25 Ford K8 Electric Hybrid models,
 - ii.) 5 Ford Mach-E models,
 - iii.) 3 Ford Lightening models; and
 - iv.) 2 Chevrolet Diesel Tahoe models

Section 3. That in the budget of the Fire Property Acquisition Fund, and the budget annexed thereto with reference to the Fire Property Acquisition Fund, the following changes be made:

- 1) Increase revenue by \$3,707,869
 - A. \$3,707,869 of the increased revenue is from a transfer-in from the American Rescue Plan Act fund
- 2) Increase appropriations by \$3,707,869
 - A. \$3,707,869 of the increased appropriation is to be used solely for the purchase and commissioning of fire apparatuses

Section 4. That in the budget of the Fleet Replacement Fund, and the budget annexed thereto with reference to the Fleet Replacement Fund, the following changes be made:

- 1) Increase revenue by \$90,000
 - A. \$90,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act Fund
- 2) Increase appropriations by \$90,000
 - A. \$90,000 of the increased appropriation is to be used solely for the purchase and installation of electric charging infrastructure.

Section 5. That in the budget of the Fleet Services fund, and the budget annexed thereto with reference to the Fleet Services fund, the following changes be made:

- 1) Increase revenue by \$100,000
 - A. \$100,000 of the increased revenue is from a transfer-in from the American Rescue Plan Act Fund
- 2) Increase appropriations by \$100,000
 - A. \$100,000 of the increased appropriation is to be used solely for the procurement of a study to reduce police vehicle maintenance and purchase costs by proposing reforms to take home vehicle and fleet rotational policies and recommend electric vehicle model choices based on experiences of other police departments and independent analysis.

Section 6. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to purchase and commission fire and police vehicles, purchase and installation of electric charging infrastructure and procurement of a study, and because of

such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

PASSED by the City Council on	
	Council President
Attest:	Approved as to form:
City Clerk	Assistant City Attorney
Mayor	Date
	Effective Date

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	12/16/2021
01/03/2022		Clerk's File #	RES 2022-0001
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	LORI KINNEAR X6715	Project #	
Contact E-Mail	LKINNEAR@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0320 - ESTABILISHING YEAR-LONG 20	MPH SPEED LIMITS A	ROUND CERTAIN
	PARKS		

Agenda Wording

A resolution establishing year-long 20 mph speed limits on streets adjacent to certain parks, as identified in the attached addendum, after the expiration of a two-year pilot project.

Summary (Background)

In 2020, Council instituted a two-year pilot project establishing year-long 20 mph speed limits around certain parks and park properties in response to COVID-19 and the increase in pedestrian visits to city parks outside of the summer season. This pilot project will end at the beginning of 2022. While the pilot project was instituted at the begging of COVID-19 pandemic, when park was particularly high, use of city parks has continued.

Lease?	NO (Grant related? NO)	Public Works?	NO	
<u>Fiscal</u>	<u>Impact</u>			Budget Acc	<u>ount</u>	
Neutral	\$			#		
Select	\$			#		
Select	\$			#		
Select	\$			#		
Approv	als			Council Not	ification	<u>s</u>
Dept He	ad	ALLERS, HANNA	HLEE	Study Session	n\Other	UE 12/13/21
Division	Director Director			Council Spon	<u>sor</u>	CMs Kinnear & Cathcart
<u>Finance</u>				Distribution	List	
Legal						
For the	<u>Mayor</u>					
Additio	nal Approva	<u>ls</u>				
Purchas	sing					
	·					

Briefing Paper PIES

Division & Department:	City Council
Subject:	Resolution Establihsing Year-Round 20mph Speed Limits for Certain
•	Streets Adjacent to Parks; and
	Resolution Reverting High Drive Speed Limit Back to 30mph
Date:	December 13, 2021
Contact (email & phone):	Giacobbe Byrd (gbyrd@spokanecity.org) (509) 625-6715
City Council Sponsor:	Lori Kinnear
Executive Sponsor:	
Committee(s) Impacted:	Urban Experience; Public Safety & Community Health; PIES
Type of Agenda item:	□ Consent ⊠ Discussion □ Strategic Initiative
Alignment: (link agenda item	
to guiding document – i.e.,	
Master Plan, Budget , Comp Plan, Policy, Charter, Strategic	
Plan)	
Strategic Initiative:	Safe and Healthy
Deadline:	Early 2022
Outcome: (deliverables,	These resolutions make streets around parks safer for pedestrians and
delivery duties, milestones to	cyclists and provides a solution for drivers speeding around parks.
meet)	
	e years ago, CM Kinnear worked with former-CM Fagan and the PeTT
_	greeable solution for drivers speeding around parks. In 2020, Council
· ·	nstituting a two-year pilot project establishing year-long 20 mph speed
•	park properties in direct response to the COVID-19 virus and the
•	our city parks outside of the summer season. This pilot project will end
	the pilot project was instituted at the begging of COVID-19 pandemic,
	n, use of city parks has continued. While short-term enforcement of
•	challenge, the City's legislative agenda includes requests for speed
•	ing the 20mph speed limits around certain parks will help drivers
accilmate to the lower speeds p	prior to potential future installation of speed cameras.
Executive Summary:	
These resolutions:	
	nd 20 mph speed limits on streets adjacent to certain City parks at the
expireation of the two-	
•	along High Drive to 30mph.
Budget Impact:	
Approved in current year budge	
Annual/Reoccurring expenditur	
	The cost of installing any new signs will be paid from the Traffic Calming
Measures Fund	a ganarating, match requirements, etc.)
Operations Impact:	e generating, match requirements, etc.)
Consistent with current operations	ions/policy? □ Yes ⊠ No □ N/A
·	rations/policy? ⊠ Yes □ No □ N/A

RESOLUTION NO 2022-0001

A resolution establishing year-long 20 mph speed limits on streets adjacent to certain parks, as identified in the attached addendum, after the expiration of a two-year pilot project.

WHEREAS, in 2020, the Spokane City Council unanimously adopted Resolution 2020-0021, which was amended by Resolution 2020-0077, instituting a two-year pilot project establishing year-long 20 mph speed limits around certain parks and park properties in direct response to the COVID-19 virus and the increase in pedestrian visits to our city parks outside of the summer season; and

WHEREAS, with the pilot project expiring, this resolution establishes year-round 20 mph speed limits for streets adjacent to certain parks included in the two-year pilot.

NOW, THEREFORE, BE IT RESOLVED that speed signs that reflect a 20 mph speed limit year-round shall be installed on both arterials and residential streets adjacent to the parks included in the attached addendum; and

BE IT FURTHER RESOLVED that the City Council requests the Streets Department engage in robust metric analysis to ensure that any potential future speed adjustments are based on measured data; and

BE IT FURTHER RESOLVED that the cost of installing any new signs will be paid from the Traffic Calming Measures Fund, into which is deposited automated traffic safety camera infraction fines.

PASSED by the City Council on		
	Council President	
Attest:	Approved as to form:	
City Clerk	Assistant City Attorney	

Mayor	Date
	Effective Date

ADDENDUM TO RESOLUTION NO. 2022-0001

The following parks and streets are subject to year-round 20mph speed limits, as established in Resolution No. 2022-0001:

A.M. Cannon Hill Park;
Chief Garry Park;
Comstock Park;
Corbin Park;
Hays Park;
Lincoln Park;
Mission Park;
Shadle Park;
Friendship Park;
Thornton Murphy Park;
Manito Park; and
West Cliff Drive from South Ben Garnett Way to the Tiger Trail.

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/19/2022
05/02/2022		Clerk's File #	RES 2022-0038
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	LORI KINNEAR X6715	Project #	
Contact E-Mail	LKINNEAR@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0320 - RAPID CAPITAL ACQUISITION PR	ROGRAM	

Agenda Wording

Requesting that the City of Spokane take advantage of state funding opportunities related to housing and homelessness.

Summary (Background)

A Resolution requesting that the City of Spokane take action to identify potential properties that may be appropriate for Rapid Capital Acquisition Program and build on existing partnerships with non-profits and service providers to create strong applications for this funding opportunity.

Lease?	NO (Grant related? N	10	Public Works?	NO	
<u>Fiscal</u>	<u>Impact</u>			Budget Acc	<u>ount</u>	
Neutral	\$			#		
Select	\$			#		
Select	\$			#		
Select	\$			#		
Approv	als			Council Not	ification	<u>s</u>
Dept He	ad	ALLERS, HANNA	AHLEE	Study Session	n\Other	4/21 Study Session
Division	<u>Director</u>			Council Spon	<u>sor</u>	CM Kinnear; CM
						Wilkerson; CP Beggs
<u>Finance</u>	1			Distribution	List	
Legal				gbyrd@spokane	ecity.org	
For the	Mayor					
Additio	nal Approva	<u>ls</u>				
Purchas	sing					

RESOLUTION NO. 2022-0038

A Resolution requesting that the City of Spokane take advantage of state funding opportunities related to housing and homelessness.

WHEREAS, last year, the Washington State Legislature provided funding for local municipalities to purchase rapid rehousing facilities; and

WHEREAS, Spokane only submitted one application for this program last year along with authorization to contribute millions of dollars in match and operations, and that application was not funded; and

WHEREAS, the State Legislature is once again providing funding for the Rapid Capital Acquisition Program, including operating funds; and

WHEREAS, the State Legislature is providing this funding to help fight the ongoing national housing crisis; and

WHEREAS, state legislators recently sent a letter to the Mayor stating that time is of the essence to access Rapid Capital Acquisition Program dollars when funding becomes available through the Department of Commerce; and

WHEREAS, City Council recently hosted a Study Session with Department of Commerce staff to gather additional details about the revised Rapid Capital Acquisition Program; and

WHEREAS, it is imperative that the City of Spokane take advantage of these state funded opportunities that will help address homelessness in our community.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council requests that the City of Spokane take action to identify potential properties that may be appropriate for the Rapid Capital Acquisition Program and build on existing partnerships with non-profits and service providers to create strong applications for this funding opportunity.

BE IT ALSO RESOLVED that the City of Spokane supports contributing up to a 30% match or \$3 million, whichever is less, to Rapid Capital Acquisition Program applications for projects within the City of Spokane.

of, 2022.
erk

Approved as to form:	
Assistant City Attorney	

SPOKANE Agenda Sheet for City Council Meeting of:		Date Rec'd	4/18/2022
05/02/2022		Clerk's File #	RES 2022-0039
		Renews #	
Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	
	DEVELOPMENT		
Contact Name/Phone	COLIN QUINN- 625-6804	Project #	
	HURST	_	
Contact E-Mail	CQUINNHURST@SPOKANECITY.ORG	<u>Bid #</u>	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	TRANSIT-ORIENTED DEVELOPMENT FRAMEWORK STUDY ACTION PLAN		

Agenda Wording

A resolution adopting the Transit-Oriented Development (TOD)Framework Study Action Plan as a guide for planning accessibility improvements and regulatory changes to support equitable TOD along existing and future high-frequency transit corridors.

Summary (Background)

This study evaluated a portion of the Spokane Transit Authority's City Line Bus Rapid Transit project to develop a process for identifying infrastructure improvements and land use policy changes to support Transit-Oriented Development in the project area. The resulting Action Plan will guide future public processes to update City policies, infrastructure plans, and zoning around transit station areas in this study areas and on other high-frequency transit corridors.

Lease? NO	Grant related? NO	Public Works? NO	
Fiscal Impact		Budget Account	
Neutral \$		#	
Select \$		#	
Select \$		#	
Select \$		#	
Approvals		Council Notification	<u>15</u>
Dept Head	BLACK, TIRRELL	Study Session\Other	Study Session – February 18, 2021; TOD Framework Steering Committee – March 30, 2021; TOD Framework Steering Committee – June 22, 2021; TOD Framework Steering Committee – July 21, 2021; TOD Framework Steering Committee,

September 28, 2021;

			Urban Experience – November 8, 2021; Urban Experience – March 14, 2022.	
Division Director	MACDONALD, STEVEN	Council Sponsor	CM Cathcart/CM Bingle	
<u>Finance</u>	ORLOB, KIMBERLY	Distribution List		
<u>Legal</u>	RICHMAN, JAMES	sgardner@spokanecity.org		
For the Mayor	ORMSBY, MICHAEL	tblack@spokanecity.org		
Additional Approvals		cquinnhurst@spokanecity.org		
<u>Purchasing</u>	urchasing		smacdonald@spokanecity.org	
		jchurchill@spokanecity.org		

Committee Agenda Sheet URBAN EXPERIENCE

Submitting Department	Planning Services		
Contact Name & Phone	Colin Quinn-Hurst, 509-625-6804		
Contact Email	cquinnhurst@spokanecity.org		
Council Sponsor(s)	Councilmember Michael Cathcart		
Select Agenda Item Type	☐ Consent		
Agenda Item Name	Transit-Oriented Development Framework Study		
Summary (Background)	cquinnhurst@spokanecity.org Councilmember Michael Cathcart □ Consent ☒ Discussion Time Requested:		
Proposed Council Action & Date:	Resolution, May 2022, Date TBD		

Fiscal Impact:			
Total Cost:			
Approved in current year budget? $oximes$ Yes $oximes$ No $oximes$ N/A			
Funding Source			
Expense Occurrence One-time Recurring			
Other budget impacts: (revenue generating, match requirements, etc.)			
Operations Impacts			
What impacts would the proposal have on historically excluded communities?			
• The proposals of the TOD Framework Study would improve access to transit for adjacent residents in historically underserved neighborhoods. Through multi-modal facilities and public right-of-way improvements, the proposals of this project would complete the adjacent sidewalk, bikeway and pathway networks, and provide arterial crossings and improvements along Mission Avenue. These gaps in walk and bike facilities previously created barriers separating residents from parks, amenities and services. The proposals of this study would help improve accessibility to the City Line toward serving all modes of travel for people of all ages and abilities, while shifting policy toward supporting a range of housing and commercial investments that would be more immediately accessible for nearby residents.			
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?			
 This study collected baseline data that identified existing demographics and land-use characteristics within the neighborhoods bordering along the eastern end of the City Line Bus-Rapid Transit route, identified gaps in accessible infrastructure, services and land uses, and sought direct feedback from neighborhood residents on resulting proposals through social mapping exercises, surveys and community meetings. 			
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?			
 This project included three rounds of public engagement consisting of questionnaires, surveys, and online mapping activities, as well as public meetings. In addition, a Steering Committee made up of elected and non-elected neighborhood representatives and organizational representatives from within the adjacent neighborhoods provided regular feedback throughout the project. The feedback obtained through these efforts, as well as the results of anticipated traffic impacts on these neighborhoods, guided the selection of proposed solutions and policy recommendations. 			

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

The proposal is aligned with many City policies embedded within the City's Comprehensive Plan:

Chapter 3, Land Use:

- LU 2: Public Realm Enhancement
- LU 3: Efficient Land Use
- LU 4: Transportation
 - o LU 4.6: Transit-Supported Development

Chapter 4, Transportation:

- TR 2: Transportation Supporting Land Use
- TR 5: Active Transportation
- TR 6: Commercial Center Access
- TR 7: Neighborhood Access
- TR 9: Promote Economic Opportunity

Chapter 7, Economic Development:

- ED 2: Land Available for Economic Activities
- ED 3: Strong, Diverse, and Sustainable Economy

This project is also aligned with previous studies and plans conducted by the Spokane Transit Authority and City of Spokane to assess the potential for high-performance transit and supportive land use and infrastructure investments. These studies include the Central City Line Strategic Overlay Plan (2016) and the Economic and Land Use Impacts of the Central City Line (2014) and supportive planning efforts conducted in the Logan Neighborhood Subarea Plan and the Chief Garry Park Neighborhood Plan.

RESOLUTION NO. 2022-0039

A resolution adopting the City of Spokane Transit Oriented Development Framework Study as a guide for planning integrated transit-oriented development and multi-modal access by identifying recommendations for aligning policies, regulations, and investments in public infrastructure.

WHEREAS, the City of Spokane has adopted a Comprehensive Plan that complies with the requirements of the Washington State Growth Management Act, including a Land Use element meeting the requirements set forth in RCW 36.70A.070(1) and a Transportation element meeting the requirements set forth in RCW 36.70A.070(6); and

WHEREAS, the City of Spokane's Comprehensive Plan Land Use element contains Policy LU 4.6 – Transit-Supported Development that encourages transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops; and

WHEREAS, the Spokane Transit Authority is implementing the City Line, a six-mile corridor-based Bus Rapid Transit system running from Browne's Addition through Downtown, the University District, the Logan Neighborhood, and the Chief Garry Park Neighborhood to Spokane Community College; and

WHEREAS, the Spokane Transit Authority Board of Directors and Spokane City Council adopted a Locally Preferred Alternative for the City Line in July of 2011; and

WHEREAS, the Spokane Transit Authority Board of Directors adopted an updated Locally Preferred Alternative for the City Line in July of 2014, and the Spokane City Council concurred with the Locally Preferred Alternative in August of 2014; and

WHEREAS, in 2015, the Spokane Transit Authority Board of Directors and the Spokane City Council approved Joint Resolution No 736-15 and 2015-0104 respectively, establishing a collaborative process to implement the City Line and creating a Steering Committee: and

WHEREAS, Center-Based Planning & Urban Design, a consulting firm specializing in transit-supportive land use, mobility planning, and transit-oriented development strategies, carried out a Transit-Oriented Development Framework Study for the City of Spokane that analyzes existing opportunities and challenges around a selected segment of the City Line route, and recommends policies, strategies, regulations, and investments to create transit-supportive development in City Line station areas; and

WHEREAS, the Transit Oriented Development Framework Study identifies the importance of Equitable Transit-Oriented Development that ensures people experience the benefits of transit, regardless of income, race, ethnicity, age, gender, or ability.

WHEREAS, the Transit Oriented Development Framework Study will be utilized to leverage future funding for land use and transportation plans and developments adjacent to Bus Rapid Transit systems and high-performance transit lines; and

WHEREAS, the Transit Oriented Development Framework Study will guide future zoning code and land use adjacent to Bus Rapid Transit systems and high-performance transit lines by providing a model for compact development with multi-modal access; and

WHEREAS, The Transit Oriented Development Framework Study included a wide range of public engagement including two public meetings, one meeting each with the Logan Neighborhood Council and Chief Garry Park Neighborhood Council, four steering committee meetings with community organizations and institutions, four technical committee meetings with City departments and partner agencies, five plan commission workshops, and three Council or Council Committee presentations; and

WHEREAS, the public meetings were held June 16,2021 and September 15, 2021; and

WHEREAS, the Logan Neighborhood Council and Chief Garry Park Neighborhood Council meetings were held May 11, 2021 and May 19, 2021 respectively; and

WHEREAS, the Steering Committee meetings were held March 30, 2021; June 22, 2021; July 22, 2021; and November 3, 2021; and

WHEREAS, the Technical Advisory Committee meetings were held March 23, 2021; June 22, 2021; July 21, 2021; and September 28, 2021; and

WHEREAS, the Spokane City Plan Commission workshops were held February 10, 2021; June 23, 2021; October 13, 2021; February 9, 2022; and March 23, 2022; and

WHEREAS, a study session presentation was delivered to Spokane City Council on February 18, 2021 and a presentation to the Urban Experience Committee was delivered on November 8, 2021 and March 14, 2022; and

WHEREAS, the Transit Oriented Development Framework Study includes an Action Plan for implementing a public process for a Mission Avenue Land Use and Transportation Study, a Transit Oriented Development Subarea Plan, and a Transit Oriented Development Overlay Zone; and

WHEREAS, the proposed Action Plan items, if furthered, will be subject to a separate planning process that includes additional engagement with the community; and

WHEREAS, as prescribed in SMC 04.12.010, this resolution is not an action to amend the City's Comprehensive Plan or development regulations by recommendation of the Plan Commission; and

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council adopts the Transit Oriented Development Framework Study as shown in Attachment A, guiding document for future actions and further consideration of recommendations to increase the City's Equitable Transit Oriented Development capacity.

Passed by the City Council this	day of	, 2022
	City Clerk	
Approved as to form:		
Assistant City Attorney		

SPOKANE CITY PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE TRANSIT-ORIENTED DEVELOPMENT FRAMEWORK STUDY ACTION PLAN

A Recommendation from the City Plan Commission to the City Council recognizing the Transit-Oriented Development Framework Study Action Plan as a guide for future policy development and potential regulatory, infrastructure and programmatic implementation measures.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in 2001 that complies with the requirements of the Washington state Growth Management Act, including a land use element as well as a transportation element that is consistent with the land use element, meeting the requirements set forth in RCW 36.70A.070(2).
- B. The City of Spokane land use element contains Policy LU 4.6 Transit-Supported Development that encourages transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops, added by City Ordinance C35841 on January 17, 2020.
- C. The Spokane Transit Authority is building the City Line, a six-mile corridorbased Bus Rapid Transit line running from Browne's Addition through Downtown, the University District, the Logan Neighborhood, and the Chief Garry Park Neighborhood to Spokane Community College.
- D. Features of the City Line route include electric buses, permanent station infrastructure including level-boarding and pre-board ticketing, and high-frequency routing up to 7.5-minute headways at peak times.
- E. Transit-Oriented Development, or TOD, is relevant to the future of land uses adjacent to the City Line as it provides a model for planning compact development with a diversity of land uses adjacent to high-performance transit lines.
- F. Center-Based Planning & Urban Design, a consulting firm specializing in transit-supportive land use, mobility planning, and transit-oriented development strategies, carried out a Transit-Oriented Development Framework Study for the City of Spokane that analyzes existing opportunities and challenges around a selected segment of the City Line route, and recommends policies, strategies, regulations and investments to create transit-supportive development in City Line station areas.

- G. Outreach and public communication beginning in the spring of 2021 included a project web page, online surveys on challenges and opportunities around the City Line, a recorded video about the City Line and Transit-Oriented Development distributed via the City's social media channels and web page, email updates to interested parties, blog posts, and press releases promoting participation in the planning process.
- H. Staff discussed project goals, principles and timelines of the study via virtual online meetings of the neighborhood councils, seeking feedback on priorities, challenges and opportunities. Staff discussed the project the virtual Logan Neighborhood Council meeting on May 11, 2021 and at the virtual Chief Garry Park Neighborhood Council meeting on May 19, 2021.
- In 2021, staff and consultant conducted four Steering Committee workshops with stakeholders, community groups, and community members representing a variety of experiences in the community at a series of socially distanced meetings in compliance with public health directives to seek feedback on project area conditions, findings and recommendations. Participants included neighborhood council representatives, community non-profit organization representatives, and representatives from local service providers and businesses. The Steering Committee met March 30, 2021; June 22, 2021; July 22, 2021; and November 3, 2021.
- J. Throughout 2021, staff and consultant conducted four Technical Advisory Committee workshops to review study findings and draft deliverables with participants representing the range of City departments and partner agencies. The Technical Advisory Committee met March 23, 2021; June 22, 2021; July 21, 2021; and September 28, 2021.
- K. Staff and consultant presented project principles and draft materials to City Council at study sessions and sub-committees of the Spokane City Council including a study session presentation on February 18, 2021; a presentation to the Urban Experience Committee on November 8, 2021; and a presentation to the Urban Experience Committee, on March 14, 2022.
- L. During spring and summer 2021, staff and consultant conducted two online community workshops, noticed and open to the general public, with neighborhood residents, neighborhood organization representatives and agency partners to explore project area conditions and seek input on priorities and challenges in the project area, as well as to review draft development concepts and supporting policies. The online community workshops were held on June 16, 2021 and September 15, 2021.
- M. On February 10, 2021; June 23, 2021; October 13, 2021; February 9, 2022; and March 23, 2022 the Spokane City Plan Commission held workshops in a

virtual online format to review the Transit-Oriented Development Framework Study principles and process, commenting on various components and recommendations of the draft plan as it progressed throughout the planning phases.

- N. The Code Evaluation memo, included as Appendix A-1, analyzes existing land use codes and development standards within the City Line corridor and identifies potential limitations to supporting Transit-Oriented Development, existing supportive policies, and areas of opportunity where adjustments could better support Transit-Oriented Development.
- O. The Regulatory Approach memo, included as Appendix A-2, provides recommendations for how to update existing development standards to better support Transit-Oriented Development, explains where re-zoning specific areas would better align with the principles of Transit-Oriented Development, proposes a Transit Overlay Zone to apply these modifications in existing supportive zoning, proposes a Transition Overlay Zone to apply modifications in residential zones adjacent to the Transit Overlay Zone, and identifies locations for more in-depth analysis and sub-area planning.
- P. The Neighborhood Mixed Use Zone Recommendations memo, included as Appendix A-3, proposes specific adjustments to the existing, unused Neighborhood Mixed Use (NMU) zone to create a neighborhood-level Transit-Oriented Development zoning category that supports the incremental development of mixed-use neighborhood nodes adjacent to high-frequency transit stations.
- Q. The Plan Commission recognizes the recommendations of the Transit-Oriented Development Framework Action Plan do not direct nor result in any change to land use or zoning, nor does the Action Plan commit to funding or programmatic changes.
- R. The City caused notice of the Plan Commission's April 13, 2022 hearing to be published *Spokesman-Review* on March 30, 2022 and April 6, 2022.
- S. On April 13, 2022, the City Plan Commission will hold a virtual public hearing on the proposed TOD Framework Action Plan. At the public hearing, the Plan Commission will hear testimony on the draft TOD Framework Action Plan recommendations, and deliberated on the proposed recommendations.

CONCLUSIONS:

Based upon the draft Transit-Oriented Development Framework Action Plan and appendices, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), agency and public comments received, and public testimony presented, the Plan Commission makes the following conclusions with respect to the Transit-Oriented Development Framework Action Plan:

- 1. The draft Action Plan is consistent with the goals and purposes of the Growth Management Act.
- 2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment have been given that opportunity to comment.
- 3. Additional legislative action with robust public engagement will be required for any strategies that involve changes to adopted policy and regulations of the City of Spokane, which would be incorporated into subsequent work plans of the Plan Commission and/or considered in conjunction with ongoing or upcoming major planning efforts such as the periodic update of the Comprehensive Plan required by the statutory deadline of 2026.

RECOMMENDATION:

In the matter of the Transit-Oriented Development (TOD) Framework Action Plan:

As based upon the above listed findings and conclusions, by a vote of 8 to 0, the Plan Commission takes the following actions:

- (1) Recommends to City Council the **APPROVAL** of a resolution recognizing the Transit-Oriented Development Framework Action Plan as a guide for future policy development and potential regulatory and programmatic implementation measures.
- (2) Authorizes the President to prepare and sign on the Commission's behalf a written decision setting forth the Commission's findings, conclusions, and recommendation on the resolution.

Gregory F Francis
Gregory F Francis (Apr 14, 2022 19:15 PDT)

Greg Francis, Vice President Spokane Plan Commission

Apr 14, 2022

TOD - PC Findings and Conclusion 04-13-2022

Final Audit Report 2022-04-15

Created: 2022-04-15

By: Jackie Churchill (jchurchill@spokanecity.org)

Status: Signed

Transaction ID: CBJCHBCAABAADrfNI-fayOCe10bCtBJMf699MNEvKDAL

"TOD - PC Findings and Conclusion 04-13-2022" History

Document created by Jackie Churchill (jchurchill@spokanecity.org) 2022-04-15 - 0:09:57 AM GMT- IP address: 73.83.158.109

Document emailed to Gregory F Francis (gfrancis@spokanecity.org) for signature 2022-04-15 - 0:10:32 AM GMT

Email viewed by Gregory F Francis (gfrancis@spokanecity.org) 2022-04-15 - 2:10:56 AM GMT- IP address: 73.225.178.203

Document e-signed by Gregory F Francis (gfrancis@spokanecity.org)

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TRANSIT-ORIENTED DEVELOPMENT FRAMEWORK STUDY

A Station Area Planning and Regulatory Guidebook for Spokane's High Frequency Transit Corridors

MARCH 2022

ACKNOWLEDGEMENTS

City of Spokane

City Council (Urban Experience Committee)
Plan Commission
Development and Planning Services
Integrated Capital Management



Neighborhood Councils

Logan Chief Garry Park

Steering Committee

Breean Beggs – Spokane City Council Robin Bekkedahl - Avista Corp. Kate Burke – Spokane City Council Karen Byrd – Logan NC Michael Cathcart – Spokane City Council Colleen Gardner – Chief Garry Park NC Lars Gilberts – University District / Numerica Shauna Harshman – City Council Staff Jason Lien – Spokane Regional Transp. Council Chuck Murphy – Gonzaga University Charlene Kay – WSDOT Eastern Region Karl Otterstrom – Spokane Transit Authority Lindsey Shaw – Logan NC Juliet Sinisterra- University District Mike Tresidder- Spokane Transit Authority John Vansant – Spokane Public School Dist.

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Louis Meuler - Planning Services
Katherine Miller - Integrated Capital Mgmt.
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Consultants

Center-Based Planning + Urban Design Angelo Planning Group

CITY COUNCIL RESOLUTION #: DATE:

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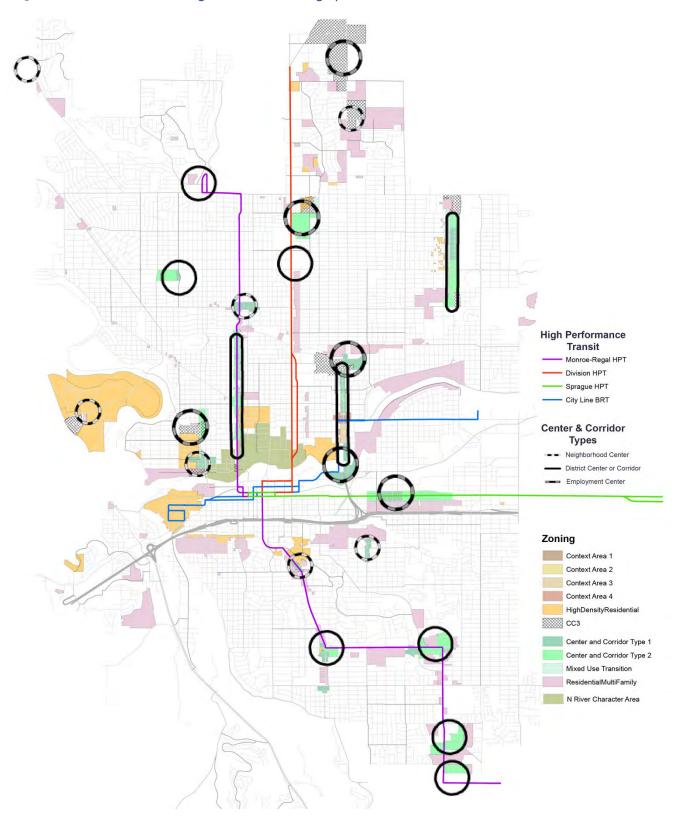
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Figure 1: Centers and Corridors growth areas and high-performance transit lines



I. INTRODUCTION

As Spokane grows, planning for the future means planning more options for people to live, work, recreate and get around. Public transit investments support these options and promote development along transit corridors. With permanent station infrastructure, including level-boarding and pre-board ticketing, the City Line Bus Rapid Transit (BRT) is estimated to host more than 1 million rides per year and increase land and improvement values by \$175 million over 20 years.

The investment in transit is also an **investment in communities**, where the benefits of BRT through improved access to jobs, education and services within reach of BRT corridors, support shared wealth generation, enhance sustainability, and help to reduce transportation expenses. In a transit-oriented development (TOD), land use and transportation are integrated with a transit route at its core where a mix of housing, commercial businesses, jobs and services are concentrated along walkable and bikeable streets within ¼ mile of the transit route. **TOD meets market demands for mixed-use**, walkable development in urban areas such as the Spokane Transit Authority's (STA) high frequency transit corridors.

Transit also helps improve equity and affordability with a lower cost and shared facility to deliver greater benefits to a diverse range of residents. Equitable transit-oriented development, or ETOD, helps ensure people experience the benefits of transit, regardless of income, race, ethnicity, age, gender, or ability. When centered on social inclusion and community wealth building, ETOD can be a driver of positive transformation for more vibrant, prosperous, and resilient neighborhoods connected to opportunities throughout the city and region and can help prevent displacement of current residents in development. As the City of Spokane continues to focus on TOD, the City can further identify ETOD policies and quidance to represent a vision to equitably share the benefits of transit for all.

STUDY PURPOSE

The TOD Framework Study plans for integrated transit-oriented development (location, type, intensity and form of development) and multi-modal access (walk and bike networks supporting safe and direct access between transit and destinations) within a portion of the City Line BRT (Figure 2).

In addition, the Study identifies recommendations for aligning polices, regulations and investments in public infrastructure to promote transit-oriented development along Spokane's current and future

SHARP AVE

UNIVERSITY
DISTRICT
Generally

West Birds

1/2 Mile Station Area

high frequency transit corridors and to advance the City's growth policies around Centers and Corridors (Figure 1).

Centers and Corridors represent those areas where local policies and regulations allow for and support employment, shopping, and residential activities in shared locations and encourage, through new development and rehabilitation, new areas for economic activity.

The Study process was structured around the fundamentals of successful transit-oriented development and best practices for increasing transit ridership and promoting equity that are defined by a set of guiding principles (overarching vision and purpose) and four overarching elements of station area planning that are necessary to inform policies, regulatory changes and public infrastructure improvements to promote transit-oriented development and transit ridership.

The result of the TOD Framework Study is this guide for promoting transit-oriented development that is consistent with the goals and needs of local residents, neighborhoods, and community leaders and can be applied City-wide to Spokane's high frequency transit corridors.

GUIDING PRINCIPLES



Establish a multi-modal transportation corridor by linking stations with a continuous biking and walking facility.

Increase potential ridership with development supporting an active station environment and walking and biking improvements providing direct access between transit and destinations.

Enable station areas to achieve their development potential by supporting transitoriented infill or redevelopment opportunities for people to live and promote businesses near transit.

STATION AREA PLANNING





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



Direct and continuous walk & bike network links stations to destinations



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



Allow mixed-use, higher densities, pedestrian-oriented development & multi-modal streets standards



II. EXECUTIVE SUMMARY

STUDY PROCESS

Planning for transit-oriented development around station areas and high-frequency transit lines consisted of four phases.

The TOD Framework Study represents a model process (Figure 3) for aligning polices and regulations with capital infrastructure improvements to promote transit-oriented development. The process can be applied to the entire City Line corridor, outside of the Downtown zones, and to current and future high-performance transit corridors including—Division, Monroe/Regal, and Sprague.

The study process is collaborative, resulting in a practical and innovative station area planning framework plan and regulatory recommendations developed over the following phases:

- 1. Initial Review and Analysis—Provide an assessment and evaluation of existing station environment(s), transit access, land uses, and the lack, or presence, of policies and regulations supporting transit-oriented development. Summarize the challenges and opportunities to be addressed.
- **2. Concept Development and Regulatory Approach**—Address challenges and opportunities with a land use and circulation framework, TOD scenarios and a transit supportive regulatory approach.
- **3. Draft and Refine Regulatory Recommendations**—Address areas of transit supportive zoning potentially limiting TOD, areas of non-transit supportive zoning that may preclude TOD, and public infrastructure that is a barrier to transit access and pedestrian activity necessary to promote TOD.
- **4. Final Plan & Public Review**—Prepare documentation summarizing all project phases and an action plan detailing next steps for implementing regulatory and active transportation infrastructure improvement recommendations.

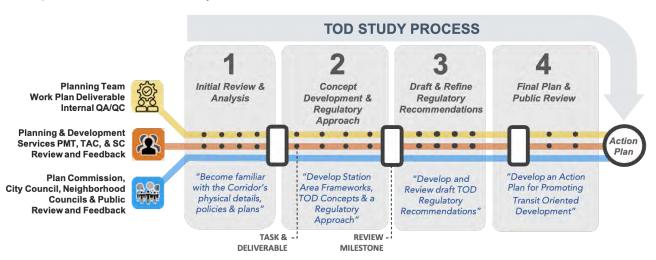


Figure 3: TOD Framework Study Process

PUBLIC ENGAGEMENT

The Study incorporated public engagement throughout each project phase, including meetings and on-line engagement to inform recommendations for policies and regulations modifications intended to quide future development and infrastructure improvements.

The project team conducted virtual public, neighborhood council, committee and subcommittee meetings to review and gather feedback regarding the challenges to transit access and transit-oriented development, opportunities for promoting housing options, and locating daily-needs goods and services within walking distance of residents. As well as an approach for transit-supportive regulatory modifications and capital improvement projects promoting walk and bike access within the study area.

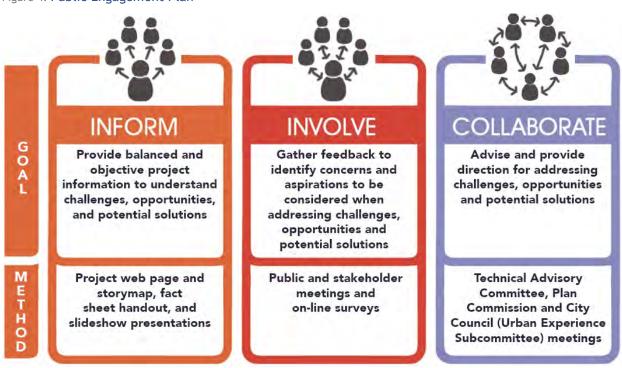
A project page on the City website provided balanced and objective project information supported by a *People.Places.Home* video illustrating what transit-oriented development in Spokane could look like and an interactive map to explore the project study area. Two online surveys gathered feedback on

—conditions inhibiting walking and biking, and the types of uses that would be desirable within station areas and—the ability of transit-oriented development concepts to address transit access impediments and opportunities for future development to support housing and daily-needs goods and services within reach of BRT corridors.

SESSIONS

- 2 X Public Meetings workshops with neighborhood residents
- 2 X Neighborhood Council presentations and discussions with Logan and Chief Garry Park Neighborhood Councils
- **4 X Steering Committee** reviews by community organizations and institutions
- **4 X Technical Committee** reviews by City departments and partner agencies
- **4 X Plan Commission** introductory and review presentations and discussions
- **2** X Council Subcommittee project update presentation and discussion

Figure 4: Public Engagement Plan



STATION AREA PLANNING

Based on the study area corridor evaluation, station area access and transit-oriented development, frameworks were created and represent an integrated land use and transportation planning approach for the City Line study area.

During the Study's Phase 1: Initial Review and Analysis, a corridor evaluation was performed utilizing transitoriented development fundamentals and best practices criteria. The criteria addressed three station area planning elements and the necessary conditions for promoting access and development around transit including:

- station environment—lack/prevalence of safe and universally accessible stations with adjacent activity generating uses
- destination and station access—lack/prevalence of direct and continuous walk and bike access from station to station and between stations and destinations
- transit supportive land use—lack/prevalence of a mix of station and pedestrian-oriented housing, jobs and businesses at transit-supportive densities.

Station Area Access Framework

An assessment of walk and bike facilities within each station area identified several necessary walk and bike improvements to promote access to stations and destinations within station areas. The assessment identified gaps in existing facilities and recommends new facilities to improve safe and direct access to stations. Improvements address auto, pedestrian and bicycle conflicts that impact transit access and the ability to safely reach station area destinations such as parks, schools and jobs.

Station Area Access Findings

The station access findings at each of the stations identifies the need to:

- Address E. Mission Avenue, N. Greene Street & N. Hamilton Street auto, pedestrian and bicycle conflicts with enhanced crossings at Riverton Avenue, Napa Street, Cook Street, Regal Street, Greene Street and at the Mission Avenue entry to see and lack of bicycle facilities on the bridge and east of the river. A Mission Avenue Land Use & Circulation Study is recommended to address sight-distance issues (in both directions) at the Riverton Avenue intersection, develop detailed design and alignment concepts for multi-modal street improvements along the Mission Avenue corridor in the context of land use goals as well as current and forecasted travel patterns. The study should evaluate and balance the multiple roles of Mission Avenue as a neighborhood main street, arterial river crossing for area-wide circulation and as a multi-modal premium transit corridor.
- **Fill gaps in missing sidewalks and bicycle facilities** both north and south of E. Mission Avenue to ensure safe and direct access to Stevens Elementary School, Chief Garry Park and the existing E. South Riverton Avenue trail.
- Extend bike lanes and trail segments to fill gaps in walk and bicycle facilities on E. Sharp Avenue, N. Perry Street and trail segments east and west of the Spokane River.

Complementary Station Area Access Routes

Four types of station access facilities are recommended to provide a complete network of walk and bike facilities and include:

- BRT Corridor Route
 — A continuous walking and biking facility connecting station to station within
 the BRT corridor route
- Station Access Route— the primary walking and biking facilities providing safe and direct access to stations
- **Collector Trail**—the citywide and regional trail system connecting with the BRT corridor, station access and neighborhood access routes
- Neighborhood Access Route— Walk and bike facilities within station area neighborhoods linking to schools, parks, and other station area access routes

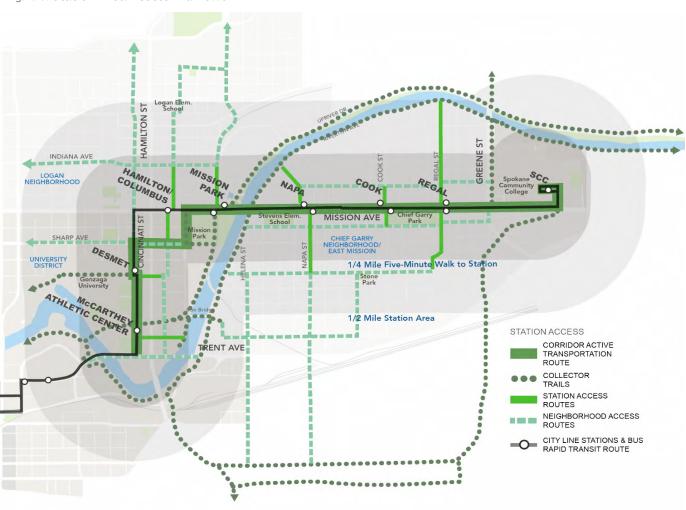


Figure 5: Station Area Access Framework

Transit Oriented Development Framework

Within the study area, the City Line stations are located in the University District, Logan Neighborhood and Chief Garry Park Neighborhood. Each is defined by existing development patterns, destinations and opportunities for future TOD. The Study provided a summary of each area identifying **distinct characteristics and features** (types of land uses, development patterns, and accessibility), **destinations** (employment, education, commercial and public facilities), and **transit-oriented development opportunities** (vacant, underutilized and potential redevelopment areas). Five distinct station typologies were identified that responds to these areas in addition to adopted policies and plans, specific site, market and demographic conditions as well as best practices for TOD.

Transit Oriented Development Potential Findings

An assessment and evaluation of future transit-oriented development potential at each station indicates that:

- Stations at Desmet Avenue, Mission Park and SCC currently have relatively high transit supportive uses and resident/employee populations but limited potential for TOD infill as these station areas are largely built out. Future development in proximity of the station is dictated by Gonzaga University, AVISTA Corporation, the Parks department (Mission Park/Aquatic Center) and Spokane Community College respectively.
- The Hamilton/Columbus Station is in proximity to some infill and redevelopment opportunities anchored by the Safeway grocery store with an adopted Form-Based Code in place to encourage and guide future TOD.
- The Cook Street Station is dominated by Chief Garry Park and detached single family housing with no potential for TOD infill (i.e., higher density residential uses) under current regulations.
- The stations at the McCarthey Athletic Center, Napa Street, and Regal Street offer a high level of TOD potential due to the prevalence of vacant/underutilized and potential redevelopment areas, good access and visibility from major transportation routes and adequate resident/ employee populations and amenities (open space, parks, and schools) to support transitoriented development. However, in these station areas current regulations allow auto-oriented uses and the Hamilton Avenue and Mission Avenue corridors' heavy traffic, noise, and inactive building frontages do not support pedestrian and bike activity and act as a barrier to TOD and transit access.
- Potential high housing displacement risks exist at the Napa, Cook, and Regal stations. These stations are also potentially representative of significant numbers of transit dependent riders that are key to the long-term success of the system and that can benefit most from the access to jobs, education and services provide by the City Line BRT.

Transit-Oriented Development Typologies

Typologies inform the **type and intensity of future transit-oriented development and station access within station areas.** In some instances, a station is defined by two typologies representative of the diversity of development within the station area. The **typologies range in development density and mix of uses from highest intensity at a district scale to lower intensity at the neighborhood level. The following station typologies were assigned to stations along the City Line study area as indicated in Figure 6 and include:**

- Center Station— District-scale high and medium density housing with street-oriented retail, commercial uses, and employment served by public space amenities such as parks, plazas and waterfronts.
- Corridor Station— Mixed land use, typically extending one- to two-blocks from the transit route
 with medium and high-density housing, with street-oriented retail, commercial and employment
 uses.
- **Employment/Campus Station** May be predominantly employment, educational, medical campus uses or regional-serving recreation facilities where land use and circulation is dictated by a single institution, City department or major employer. These represent areas of high transit ridership.
- **Neighborhood-Node Station** Neighborhood-compatible medium density housing, with streetoriginated neighborhood serving retail and commercial uses and may include parks, and schools.
- oriented neighborhood serving retail and commercial uses and may include parks, and schools.

 EXECUTIVE SUMMARY

 Neighborhood-Residential Station— areas of predominately existing single-family housing with infill housing opportunities and often served by parks and schools.

POLICIES AND REGULATORY RECOMMENDATIONS

The potential for TOD is enhanced through a regulatory approach that modifies use and development standards within transit-supportive base zones, rezones non-transit supportive base zones within TOD opportunity areas

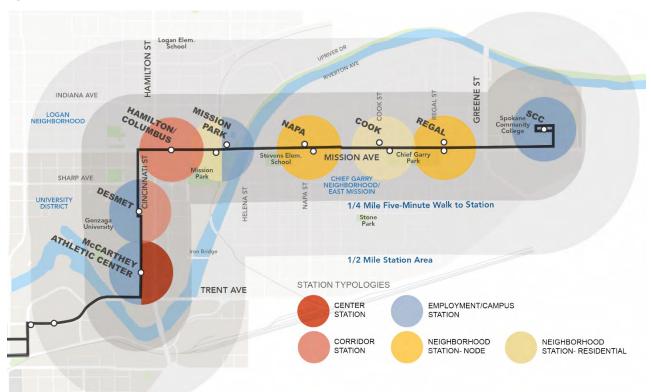


Figure 6: TOD Framework

and invests in active transportation infrastructure improvements within proximity of the stations and along the City Line BRT corridor (Figure 7).

TOD Regulatory Approach

The Title 17C Land Use Standards do provide Residential, Commercial, Center and Corridor, and Form Based Zones that are generally transit supportive but **require some modifications to standards** including Building Height, Building Orientation, FAR, Setbacks, Allowed Uses, Density, Vehicle/Bicycle Parking & Streetscape Amenities **to address barriers to TOD**. In some instances, where conflicting zone designations exist **within potential TOD infill areas**, a **rezoning is recommended** to promote new uses that stimulate pedestrian activity with mutually reinforcing land use patterns and densities promoting TOD.

Barriers and challenges to transit access and destinations within station areas are prevalent along E. Mission Avenue and at intersections with arterial streets such as, N. Hamilton Street and N. Greene Street. The current roadway design with narrow sidewalks, no buffer to auto traffic, and a lack of bicycle facilities has a negative impact on the ability to promote street-oriented commercial development that is necessary to provide an active station environment at the Napa Street and Regal Street stations.

The City should consider the following TOD policy and regulatory recommendations (Figure 8) to provide an integrated land use and transportation approach for promoting TOD along high frequency transit corridors:

Figure 7: TOD Regulatory Approach

TOD POTENTIAL	TOD OVERLAY ZONE	REZONE OPPORTUNITY AREAS	CAPITAL FACILITIES INVESTMENT
Focus regulatory changes and investment in walk and bike infrastructure within TOD Opportunity Areas	PROMOTE AFFORDABLE DEVELOPMENT	APPLY TO TOD OPPORTUNITY AREAS	REDUCE BARRIERS AND CHALLENGES TO TRANSIT ACCESS
Address parking and building heights as the driver for limiting TOD	PROMOTE TRANSIT SUPPORTIVE DEVELOPMENT	STRENGTHEN CENTERS & CORRIDORS AND NEIGHBORHOOD NODES	FILL GAPS IN WALK & BIKE FACIILITIES
Maximize incentives and bonuses to promote affordable housing and pedestrian amenities	APPLY MODIFICATIONS WITHIN A TOD OVERLAY ZONE	APPLY NEIGHBORHOOD MIXED USE ZONE	APPLY STREET STANDARDS TO PROMOTE TRANSIT ACCESS AND TOD

- Modify TOD Supportive Base Zones within the Title 17C Land Use Standards to more directly promote transit-oriented development. TOD Supportive base zones include Center and Corridor, Form Based Code, Neighborhood Retail, Neighborhood Mixed-Use, and High Density Residential/Residential Multi-Family designations.
- 2. Create an Overlay Zone to apply base zone modifications along high frequency transit corridors. An Overlay would apply base zone modifications within a Core Zone (for the City Line study area that includes the FBC, CC, NR, RMF and RHD zones) and an Overlay Transition Zone allowing Middle Housing types for single-family and two-family zones within ¼ mile of the high frequency transit corridor.
- 3. Rezone transit-oriented development opportunity areas within the McCarthey Athletic Center and Regal Station Areas. Potential transit-oriented development opportunity areas include base zones that are non-transit supportive. General Commercial, Community Business & Industrial zones may limit, preclude, or render uncertainty to new uses and development that stimulate pedestrian activity with mutually reinforcing land use patterns and density to support transit.
- 4. Conduct additional Planning and Studies to address barriers and challenges to transit access and promote transit-oriented development within TOD opportunity areas. A Subarea Plan process has been initiated to facilitate transit-oriented development at the McCarthey Athletic Center, Desmet and Columbus Stations. This includes reviewing land use, zoning, design standards, and identifying public infrastructure needs to support higher density housing and development in the University District. In addition, a Mission Avenue Land Use and Circulation study should be initiated to explore opportunities for transportation, safety, and streetscape changes, as well as, promoting housing, street-oriented commercial uses and an active pedestrian environment at the Napa Street and Regal Street Stations.

ACTION PLAN

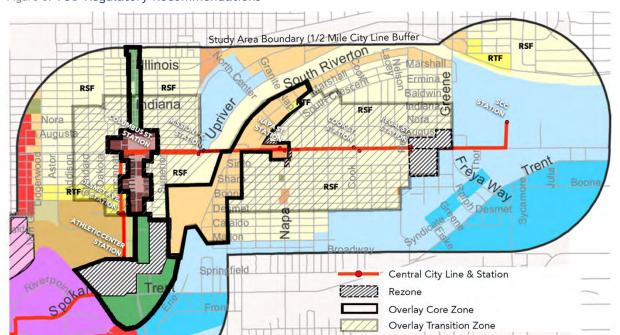


Figure 8: TOD Regulatory Recommendations

The recommendations from the TOD Framework Study will be implemented under separate processes, with staff assignments, development timing, and Plan Commission and Council scheduling to be determined, based on further discussion about the scope of each recommendation.

Develop and implement a public process for:

- Mission Avenue Land Use and Transportation Study (Multi-modal Access, Economic Opportunities and Zoning Needs)— a transportation and land use study for Mission Avenue between Division Street and Spokane Community College. The study would explore opportunities for transportation, safety, and streetscape changes, as well as, promoting street-oriented commercial uses, an active pedestrian environment, and identifying regulatory changes for promoting transit-oriented development.
- 2. TOD Subarea Plan— In 2022, the City is initiating a Subarea Plan process and SEPA planned action in the South Logan area for the McCarthy Athletic Center, Desmet, and Columbus Station Areas, aligned with a Washington Department of Commerce Transit-Oriented Development Implementation (TODI) grant. The TODI grant is part of the Washington Legislature's effort to increase housing capacity and improved connections with transit. The subarea plan will help facilitate transit-oriented development that leverages investment in the City Line with supportive land uses, housing, and mixed-use development around Gonzaga University and the Hamilton Street Corridor.
- 3. TOD Overlay Zone (Core and Transition)—the City should initiate a process for base zone modifications, to be applied to an Overlay Zone within the extents of the City Line corridor study area.

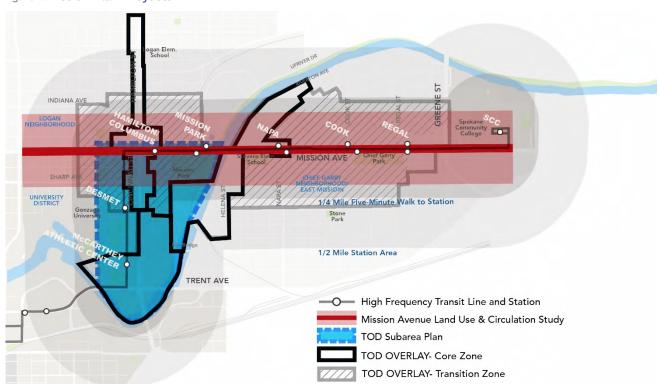


Figure 9: Action Plan Projects



III. INITIAL REVIEW and ANALYSIS

The following initial review and analyses are intended to become familiar with the Corridor's physical details, policies and plans and determine the presence or lack of conditions that support transit-supportive development and ensure safe and direct access between stations and the stations and destinations within a $\frac{1}{2}$ mile of the City Line corridor.

STUDY AREA CONTEXT

The study area is approximately a ½ mile on either side of the City Line high-frequency transit corridor consisting of eight stations along the Cincinnati Street and Mission Avenue corridors through the Gonzaga University campus and the Logan and Chief Garry Park Neighborhoods. Generally speaking, **residential areas** along Mission Avenue and Cincinnati Avenue represent transit origin trips and **are associated with transit dependent riders.** Destinations that have a strong correlation to **higher ridership numbers include Gonzaga University and Spokane Community College** located at either end of the study area corridor. A major employer, AVISTA and the Safeway grocery store also contribute to ridership numbers and to a lesser degree commercial and service uses along Hamilton Avenue.

The presence of anchor destinations, a diversity of uses (housing and daily needs goods and services) and areas of vacant and underutilized parcels is favorable for promoting transit ridership, as long as intensification, through increased residential and commercial density, is aligned with conversions of the Hamilton Avenue and Mission Avenue roadways to promote walking and biking.

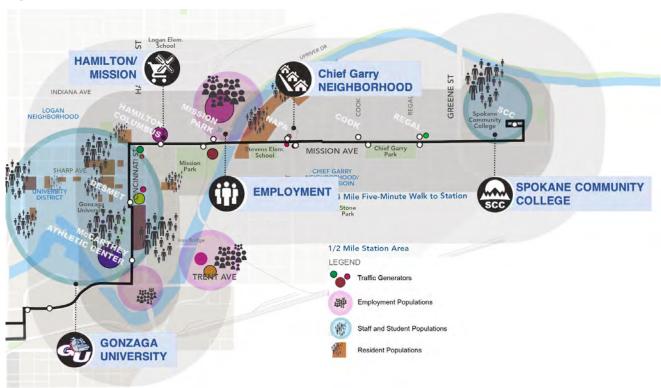


Figure 10: Destinations

UNIVERSITY DISTRICT

Characteristics & Features

- GU housing & athletic facilities, aging manufacturing/warehouse & emerging employment uses.
- Direct access to downtown, I-90 and the Centennial regional recreation trail.

Major Destinations

- McCarthy Athletic Center, athletic fields and residence halls
- Trent Avenue employment

TOD Opportunities

 Aging manufacturing & warehouse sites, vacant/ underutilized sites, & parking lots

LOGAN NEIGHBORHOOD

Characteristics & Features

- GU housing and classroom facilities, apartments, Hamilton commercial corridor, & large employer (Avista).
- Direct downtown & I-90 access; the Centennial regional recreation trail

Major Destinations

- GU residence halls and classrooms
- Safeway, Mission Park, & Avista

TOD Opportunities

 Hamilton Street small lot vacant/ underutilized sites and parking lots

CHIEF GARRY PARK NEIGHBORHOOD

Characteristics & Features

- Single-family housing; apartments, autooriented commercial, & SCC
- Mission Avenue, Napa Street, & Greene Street provide neighborhood access. Northern edge Riverfront trial

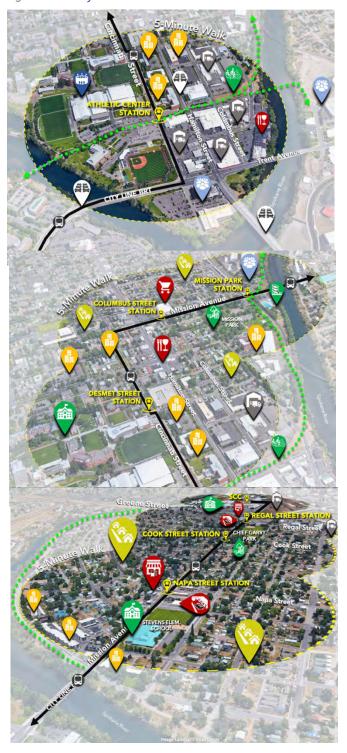
Major Destinations

 Spokane Community College, Stevens School & Chief Garry Park

TOD Opportunities

 Mission Avenue oriented parking lots, aging commercial/ manufacturing, vacant and

Figure 11: Study Area Context



TOD ASSESSMENT and EVALUATION

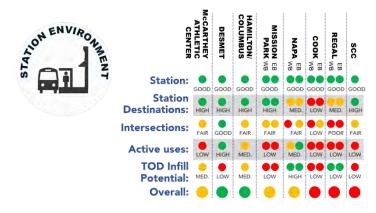
A corridor assessment and evaluation were performed based on criteria supporting transit-oriented development fundamentals and best practices for station area planning. The criteria address four primary elements.

STATION ENVIRONMENT FINDINGS:

- All stations include a safe, comfortable and accessible station platform and amenities to support transit use.
- There is a need for enhanced Mission Avenue crossings at Napa, Cook and Regal Stations to ensure safe and direct walk and bike access.
- An inactive station environment is prevalent at many of the stations and needs to be addressed in regulatory updates that ensure new development supports an active station environment and a level of density that is transit supportive.

Figure 12: Station Environment Evaluation

DESTINATION AND STATION ACCESS FINDINGS



Stations: Include ADA accessibility, seating/shelter/fare machines/route schedule & stops map/real time arrival reader

Destinations: high ridership destinations or bus transfers at the station

Intersections: existing/planned crosswalks, ADA accessible corners, and/or adequate traffic control (signals or signs)

Active uses: presence/lack of buildings with windows and doors oriented to the station and built to the sidewalk

Transit Oriented Development infill potential: vacant, underutilized and/or potential redevelopment sites adjacent to the station

- Mission, Greene and Hamilton corridors are a barrier to transit and destinations access.
- Lack of bicycle facilities on Mission Avenue and Napa Avenue and gaps in walk and bike facilities throughout the Chief Garry Park neighborhood
- Future capital infrastructure projects should prioritize investment to address walk and bicycle deficiencies.

Figure 13: Destination and Station Access Evaluation



Station areas destinations: job/population concentrations, anchor uses including public facilities, religious and community services and commercial goods/services/dining within ¼ mile of the station

Barriers to destinations and stations: high

traffic, multi-lane streets, lack/presence of traffic control, posted speeds at or above 30 mph, and multiple curb-cuts across sidewalks.

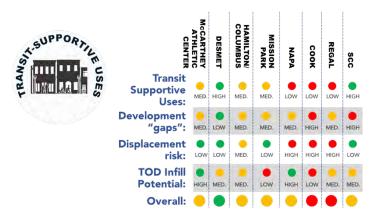
Station areas walk facilities: presence of existing/planned sidewalks within ½ mile of the station.

Station areas bicycle facilities: presence of existing/planned bike facilities within ½ mile of the station.

TRANSIT SUPPORTIVE USES FINDINGS

- Potential for TOD infill on vacant, and underutilized sites at the McCarthey Athletic Center, Napa and Regal Stations
- Gaps in housing options and local goods and services are prevalent at the Mission Avenue stations east of the River.
- Housing displacement of current residents is a concern at the Napa, Cook, and Regal Stations

Figure 14: Transit Supportive Uses Evaluation



Transit supportive uses: presence of multi-family housing, employment & institutional centers, retail and commercial uses, community facilities and parks/open space.

Development "gaps": lack of diverse housing types, density and affordability, daily-needs goods and commercial services, and parks/open spaces.

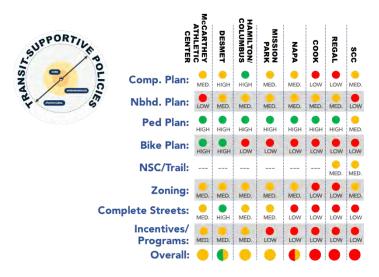
Displacement "risk": vulnerability factors include economic status, household composition and disability, minority status & language; housing type and transportation

Transit-Oriented Development infill potential: vacant, underutilized and/or potential redevelopment sites in the station area

TRANSIT SUPPORTIVE POLICES FINDINGS:

- Single family zone limits housing density
- Bicycle Plan lacks adequate facilities in the Chief Garry Park neighborhood.
- Auto oriented zoning exists at the McCarthey Athletic Center, Cook and Regal Stations
- Hamilton and Mission are a barrier to transit access and safe walking and biking throughout the corridor.

Figure 15: Transit Supportive Policies Evaluation



Comprehensive Plan: presence of transit supportive land use and circulation policies.

Neighborhood Plan: presence of adopted plans promoting transit supportive land use and circulation.

Pedestrian Plan: presence of existing & planned facilities to promote access to destinations and stations.

Bicycle Plan: presence of existing & planned facilities to promote access to destinations and stations.

North Spokane Corridor & Children of the

Sun: viaduct design and future trail planning to impact/address access to destinations and stations.

Zoning & Standards: presence of transit-supportive densities, and pedestrian emphasis building and site design standards.

Complete Streets: presence of street standards for promoting complete streets.

Incentives and Programs: presence of transitoriented development incentives and programs

TOD CHALLENGES

Today, there are challenges for those who choose to walk or bicycle in the area 1/2 mile around the City Line BRT stations. In some areas auto-oriented uses, low density development and vacant, underutilized properties negatively impact transit ridership by discouraging walking— affecting 70 percent of transit riders. This type of current development prevents the density, mix of uses and housing options consistent with best practices for transit-oriented development.

CHALLENGES TO ADDRESS

- Walk and Bike Barriers—Traffic speed, multi-lane roadways and limited traffic control (i.e., stop sign or traffic signal) can be a barrier to station access and destinations along the corridor. Instances of auto/pedestrian and auto/bicycle collisions occur at busy intersections and at station locations all along the BRT corridor.
- Transit Supportive and Active Use Deficiency—A lack of transit supportive uses exists along Cincinnati Street & Mission Avenue include light industrial/manufacturing uses, large surface parking lots and vacant, underutilized properties.
- Lack of Housing Options and Neighborhood Serving Uses—Mission Avenue, east of the Spokane River, offers limited housing options (i.e., primarily single-family residential) and a lack of neighborhood serving goods and services to meet daily needs within walking or bicycling distance of some stations.

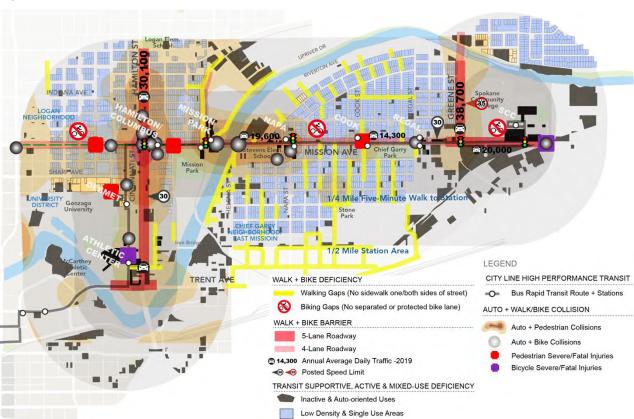


Figure 16: TOD CHALLENGES

TOD OPPORTUNITIES

In the future, within the City Line BRT station areas, there are a number of potential ways to improve safety and support walking and bicycling to the station and neighborhood destinations. Potential new development and redevelopment of existing properties along Hamilton Street and Mission Avenue could provide additional affordable and mixed-income housing, more jobs, and nearby goods and services to meet the daily needs of current and future residents.

OPPORTUNITIES TO CONSIDER

- Fill Gaps in Walk and Bicycle Facilities—Add missing sidewalks and bicycle facilities with an emphasis around stations, and City designated Pedestrian Priority Zones and Suggested Walk Routes
- Enhanced Crossings at Intersections— Design and fund enhanced crossings improvements to address speed, lack of traffic control and pedestrian and bike collisions at intersections along E. Mission Avenue, N. Greene Street, N. Hamilton Street and & E. Spokane Falls Avenue/ E. Trent Avenue. Consider grade-separated crossing treatments at Riverton Ave. to connect off-street pathway network along the River and to address sight-distance challenges on the vehicle approaches to this intersection.
- TOD Infill Opportunity Areas and Middle Housing— Consider encouraging "middle housing" such as, duplexes, triplexes and fourplexes) rowhouses and cottage cluster housing in single family and two-family residential zones along the corridor. In addition, consider parking reductions coupled with increasing maximum buildings heights to promote density, additional housing supply and lower costs for affordable housing.

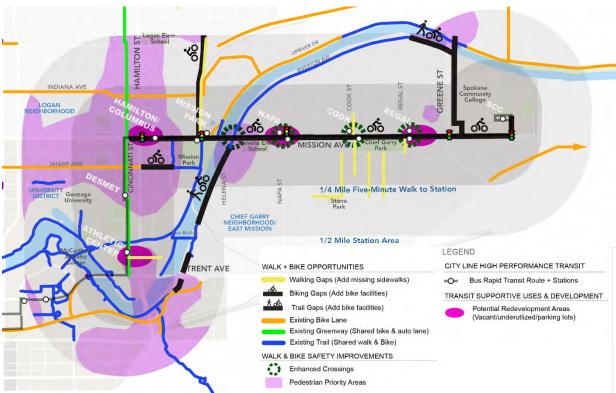


Figure 17: TOD OPPORTUNITIES

IV. STATION AREA PLANNING

The City and the Spokane Transit Authority's high-performance transit investments helps ensure the viability and greater utilization of the City's existing built environment, which can reduce housing and transportation costs that burden households, reduce GHG emissions and impacts to the natural and built environment, that in turn, supports a more safe, equitable, and enhanced quality of life and sustainable future.

TOD FUNDAMENTALS and BEST PRACTICES

Station area planning is associated with a set of distinct geographies (station, core, and neighborhood), a streets hierarchy (multi-modal 5-minute walk and bike networks), and development typologies (density range and mix of uses from highest intensity at the core to lower intensity at the neighborhood) providing a framework for transit-supportive development and promoting transit ridership.

STATION— Universally accessible with comfortable amenities such as wide sidewalks, landscaping, seating, shelters and lighting, electronic reader boards, and station platform ticketing.

CORE— A dense hub and mix of neighborhood-serving retail, service uses, and multi-family housing oriented to the transit station and supporting an active station environment.

NEIGHBORHOOD— A mix of rental and ownership properties that support a range of income levels and accommodate a broad spectrum of middle housing types including apartments, townhomes, "plexes" (duplexes, triplexes and fourplexes), rowhouses and cottage cluster housing compatible with adjacent single-family neighborhoods.

STREETS HEIRACHY— A connected network of streets fosters TOD and are designed to accommodate all modes of transportation providing safe and direct access to the station within a 5-minute walk or bike ride.

Figure 18: TOD Planning Area and 5-Minute Network



EQUITABLE TRANSIT ORIENTED DEVELOPMENT (ETOD)

TOD fundamentals inherently contribute to equity, but it requires policy directives with explicit actions to ensure equity, such as investments in transit, walk and bike facilities, and regulatory changes to allow for increasing housing supply, promoting affordability and contributing to added housing choice within station area neighborhoods.

The Metropolitan Planning Council of the greater Chicago region offers five principles of ETOD (Figure 19) that are relevant to the City Line study area and are addressed in the station area planning frameworks and TOD regulatory recommendations.

The Study offers direction toward equitable development where:

- The station area access framework recommends priority infrastructure investments that fill gaps in walk and bike facilities and enhanced Mission Avenue intersections to address barriers and challenges to stations and station area destinations access within the Chief Garry Park neighborhood.
- The transit-oriented development framework establishes and locates typologies that promote a dense mixed-use housing, employment, and commercial District supported by parks, trails, and an active waterfront. Neighborhood-Nodes consist of street-oriented storefronts supporting daily-needs good and services within walking distance of residences, opportunities for multi-family housing and townhomes, and an active station environment.
- TOD infill development scenarios within potential opportunity areas identify sites for a range of housing types including affordable, market rate, mixed-income, and transitional housing. A Mission Avenue concept identifies a multi-modal conversion of the roadway to improve walk and bike access to stations, Stevens Elementary School and Chief Garry Park.
- The regulatory approach recommends, in concert with the City's adopted Housing Action Plan, modifications to zoning that reduce parking requirements, increase building height, expand bonuses to promote affordable housing and allow "plexes" (duplexes, triplexes and fourplexes), rowhouses and cottage cluster housing within existing single-family zones.



STATION AREA ACCESS FRAMEWORK

The station access framework provides for a complete network of complementary walk and bike facilities supporting a system of safe and direct access within a 5-minute walk (1/4 mile) or bike ride (1-mile) to stations and station area destinations.

Four types of station access facilities provide a complete network of walk and bike facilities that build off the robust existing trail system, address access barriers within station areas, and supports the City's adopted Pedestrian and Bicycle Plans.

BRT Corridor Route— A continuous walking and biking facility connecting station to station within the BRT corridor route. The route—located along N. Cincinnati Avenue consists of a built "bike greenway" (a shared use roadway with auto, bus and bike on a low traffic volume and low speed 10-mph street). The E. Mission Avenue segment is **envisioned as part shared use trail** (10' minimum) and part bi-directional protected bikeway (10' minimum plus a buffer) located along the south side of the street between Mission Park and SCC. A portion of the route is along Sharp Avenue as a "greenway" segment connecting to Cincinnati Avenue. The Action Plan for this project recommends a Mission Avenue Land Use & Circulation Study to evaluate detailed bicycle facility design and alignment options, incorporating Mission Avenue and parallel routes in the context of current and forecasted travel demand and adjacent land use goals.

Station Access Route—the primary walking and biking facilities providing safe and direct access to stations and should be considered priority infrastructure improvements to ensure station access. These routes are envisioned as "bike greenways" at E. Desmet Avenue (will require modifying the N. Hamilton Street concrete median to allow east/west through travel for bikes), N. Columbus Street, N. Magnolia Street (North of E. Mission Avenue), N. Cook Street, E. Springfield Avenue, N. Regal Street. N. Napa Street (east side of the street and south of E. Mission Avenue) and N. Perry Street are envisioned as protected bikeways or shared-use path (12' minimum) along the eastside of each roadway

Figure 20: Station Area Access Types







Collector Trail—the citywide and regional trail system connecting with the BRT corridor, station access and neighborhood access routes. **Filling "trail gaps" is an infrastructure investment priority.**

Neighborhood Access Route— Walk and bike facilities within station area neighborhoods linking to schools, parks, and other station area access routes. These routes correspond with significant gaps in sidewalk and bicycle facilities within the Chief Garry Park Neighborhood. "Bike greenways" are envisioned along E. Sinto Avenue and E. Nora Avenue (between Riverton Avenue and Greene Street), E. Springfield Avenue and N. Cincinnati Street (built). Bike lanes are envisioned along N. Helena Street, N. Columbus Street, E. Sharp Avenue, E. Indiana Avenue and N. Perry Street. At E. Trent Avenue and



N. Napa Street **protected bikeways or shared-use path** (12' minimum) are envisioned.

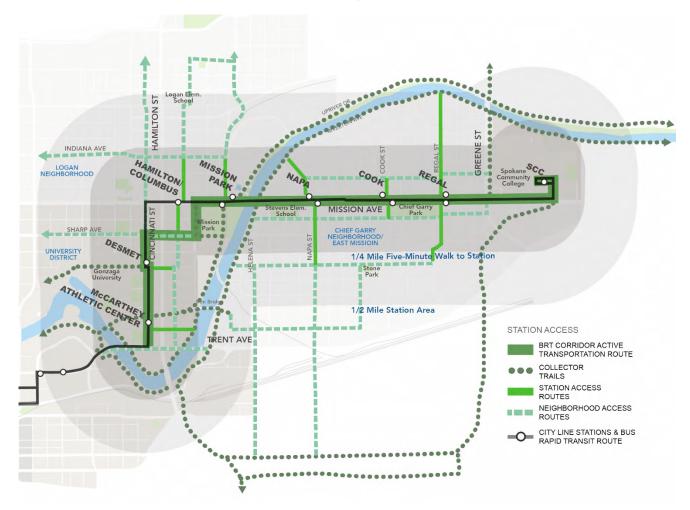


Figure 21: Station Area Access Framework- CITY LINE Study Area Corridor

TRANSIT ORIENTED DEVELOPMENT FRAMEWORK

The transit-oriented development framework supports neighborhood/district character and function and informs the type and intensity of transit supportive development within station areas.

Five distinct station typologies were identified that responds to adopted policies and plans, specific site, market and demographic conditions as well as best practices for TOD. The typologies range in development density and mix of uses from highest intensity at a district scale to lower intensity at the neighborhood level. The following station typologies were assigned to stations along the City Line study area.

Center Station— District-scale high and medium density housing with street-oriented retail, commercial, and employment uses served by public space amenities—parks, plazas and waterfronts. Safe, direct and convenient walk and bike access between stations and destinations often includes enhanced intersection design, a separation of bicycles from auto traffic, and wide sidewalks serving an active street environment. The McCarthey Athletic Center Station is designated a mixed Center and Employment/Campus Station with opportunities for district-wide TOD consistent with the Center comprehensive plan designation.

Corridor Station— Mixed land use, typically extending one- to two-blocks from the transit route with medium and high-density housing, with street-oriented retail, commercial and employment uses. Safe and direct walk and bike access between stations and destinations often includes pedestrian enhanced intersection design and a separation of bicycles from auto traffic. A portion of the Desmet and the entire Hamilton/Columbus Station are designated Corridor Stations and reflects the nature of the Hamilton Street commercial corridor.

Employment/Campus Station— May be predominantly employment, educational, medical campus uses or regional-serving recreation facilities where land use and circulation is dictated by a single institution, City department or major employer. Safe and direct walk and bike access between the station, campus and nearby destinations is a priority as these represent areas of high transit ridership. Portions of the McCarthey Athletic Center, Desmet, Mission/Park and the entire SCC station are designated an Employment/Campus Station.

Figure 22: Station Typologies





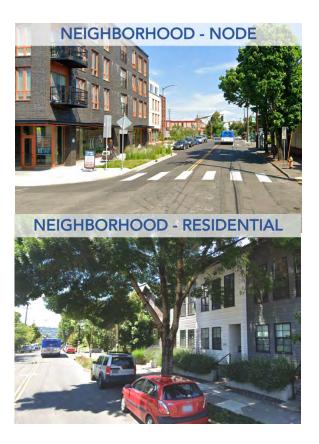
EMPLOYMENT - CAMPUS



Neighborhood-Node Station— Neighborhood-

compatible medium density housing, with street-oriented neighborhood serving retail and commercial uses and may include parks, and schools. Safe, direct and convenient walk and bike access between stations and destinations often includes enhanced intersection design, a separation of bicycles from auto traffic, and wide sidewalks serving an active street environment. The Napa and Regal Stations are designated Neighborhood-Node stations.

Neighborhood-Residential Station— Areas of predominately existing single-family housing with infill housing opportunities and often served by parks and schools. Safe and direct walk and bike access is often provided along lower traffic streets between stations and destinations. Pedestrian enhanced intersection design and a separation of bicycles from auto traffic may be necessary where higher-traffic streets traverse or intersect the station area. A portion of the Mission Park Station and the entire Cook Station are designated a Neighborhood-Residential Station



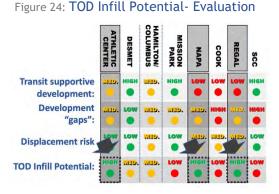
HAMILTON INDIANA AVE HAMILTON LOGAN NEIGHBORHOOD SHARP AVE DESMET UNIVERSITY 1/4 Mile Five-Minute Walk to Station ATHLETIC CENTER 1/2 Mile Station Area STATION TYPOLOGIES TRENT AVE CENTER EMPLOYMENT/CAMPUS STATION CORRIDOR NEIGHBORHOOD NEIGHBORHOOD STATION- RESIDENTIAL STATION- NODE

Figure 23: TOD Framework- CITY LINE Study Area Corridor

TRANSIT ORIENTED DEVELOPMENT INFILL POTENTIAL

Transit oriented development scenarios provide a snapshot of the type, intensity and form of transitoriented development within vacant, underutilized, and potential TOD sites. The McCarthey Athletic Center, Napa and Regal Stations represent stations with a prevalence of vacant, underutilized and potential redevelopment areas, good access and visibility from major transportation routes and adequate resident and employee populations and amenities to support redevelopment.

Scenarios for these stations considered existing station area barriers and assets to TOD, recent development trends, and adopted plans and regulations. Scenarios promote pedestrian activity and a mix of uses to address gaps in housing, commercial, employment and public facilities and are organized around street-level commercial hubs supported by parks and open space amenities.



MCCARTHEY ATHLETIC CENTER TRANSIT ORIENTED DEVELOPMENT

The McCarthey Athletic Center Station is designated as a Campus /Institutional and Center Station typology representative of district-scale transit-oriented development. The scenario is consistent with the Center zoning designation, promotes new uses in Centers that stimulate pedestrian activity with mutually reinforcing land use patterns and integrates development and transit with improved walk and bike access along key routes.

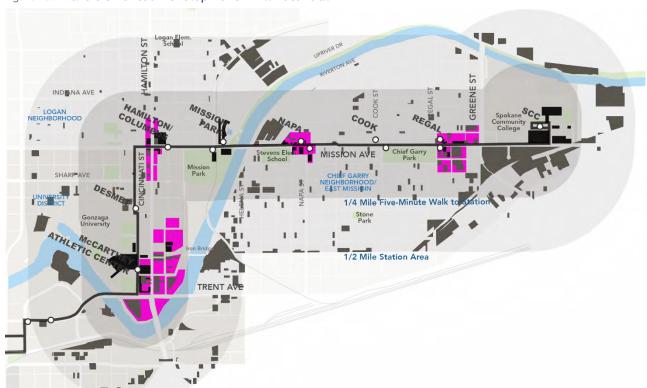


Figure 25: Transit Oriented Development Infill Potential

Barriers

- Heavy traffic, noise, and inactive frontages discourage pedestrian and bike activity.
- Existing warehouse and manufacturing uses are not transit supportive
- An incomplete trail network limits continuous riverfront access and linkages to existing crossings
- Lack of direct river access or areas for riverfront activities to promote this asset as a destination

Assets

- Drive-by-traffic, high visibility, and direct access to downtown & I-90
- Market supported by GU resident and staff population; emerging employment uses, & activity generated from sports facilities
- Aging uses on large and predominately single ownership parcels
- Amenity rich with extensive river frontage and portions of a trail network

TOD Scenario

The scenario supports a retail and commercial hub of activity along Springfield Avenue characterized by edge-to-edge retail and commercial uses lining the street between Gonzaga University and the riverfront. New linear parks serve as amenities for high density housing and creation of a station neighborhood.

Trent Avenue serves as the front door and signature street supporting a "Health Peninsula"— a cluster of research, development and high-tech office uses. The waterfront is enhanced as a district destination with a new park, trail extensions and non-motorized watercraft landings access to the Spokane River.

MISSION AVENUE TRANSIT ORIENTED DEVELOPMENT

The Napa and Regal Stations are **designated as**Neighborhood- Node Stations supporting
neighborhood -scale transit-oriented
development. The Comprehensive Plan and

Figure 26: TOD Scenario- McCarthey Athletic Center Station







Zoning at the Napa Station consists of a neighborhood mini-center with Neighborhood Retail zoning designations that allow for TOD. At the Regal Station, current zoning—Commercial Business & Industrial is incompatible with TOD.

Mission Avenue Concept

In an effort to address the challenges for walking and biking, provide for a more active pedestrian environment at the stations and to support street-oriented neighborhood serving commercial uses, the TOD Study offers a concept for **conversion of Mission Avenue into a more balanced multi-modal street with opportunities to promote TOD.** The concept is for discussion purposes only and does not reflect an adopted plan or funded infrastructure project. The concept would **convert one of the four lanes of traffic on Mission Avenue to a bi-directional protected bikeway** (south side of the street) providing station-to-station, Stevens Elementary School and Chief Garry Park access. Auto traffic would be channelized to three lanes (two lanes westbound and one lane eastbound).

Pedestrian and bicycle enhanced intersections would ensure safe and direct access to the station at Napa Street, a trail crossing at Riverton Avenue, crossings at the Regal Street Station, Green Street and Mission Avenue intersections and at the entrance to Spokane Community College.

Barriers

- Heavy traffic, speed and limited crosswalks and signals
- Poor pedestrian environment with no bicycle facilities on Mission Avenue
- Auto-oriented developments discourage pedestrian and bike activity.
- Warehouse, manufacturing uses, and parking lots are not transit supportive



Building setbacks for street-oriented commercial uses would allow for widened sidewalks and onstreet parking necessary to support commercial development, reduce traffic speed and promote pedestrian activity in proximity of the station.

Recognizing the multiple roles of Mission Avenue as a multi-modal transit corridor, as the main street for neighborhood residents and as an arterial river crossing for area-wide travel, a Mission Avenue Land Use & Circulation Study is recommended to further develop detailed alignment and design options in the context of land use goals for the corridor as well as area-wide travel demand and circulation and will include consideration of options and impacts on parallel routes.

Mission Avenue Improvements

- Convert 4-lane to 3-lane (two westbound lanes and one-eastbound lane)
- Maintain 4-lane section at key intersections to support turn movements and bus operations
- Add two-way bikeway and buffer (south side of the street)
- Widen sidewalks and add on-street parking at TOD sites
- Enhance crossings (striped crosswalks, removal of double left turns at Napa Street) and signalization (pedestrian, bike and transit priority)
- Further develop detailed design recommendations through a Mission Avenue Land Use & Circulation Study.

Figure 28: Mission Avenue Improvements





TOD Scenarios

These two station areas are **optimal as a neighborhood hub** to serve residents, SCC and drive-by traffic that is **anchored by the Stevens Elementary School and Chief Garry Park** including:

- Redevelopment of the former Service Center Building (Magnolia and Mission) and Mission Village strip mall (Fiske and Mission)
- New storefronts with multi-family housing along Mission Avenue.
- Expanded community facilities including a commercial storefront and permanent transitional housing at the Napa Station
- Multiple blocks of multi-family and townhome development offer a range of housing types and potential affordability.

Figure 29: TOD Scenarios- Napa and Regal Stations



Concept for discussion purposes only and does not represent an adopted plan or funded infrastructure projections.



V. POLICIES and REGULATORY RECOMMENDATIONS

The ability to transition high frequency transit corridors from non-transit supportive lower intensity uses and auto-oriented development to transit oriented development requires an integrated transportation and land use approach that looks to modify policies and regulations for use and development standards in conjunction with investments in multi-modal infrastructure and placemaking.

REGULATORY APPROACH

The Study's regulatory approach for promoting TOD within the City Line study area is intended to:

Focus regulatory changes and priority investments in walk and bike infrastructure within TOD opportunity areas

These areas are defined by vacant, underutilized and potential redevelopment sites with good access and visibility from major transportation routes and adequate resident and employees' populations to support redevelopment. Regulatory changes are most beneficial when applied to these areas as they tend to

Figure 30: TOD Regulatory Approach

TOD POTENTIAL	TOD OVERLAY ZONE	REZONE OPPORTUNITY AREAS	CAPITAL FACILITIES INVESTMENT		
Focus regulatory changes and investment in walk and bike infrastructure within TOD Opportunity Areas	PROMOTE AFFORDABLE DEVELOPMENT	APPLY TO TOD OPPORTUNITY AREAS	REDUCE BARRIERS AND CHALLENGES TO TRANSIT ACCESS		
Address parking and building heights as the driver for limiting TOD	PROMOTE TRANSIT SUPPORTIVE DEVELOPMENT	STRENGTHEN CENTERS & CORRIDORS AND NEIGHBORHOOD NODES	FILL GAPS IN WALK & BIKE FACILITIES		
Maximize incentives and bonuses to promote affordable housing and pedestrian amenities	APPLY MODIFICATIONS WITHIN A TOD OVERLAY ZONE	APPLY NEIGHBORHOOD MIXED USE ZONE	APPLY STREET STANDARDS TO PROMOTE TRANSIT ACCESS AND TOD		

be optimal for locational efficiencies (convergence of multimodal access with transit supportive uses and densities) that promote transit ridership. These locational efficiencies also potentially contribute to reduced household expenditures on transportation and housing, promote affordability, and increase spending on local goods and services, resulting in a host of financial and environmental benefits often termed the "green dividend" (Cortright, Joe (2013). Green Dividend. CEOs for Cities.)

Figure 31: Regal Station TOD Opportunity Area



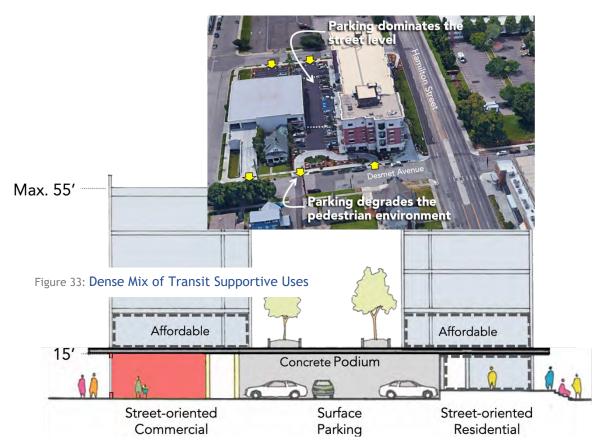
Address the Role Parking and Building Heights Play in Limiting TOD

Building heights less than 40', in conjunction with minimum parking requirements, discourage dense mixed-use (ground-floor commercial with upper floor housing) transit-supportive development and creation of walkable station areas. In some instances, this requires that the majority of a development site's ground-floor area be committed to surface parking (Figure 32)—effectively removing an entire floor of revenue-generating uses. Low maximum building heights compound the issue, resulting in development projects that can't meet maximum allowable development thresholds.

By increasing allowable building height in concert with parking reductions, development can achieve an active commercial ground-floor (parking located behind the building) and housing above that supports revenue-generating uses on all floors. This produces the desired effect of promoting a dense mix of transit supportive uses and a walkable station area (Figure 33).

Figure 32: Parking Impacts on TOD





Maximize Incentives and Allowances to Promote Affordable Housing and Pedestrian Amenities

Affordability is intrinsically linked to development costs (land and construction) and housing or commercial supply (low supply = higher cost). In an effort

to promote affordability, policies and regulations can impact development cost by reducing or eliminating parking requirements (cost of parking is passed along as increased rents) and affect supply by encouraging desirable development such as affordable housing through height bonuses or floor area ratio (FAR) incentives.

Expanding allowable housing options (termed "middle housing" inclusive of duplexes, triplexes and fourplexes) in lower density single-use residential zones can play a role in promoting affordability, supply, and variety within existing neighborhoods.



ZONING MODIFICATIONS

Modify TOD Supportive Base Zones and Residential Zones within the Title 17C Land Use and Design Standards to more directly promote transit-oriented development.

Transit-Supportive Base Zones: Title 17C Land Use Standards Modifications

The Title 17C Land Use Standards do provide Residential, Commercial, Center and Corridor, and Form Based Zones that are generally transit supportive but **require some modifications to standards** including Building Height, Building Orientation, FAR, Setbacks, Allowed Uses, Density, Vehicle/Bicycle Parking & Streetscape Amenities **to address barriers to TOD**.

Context— In some instances, TOD Supportive Base Zones have allowed uses and development standards that promote auto-dependency, parking requirements that may increase the cost of development, limit density, and development efficiency, and may serve as a barrier to vertical mixed-use development.

Discussion—Within these base zones currently allowed non-transit supportive uses such as a drive-thru, auto-oriented sales, warehousing, and parking lots should not be permitted in areas where TOD is being encouraged. Because all transit riders begin and end their trips as pedestrians, regulations for transit-supportive uses, with appropriate standards for densities and built form that promote a safe and active pedestrian environment, are necessary to sustain and grow transit ridership. During Phase 1 Initial Review and Analysis of the Study, a code audit identified TOD-Supportive Base Zones issues and recommendations for modifications. That analysis focused on a number of standards that can impact the ability to develop land in a financially feasible manner at densities and with a mix of uses that support transit.

See APPENDIX A-2 TOD REGULATORY APPROACH MEMORANDUM for recommended Title17C Land Use Standards modifications.

Transit-Supportive Base Zones: Title 17C Design Standards Modifications

Modifications to design standards will promote a safe and active street-level pedestrian environment across the base zones.

Context— Standards for building design along high frequency transit corridors should ensure a safe and inviting pedestrian environment that supports the function and quality of the public realm. Four

primary components are the most significant attributes of buildings for promoting pedestrian activity and consist of the **design** (form, massing, scale and materials), **orientation** (front windows and doors facing the street), **access** (window transparency and primary entries from street adjacent sidewalks—not parking lots) and **frontage** (percent of building façade along the front lot). Additional building elements such as signage, lighting, and weather protection play a role in promoting pedestrian access, safety and comfort.

Discussion—During the Study's Phase 1 Initial Review and Analysis, a station environment audit identified areas where there was a presence or lack of buildings with windows and doors oriented to the station and built to the sidewalk. In many instances parking lots between buildings and the street are common conditions adjacent to and in close proximity of the City Line transit stations.

A code audit of the Base Zones design standards identifies issues and recommendations for modifications. The audit focused on standards that can impact the ability to support pedestrian activity and a safe station environment while promoting some degree of privacy for street-level residential uses.

See APPENDIX A-2 TOD REGULATORY APPROACH MEMORANDUM for recommended Title17C Design Standards modifications.

Title 17C Residential Zones Modifications

Middle Housing defined as duplexes, triplexes, quadplexes, cottage clusters, townhouses, and accessory dwelling units (ADU) provides an opportunity to increase housing supply in developed neighborhoods and can be compatible with detached single-family dwellings.

Context— A significant segment of the Mission Avenue corridor is predominately single-family housing with resident populations and density that moderately contribute to transit ridership. Rental and multifamily options are limited, which reduces housing choice and potentially affordable housing options. Middle

Housing defined as duplexes, triplexes, quadplexes, cottage clusters, townhouses, and accessory dwelling units (ADU) provides an opportunity to increase housing supply in developed neighborhoods and can be compatible with detached single-family dwellings.

Discussion—Consider allowing for and encouraging development of more "middle housing" by expanding residential use types in the single-family and two-family residential zones located along the corridor in the areas between stations and surrounding nodes of transit supportive zones. The current Title 17C Land Use Standards do allow cottage cluster housing

50' Lot to Passive House 6 Plex

1.2 FSR 1300sf, 3BR homes

Figure 35: Middle Housing- 6-Plex (Source-Lanefab Design/Build)

in its RA, RSF, and RSF-C zones, with specific development and design standards for this type of housing. Changes to standards for middle housing could include some combination of the following revisions citywide or within a certain distance of the TOD corridor (e.g., ¼ or ½ mile) in a TOD Overlay Zone Transition Zone (See TOD Overlay on the following pages for further details)

- Allow middle housing types in more residential zones; for example, duplexes, and multi-dwelling structures with 3 or 4 units could be allowed in the RA, RSF, RSF-C and RTF zones in addition to attached single-family housing which is already allowed in these areas.
- Reduce lot sizes or increase maximum densities for middle housing types; for example, minimum lot sizes could be reduced to approximately 2,000-2,500 square feet per unit for these housing types.
- Reduce setbacks and lot coverage (e.g., a modest reduction of the front setback from 15 feet to 10 feet and an increase in lot coverage from 50% or 60%-70% on smaller lots). Rear setbacks also could be reduced in the RA, RSF and RSF-C zones to 10-15'. Rear setbacks could be reduced even further for lots served by alley access.
- Continue to apply FAR limitations to help control the massing of middle housing but increase FAR on smaller lots to increase the feasibility of development.
- Reduce off-street parking requirements. Requirements could be reduced for middle housing types to eliminate the additional one space per bedroom after 3 bedrooms requirement for these housing types.

See APPENDIX A-2 TOD REGULATORY APPROACH MEMORANDUM for recommended Title17C Residential Use Standards modifications.

TOD OVERLAY ZONE

Address areas of transit supportive zones with regulations potentially limiting TOD, by applying base zone modifications within a geographic area along designated high frequency transit corridor. A TOD Overlay Zone would not affect the base zone in other parts of the City and would focus necessary

modifications in areas that will promote transit ridership and support the investment in transit infrastructure. The TOD Overlay would consist of "core" and "transition" zones.

Transit Overlay Core Zone- the core zone would apply base zone modifications within a geographic area along designated high frequency transit corridors versus city-wide.

Context—The Overlay Zone boundary would encompass the Center and Corridor, Form Based Code, Residential Multi-Family, and Residential High-Density transit supportive base zones along a high frequency transit corridor. (Figure 36)

Discussion— *An* Overlay Zone has the potential to greater promote the City's growth strategy by aligning significant investments in multi-modal modal infrastructure (frequent transit service and improved walking and biking between transit and corridor destinations) with market demands for mixed-use, walkable development in urban areas along high-frequency transit corridors. The Overlay would apply the recommended base zone modifications mentioned previously. Standards in the Overlay are intended to supersede any correlating standards in the underlying base zones and modify the underlying standards or add additional design variables or requirements.

Transit Overlay Transition Zone- the transition zone would address lower density residential areas in close proximity to transit by expanding opportunities for compatible infill and increased housing density within ½ mile of a high frequency transit corridor. (Figure 36).

Context— A significant segment of the Mission Avenue corridor is predominately single-family housing with resident populations and density that moderately contribute to transit ridership. Rental and multifamily options are limited which reduces housing choice and affordable housing options. Middle Housing defined as duplexes, triplexes, quadplexes, cottage clusters, townhouses, and accessory dwelling units (ADU) provides an opportunity to increase housing supply in developed neighborhoods and can be compatible with detached single-family dwellings.

Discussion— Consider allowing for and encouraging development of "middle housing" by expanding residential use types in the single-family and two-family residential zones located along the corridor in the areas between stations and surrounding nodes of transit supportive zones.

Study Area Boundary (1/2 Mile City Line Buffer th Riverton RSF RTF Marshall linois Ermina 2 RSF Baldwin diana RSF Trent RSF Springfield Central City Line & Station Rezone Overlay Core Zone Overlay Transition Zone

Figure 36: TOD Overlay Zone & Rezoning

REZONE TOD OPPORTUNITY AREAS

Potential transit-oriented development opportunity areas include base zones, such as single family/two-family zones with residential densities that are not transit supportive, preclude housing choice and potentially limit affordable access to housing.

Context—Use and development standards for General Commercial, Commercial Business and Industrial zones allow auto-oriented uses with development patterns supporting a low number of jobs-per-acre which limits pedestrian activity and employment densities to support transit ridership.

Discussion—The TOD opportunity areas at the McCarthey Athletic Center and Regal stations have the potential to transition from a lower density and auto-oriented environment to a more transit supportive development form. The NMU, and Center and Corridor Type CC-1 are generally transit-supportive zones (allowing street-oriented mixed-use commercial and residential uses) that should be considered to replace General Commercial, Community Business and Industrial zones. Consider the following for potential TOD opportunity areas:

- Modify uses and standards within the CC-1 zone and rezone General Commercial to CC-1 at the McCarthey Athletic Center Station. The rezone establishes a contiguous CC-1 designation with uses, and development standards that are transit supportive.
- Modify uses and standards within the Neighborhood Retail (NR) zone at the Napa Street Station.

- Modify the NMU zone to be a medium-scale mixed-use zone intended for Neighborhood-Node typologies such as the Regal Station to be applied along high-frequent transit routes and allows a range and mix of neighborhood serving commercial, employment and residential uses. See Appendix A-3 NEIGHBORHOOD MIXED USE (NMU) PROPOSED AMENDMENTS-DISCUSSION DRAFT
- Rezone the Community Business (CB) and Industrial (I) at the Regal Station to a modified NMU zone.



Figure 37: TOD Opportunity Areas-Rezone

MULTI-MODAL CAPITAL FACILTIES INVESTMENTS

Carry out multi-modal infrastructure investments to complete the sidewalk, bikeway and trail networks while improving the safety of arterial crossings.

The City of Spokane collects a wealth of data and analyses to promote objective and responsive planning, design and implementation for active transportation projects. This data was utilized to determine the type and location of walk and bike facilities improvements that should be considered as priority projects to ensure safe and direct access to City Line study area stations and access to destinations within station areas.

Multi-modal Capital Facilities Investments should be allocated to those improvements that address auto, pedestrian and bicycle conflicts impacting transit access and the ability to safely reach stations and station area destinations such as parks, schools and jobs. The facilities investment map (Figure 38) illustrates the improvements necessary to address gaps in existing facilities and new facilities to improve safe and direct destinations and station access. A Mission Avenue Land Use & Circulation Study is recommended to develop detailed designs and alignments for improvements along Mission Avenue

The station access findings identify the need to:

- **Fill Gaps in Walk and Bicycle Facilities**—Add missing sidewalks and bicycle facilities with an emphasis around stations, City- designated Pedestrian Priority Zones and Suggested Walk Routes. Priority sidewalk improvements include streets north and south of E. Mission Avenue in proximity of the Cook and Regal Stations.
- Enhanced Crossings at Intersections— Design and fund enhanced crossings improvements to address speed, lack of traffic control and pedestrian and bike collisions at intersections along E.
 Mission Avenue, N. Greene Street, N. Cincinnati Street & E. Spokane Falls Avenue/ E. Trent Avenue, N. Hamilton Street and & E. Spokane Falls Avenue/ E. Trent Avenue.
- Extend bike lanes and trail segments to fill gaps in walk and bicycle facilities on E. Sharp Avenue, N. Perry Street and trail segments east and west of the Spokane River, including completing the planned pathway extending along Riverton Avenue and evaluating grade-separated crossings at the Trent and Mission Avenue bridges.

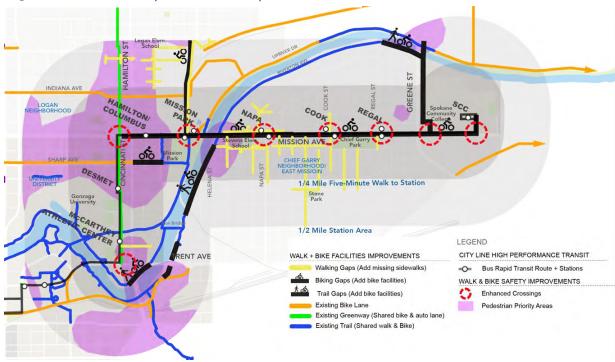


Figure 38: Multi-modal Capital Facilities Improvements

VI. ACTION PLAN

The recommendations from the TOD Framework Study will be implemented under separate processes, with staff assignments, development timing, and Plan Commission and Council scheduling to be determined, based on further discussion about the scope of each recommendation

MISSION AVENUE LAND USE AND TRANSPORTATION STUDY

The City should initiate a transportation and land use study for Mission Avenue between Division Street and Spokane Community College. The study would explore opportunities for transportation, safety, multi-modal access along Mission Avenue and adjacent streets, recommend streetscape changes for promoting street-oriented commercial use and an active pedestrian environment, and carry out regulatory changes for promoting transit-oriented development within the Napa, Cook and Regal Station Areas

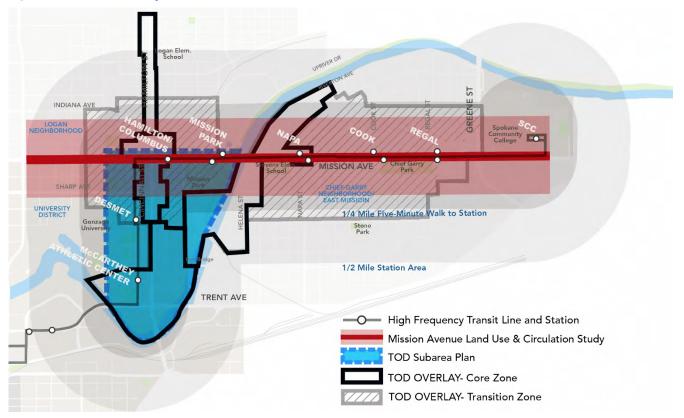
TOD SUBAREA PLAN

The City has initiated a Subarea Plan process for the McCarthy Athletic Center, Desmet, and Columbus Station Areas and SEPA planned action aligned with a Washington Department of Commerce Transit-Oriented Development Implementation (TODI) grant. The TODI grant is part of the Washington Legislature's effort to increase housing capacity and improved connections with transit. The transit-oriented development that results will be an efficient way to absorb the state's expanding population and build high-quality neighborhoods, while minimizing traffic and costly sprawling development. The TOD Subarea Plan will facilitate transit-oriented development along Spokane's first bus rapid transit (BRT) route, The City Line. This includes reviewing land use, zoning, design standards, and identifying public infrastructure needs to support higher density housing and development in the South Logan Neighborhood/University District area. As a part of the scope, a planned action environmental impact statement (EIS) will help the City conduct a comprehensive review of land use, transit, stormwater, utilities, and other critical components in the proposed study area before individual projects are proposed.

TOD OVERLAY ZONE (CORE AND TRANSITION)

An Overlay would apply base zone modifications within a **Core Zone** (for the City Line study area that includes the FBC, CC, NR, RMF and RHD zones) and an Overlay **Transition Zone** allowing Middle Housing types for single-family and two-family zones within a ¼ mile of the high frequency transit corridor. The City should initiate a process for base zone modifications and creation of an Overlay Zone within the extents of the City Line corridor study area.

Figure 39: Action Plan Projects



A. APPENDIX

A-1: CODE EVALUATION MEMORANDUM

A-2: TOD REGULATORY APPROACH MEMORANDUM

A-3: NEIGHBORHOOD MIXED USE (NMU) PROPOSED AMENDMENTS-**DISCUSSION DRAFT**

APPENDIX A-1: CODE EVALUATION MEMORANDUM



LAND USE PLANNING
TRANSPORTATION PLANNING
PROJECT MANAGEMENT

MEMORANDUM

TOD Development Standards Analysis – Task 1

Spokane TOD/Station Area Planning Framework and Development Standards

DATE March 8, 2022

Jason Graf, Center-Based Planning + Urban Design
FROM Kyra Haggart and Matt Hastie, Angelo Planning Group

СС

INTRODUCTION

The purpose of this memo is to provide a high-level analysis of existing development standards within the City Line corridor that may impact the success of implementing Transit Oriented Development (TOD). The City Line connects Browne's Addition to Spokane Community College through downtown Spokane, the University District, and the Logan and Chief Garry Neighborhoods. It traverses a variety of Spokane's residential, commercial, downtown, and industrial zones, as well as the Center and Corridor and Context Area districts. Given the distribution of zoning in the corridor, this analysis will primarily focus on development standards found in the non-residential zones that are likely to impact TOD—either by encouraging transit-supportive development, or conversely, serving as barriers to TOD—including building height, setbacks, floor area ratio (FAR), minimum and maximum density, allowed uses (including mixed use), housing variety, parking, and streetscape amenities. These standards are found in Title 17C of the Spokane Municipal Code (SMC). This memo does not identify new or amended zoning code language; rather, it provides a roadmap for crafting such language as part of a TOD regulatory framework, which will be developed later in the process.

CORRIDOR CONTEXT

Figure 1 is a zoning map of the City Line corridor. The City Line's western terminus is Browne's Addition, a residential neighborhood with a mix of single-family and multifamily homes and zoned Residential High Density with a height limit of 35' (RHD-35). The City Line then travels east through the City's

downtown along Sprague Avenue and 1st Ave, passing through the Downtown General (DTG) and Downtown Core (DTC) zones, as well as the Downtown University (DTU) zone at the Washington State University Riverpoint Campus. The corridor crosses the Spokane River at E Spokane Falls Boulevard, passing through the Center and Corridor Type 1 Employment Center zone to the south and the General Commercial zone with a height limit of 150' (GC-150) to the north. The City Line then continues north along Cincinnati Street, where it passes Gonzaga University—zoned RHD-55—to the west and Office Retail with a 55' height limit (O-55) to the east. North of Gonzaga University, the Logan neighborhood is primarily zoned Residential Single Family (RSF) west of Cincinnati Street. To the east of Cincinnati Street is the Hamilton Street corridor, for which a special form-based code was adopted in 2015, regulated through four types of Context Areas (CA1, CA2, CA3, CA4). The CCL corridor continues east at Mission Avenue to its eastern terminus at Spokane Community College. This portion of the corridor is primarily zoned for single-family residential development through the Chief Garry Park neighborhood, with a node of Neighborhood Retail (NR-35) located east of the river between Magnolia and Napa Streets and a node of Community Business (CB-55) located west of Spokane Community College between Regal and Greene Streets. The Spokane Community College campus, as well as the area south of Mission Avenue and east of Chief Garry Park, is zoned Light Industrial (LI).

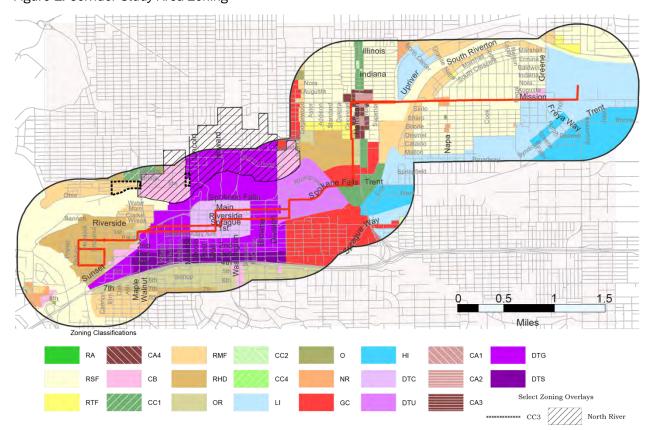


Figure 1. Corridor Study Area Zoning

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ZONING SUMMARY

The following table summarizes the extent to which existing standards for each zone along the City Line corridor support or serve as barriers to successful TOD development. The icons in the table, and described in the legend below, represent the overall impact of development standards on creating conditions that foster TOD. Detailed descriptions of existing requirements, as well as some preliminary recommendations, are included in the following Zoning Analysis section of this memo.

- ✓ Existing standards generally support TOD
- Existing standards may be a barrier to TOD
- Existing standards represent a significant barrier to TOD
- No existing standards

	BUILDING HEIGHT	BUILDING ORIENTATION	FLOOR AREA RATIO	SETBACKS	ALLOWED USES	DENSITY	VEHICLE PARKING	BICYCLE PARKING	STREETSCAPE AMENITIES
Form Ba	Form Based Code Zones								
CA1	~	✓	0	✓	✓	0	(-	✓
CA2	✓	✓	Ø	✓	~	0	e	(-)	✓
CA3	✓	✓	Ø	✓	✓	0	e	-	✓
CA4	-	✓	Ø	-	~	0	e	(✓
Center a	Center and Corridor Zones								
CC1	_1	✓	(-)	~	✓	0			✓
CC2	_1	✓	(-)	✓	✓	0	e	(✓

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	BUILDING HEIGHT	BUILDING ORIENTATION	FLOOR AREA RATIO	SETBACKS	ALLOWED USES	DENSITY	VEHICLE PARKING	BICYCLE PARKING	STREETSCAPE AMENITIES
CC4	<u></u> 1	✓		✓	✓	0			✓
Downto	Downtown Zones								
DTG	✓	✓	✓	~	✓	0		e	✓
DTC	✓	✓	✓	~	✓	0		e	✓
DTU	✓	✓	✓	~	✓	0	-	-	✓
Comme	Commercial Zones								
GC	~	✓	<u></u>	✓	A	0		—	✓
Residen	Residential Zones								
RSF	=	✓	-		—	-			Ø
RTF		✓	-				—		0
RMF	=	✓	✓	=	✓	-	e	e	0
RHD		✓	✓	-	✓	-	e	e	0

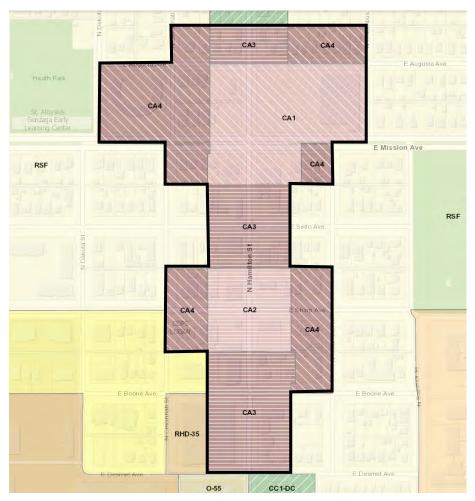
Notes:

1. The Employment Center designation limits building height to 150' in CC1 and CC2 zones, and 70' in CC4 zones, which is sufficient for TOD.

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ZONING ANALYSIS

Form Based Code Zones (SMC 17C.123)



Adopted in 2015, the form-based zoning categories (also called Context Areas) are intended to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor. The form-based zones implement the centers and corridors goals and policies of the comprehensive plan. The standards in the form-based code zones regulate development primarily through building design and density, with a greater emphasis of physical form than most of the City's other zoning designations.

The code regulates development through the designation of Context Areas, ranging from the highest-intensity development in CA1 ("Center 1") and CA2 ("Center 2") to low and mid-range intensity development in CA3 ("Corridor") and CA4 ("Transitional"). A Shopfront Street designation is also applied to parcels that front on the public right-of-way (ROW) for Hamilton Street. The code's Street Section Plan supplements the zones with four types of streetscapes intended to provide for a pedestrian-friendly mixed-use corridor environment through sidewalk widths and amenities such as lighting and seating. Type 1 is the Hamilton Street corridor between Desmet Avenue and just north of Augusta

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Avenue; Type 2 is Mission Avenue, generally between Cincinnati Street and Columbus Street; Type 3 is primarily made up of the other east-west streets including Boone Avenue, Sharp Avenue, and Sinto Avenue between Cincinnati Street and Columbus Street; and Type 4 is comprised of Augusta Avenue and portions of Dakota Street, Cincinnati Street, and Columbus Street north of Mission Avenue. The boundaries of the zones generally extend one to three parcels deep along a given street within the overall code district.

BUILDING HEIGHT

Maximum building height standards in the form-based code zones vary depending on a development's distance from the Hamilton Street corridor. Within 100' to 114' of the Hamilton Street ROW, CA1 and CA2 limit building height to 66' or five stories and CA3 limits height to 54' or four stories. Beyond 100' to 114' development is subject to a height transition line from the maximum height of the Context Area to the maximum wall height allowed in the adjacent zone. CA4 is only located further than the 100' to 114' from the Hamilton Street ROW and limits height to 35', which is consistent with most of the City's residential zones and the residential neighborhoods surrounding the corridor.

Comments: The height limitations in the form-based code zones CA1, CA2, and CA3 are generally supportive of TOD; however, increasing maximum height allowances to 70' or greater for areas adjacent to transit corridors could increase land efficiency and density and encourage vertical mixed-use development. For development adjacent to a RSF zone, consider limiting height to 55' abutting the zone, with a height transition line allowing for increased height further from single-family development.

BUILDING ORIENTATION

CA1, CA2, and CA3 zones, and all Shopfront Street areas, require that primary building entrances face the street and include at least one of a menu of entrance options, including recessed entrance; canopy or awning; architectural roof structure element that protrudes from the building; or—for mixed-use buildings—clearly distinguished retail and residential entrances.

Comments: Requiring buildings to be oriented to the street encourages an active and pedestrian-friendly streetscape that is supportive of the general intent of TOD.

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¹ See SMC Figure 17C.123.030-2 Street Section Plan for a map of street type locations.

 $^{^2}$ Standards are based on the distance from the Hamilton Street ROW to the back lot line of adjacent properties, which ranges from 100' to 114'.

FLOOR AREA RATIO

Standards for the form-based code zones do not include provisions addressing minimum or maximum FAR.

SETBACKS AND BUILD-TO LINES

Setbacks and build-to lines for the form-based code zones vary by Context Area and Street Type and are intended to provide space for sidewalks and planning zones to enhance the pedestrian environment for streets in the vicinity of the transit corridor. Zones CA1, CA2, and CA3 establish a minimum setback of 0' for interior lot lines and alleys, except for interior lot lines that abut a CA4, RSF, or RTF zone, in which case there is a 5' setback required. The CA4 zone also establishes a 0' setback for alleys, as well as a 5' setback for all interior lot lines. For lot lines fronting on a street, the code utilizes build-to lines, which vary by Street Type. For Street Type 1, a build-to line is required at a minimum of 5', with a maximum of 15'. However, build-to lines for Street Type 1 must also establish a minimum 12' and up to 22' maximum space from the back of the curb to the building, which must include a 7' clear pedestrian zone (i.e., sidewalk) with a 5' planting buffer separating the sidewalk from the street. Street Types 2, 3, and 4 establish a build-to line of 0', for zones CA1, CA2, and CA3, except where developments are located within 50' of a CA4 zone, in which case a 5' build-to line is required. The CA4 zone requires a 15' build-to line for Street Types 2, 3, and 4.

Comments: Requiring wide sidewalks encourages a walkable, pedestrian-friendly environment, which supports TOD. However, requiring minimum setbacks or build-to lines can also serve as a barrier to compact development. The City could consider reducing the minimum build-to line for developments fronting on a primary transit corridor (such as Hamilton Street) or reducing maximum setbacks and build-to lines (except for developments adjacent to RSF zones) to support compact development along the corridor.

ALLOWED USES AND HOUSING MIX

CA1, CA2, and CA3 zones permit most residential and non-residential uses outright, with the exception of single-family detached homes and townhomes; heavy industrial uses, storage, and warehouses; adult businesses; ground-floor residential uses and structure parking on shopfront streets (i.e., Hamilton Street); auto-related uses; and drive-through facilities—these uses are prohibited. The CA4 zone permits all types of residential uses on all floors, as well as non-residential uses on the ground-floor level limited to 3,000 square feet if developed with a residential component. Industrial uses, parking structures, adult businesses, outdoor storage, mining, vehicle repair and servicing, drive-through facilities, and other auto-related uses are prohibited in CA4 zones.

Comments: The allowed and prohibited uses as laid out in the form-based code are supportive of TOD.

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DENSITY

Standards for the form-based code zones do not include provisions addressing minimum or maximum density.

Comments: Provided that the market is supportive of higher density residential development types, the City may wish to consider requiring a minimum residential density—particularly for lots that are adjacent to the transit corridor—to ensure compact growth and encourage more transit ridership.

VEHICLE PARKING

Off-street surface parking in the form-based code zones may not be placed between the street and the building. Lots with more than 30 parking stalls are required to provide 5' pedestrian walkways connecting to the building entrances. CA1, CA2, and CA3 zones require a minimum of two off-street spaces per 500 square feet of floor area, and the CA4 zone requires one space per dwelling unit. Additional parking requirements are found in SMC 17C.230 Parking and Loading, including reductions in off-street parking requirements based on the number of on-street parking spaces adjacent to the site.

Comments: Decreasing the amount of off-street parking required near stations supports the success of TOD areas by improving pedestrian circulation, decreasing development costs, and reduced greenhouse gas emissions. To support compact, walkable development, the City could consider further reducing minimum parking requirements. For example, the City could reduce requirements to be more in line with the standards applied in Center and Corridor zones or reduce them even further. Alternatively, consider encouraging voluntary parking reductions by offering incentives such as FAR, density, or minimum lot area bonuses for reduced parking spaces.

Providing a network of safe and attractive pedestrian connections is a vital component of successful TOD. In particular, the City should consider requiring developments to provide pedestrian walkways through parking lots connecting to any adjacent transit stops. In addition, consider requiring additional pedestrian walkways connecting to adjacent sidewalks to shorten walking distances and improve the safety of pedestrian travel between developments.

BICYCLE PARKING

Requirements for bicycle parking in the form-based code zones are found in SMC 17C.230.200(A)(2). The minimum number of spaces required for CA1, CA2, and CA3 zones is calculated at either 5% of the number of off-street spaces provided, or a minimum of one space per 10,000 square feet of building area, whichever is greater.

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Comments: Providing adequate bicycle parking is important to the success of TOD—particularly when located near transit stops and stations—in order to provide multimodal transportation options, increase access to destinations near but not on transit corridors, and support first mile/last mile transit connections. Consider increasing the amount of bicycle parking required for developments adjacent to the transit corridor and providing best practice information regarding installation.

STREETSCAPE AMENITIES

In addition to requiring a 5' planting buffer separating the sidewalk from the street, SMC 17C.123.050 includes requirements for providing street furnishings such as pedestrian-scale lighting, benches, and trash receptacles for Street Types 1, 2, and 3. Bicycle parking is not required as an element of the streetscape; however, parking that is included in the streetscape counts toward minimum bicycle parking spaces required pursuant to SMC 17C.230.200.

Comments: Consider a menu-based approach for the provision of additional streetscape amenities, including drinking fountains, wayfinding, or public art. Streetscape amenities are important to ensuring a vibrant, pedestrian-friendly atmosphere.

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CC1-EC E Front Avo E Martin Lutter King Jr Way C Ave

Center and Corridor Zones (SMC 17C.122)

Spokane's Center and Corridor zoning standards, adopted in 2005, implement the "Centers and Corridors" growth strategy identified in the City's Comprehensive Plan. The centers and corridors identified in the Plan and on the City's zoning map are intended to bring employment, shopping, and residential activities into shared locations and encourage, through new development and redevelopment, a mix of uses, higher density housing, buildings oriented to the street, screened parking areas behind buildings, alternative modes of transportation with a safe pedestrian environment, quality design, smaller blocks, and relatively narrow streets with on-street parking.

The Center and Corridor code regulates development through four zoning categories. Type 1 (CC1), also called "Pedestrian Emphasis/Auto Accommodating," is the most pedestrian-focused of the four types. Implementation of this zone include some limitations on auto-oriented activities and other similar uses that are considered to detract from a pedestrian-oriented environment. The Type 2 (CC2) zone, "Pedestrian Enhanced/Auto Accommodating," promotes new development and redevelopment that is pedestrian-friendly while accommodating some auto-oriented uses. CC2 encourages the use of incentives for increased FAR in exchange for additional public amenities. Type 3 (CC3) is the Center and

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Corridor Overlay Zone, which is applied in areas that have pre-existing zoning designations that allow different uses and have different development standards than those prescribed for the Type 1 and 2 centers and corridors. This overlay zone is intended to allow development within these areas to take advantage of the opportunities allowed in the Type 1 and 2 centers and corridors. Development within Type 3 centers is either allowed to use the existing zoning regulations or may develop according to the standards for Type 1 or Type 2 centers and corridors. Because it does not have its own set of standards, CC3 is not discussed further in this memo. The Type 4 (CC4) zone is also referred to as the Mixed Use Transition Zone and is applied in areas that are undergoing a transition as a result of a neighborhood center and corridor planning process. The intent of this zone is to provide a transition of mixed uses (office, small retail, and multi-family residential) between the core of the center or corridor and existing or designated residential areas. In addition to the zoning designations, the City's Comprehensive Plan applies additional designations, which are appended on the zoning map: Neighborhood Center, District Center, Employment Center, Corridor, Regional Center, CC Core, and CC Transition. The City Line corridor passes through two types of Center and Corridor Type 1 – District Center).

In addition to the standards found in SMC 17C.122, developments in the Center and Corridor zones are subject to the *Design Standards and Guidelines for Centers and Corridors* document ("Attachment A"), which includes additional standards for site and building design.

BUILDING HEIGHT

Building height in the Center and Corridor zones is regulated based on zone type and center type. Areas designated as Neighborhood Centers (NC) limit building height to 40' in all three zones (CC1, CC2, and CC4). District Center and Corridor designations limit building height to 55' in CC1 and CC2 zones, and 40' in CC4 zones. Employment Center designations limit building height to 150' in CC1 and CC2 zones, and 70' in CC4 zones; however, structures over 50' in the Employment Center designation are subject to additional design requirements found in the City's Tall Building Standards (SMC 17C.250).

Additionally, in order to ensure compatibility between centers and corridors and adjacent residential neighborhoods, development within 150' of any single-family or two-family residential zone is subject to the following height transition requirement: Starting at a height of 30' at the residential zone boundary, additional building height may be added at a ratio of 1 to 2 (1' of additional building height for every 2' of additional horizontal distance from the closest single-family or two-family residential zone). Design standards in Attachment A also require that any side of the building visible from the ground level of an adjacent RSF zone shall be given three or more treatments such as architectural details, pitched roof form, windows, or balconies.

Comments: To support higher density and encourage vertical mixed-use development and the efficient use of land, consider increasing maximum height allowances to 70' or greater for the District Center and Corridor center types in all three zones, preserving the existing caveat of height transitions within 150' of a single-family zone. Also, consider other options or refinements to transitional standards (e.g., 1' of height per 1'

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of horizontal distance or a standard based on the angle of the ratio of height to distance).

BUILDING ORIENTATION

Attachment A includes a requirement for "buildings along the street," which is intended to ensure that at least some part of the development of a site contributes to the liveliness of sidewalks along the street. Pursuant to this standard, new developments are not permitted to locate parking between buildings and the street. In addition, at least 30% of the site frontage must be made up of building facades (15% for shopping centers). Buildings along sidewalks are also required to have windows and doors facing the street and apply treatments such as transparency and other architectural details for visual interest.

Comments: These standards are generally supportive of TOD; however, the City could consider increasing the percentage of building frontage required for developments abutting transit corridors in order to foster a more contiguous streetscape (e.g., increase the required percentage to 50-70%).

FLOOR AREA RATIO

FAR requirements in the Center and Corridor zones vary by land use (residential or nonresidential) and by zone. For nonresidential uses, CC1 allows a FAR of 0.5 and CC2 allows for 0.2. In the CC4 zone nonresidential uses are limited to a maximum of 3,000 square feet per parcel, and the FAR may not be greater than that of the residential uses located on the same parcel. For residential uses, the CC1 and CC4 zones establish a maximum FAR of 1.0, and CC2 a FAR of 0.5. The code also allows for a combined FAR, which is set at 1.5 for the CC1 zone, 0.7 for the CC2 zone, and 1.0 for the CC4 zone.

In addition to the basic allowable (maximum) FAR standards, the code includes provisions for a public amenity bonus for minor amenities (streetscape features, canopies, alley enhancements, façade materials, building frontage), major amenities (outdoor public spaces, public art, through-block pedestrian connections, residential units, structured parking), and "super bonuses" (underground parking, affordable housing). Each amenity allows for an increase in FAR from the basic allowable FAR up to a maximum FAR (Table 17C.122-2). Each minor amenity allows an increase of two-tenths FAR, each major amenity allows an increase of five-tenths FAR, and the "super bonus" allows an increase in maximum FAR by 50% (in addition to providing at least two minor or major amenities in addition to the super bonus items). The maximum FAR for bonuses ranges from 0.8 for nonresidential uses in the CC2 zone to 3.0 for nonresidential or combined uses in the CC1-EC and CC2-EC zones. There is no maximum FAR for residential uses in the CC1-EC and CC2-EC zones.

Comments: Establishing a minimum FAR helps support TOD by ensuring that development patterns are compact and clustered around transit facilities, with densities

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at levels that support transit investments. Similarly, maximum allowed FARs should be high enough to allow for TOD to occur. A FAR of 0.5 is generally considered to be the lowest ratio needed to support TOD in the suburban context, with a minimum of 2.0 common in urban or town center settings or parcels adjacent to the transit corridor. Some cities also opt to allow outdoor spaces such as plazas, sheltered entries, courtyards, outdoor cafes, or widened sidewalks with ample seating to be counted toward the minimum FAR requirement as an alternative method to incentivize the provision of public amenities that enhance the streetscape environment while also incentivizing denser, more compact development. In addition to generally increasing allowable FAR, the City could consider removing the maximum FAR for all TOD areas, or more specifically for areas adjacent to the transit corridor. Allowed FARs in the center and corridor zones should be within this range. FAR maximums and accompanying bonuses also should be set to ensure that the bonuses are valuable enough for developers to serve as incentives to create desired public amenities.

SETBACKS AND SIDEWALK WIDTHS

The minimum required setback from the street-facing lot line is 0' for all zones (CC1, CC2, and CC4), with a required sidewalk width of 12' (including an 8' clear path for pedestrian travel. and a 4' planting zone). Exceptions may be made if the parcel includes an existing sidewalk that is less than 12' between the curb and the existing building. For developments abutting other zones, structures are required to be set back 10' from the lot line adjacent to RSF and RTF zones.

Comments: These standards are generally supporting of TOD and the creation of a walkable, pedestrian-friendly environment.

ALLOWED USES AND HOUSING MIX

The Center and Corridor zones generally allow for a mix of residential, commercial, and employment uses. All residential uses are allowed outright in all Center and Corridor zones and are even encouraged through FAR bonuses. However, residential uses are required to be mixed on the same parcel as proposed office and retail uses and are limited to 3,000 square feet per parcel. In Neighborhood Centers, retail uses are only allowed on lots fronting an arterial street. Nonresidential uses in the CC4 zone are not allowed within 60' feet of RSF and RTF zones. Nonresidential uses in the CC4 zone in a Neighborhood Center are not allowed further than 300' from a CC Core designation. Heavy industrial uses, drive-throughs, and adult businesses are prohibited in all zones. Various other auto-related, industrial, and storage uses are prohibited in CC1 and CC4, but allowed in CC2.

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Comments: The allowed and prohibited uses as laid out in the center and corridor zoning code are generally supportive of TOD. However, the 3,000 square foot cap per parcel on residential uses may act as a barrier to higher density mixed-use and residential TOD development.

DENSITY

Standards for the form-based code zones do not include provisions addressing minimum or maximum density.

Comments: Provided that the market is supportive of higher density residential development types, the City may wish to consider requiring a minimum residential density—particularly for lots that are adjacent to the transit corridor—to ensure compact growth and encourage more transit ridership.

VEHICLE PARKING

Minimum and maximum parking requirements are found in SMC 17C.230 Parking and Loading. CC1 and CC2 zones require a minimum of one space per 1,000 square feet of floor area for nonresidential uses and one space per dwelling unit (plus one per bedroom for units greater than three bedrooms) for residential uses. CC4 requires 2 spaces per 1,000 square feet of nonresidential floor area and either one space per 1,000 square feet of residential floor area or one space per dwelling unit, whichever is less.

In addition to the general development standards for parking found in SMC 17C.230, parking in the center and corridor zones is subject to design standards in Attachment A. These additional standards include requirements for parking lots over 30 spaces to provide pedestrian connections between all public rights-of-way and building entrances, between parking lots and building entrances, and between any adjacent transit stops and building entrances. In addition, parking lots for development sites located on identified Pedestrian Streets are required to be located behind buildings in order to maintain a contiguous, active pedestrian street front.

Comments: Decreasing the amount of off-street parking required near stations supports the success of TOD areas by improving pedestrian circulation, decreasing development costs, and reduced greenhouse gas emissions. To support compact, walkable development, the City could consider further reducing minimum parking requirements. Alternatively, consider encouraging voluntary parking reductions by offering incentives such as FAR or minimum lot area bonuses for reduced parking spaces.

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BICYCLE PARKING

Bicycle parking standards, found in SMC 17C.230.200, require that any new use requiring 20 or more vehicle parking spaces also provide bicycle parking, either off-street or in the public right-of-way, with a minimum of 5% the number of vehicle spaces.

Comments: Providing adequate bicycle parking is important to the success of TOD—particularly when located near transit stops and stations—in order to provide multimodal transportation options, increase access to destinations near but not on transit corridors, and support first mile/last mile transit connections. Consider increasing the amount of bicycle parking required for developments adjacent to the transit corridor and providing best practice information regarding installation.

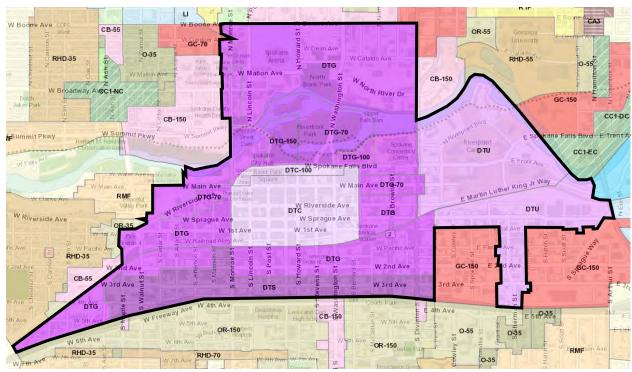
STREETSCAPE AMENITIES

For all center and corridor zones, pedestrian lighting is required and temporary encroachments of sidewalks—such as café seating, planters, ramps, stairs, and sandwich board signs—are allowed, provided that they leave at least a 6' wide pathway for pedestrian travel. Pedestrian Streets are subject to additional streetscape element requirements found in Attachment A. These standards state that public furnishings such as benches, tables, bike racks, or other amenities shall be provided at building entrances, in plazas and open spaces, or in other pedestrian areas for buildings larger than 10,000 square feet.

Comments: Streetscape amenities are important to ensure a vibrant, pedestrianfriendly atmosphere. Consider offering additional incentives (such as the existing FAR incentive) for developments in all center and corridor zones to provide streetscape amenities.

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Downtown Zones (SMC <u>17C.124</u>)



The downtown zoning categories implement the downtown specific plan titled "Fast Forward Spokane" along with the goals and policies and land use plan map designations of the City's Comprehensive Plan. The code regulates development in the City's downtown through four zones. The Downtown Core (DTC) zoning category is applied to the core area of the downtown and allows the most intensive building height and massing within the downtown and the City. The Downtown General (DTG) zoning category is a high-density, mixed-use area in which community-serving retail uses are encouraged, especially at street level; and residential and office uses are encouraged, especially as part of a mixed-use building. The Downtown University (DTU) zone, applied to the University of Washington Riverpoint Campus, encourages a wide range of uses that support the ongoing development of an urban inner city university. A pedestrian friendly and safe urban environment is encouraged along with a wide range of residential, office, retail, and other supporting commercial uses. The Downtown South (DTS) zone is generally found along Third Avenue and south of the railroad viaduct and accommodates a wide range of uses, including auto oriented uses. The City Linecorridor passes through the DTG, DTC, and DTU zones before crossing the Spokane River.

The development standards in the downtown zones are designed to allow a large degree of development flexibility within parameters that support the intent of the specific zone. Building height is generally limited to 12 stories in all zones except DTC, which has no height limit. Exceptions are made for zones which have height limits specified on the zoning map. For example, the DTC zone has no limits on maximum height except for the strip of land between Spokane Falls Boulevard and Main Avenue, which is zoned DTC-100 and thus limits height to 100'. The DTC zone also has no limits for maximum FAR (though there is no minimum FAR established for any of the downtown zones). FAR is limited to 6.0 in

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the DTG and DTU zones, though it only applies to nonresidential uses. For all downtown zones, there is no FAR limit for residential uses, though they are still subject to building height requirements. Minimum setbacks for all downtown zones are 0', and sidewalks must be at least 12' in width. Exceptions to the setback requirement can be made for the purpose of providing a public space such as a plaza, courtyard, or recessed pedestrian entrance that contains landscaping and/or other pedestrian amenities. Developments adjacent to residential lots require a 10' setback; however, this only occurs along the western edge of the downtown zoned area near Browne's Addition. Parking is not required in the downtown core and portions of the DTG zones between Monroe Street and Division extending north across the Spokane River to Boone. In addition to a variety of commercial and institutional uses, most residential uses are permitted outright in the commercial zones, including single-family, multifamily, and middle housing types.

Comments: The standards intended to encourage compact, mixed-use development and a vibrant, walkable environment as part of the urban core of the City are also generally supportive of TOD. However, to further encourage successful TOD, the City could consider adding the areas adjacent to the City Line corridor to the portion of the downtown area that is except from minimum parking. In addition, the City could consider requiring a minimum residential density, provided that the market will support dense residential development types in this area.

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Commercial Zones (SMC 17C.120) OR-55 University

CA3 RMF **RHD-55** E Cataldo Ave 0-55 CC1-DC CC1-DC Campus CC1-EC Spokane Falls Blvd E Martin Lutter King Jr Way

The commercial zoning categories include Office (O), Office Retail (OR), Neighborhood Retail (NR), Neighborhood Mixed Use (NMU), Community Business (CB), and General Commercial (GC). The City Linecorridor passes through small areas of OR, CB, and NR zones west of the downtown area, and O and GC zones north of the river. This analysis focuses on the commercial areas north of the river along the Cincinnati Street corridor, and because the office zoning category is generally intended for low-intensity and small-scale office development near neighborhoods, primarily discusses the standards found in the GC zone.

Building height in the GC zone is limited to 70', except as designated on the zoning map. Such is the case with the GC area along the Cincinnati Street corridor, which is zoned GC-150 and limits height to 150'. Buildings in this zone over 50' in height are subject to the setback and dimensional standards of SMC 17C.250 Tall Building Standards. The code does not establish a minimum FAR, and the maximum FAR in the GC zone is 2.5. Setbacks for all commercial zones are 0', except where developments abut a residential zone, in which case a 10' setback is required. Similar to the other zones discussed in this memo, 12' sidewalks are required. Minimum and maximum parking spaces in the commercial zones are

APG 18 OF 20 determined based on use. New or renovated buildings over 40,000 square feet are required to have plazas, courtyards, or other pedestrian spaces that include at least three types of pedestrian amenities, such as landscaping, lighting, seating, public art, or others. In addition to a variety of commercial and institutional uses, most residential uses are permitted outright in the commercial zones, including single-family, multifamily, and middle housing types.

Comments: The standards found in the GC zone are generally supportive of TOD but allow auto-oriented uses that are not transit supportive. At the McCarthey Athletic Center the GC zone bifurcates the Center and Corridor zones on each side and diminishes the ability to implement Center type development; The City could consider reducing or removing minimum parking requirements for areas adjacent to the transit corridor to further remove barriers to walkable, transit-supportive development. In addition, the City could consider requiring a minimum residential density, provided that the market will support dense residential development types in this area.

Residential Zones (SMC 17C.110)

The residential zoning categories include Residential Agriculture (RA), Residential Single-Family (RSF), Residential Single-family Compact (RSF-C), Residential Two-family (RTF), Residential Multifamily (RMF), and Residential High Density (RHD). The City Line corridor passes through several areas of the city with residential zoning. At the western terminus, the Browne's Addition neighborhood is zoned RHD-35 (indicating a height limit of 35'). North of the river, the area west of Cincinnati Street is primarily zoned RSF, with several blocks adjacent to the corridor zoned RTF and RHD—including the Gonzaga University area, which is zoned RHD-55. Heading east, the corridor follows Mission Avenue as it passes through the Chief Garry Park neighborhood on its way to Spokane Community College; most of the land adjacent to Mission Avenue is zoned RSF.

Building heights in all of the residential zones are limited to 35', except as designated on the zoning map (for example, the RHD-55 area around Gonzaga University). Buildings in all zones are required to be set back 15' from the front lot line, with 3' or 5' setbacks required for side lot lines. Rear setbacks are established at 10' for RMF and RHD zones, 15' for the RTF zone, and 25' for the RSF zone. Minimum densities are established at 4 units per acre in the RSF zone, 10 units per acre in the RTF zone, and 15 units per acre in the RMF and RHD zones. Maximum densities are 10 units per acre for RSF, 20 units per acre for RTF, and 30 units per acre for RMF. The RHD zone does not have a maximum density. Maximum allowable FAR for the two lower-intensity zones (RSF and RTF) is established at 0.5; however, for sites in the RSF and RTF zones that qualify for compact lot development standards (SMC 17C.110.209) FAR may be increased to 0.65 for attached housing development. The RMF and RHD zones do not have maximum allowable FAR. Parking for all residential units require a minimum of one off-street space per unit, plus one additional space per bedroom after three bedrooms, with no maximum number of spaces.

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Housing types allowed in the lower-intensity residential zones (including RSF and RTF) include single-family detached, single-family attached, zero lot line housing, manufactured homes, and accessory dwelling units (ADUs). Duplexes are allowed in the RTF zone, but not the RSF zone. In addition, cottage housing is permitted conditionally in the three lower-intensity zones. Multifamily housing is only allowed in the RMF and RHD zones; however, these zones also permit all of the housing types in the lower-intensity zones.

Comments: There are a number of modifications the City could make to residential zones adjacent to the transit corridor, including increasing allowable building height to 55' or higher, increasing density, increasing FAR, and reducing parking requirements. The City may also wish to consider allowing middle and multifamily housing types in all residential zones adjacent to the transit corridor. In particular, increasing minimum and maximum densities adjacent to the transit corridor (assuming the market would support denser development) would encourage TOD.

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APPENDIX A-2: REGULATORY APPROACH MEMORANDUM

Date: January 27, 2022

To: Colin Quinn-Hurst

CC: Louis Meuler, Tirrell Black, and Kara Mowery Frashefski,

From: Jason Graf, CBP; Kyra Haggart, APG and Matt Hastie, APG

RE: TOD Study Concept Development and TOD Regulatory Framework Approach

I.TOD Study Purpose

Identify an approach for station area planning, transit supportive regulatory changes and priority infrastructure investments that:

- can be applied along high-performance transit corridors and;
- implements the Comprehensive Plan's Centers and Corridors growth strategy

This study focuses on a selected portion of the City Line, recommended by City staff, at the eastern end of the corridor along Cincinnati Street and Mission Avenue, within a half-mile of the transit route. This project area (Figure 1) was selected because it provides a representative mix of residential, commercial, industrial and Center and Corridor zoning similar to that found along planned high-frequency transit routes throughout the City outside of downtown zones. This

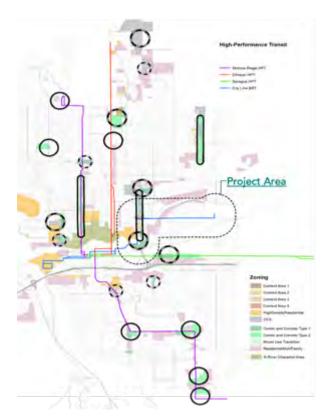


Figure 1: High Performance Transit Corridors and Transit Supportive Zoning Designations

reduced project area also provided a discrete boundary for assessing infrastructure and accessibility challenges and opportunities.

II. TOD Regulatory Assessment

The following regulatory assessment was informed by an initial review and analysis of the current Comprehensive Plan and Title 17C Land Use Standards and an assessment of TOD opportunity areas within the City Line BRT Corridor. Findings of the initial review and analysis provide a basis for understanding the barriers, challenges and opportunities for transit-oriented development within the City Line high-performance transit (HPT) corridor and within the Comprehensive Plan's designated Centers and Corridors.

A. Initial Review and Analysis - Existing Polices and Regulations

During this phase of the study the consultant team reviewed the Comprehensive Plan and the current Title 17C Land Use Standards to identify the presence or lack of transit supportive policies and regulations within the City Line BRT Corridor located on the west of Downtown in Browne's Addition and at its east terminus, Spokane Community College. The line travels through downtown Spokane, the University District, and the Logan and Chief Garry Neighborhoods. It traverses a variety of Spokane's residential, commercial, downtown, and industrial zones, as well as the Center and Corridor and Context Area (Form-Based Code) districts.

The analysis focused on development standards found in the non-residential and residential zones that are likely to impact TOD—either by encouraging transit-supportive development, or conversely, serving as barriers to TOD—including building height, setbacks and sidewalks, floor area ratio (FAR), minimum and maximum density, allowed uses (including mixed use), housing variety, parking, and streetscape amenities.

B. Findings of the Phase 1: Initial Review and Analysis:

- Current Comprehensive Plan policy generally allows for and encourages transit supportive land use
- The Comprehensive Plans Centers and Corridors and high-frequency transit routes have been identified as the City's future growth strategy
- The following Title 17C Land Use Standards base zones are generally transit supportive: Center and Corridor, Form Based Code, High Density Residential, Residential Multi-Family, General Commercial and Neighborhood Retail. However, they have varying standards that may limit density and land efficiency, and some standards may serve as barriers to vertical mixed-use development while promoting auto-oriented uses.
- Potential transit-oriented development opportunity areas include base zones, represented by the Residential Single-/Two-family zones, that are generally lower intensity and density that limit ridership. Whereas, Commercial Business, General Commercial, & Industrial zones in these areas allow auto-oriented uses, warehousing, and storage units with low employee per acre uses and commercial parking lots that do not support transit use or promote pedestrian activity.

The regulatory approach provides recommendations for promoting transit-oriented development where high-frequency transit routes:

- are regulated by transit-supportive base zones including Centers and Corridors, Form Based Code, Neighborhood Retail, Neighborhood Mixed Use or High Density Residential/Residential Multi-Family designations.
- where potential transit-supportive redevelopment opportunities (infill of vacant, underutilized, and potential redevelopment areas) are not regulated by transit-supportive base zones.

Figure 2 indicates where high frequency transit routes in the project area overlap with areas that provide some degree of transit-supportive regulation (solid black line) and non-transit supportive regulation (no line).

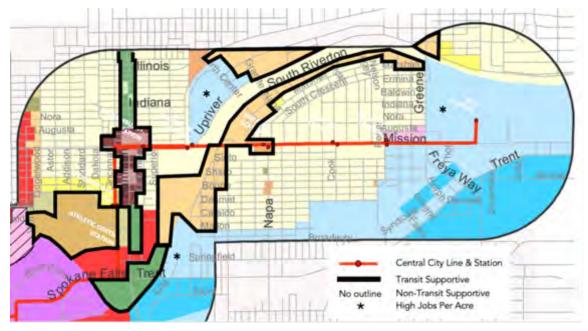


Figure 2: Transit and non-transit supportive base zones.

III. Concept Development

Concept Development—the TOD Study's second phase— addressed barriers, challenges and opportunities to transit access and determined the location and type of potential transit-oriented development within each of the station areas. Station area planning establishes a framework for multimodal station access routes and transit-oriented development that informs recommendations for regulatory changes and infrastructure needs (multi-modal infrastructure improvements) to promote transit supportive development and transit access.

Components of the station area planning include:

- 1. Guiding Principles— Define a vision for multi-modal access that connects transit to destinations and enables station areas to achieve their development potential with increased opportunities for people to live and promoting businesses near transit.
- 2. Districts Articulate the boundary, character and function of unique districts along the corridor, defined by existing development patterns and opportunities for future TOD.

- 3. Station Access Establish complementary station access route types that address the need for connections between stations and within each station area, placing an emphasis on filling gaps to complete networks identified in the City's pedestrian and bicycle plans and informing future multimodal public infrastructure projects.
- **4. Station Typologies** Inform the type and intensity of transit-oriented development that responds to adopted policies and plans as well as specific site, market and demographic conditions and best practices for TOD.
- 5. Transit Oriented Development Potential Defined by areas with vacant, underutilized and potential redevelopment areas, with good access and visibility from major transportation routes and adequate resident and employees' populations to support redevelopment. Regulatory changes are most beneficial when applied to these areas as they tend to be optimal for locational efficiencies (convergence of multimodal access with transit supportive uses and densities) that promote transit ridership. These locational efficiencies also potentially contribute to reduced household expenditures on transportation and housing, promote affordability, and increase spending on local goods and services, resulting in a host of financial and environmental benefits often termed the "green dividend" (Cortright, Joe (2013). Green Dividend. CEOs for Cities.)
- 6. TOD Regulatory Approach Address TOD policy, regulatory, and transit access barriers. Provide recommendations for regulatory changes. Identify an approach for promoting transit-oriented development within the City Line study area and identify its application to other high frequency transit corridors.

Station Area Planning- Station Area Access and TOD Frameworks

During the Phase 1: Initial Review and Analysis, a corridor evaluation was performed based on criteria supporting transit-oriented development fundamentals and best practices for station area planning. The criteria addressed three primary elements and the necessary conditions for promoting access and development around transit including:

- station environment—lack/prevalence of safe and universally accessible stations with activity generating uses,
- destination and station access—lack/prevalence of direct and continuous walk and bike access from station to station and between stations and destinations) and
- transit supportive land use—lack/prevalence of a mix of station and pedestrian-oriented housing, jobs and businesses at transit-supportive densities.

Based on the study area corridor evaluation, station access and transit-oriented development frameworks were created and represent an integrated land use and transportation plan for the City Line study area.

Station Area Access Framework

An assessment of walk and bike facilities within each station area identified several necessary walk and bike improvements to promote access to stations and destinations within station areas. The assessment identified gaps in existing facilities and recommends new facilities to improve safe and direct access to stations. Improvements address auto, pedestrian and bicycle conflicts that impact transit access and the ability to safely reach station area destinations such as parks, schools and

jobs. An assessment and evaluation of station access addressed the station environment, and prevalence of barriers and challenges to walk and bike access between destinations and stations.

A. Station Area Access Assessment— The assessment and evaluation identified the following conditions related to 1. station environment, where safety is a priority supported by activity at the station and well-defined crossings and 2. destination and station access that provides direct, continuous walk and bike access between stations and to destinations.

1. Station Environment

- A prevalence of inactive uses such as vacant lots, blank walls and auto-oriented development with parking lots separating buildings from the sidewalk at the McCarthey Athletic Center, Hamilton/Columbus, Mission Park, Napa, and Regal stations.
- Areas of pedestrian, bike and auto conflicts exist at the Hamilton/Columbus, Mission Park, Napa, and Regal stations due in part to limited traffic control, limited sightlines for vehicles west of Magnolia Street and lack of adequate bicycle facilities.

2. Destination and Station Access

- Mission Avenue, Green Street, and Hamilton Street traffic lanes, traffic speed, and limited traffic control at intersections are a barrier to station access and to destinations such as commercial businesses, jobs, schools, and parks.
- A lack of Mission Avenue bike facilities linking station to station and bike facilities on primary routes that connect stations to area destinations represents a barrier to accessing transit and public facilities such as Stevens Elementary School and Chief Garry Park.
- Gaps exist in bike facilities along the riverfront as well as Sharp Avenue and Perry Street.

Missing sidewalks are prevalent in proximity of Stevens Elementary School, Chief Garry Park, Stone Park, Cook and Regal Streets (near the stations), and numerous streets connecting to the existing E. South Riverton Avenue trail north of Mission Avenue.

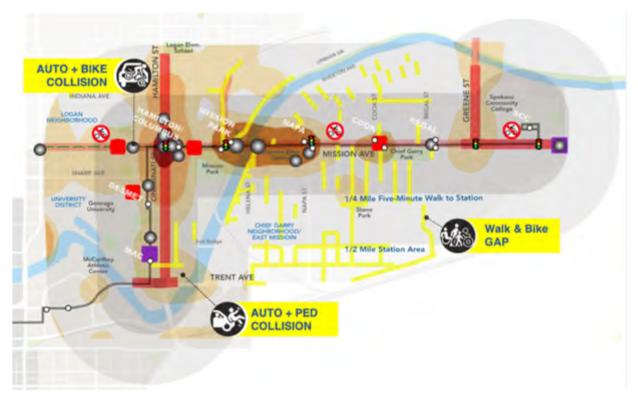


Figure 3: Barriers and Challenges to Station Access

- **B. Station Access Findings**—The station access findings at each of the stations identifies the need to:
 - Address Mission, Greene & Hamilton auto, pedestrian and bicycle conflicts with enhanced crossings at Riverton Avenue, Napa Street, Cook Street, Regal Street, Greene Street and at the Mission Avenue entry to Spokane Community College.
 - Fill gaps in missing sidewalks and bicycle facilities both north and south of Mission Avenue to ensure safe and direct access to Stevens Elementary School, Chief Garry Park and the existing Riverton Avenue trail.
 - Extend bike lanes and trail segments to fill gaps in walk and bicycle facilities on Sharp Avenue, Perry Street and trail segments east and west of the Spokane River

C. Station Access Recommendation— Complementary station access routes were identified to ensure safe and direct pedestrian and bicycle access between stations and from stations to destinations within each station area. The framework addresses opportunities to fill gaps in existing pedestrian and bicycle facilities, identifies improvements for pedestrian priority zones and safe routes to school that are consistent with the City's pedestrian and bicycle master plans and creates new routes and recommended facilities to promote access to transit and destinations. Station Access routes and facilities are indicated in Figure 4.

Complementary Station Area Access Routes

Four types of station access facilities are recommended to provide a complete network of walk and bike facilities and include:

- BRT Corridor Route— A continuous walking and biking facility connecting station to station within the BRT corridor route
- Station Access Route— the primary walking and biking facilities providing safe and direct access to stations
- Collector Trail—the citywide and regional trail system connecting with the BRT corridor, station access and neighborhood access routes
- Neighborhood Access Route— Walk and bike facilities within station area neighborhoods linking to schools, parks, and other station area access routes

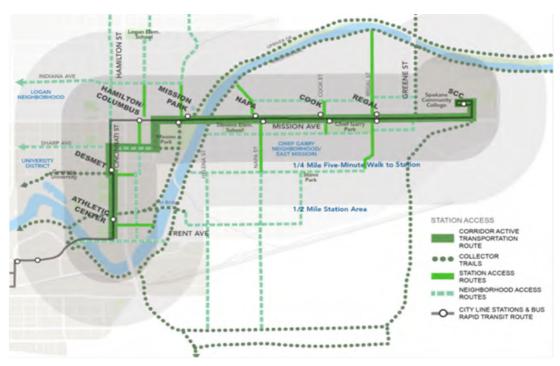


Figure 4: Complementary Station Area Access Routes

Transit Oriented Development Framework

Within the study area, the City Line stations are located in three districts defined by existing development patterns, destinations and opportunities for future TOD. The consultant team prepared a summary of each district by identifying distinct characteristics and features (types of use, development patterns, and accessibility), destinations (employment, education, commercial and public facilities), and transit-oriented development opportunities (vacant, underutilized and redevelopment areas).

Defining the Districts

The stations are located within the following Districts (Figure 5).

- University District— characteristics and features include a mix of Gonzaga University housing and athletic facilities, aging manufacturing/warehouse uses, and emerging employment uses along Trent Avenue/Spokane Falls Boulevard. The district is served by a traditional urban street grid with direct access to downtown and I-90 and is bisected by the Centennial Trail. Major destinations at the station include Gonzaga University's McCarthey Athletic Center, athletic fields and residence halls and employment uses. Potential TOD opportunities exist on aging manufacturing and warehouse sites, vacant/underutilized sites, and large parking lots along Hamilton, Columbus Street and Springfield Avenue. Stations include the McCarthey Athletic Center Station and part of the Desmet Station.
- Logan Neighborhood—characteristics and features include a mix of GU housing and classroom facilities, apartments, the Hamilton commercial corridor, and a large employer (Avista). The district is served by a traditional urban street grid with direct access to downtown and I-90 and includes the Centennial Trail on its eastern edge. Major destinations at the stations include GU residence halls and classrooms, Avista, Safeway, Mission Park, and the Aquatic Center. Potential TOD opportunities exist along Hamilton Street's vacant, underutilized sites and parking lots. Stations include part of the Desmet Station, the Mission/Columbus Station and Mission Park Station
- Chief Garry Park Neighborhood— characteristics and features include predominately single-family housing with pockets of riverfront apartments, auto-oriented commercial development, and SCC. The district is served by a traditional urban street grid with Mission Avenue, Napa Street and Greene Street providing access into and out of the neighborhood. Portions of a riverfront trail are located along the station areas' northern edge. Potential TOD opportunities exist along Mission Avenue in areas with parking lots, aging auto-oriented commercial, manufacturing, vacant, and underutilized sites. Stations include the Napa Street, Cook Street, Regal Street and Spokane Community College Stations.

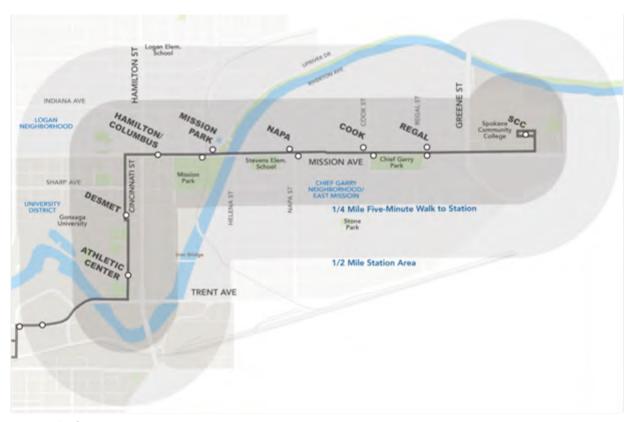


Figure 5: Study Area Districts

Transit Oriented Development Typologies

Typologies inform the type and intensity of future transit-oriented development and station access within station areas. In some instances, a station is defined by two typologies representative of the diversity of development within the station area. The consultant team identified five distinct station typologies that responds to adopted policies and plans, specific site, market and demographic conditions as well as best practices for TOD. The typologies range in development density and mix of uses from highest intensity at a district scale to lower intensity at the neighborhood level. The following station typologies were assigned to stations along the City Line study area as indicated in Figure 6 and include:

- Center Station— High density apartment, condominium, and townhomes, with street-oriented retail, commercial uses, and opportunities for district-scaled employment served by public space amenities such as parks, plazas and waterfronts. Safe, direct and convenient walk and bike access between stations and destinations often includes enhanced intersection design, a separation of bicycles from auto traffic, and wide sidewalks serving an active street environment.
- Corridor Station— Mixed land use, typically extending one- to two-blocks from the transit route with medium and high-density apartment, condominium, and townhomes and areas for street-oriented retail, commercial and employment uses. Safe and direct walk and bike access between stations and destinations often includes pedestrian enhanced intersection design and a separation of bicycles from auto traffic.
- **Employment/Campus Station** May be predominantly employment, educational, medical campus uses or regional-serving recreation facilities where land use and circulation is dictated by a single institution, City entity or major employer. Safe and direct walk and bike access between the station, campus and nearby destinations is a priority as these represent areas of high transit ridership.
- Neighborhood-Node Station— Neighborhood-compatible apartment, condominium, and townhomes, with street-oriented neighborhood serving retail and commercial uses and may include parks, and schools. Safe and direct walk and bike access is often provided along lower traffic streets between stations and destinations. Pedestrian enhanced intersection design and a separation of bicycles from auto traffic may be necessary where higher-traffic streets traverse or intersect the station area.
- Neighborhood-Residential— predominately existing single family residential with opportunities for infill housing and often served by parks and schools. Safe and direct walk and bike access is often provided along lower traffic streets between stations and destinations. Pedestrian enhanced intersection design and a separation of bicycles from auto traffic may be necessary where higher-traffic streets traverse or intersect the station area.

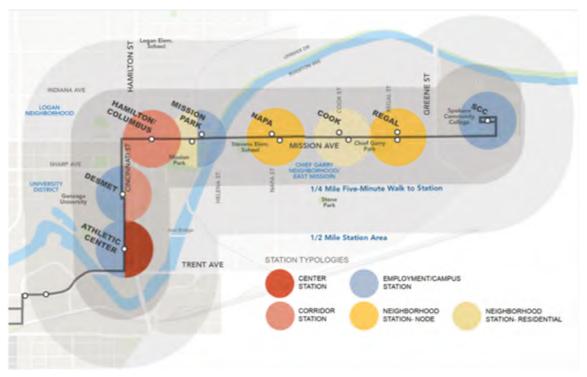


Figure 6: Station Typologies

A. Transit Supportive Land Use Assessment—The consultant team utilized four factors to assess existing and/or potential for transit supportive uses and development for each station area. The factors included transit supportive

development (presence of existing uses and development intensity supporting transit); development gaps (prevalence of a mix of uses with housing options and goods/services close to resident/employment populations); displacement risk (areas vulnerable and high risk of displacement); TOD infill potential (prevalence of vacant, underutilized and/or potential redevelopment sites).

An assessment of future transit-oriented development potential at each station indicates that:

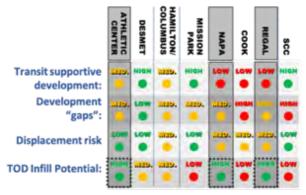


Figure 7: Transit Supportive Land Use Evaluation

- Stations at Desmet Avenue, Mission Park and SCC currently have relatively high transit supportive uses and resident/employee populations but limited potential for TOD infill as these station areas are largely built out. Future development in proximity of the station is dictated by Gonzaga University, AVISTA Corporation, the Parks department (Mission Park/Aquatic Center) and Spokane Community College respectively.
- The Hamilton/Columbus Station is in proximity to some infill and redevelopment opportunities anchored by Safeway grocery store with an adopted Form-Based Code in place to encourage and guide future TOD.

- The Cook Street Station is dominated by Chief Garry Park and detached single family housing with no potential for TOD (i.e., mix of commercial, employment and residential uses) infill under current regulations.
- The stations at the McCarthey Athletic Center, Napa Street, and Regal Street offer a high level of TOD potential due to the prevalence of vacant/underutilized and potential redevelopment areas, good access and visibility from major transportation routes and adequate resident/ employee populations and amenities (open space, parks, and schools) to support transit-oriented development. Current regulations in these station areas allow auto-oriented uses and the Hamilton Avenue and Mission Avenue corridors' heavy traffic, noise, and inactive building frontages do not support pedestrian and bike activity and act as a barrier to TOD and transit access.
- Potential high housing displacement risks exist at the Napa, Cook, and Regal stations
- **B. Transit Supportive Land Use Findings**—The consultant team explored transit-oriented development scenarios for the McCarthey Athletic Center, Napa and Regal Stations. Scenarios considered existing station area assets and barriers to TOD, recent development trends, and adopted plans and regulations. Scenarios consist of multi-modal street improvements to promote pedestrian activity and support street-oriented commercial development and a hub of activity. A mix of medium and high-density housing, and employment uses are organized around street-level commercial hubs and supported by parks and open space amenities.

 The scenarios provide a snapshot of the type, intensity and form of transit-oriented development

The scenarios provide a snapshot of the type, intensity and form of transit-oriented development unique to each station area.

1. McCarthey Athletic Center Station TOD Scenario— The station typology is designated as a Campus /Institutional and Center Station with the opportunity for district-scale transit-oriented development. The scenario supports the Comprehensive Plan Center zoning designation, promotes new uses in Centers that stimulate pedestrian activity with mutually reinforcing land use patterns and integrates development and transit with improved walk and bike access along key routes.

Figure 8 illustrates the McCarthey Athletic Center Station scenario consisting of a retail and commercial hub of activity along Springfield Avenue characterized by edge-to-edge retail and commercial uses lining the street between Gonzaga University and the riverfront. New linear parks, north of Springfield Avenue, serve as amenities for high density housing and creation of a station neighborhood that complements existing housing concentration of apartments along Hamilton Street.

Trent Avenue serves as the front door and signature street supporting the Health Peninsula— a cluster of research, development and high-tech office uses. The waterfront is enhanced as a district destination with a new park, trail extension and non-motorized watercraft landings access to the Spokane River.



Figure 8: McCarthey Athletic Station TOD Scenario

2. Napa Street Station TOD Scenario—The station typology is designated as a Neighborhood-Node Station with the opportunity for neighborhood -scale transit-oriented development. The scenario is consistent with the Comprehensive Plan & Zoning Neighborhood Retail designation and promotes new uses that stimulate pedestrian activity with mutually reinforcing land use patterns while integrating development and transit with improved walk and bike access along key routes.

Figure 9 illustrates the Napa Street Station TOD scenario which includes converting one of the four lanes of traffic on Mission Avenue to a bi-directional protected bikeway that would allow for station-to-station access and is well connected to the Stevens Elementary School and Chief Garry Park. Pedestrian and bicycle enhanced intersection improvements would ensure safe and direct access to the station and trail crossing at Riverton Street. Building setbacks for street-oriented commercial uses would allow for widened sidewalks and on-street parking necessary to support commercial development, reduce traffic speed and promote pedestrian activity in proximity of the station.

The scenario consists of edge-to-edge retail and commercial uses and hub of activity between Napa Street and Marshall Avenue. Redevelopment of an aging commercial building is a potential setting for new storefronts and a public gathering area with additional sites north and south of Mission Avenue incorporating storefronts with multi-family housing above. The Family Promise

Center provides shelter services for woman and children with the potential to expand facilities including a commercial storefront and permanent transitional housing at the station.

The area is optimal as a neighborhood hub to serve existing and future residents and is anchored by the Stevens Elementary School.



TOD illustration & concept for discussion purposes only this is not an adopted plan or funded intrastructure project

Figure 9: Napa Street Station TOD Scenario

3. Regal Street Station TOD Scenario— The station typology is designated as a Neighborhood-Node Station with the opportunity for neighborhood -scale transit-oriented development. The scenario is inconsistent with the Commercial Business & Industrial zoning, promotes new uses that stimulate pedestrian activity with mutually reinforcing land use patterns and integrates development and transit with improved walk and bike access along key routes.

Figure X illustrates the Regal Street Station TOD scenario and continues the bi-directional protected bikeway along the south side of the street and well connected to Chief Garry Park. Pedestrian and bicycle enhanced intersection improvements would ensure safe and direct access to the station, crossing at Green Street and at the entrance to Spokane Community College. Building setbacks for street-oriented commercial uses would allow for widened sidewalks and on-street parking that is necessary to support commercial development, reduce traffic speed and promote pedestrian activity in proximity of the stations.

The scenario consists of edge-to-edge retail and commercial uses and hub of activity between Regal Street and Fiske Street. Redevelopment of an aging commercial building is a potential setting for new storefronts and a public gathering area with additional sites north and south of Mission Avenue incorporating storefronts with multi-family housing above. The VOA Homeless Teen Services Building will include a health service center storefront along Mission Avenue. Multiple blocks of multi-family and townhome development offer a range of housing types and potential affordability that is anchored by Chief Garry Park. The area is optimal as a neighborhood hub serving residents, Spokane Community College and drive-by traffic along Green Street and Mission Avenue.



TOD illustration & concept for discussion purposes only this is not an adopted plan or funded infrastructure project

Figure 10: Regal Street Station TOD Scenario

C. Transit Supportive Land Use Recommendations—The ability to transition high frequency transit corridors from non-transit supportive lower intensity uses and auto-oriented development to transit oriented development requires an integrated transportation and land use approach. The approach should look to modify policies and regulations for use and development standards in conjunction with investments in multi-modal infrastructure and place-making.

The potential for TOD is enhanced through use and standards modifications to base zones and rezoning non-transit supportive base zones, and investment in active transportation infrastructure improvements within proximity of the stations and along the City Line BRT corridor. Active transportation improvements are deemed most necessary along Mission Avenue to promote

pedestrian activity and change the investment environment to greater support transit-oriented development. See Figure 11 including:

- Modifying use and standards within the Center and Corridor Type CC-1 zone and rezone General Commercial to CC-1 at the McCarthey Athletic Center Station.
- Modifying use and standards within the Neighborhood Residential (NR) zone or rezone NR to a modified use and standards for Neighborhood Mixed Use (NMU) or Center and Corridor Type CC-1 at the Napa Street Station.
- Rezone the Community Business (CB) and Industrial (I) to a modified CC-1 zone or NMU, or NR zone at the Regal Station.
- Modify the use and standards to promote middle housing types in the Residential Singlefamily (RSF) and Residential Two-Family (RTF) zones within all station areas.

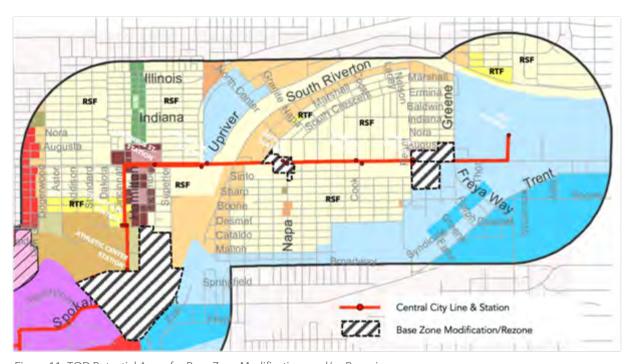


Figure 11: TOD Potential Areas for Base Zone Modifications and/or Rezoning

IV. TOD Regulatory Approach

The Title 17C Land Use Standards do provide Residential, Commercial, Center and Corridor, and Form Based Zones that are generally transit supportive but require some modifications to standards and regulations including Building Height, Building Orientation, FAR, Setbacks, Allowed Uses, Density, Vehicle Parking, and Bicycle Parking & Streetscape Amenities to address barriers to TOD. In some instances, where conflicting zone designations exist within potential TOD areas, a rezoning is recommended in an effort to greater promote new uses that stimulate pedestrian activity with mutually reinforcing land use patterns and densities promoting TOD.

Barriers and challenges to transit access and destinations within station areas are prevalent along Mission Avenue and at intersections with arterial streets such as, Hamilton Street and Greene

Street. The current roadway design with narrow sidewalks and no buffer to auto traffic, and a lack of bicycle facilities has a negative impact on the ability to promote street-oriented commercial development that is necessary to provide an active station environment at the Napa Street and Regal Street stations.

The City should consider the following TOD regulations and policy recommendations (Figure 12) to provide an integrated land use and transportation approach along high frequency transit corridors:

- Modify TOD Supportive Base Zones within the Title 17C Land Use Standards to more directly promote transit-oriented development and apply these modifications city-wide or within an Overlay Zone (Overlay Zone described further in recommendation 3. Create an Overlay Zone). TOD Supportive base zones include Center and Corridor, Form Based Code, Neighborhood Retail, Neighborhood Mixed-Use, and High Density Residential/Residential Multi-Family designations.
- 2. Rezone transit-oriented development opportunity areas within the McCarthey Athletic Center and Regal Station Areas. Potential transit-oriented development opportunity areas include base zones that are non-transit supportive. Residential Single/Two-family, General Commercial, Community Business & Industrial zones may limit, preclude, or render uncertainty new uses and development that stimulate pedestrian activity with mutually reinforcing land use patterns and density to support transit.
- 3. Create an Overlay Zone to apply base zone modifications along high frequency transit corridors. An Overlay would apply base zone modifications within a Core Zone (for the City Line study area that includes the FBC, CC, NR, RMF and RHD zones) and an Overlay Transition Zone allowing Middle Housing types for single-family and two-family zones within a ¼ mile of the high frequency transit corridor.
- 4. Additional Planning and Studies to address barriers and challenges to transit access and promote transit-oriented development within TOD opportunity areas. A Subarea Plan process should be initiated to provide detailed design, development, and regulatory guidance, extensive community engagement and building of public/private partnerships, to ensure successful transit-oriented development at the McCarthey Athletic Center Station. IN addition, a Mission Avenue Land Use and Circulation study should be initiated to explore opportunities for transportation, safety, and streetscape changes, as well as, promoting street-oriented commercial uses and an active pedestrian environment at the Napa Street and Regal Street Stations.

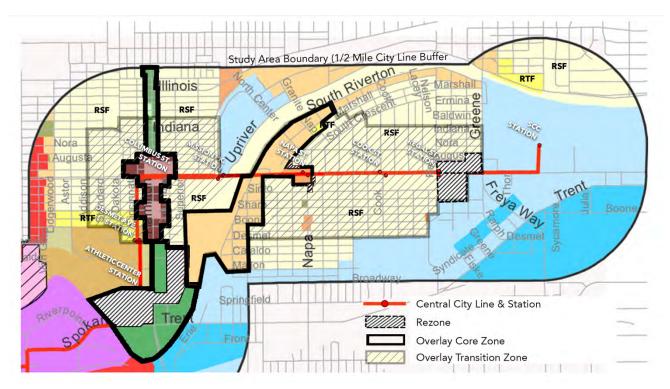


Figure 12: Potential Regulatory Recommendations.

The TOD regulatory approach consists of the following considerations:

1. MODIFY CITY LINE CORRIDOR BASE ZONES

A. Modify TOD Supportive Base Zones within the Title 17C Land Use Standards to more directly promote transit-oriented development and apply these modifications city-wide or within an Overlay Zone (Overlay Zone described further in recommendation 3. Create an Overlay Zone). TOD Supportive base zones include Center and Corridor, Form Based Code, Neighborhood Retail, Neighborhood Mixed-Use, General Commercial, and High Density Residential/Residential Multi-Family designations.

Context: In some instances, TOD Supportive Base Zones have allowed uses and development standards that promote auto-dependency, parking requirements that may increase the cost of development, limit density, and development efficiency, and may serve as a barrier to vertical mixed-use development.

Discussion: Non-transit supportive uses such as drive-thru, auto-oriented sales, warehousing, and parking lots should not be permitted in areas where TOD is being encouraged. Because all transit riders begin and end their trips as pedestrians, regulations for transit-supportive uses, with appropriate standards for densities and built form that promote a safe and active pedestrian environment are necessary to sustain and grow transit ridership.

The APG Phase 1 Initial Review and Analysis code audit identified the following TOD Supportive Base Zones issues and recommendations for modifications as follows. That analysis focused on a number of standards that can impact the ability to develop land in a financially feasible manner at densities and with a mix of uses that support transit. Key standards include the following:

Building height. Allowing for adequate building heights is important for increasing land efficiency and density and encouraging vertical mixed-use development in areas adjacent to transit corridors. Maximum building height standards in comparable communities' mixed-use areas typically vary from 55' to 75', with opportunities for even taller heights under certain conditions.

Depending on the intensity and mix of development desired, we recommend:

- 1. Allowing building heights of at least 55' to 70' in in areas served by frequent transit. A building height of 55' allows for "four over one" construction which can be accomplished with wood frame construction. Taller buildings typically require a ground floor concrete podium and more expensive but durable construction methods.
- 2. Increasing maximum height allowances to 70' or greater for the CA1 and CA2 designations will expand the range of building types that can be constructed and potentially reduce average construction costs. The height limitations in the form-based code zones CA1, CA2, and CA3 are generally supportive of TOD.
- 3. For development adjacent to a RSF zone, limiting height to 55' abutting the zone, with a height transition line allowing for increased height further from single-family development.

Floor area ratio. Floor area ratios are used to establish limits or minimum thresholds for building massing. Other standards, including building heights, lot coverage, building setbacks, heights and parking requirements will also control massing and effectively limit FAR. Currently, Spokane's mixed-use zones do not include minimum FAR standards although some include maximum FAR standards. In general, we recommend:

- 1. Eliminating maximum standards because a combination of other standards will serve to control maximum FAR.
- 2. Establishing minimum FARs in several zones to ensure that buildings achieve a minimum height and mass conducive to transit-oriented development. At the same time, minimum FAR standards can limit development if FARs are not financially feasible.

The City will need to balance desired TOD mass and scale objectives with market reality in its mixed-use areas.

Setbacks and Sidewalks. Setbacks are intended to maintain light, air, separation for fire protection, and access for firefighting. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, address the need for privacy, fit the topography of the site, and allow for outdoor areas. Setbacks also ensure a minimum sidewalk area to provide a continuous, safe, and consistent street frontage character along the street right-of-way and encourage a walkable, pedestrian-friendly environment. However, requiring minimum setbacks can also serve as a barrier to compact development. The City could consider reducing the minimum setback for developments fronting on a primary transit corridor that are abutting the single-family and two-family zones to support compact development along the corridor. We recommend:

1. Reducing the minimum street lot line requirement for Commercial zones abutting a single-family or two-family residential zone to 10-feet consistent with the CC zone.

In instances where a zero-setback is required for buildings that include ground-floor residential uses safety and privacy are considerations to be addressed. As these considerations also tend to run in conjunction with ground-floor window and transparency standards recommendations for flexible ground-floor design are provided later in this section titled *B. Modify Building Design Standards* to Greater Promote a Safe and Active Street-level Pedestrian Environment— Ground-floor windows/Façade Transparency.

The City's <u>Design Standards for Streets</u>, <u>Alleys</u>, <u>Bikeways and Sidewalks</u> stresses that design criteria should be selected for zoning on a block-by-block basis with an emphasis given to place-making opportunities that support the adjacent land use with consideration given to future planned and desired uses versus the existing use. The City should:

2. Address inconsistencies for the dimensional requirements of the sidewalk's pedestrian and landscape zones (e.g., FBC, CC, and Commercial zones) and consider a base standard consisting of a minimum 12' sidewalk (minimum 7' clear sidewalk and 5' buffer) from back of curb to front lot line.

Allowed residential uses. In general, the allowed and prohibited uses as laid out in the form-based code are supportive of TOD. However, some specific changes to the amount of residential use allowed and limitations on auto-oriented uses are recommended.

Residential densities. The density of housing is a key driver in creating development that will support higher frequency and capacity transit. Provided that the market is supportive of higher density residential development types, the City may wish to consider requiring a minimum residential density—particularly for lots that are adjacent to the transit corridor—to ensure compact growth and encourage more transit ridership. For certain types of development, residential density could replace standards for minimum lot sizes (e.g., for multi-family development). For single-family detached and middle housing types, they would act in tandem with allowed lot sizes to ensure a minimum level of density, while also regulating the maximum density.

As an example, developments in the Minneapolis St./Paul region are required to meet minimum residential densities of anywhere from 10 to 50 units per acre, depending on the form of transit available and the urban designation of the area. We recommend:

- 1. Modifying maximum Density Standards for the 17C.110 Residential zones' Table 17C.110-3 to allow for "middle housing types (discussed later in this section- C. Modify Residential Single-family and Two-family zones to allow Middle Housing (duplexes, triplexes, and fourplexes) within the single-family and two-family residential zones.
- 2. In the FBC zone, requiring a minimum residential density for all lots, or only those fronting on Street Type. Densities could range from 1 unit per 1,450 sq. ft. of site area to 1 unit per 1,000 sq. ft. of site area when at least 1 dwelling unit is proposed for new development.
- 3. In the CC, GC, NR and NMU zones require a minimum density for residential uses on all lots when dwelling units are proposed for new development; densities could range from 1 unit per 1,450 sq. ft. of site area to 1 unit per 1,000 sq. ft. of site area when at least 1 dwelling unit is proposed for new development

Vehicle and bicycle parking requirements. Vehicle parking requirements have a significant impact on the ability to achieve desired levels of density and also have a potentially significant impact on the cost of development. Decreasing the amount of off-street parking required near stations supports the success of TOD areas by improving pedestrian circulation, decreasing development costs, and reduced greenhouse gas emissions. To support compact, walkable development, the City could consider further reducing minimum parking requirements either for all uses or for specific uses through an incentives-based approach. Suggested changes are identified in the following table. Appendix A- includes a summary of off-street parking standards applied in comparable communities in the Pacific Northwest and elsewhere. Providing adequate bicycle parking also is important to the success of TOD—particularly when located near transit stops and stations—in order to provide multimodal transportation options, increase access to destinations near but not on transit corridors, and support first mile/last mile transit connections.

Streetscape Amenities. In addition to requiring a 5' planting buffer separating the sidewalk from the street, the Form-based Code Section 17C.123.050 includes requirements for street-level detailing including street furnishings such as pedestrian-scale lighting, benches, and trash receptacles for Street Types 1, 2, and 3. Section 17C.123.060 Architectural Requirements addresses street-level detailing to promote a high-quality pedestrian environment.

In the Center and Corridor zones, the City requires specific amenities to be provided for buildings over 10,000 sf in size along designated Pedestrian Streets and encourages them to be provided for smaller developments in these areas. In the Center and Corridor zones, Section 17C.122.090 Public Amenities Allowing Bonus FAR offers an FAR bonus for providing streetscape amenities and a "super bonus" (maximum FAR increase of 50%) when at least two of the FAR bonus amenities in addition to either underground parking or affordable housing. Affordability considerations for housing could also be expanded to include provisions for affordable commercial space or pay into an Affordable Commercial Space Fund. The City could consider:

- Expanding the "super bonus" provisions to include underground parking, affordable housing and affordable commercial space as options for the maximum FAR bonus.
- applying these standards, guidelines and incentives in a more consistent way across all the and areas along Pedestrian Streets.
- Potential revisions to these and other standards for the zones within the TOD planning area are summarized in the following table.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
BUILDING HEIGHT	FBC-CA-2 FBC-CA-3	Current height standards limit density, land efficiency and may serve as a barrier to vertical mixed-use development	Increase maximum building height to 70' or 55' abutting RSF zone
	FBC-CA-4	Current height standards limit density, land efficiency and may serve as a barrier to vertical mixed-use development	Increase maximum building height to 55'
	CC1	Current height standards limit density and land efficiency and may serve as a barrier to vertical mixed- use development	Increase maximum building height to 70' in District Centers and Corridors, and 55' in Neighborhood Centers
	CC2		Modify transitional standard for areas within 150' of RSF to allow for one additional foot of height per one foot of horizontal distance
	CC4	Current height standards limit density and land efficiency and may serve as a barrier to vertical mixed- use development	Increase maximum building height to 55' in Neighborhood Centers, District Centers, and Corridors
			Modify transitional standard for areas within 150' of RSF to allow for one additional foot of height per one foot of horizontal distance
	GC	N/A	No changes recommended
	NR	Current height standards limit density and land efficiency and may serve as a barrier to vertical mixed- use development	Increase maximum building height to 55' or 35' abutting a RSF zone
	NMU		
	RMF	Current height standards limit density, is a barrier to transit-supportive residential density and limit middle housing types	Increase maximum building height to 55' in all zones, except where higher limit is allowed where designated on the zoning map

STANDARDS	ZONE	ISSUE	RECOMMENDATION
FLOOR AREA RATIO	FBC-CA-1 FBC-CA-2 FBC-CA-3 FBC-CA-4	Not addressed in FBC	N/A
	CC1	Current standards may result in less compact development and limit density needed for successful TOD	Require minimum FAR of 1.0, with no maximum FAR (outdoor public spaces such as plazas, sheltered entries, courtyards, outdoor cafes, or widened sidewalks with seating may be counted toward the minimum FAR)
	CC2		Require minimum FAR of 1.0, with no maximum FAR (outdoor public spaces, or widened sidewalks may be counted toward the minimum FAR)
	CC4		Require minimum FAR of 0.5, with no maximum FAR (outdoor public spaces, or widened sidewalks may be counted toward the minimum FAR)
	GC	Same as above	Require minimum FAR of 1.0 (retain existing maximum of 2.5) Allow outdoor public spaces or widened sidewalks with seating to be counted toward the minimum FAR
	NR	Current standards may result in less compact development and limit density needed for successful TOD	Require minimum FAR of 0.5, with no maximum FAR (outdoor public spaces, or widened sidewalks may be counted toward the minimum FAR)
	NMU		Require minimum FAR of 1.0, with no maximum FAR (outdoor public spaces, or widened sidewalks may be counted toward the minimum FAR)
	RMF		
	RHD	Current standards may limit residential densities needed to achieve successful TOD	Require minimum FAR of 0.5

STANDARDS	ZONE	ISSUE	RECOMMENDATION
SETBACKS/ & SIDEWALKS	FBC-CA-1		
	FBC-CA-2		
	FBC-CA-3	NA	No change
	FBC-CA-4		
	CC1	Standards for pedestrian	
	CC2	and landscape zone are	
	CC4	inconsistent across the CC FBC, and Commercial zones. Existing code requires sidewalk width of 12' (including an 8' clear path for pedestrian travel. and a 4' planting zone).	Consider changing to minimum 7' clear sidewalk and 5' buffer consistent with FBC and Commercial codes.
	GC	Chapter 17C.120 Commercial Zones; Table 17C.120-2 Development Standards requires a setback to match SFR and RTF zones when abutting these single-family and two-family zones.	Consider reducing the minimum street lot line requirement to 10-feet for Commercial zones abutting a single-family or two-family residential zone consistent with the CC zone.
	NR NMU	Same as above	Same as above
	RMF		
	RHD	N/A	No changes recommended
	FBC-CA-1 FBC-CA-2 FBC-CA-3 FBC-CA-4	N/A	No changes recommended
	CC1		
ALLOWED USES & HOUSING MIX	CC2	N/A	No changes recommended
	CC4		
	GC	Section 17C.120.100 Commercial Zones Primary Uses TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES allows non- transit supportive uses such as warehousing, auto repair and drive-thrus	Consider limiting non-transit supportive uses within 500' of a transit station; build on auto-oriented uses currently prohibited in Center and Corridor zones.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
ALLOWED USES & HOUSING MIX	NR NMU	N/A	No changes recommended
	RMF	N/A	No changes recommended
	RHD		Tvo changes recommended
	FBC-CA-1	Existing standards do not address minimum or maximum density	Require a minimum density for residential uses on all lots, or only those fronting on Street Type 1 when dwelling units are proposed for new development; densities could range from 1 unit per 1,450 sq. ft. of site area to 1 unit per 1,000 sq. ft. of site area when at least 1 dwelling unit is proposed for new development
	FBC-CA-2		
	FBC-CA-4		
	CC1		Require a minimum density for residential uses on all lots when dwelling units are proposed for new development; densities could range from 1 unit per 1,450 sq. ft. of site area to 1 unit per 1,000 sq. ft. of site area when at least 1 dwelling unit is proposed for new development
	CC2		
RESIDENTIAL DENSITY	CC4	Existing standards do not address minimum or maximum density	
	GC	Existing standards do not address minimum or maximum density	Same as above
	NR	N/A	Same as above
	NMU	Existing standards do not address minimum or maximum density	Same as above
	RMF	Current minimum and	Consider increasing minimum and/or
	RHD	maximum densities could result in less-compact growth	maximum densities, especially adjacent to the transit corridor.
VEHICLE PARKING	FBC-CA-1	Current parking requirements may increase development costs; and development may result in barriers to pedestrian circulation and walkability	Consider reducing required parking spaces to a minimum of one space per 1,000 square feet of floor area for nonresidential uses; and for residential uses within 500' of the transit line consider a graduated range such as 0 for 1 to 30 units; 0.2 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units.
	FBC-CA-2		
	FBC-CA-3		

STANDARDS	ZONE	ISSUE	RECOMMENDATION
			Consider incentives such as FAR or minimum lot area bonuses for voluntary reduction in parking spaces
	FBC-CA-4	Same issue as above.	Consider incentives such as FAR or minimum lot area bonuses for voluntary reduction in parking spaces
	CC1		Consider reductions and incentives
	CC2	N/A	as above.
	CC4		as above.
VEHICLE PARKING	GC	N/A	Consider reductions and incentives as above.
	NR		Consider incentives or reductions as
	NMU	N/A	above
	RMF	Current parking requirements may increase	
	RHD	development costs; and development may result in barriers to pedestrian circulation and walkability	Consider reductions and incentives as above.
	FBC-CA-1		Increase the minimum number of required bicycle parking spaces in
	FBC-CA-2		SMC 17C.230.200(A)(2) to 10% of vehicle parking spaces up to 20
	FBC-CA-3		bicycle parking spaces; or a minimum of one space per 10,000 square feet of building area
	FBC-CA-4	Current standards do not provide adequate bicycle parking facilities to support biking for first mile/last mile transit connections	Encourage developers to take advantage of the incentive found in SMC 17C.230.110(B)(3), allowing bicycle parking to substitute for up to ten percent of required vehicle parking.
BICYCLE PARKING			Consider use of a fee-in-lieu for smaller developments and/or the ability to meet bicycle parking requirements through racks within individual units also could be considered.
	CC1		
	CC2	Same as above	Include CC zones in SMC 17C.230.200(A)(2)
	CC4		

STANDARDS	ZONE	ISSUE	RECOMMENDATION
			See recommendation for FBC zones above
			Consider increasing required bicycle parking spaces to 10% of off-street vehicle spaces.
BICYCLE PARKING	GC/CB	Same as above	Consider use of a fee-in-lieu for smaller developments and/or the ability to meet bicycle parking requirements through racks within individual units also could be considered.
	NR	Current standards do not provide adequate bicycle	
	NMU	parking facilities to support biking for first mile/last mile transit connections	Same as above.
	RMF	Current standards do not provide adequate bicycle	For residential developments with three (or five) or more units, require a
	RHD	parking facilities to support biking for first mile/last mile transit connections	minimum of one bicycle parking space per unit, plus one additional space per bedroom for units over three bedrooms
	FBC-CA-1 FBC-CA-2 FBC-CA-3	Chapter 17C.123 Form Based Code Zones address streetscape amenities including street-level	
STREETSCAPE AMENITIES	FBC-CA-4	details, as well as guidelines building materials that are generally consistent with the Center and Corridor Zones Section 17C.122.090 Public Amenities Allowing Bonus FAR. No incentives for affordable housing or commercial space exist today.	Consider offering additional incentives for affordable housing and commercial space through height bonus, and/or parking reductions. Appendix D
	CC1	Some of the existing	Consider streamlining code
	CC2	standards for Streetscape Elements only apply to	requirements for streetscape amenities/streetscape elements and
	CC4	Pedestrian Streets and do not provide significant incentives for the provision of streetscape amenities	offering additional incentives (such as the existing FAR incentive) for developments in all center and corridor zones

STANDARDS	ZONE	ISSUE	RECOMMENDATION
	GC	N/A	No changes recommended
	NR	N/A	No changes recommended
	NMU		
	RMF	N/A	No changes recommended
	RHD		9

B. Modify Building Design Standards to greater promote a safe and active street-level pedestrian environment

Context: Standards for building design along high frequency transit corridors should ensure a safe and inviting pedestrian environment, support the function and quality of the public realm. Four primary components are the most significant attributes of buildings for promoting pedestrian activity and consist of the design (form, massing, scale and materials), orientation (front windows and doors facing the street), access (window transparency and primary entries from street adjacent sidewalks—not parking lots) and frontage (percent of building façade along the front lot). Additional building elements such as signage, lighting, and weather protection play a role in promoting pedestrian access, safety and comfort.

Discussion: During the Phase 1 Initial Review and Analysis, a station environment audit identified areas where there was a presence or lack of buildings with windows and doors oriented to the station and built to the sidewalk. In many instances parking lots between buildings and the street are common conditions adjacent to and in close proximity of the City Line transit stations.

An audit of the following Base Zones design standards identifies issues and recommendations for modifications as follows. The Audit focused on standards that can impact the ability to support pedestrian activity and a safe station environment while promoting some degree of privacy for street-level residential uses. Potential standards modifications include the following:

Building Frontage/Building Along Streets. To ensure that at least some part of the development of a site contributes to the liveliness of sidewalks along the street a minimum percentage of a building façade is required along a front lot line. Parking is prohibited between the building façade and the street, and driveways and parking areas are limited to reduce their impact on the pedestrian. Minimum building frontage requirements in conjunction with buildings having windows and doors facing the street are fundamental characteristic to support pedestrian activity.

A minimum frontage buildout (see Figure 13Minimum Frontage Buildout Illustration) requires buildings along the prescribed length of the property line where:

- At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
- At side streets the minimum frontage buildout is a specified distance along the property line from the corner.

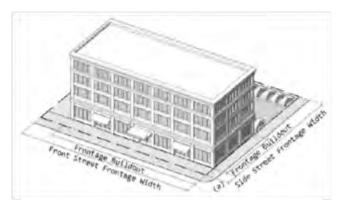


Figure 13: Minimum Frontage Buildout Illustration- (City of Brooklyn Park, MN- TOD Zone)

In general, a minimum 70% building frontage can support the pedestrian realm and at the same time accommodate vehicle access to off-street parking. The side street frontage distance is set to appropriate dimensions that support ground-floor uses. A minimum depth of 30-feet is typically recommended for ground-floor residential and non-residential uses. The City should consider:

1. Modifying the building frontage requirement for the CC zones and establish *Building Frontage* requirements for the GC, NR, NMU, RMF and RHD zones.

Buildings Along Intersection Corners. Building placement and massing along intersection corners support an environment that frames the public realm to create an urban street edge and promotes pedestrian activity. The FBC zone's shopfront provisions (Section 17C.123.040 Land Use, Height, Placement and Parking) and the CC zone's Buildings Along Intersection Corners (Section 17C.122.060- Attachment A) require buildings at the corners of arterial streets and preclude for instance parking. The City should consider:

1. Expanding this requirement in the GC, NR and NMU zones.

Curb Cut Limitations. Setting limits to the size and number of driveways crossing a sidewalk reduces pedestrian and vehicle conflicts. Regulations typically address driveway width, continuity of level

sidewalks at driveways, and limiting the number of curb-cuts allowed within a single parcel or entire block.

SMC 17.C.230 states that the City engineer regulates curb-cuts. The CC zone (Section 17C.122.060-Attachment A) suggests a max 30" wide curb-cut to accessory off-street parking for non-residential uses and max 24' where the level sidewalk crosses the curb-cut. We recommend

STANDARD SIDEWALK SCORING CONTINUED THROUGH DRIVEWAY

STANDARD SIDEWALK SCORING CONTINUED THROUGH DRIVEWAY

SIDEWALK PEDESTRIAN ZONE

CLIS CONTRACTION JOINT

Figure 14: Typical Separated Sidewalk Driveway- (City of Portland Bureau of Transportation, OR)

for the FBC, CC, GC, NR, and NMU zones:

1. Not allowing a driveway to interrupt the level sidewalk. Parking access standards (See Figure 14 - Typical Separated Sidewalk Driveway) should require that a curb-cut apron slope maintain the driveway level across the sidewalk and set the maximum width at 24' for combined entry/exits.

2. Limiting the number of curb-cuts to one per frontage to better support pedestrian activity and reduce auto and pedestrian conflicts.

Ground-floor windows/Façade Transparency. A minimum ground-floor height, with a minimum percentage of windows and doors with clear "vision" glass is essential to promote an active street environment for both residential and non-residential uses,

- The FBC zone's Table 17C.123.060-1 Glazing minimums, ground floor facades require a range of ground-floor transparency (includes windows and doors) between 60% and 30% (between 3-feet and 10-feet of the ground-floor wall) based on the zones Street Types.
- The Centers and Corridors zone's Section 17C.122.060 A Design Standards and Guidelines requires a ground-floor façade (includes only windows between 2-feet and 10-feet) with a minimum 15% clear "vision" glass for residential, commercial, or mixed-use fronting any abutting street, a minimum 30% for commercial, or mixed-use facades fronting within 60 feet of an arterial street, and 50% for commercial, or mixed-use facades fronting within 20 feet of an arterial street. Display windows meet half of the requirement.
- The Commercial Zone (including GC, NR and NMU zones) Section 17C.120.510 Ground Floor Windows Building Design apply only to nonresidential building facades with presumption for a minimum 50% clear "vision" glass for facades fronting within 20-feet of an arterial street and requires 30% clear "vision" glass for facades fronting within 60-feet of an arterial street.

There is a lack of consistency across the zones for non-residential ground-floor transparency requirements and a lack of any residential ground-floor requirements within the GC, NR and NMU zones. Furthermore, minimum ground-floor heights are not addressed in any zone, and windows and doors are not uniformly calculated in the standard across the zones.

In the case of ground-floor residential uses the option for some separation between openings (windows and doors) and the abutting sidewalk allow for a modicum of privacy, safety and reduced conflict with pedestrian traffic. Ground-floor window requirements for Portland, Oregon's Commercial/Mixed-Use Zone allows ground level residential units to be constructed following one of three options. They could be designed with storefront-type windows and barrier-free entrances to facilitate future conversion to commercial uses or be designed to provide greater privacy by either being setback from the street or raised above street level.

We recommend taking a comprehensive approach to regulating ground-floor openings (windows and doors) and façade transparency that establish a minimum ground-floor height, minimum façade transparency for ground-floor and upper floors, and window coverage requirements for non-residential and residential ground floor uses (See Figure 15). For the GC, NR and NMU zones we recommend between 2-feet and 10-feet:

1. Ground floor non-residential minimum 70% clear "vision" glass for facades or wall area fronting within 20-feet of an arterial street; minimum 50% clear "vision" glass for facades or wall area fronting within 60-feet of an arterial street; all other ground level street-facing facades must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped; Display windows may be used to meet half of this requirement.

2. Ground floor residential minimum 50% clear "vision" glass for facades or wall area fronting within 20-feet of an arterial street for residential wall area with storefront-type windows and barrier-free entrances to facilitate future conversion to commercial uses; minimum 30% clear

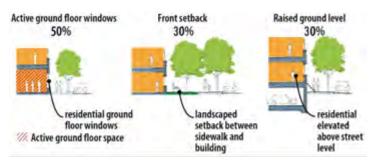


Figure 15: Mixed-Use Zone Project-Menu of Options (City of Portland Bureau of Planning, OR)

- "vision" glass for facades or wall area fronting within 20-feet of an arterials street for residential wall areas set back at least 5 feet from the street lot line, or finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk
- 3. Minimum ground floor height. For ground-floor non-residential and residential (Flexible ground floor design) the distance from the finished floor to the bottom of the ceiling structure above must be at least 15 feet. The bottom of the structure above includes supporting beams

Massing-Base/Middle/Top. This standard provides that buildings establish a distinct form and delineation from the base, middle and to the top of the building's street facing façade reducing the bulk of buildings. All zones regulate massing and base, middle, and top for street facing facades of buildings.

Building Articulation These standards, along with the height, setback standards, massing and base/middle/top break up the horizontal building mass with offsets, step backs and breaks in the building façade. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of commercial/mixed-use areas and add visual interest and variety to the street environment.

The Form Base Code does not regulate the bulk and massing of buildings and the Center and Corridor zones require that buildings incorporate vertical and horizontal modulations to develop distinctive architectural volumes, break monotonous volumes, and create fine-grain character. The Commercial and Residential zones require breaking up the building façade for residential buildings longer than 30-feet and commercial buildings longer than 50-feet. Residential requirements include provisions for use of a least four methods for building articulation.

The commercial and residential zones regulate for both vertical and horizontal offsets, and stepbacks, that are suitable to facilitate reducing the bulk and massing of buildings. The City may want to consider dimensional requirements for offsets. An example of this regulation is a provision for at least 25 percent of the façade within 20 feet of a street lot line must be divided into façade planes that are offset by at least 2 feet in depth from the rest of the façade. Façade area used to meet the façade articulation standard may be recessed behind or project out from the primary façade

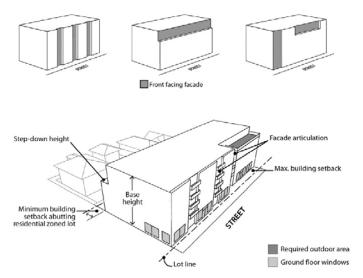


Figure 16: Commercial/Mixed Use Zone- Example Illustration (City of Portland Bureau of Planning, OR)

plane, but projections into street right-of-way do not count toward meeting the standard. Figure 16 illustrates some building offsets, and step-down heights that promote building articulation. We recommend:

- 1. Modifying Commercial Section 17C.120.530 Articulation Building Design to include an offset dimensional requirement of at least 2-feet
- 2. Modifying Center and Corridor zones Section 17C.122.060- Attachment A to include provisions for breaking up the building façade for non-residential, residential, and mixed-use buildings longer than 50-feet with an offset dimension of at least 2-feet.

Prominent Entrance/Primary Building Entries/Street Facing Entries- Regulations are intended to ensure that building entries are easily identifiable and clearly visible from streets and sidewalks with an emphasis on distinguishing principal entrances. In mixed-use or multi-tenant buildings principal entries to ground-floor uses are distinguished from a lobby entrance to upper floors. Standards establish provisions for ornamentation around openings and defining elements of openings and accessories that may be recessed or protrude from the building wall. For the CC, Commercial and Residential zones primary building entries are required to incorporate two elements from a short list.

The FBC and CC zones provides the most comprehensive elements for distinguishing the principal entry as well as dimensional requirements for recesses and awnings. The FBC also requires entries to upper floors be distinguishable from retail entries.

We recommend:

1. Creating a uniform standard for entries including provisions for detailing around openings, use of a recess or protrusion for openings and weather protection. Entries should distinguish between ground-floor uses, primary building entries to lobbies and upper floors and off-street garage door openings. Apply the standard across the CC, FBC, GC, NR and NMU zones.



Figure 17: Tabor View Lofts (Southeast Portland, OR)

Figure 17 provides an example of distinguishing entries for a mixed-use building.

Ground Level Details- All zones identify a range of required materials and options for building or entry elements that promote visual interest and the pedestrian environment. No change recommended.

Materials- All zones have provisions for materials and architectural elements in the building design to support pedestrian oriented development with an emphasis on quality and durability. No change recommended.

Roof Expression- All zones have provisions for rooflines to present a distinct profile and appearance for the building. No change recommended.

Treating Blank Walls- All zones have provisions to reduce the impact on blank walls. No change recommended.

Plazas and Outdoor Spaces-Commercial and residential zones have provisions for plazas, courtyards or other pedestrian spaces oriented to building entrances. Plaza and outdoor space standards in commercial zones apply to new development over 40,000 sf. Multi-family development has requirements for ground-level, upper level and common outdoor spaces. FBC and CC zones do not include regulations for plazas or outdoor spaces. Multifamily development will continue to increase as a predominate use along high frequency transit corridors and the market requirements for design of outdoor, indoor and common space (indoor and outdoor) has evolved, rendering the current code dated in retrospect. We would recommend.

- 1. Creating updated standards for Outdoor and Common areas to be applied to the FBC, CC, GC, NR, NMU, RMF, and RHD zones and consider:
 - a. Lowering the threshold in commercial buildings from 40,000 square feet to 20,000 square feet.
 - b. The amount required for outdoor space to range from 36 square feet to 48 square feet on sites up to and greater than 20,000 square feet in total area respectively
 - c. Size, location and configuration of individual private areas set so that a 4-foot by 6-foot dimension will fit entirely within it.
 - d. Two types of common areas. Outdoor common areas should be designed for at least 500 square feet in area and measure at least 20 feet in all directions and located within 20 feet of the building entrance; and Indoor common areas must provide an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not

- recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet the requirement.
- e. A combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet (c) above, and each common area must meet (d) above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
- f. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
- g. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

Potential revisions to these and other standards for the zones within the TOD planning area are summarized in the following table.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
	FBC-CA-1 FBC-CA-2 FBC-CA-3	17.123.040-D through 17.123.040- regulates frontages based on street	No change
	FBC-CA-4	types and range from 80% to 50%.	
	CC1	Section 17C.122.060- Attachment A requires a 30% minimum building	Consider establishing a consistent
BUILDING FRONTAGE/ BUILDING ALONG STREETS	CC2	façade at the street for new development and 15% for shopping centers which is not sufficient to promote pedestrian activity.	minimum 70% building frontage/buildings along streets
	CC4	N/A	No change
	GC	There are no requirements for minimum building frontage at the street to promote pedestrian activity.	Consider a minimum 70% building frontage
	NR	Same as above	Same as above
	NMU		
BUILDING FRONTAGE/	RMF	Residential Zones Section 17C.110.515 has no requirements for a percentage of building frontage	Consider establishing a consistent minimum 50% building frontage

STANDARDS	ZONE	ISSUE	RECOMMENDATION
BUILDING ALONG STREETS	RHD	Same as above	Same as above
	FBC-CA-	Section 17C.123.040 Land	
	FBC-CA-2	Use, Height, Placement	
	FBC-CA-3	and Parking requires	No change.
	FBC-CA-4	buildings placed at corners along shopfront streets	
	CC1	Section 17C.122.060-	
	CC2	Attachment A requires	Consider maximum dimensional
BUILDINGS ALONG INTERSECTION CORNERS	CC4	buildings to hold the street corner with exceptions for plazas, seating areas, landscaping and clear view triangles but no dimensional requirement for provision of these exceptions.	requirements for a building setback that includes a plaza, landscaping or seating area along intersection corners. A typical maximum setback range to consider are 10' or 20'.
	GC	There are no requirements for minimum building frontage at the street to promote pedestrian activity.	Consider requirements for buildings along intersection corners of arterial streets with dimensional setback requirements for exceptions as indicated above.
	NR	Same as above	Same as above
	NMU		
	RMF RHD	NA	No change
	FBC-CA-1	Section 17C.123.040 Land	
	FBC-CA-1	Use, Height, Placement	
	FBC-CA-3	and Parking, Driveways/	No change
CURB CUT LIMITATIONS	FBC-CA-4	Site Access states that driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.	Consider adding language that requires a curb-cut to maintain the level sidewalk and allow a maximum of one curb-cut per frontage.
	CC1	Section 17C.122.060-	Consider requiring all driveways
	CC2 CC4	Attachment A states that driveways "should" not exceed a maximum width of 30' and a maximum of 24' where a sidewalk crosses the driveway. There is a lack	with a curb-cut to maintain a level sidewalk, with a maximum driveway width of 24 feet and curb cuts shall not exceed 30 feet for combined entry/exits.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
		of clarity or regulation to guide driveway design.	Allow a maximum of one curb-cut per frontage.
CURB CUT			See sample curb-cut standard from the City of Portland Bureau of Transportation- Appendix C
LIMITATIONS	GC	Chapter 17C.120 Commercial Zones has no section or requirements for curb/cuts	Same as above
	NR	Same as above	Same as
	NMU		
	RMF	Chapter 17C.110 Residential Zones Section 17C.110.535 Curb Cut Limitations	No change
	FBC-CA-1	The FBC zone's Table 17C.123.060-1 Glazing minimums, ground floor facades require a range of ground-floor transparency (includes windows and	
	FBC-CA-2		
GROUND-FLOOR WINDOWS/ FAÇADE TRANSPARENCY	FBC-CA-3	doors) between 60% and 30% (between 3-feet and 10-feet of the ground-floor wall) based on the zones Street Types.	No change
	FBC-CA-4	Same as above	No change
	CC1	17C.122.060 A Design	Modify requirements as follows:
	CC2	Standards and Guidelines	Ground floor non-residential
	CC4	requires a minimum 15% clear "vision" glass for residential, commercial, or mixed-use fronting any abutting street, a	minimum 50% clear "vision" glass for facades or wall area fronting within 20-feet of an arterial street; minimum 30% clear "vision" glass for facades

STANDARDS	ZONE	ISSUE	RECOMMENDATION
GROUND-FLOOR WINDOWS/ FAÇADE TRANSPARENCY		minimum 30% for commercial, or mixed-use facades fronting within 60 feet of an arterial street, and 50% for commercial, or mixed-use facades fronting within 20 feet of an arterial street. There are no requirements for ground-floor minimum heights and residential ground-floors have no option for privacy through setback or other design	or wall area fronting within 60- feet of an arterial street; all other ground level street-facing facades must have windows that cover 25 percent of the ground level wall area. Ground floor residential minimum 50% clear "vision" glass for facades or wall area fronting within 20-feet of an arterial street for residential wall area with storefront-type windows and barrier-free entrances to facilitate future conversion to commercial uses; minimum 30% clear "vision" glass for facades or wall area fronting within 20-feet of an arterials street for residential wall areas set back at least 5 feet from the street lot line, or finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk 15-feet minimum ground-floor height for non-residential and residential facades or wall area
GROUND-FLOOR WINDOWS/	GC	Section 17C.120.510 Ground Floor Windows – Building Design apply only to nonresidential building facades with presumption for a minimum 50% clear "vision" glass for facades fronting within 20-feet of an arterial street and requires 30% clear "vision" glass for facades fronting within 60-feet of an arterial street.	Same as above

STANDARDS	ZONE	ISSUE	RECOMMENDATION
FAÇADE TRANSPARENCY		There are no requirements for ground-floor minimum heights and residential ground-floors have no option for privacy through setback or other design	
	NR NMU	. Same as a above	Same as above
	RMF	Chapter 17C.110	Add a section requiring ground
	RHD	Residential Zones has no section or requirements for ground-floor windows/ facade transparency	level street-facing facades must have windows that cover 25 percent of the ground level wall area.
	FBC-CA-1		
	FBC-CA-2	N/A	No change
	FBC-CA-3 FBC-CA-4		
	CC1		
MASSING-	CC2	N/A	No change
BASE/MIDDLE/TOP	CC4		
	GC	N/A	No change
	NR NMU	N/A	No change
	RMF		
	RHD	N/A	No change
	FBC-CA-1	the Center and Corridor	
	FBC-CA-2	zones require that	
	FBC-CA-3	buildings incorporate vertical and horizontal	
BUILDING ARTICULATION	FBC-CA-4	modulations to develop distinctive architectural volumes, break monotonous volumes, and create fine-grain character	No change
	CC1		Modify Center and Corridor zones
	CC2	Section 17C.122.060-	Section 17C.122.060- Attachment
	CC4	Attachment A includes provisions for non-residential buildings only. No direction on depth of offsets.	A to include building articulation for non-residential, residential and mixed-use buildings longer than 50-feet with an offset dimension of at least 2-feet.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
BUILDING ARTICULATION	GC	Chapter 17C.120 Commercial Zones Section 17C.120.530 Articulation – Building Design requires breaking up the building façade for commercial buildings longer than 50-feet with provisions for offsets and other methods to be applied to street facing facades and facades oriented to adjacent uses. No direction on depth of offsets.	Modifying Commercial Section 17C.120.530 Articulation – Building Design to include an offset dimensional requirement of at least 2-feet
	NR	Same as above	Same as above
	NMU	Same as above	Same as above
	RMF	Chapter 17C.110	
	RHD	Residential Zones, Section 17C.110.440 Articulation and Details require breaking up the building façade for residential buildings longer than 30-feet and include provisions for use of a least four methods for building articulation. No direction on depth of offsets.	Modify Section 17C.110.440 Articulation and Details to include an offset dimensional requirement of at least 2-feet.
PROMINENT	FBC-CA-1		Creating a uniform standard for entries including provisions for detailing around openings, use
ENTRANCE/ PRIMARY	FBC-CA-2		of a recess or protrusion for defining openings and weather
PRIMARY BUILDING ENTRIES/ STREET FACING ENTRIES PROMINENT ENTRANCE/	FBC-CA-3	Text	protection as well as distinguishing entries for ground-floor uses, primary building entries to lobbies and upper floors and off-street garage door openings. Apply the standard across the CC, FBC, GC, NR and NMU zones.

STANDARDS	ZONE	ISSUE	RECOMMENDATION
PRIMARY			
BUILDING	FBC-CA-4	Text	Same as above
ENTRIES/ STREET FACING ENTRIES	CC1		
TACING ENTRIES	CC2	Text	Same as above
	CC4		
	GC	Text	Same as above
	NR	Text	Same as above
	NMU		
	RMF	N/A	Same as above
	RHD		
	FBC-CA-1		
	FBC-CA-2	N/A	No change
	FBC-CA-3		
	FBC-CA-4		
GROUND LEVEL	CC1		
DETAILS	CC2	N/A	No change
	CC4		
	GC	N/A	No change
	NR	N/A	No change
	NMU	N/A	No change
	RMF	N/A	No change
	RHD	N/A	No change
PEDESTRIAN ORIENTED SIGNS/	FBC-CA-1 FBC-CA-2 FBC-CA-3 FBC-CA-4 CC1	N/A	No change
	CC2		
BUILDING INTEGRATED	CC4	N/A	No change
SIGNS	GC		
	NR	N/A	No change
	NMU RMF	N/A	No change

STANDARDS	ZONE	ISSUE	RECOMMENDATION
	RHD	N/A	No change
	FBC-CA-1	N/A	No change
	FBC-CA-2	N/A	No change
	FBC-CA-3	N/A	No change
	FBC-CA-4	N/A	No change
UNIQUE	CC1	N/A	No change
LANDMARK	CC2	N/A	No change
SIGNS	CC4	Text	Text
	GC	N/A	No change
	NR	N/A	No change
	NMU	N/A	No change
	RMF	N/A	No change
	RHD	N/A	No change
	FBC-CA-1 FBC-CA-2 FBC-CA-3 FBC-CA-4	N/A	No change
	CC1		
GROUND SIGNS	CC2	N/A	No change
	CC4	N/A	No change
	GC	N/A	No change
	NR	N/A	No change
	NMU	N/A	No change
	RMF	N/A	
	RHD	IV/A	No change
ROOF EXPRESSION	FBC-CA-1 FBC-CA-2 FBC-CA-3 FBC-CA-4	N/A	No change

STANDARDS	ZONE	ISSUE	RECOMMENDATION
	CC1	N/A	No change
	CC2 CC4		
	GC	N/A	No change
	NR	N/A	No change
		N/A	No change
	NMU	N/A	No change
	RMF		
	RHD	N/A	No change
	FBC-CA-1		
	FBC-CA-2	N/A	No change
	FBC-CA-3		
	FBC-CA-4		
CEDVICE ADEA	CC2	N/A	No change
SERVICE AREA SCREENING	CC2		3.1.4.1.9
	GC	N/A	No change
	NR	N/A	No change
	NMU	N/A	No change
		N/A	No change
	RMF	N/A	
	RHD	IN/A	No change
	FBC-CA-1	N/A	No change
	FBC-CA-2	N/A	No change
	FBC-CA-3		TTO CHAINGO
	FBC-CA-4 CC1	N/A	No change
TREATING	CC2	N/A	No change
BLANK WALLS	CC4	N/A	No change
	GC GC	N/A	No change
		N/A	No change
	NR		
	NMU	N/A	No change
	RMF	N/A	No change
	RHD	N/A	No change
	FBC-CA-1		

STANDARDS	ZONE	ISSUE	RECOMMENDATION	
PLAZAS AND OTHER OPEN SPACES	FBC-CA-3 FBC-CA-4	FBC and CC zones do not include regulations for plazas or outdoor spaces. Multifamily development will continue to increase as a predominate use along high frequency transit corridors and the market requirements for design of outdoor, indoor and common space has evolved, rendering the current code dated in	RECOMMENDATION Create updated standards for Outdoor and Common areas to be applied to the FBC, CC, GC, NR, NMU, RMF, and RHD zones Relevant standards are discussed on page 3.	
		retrospect. Same as above	Same as above	
	CC1	same as above	Same as above	
	CC2			
	GC	Plaza and outdoor space standards in commercial zones apply to new development over 40,000 sf. Multi-family development has requirements for ground-level, upper level and common outdoor spaces.	Same as above	
	NR	Same as above	Same as above	
	NMU	Same as above	Same as above	
	RMF	Multi-family development has requirements for ground-level, upper level and common outdoor spaces.	Same as above	
	RHD	Same as above	Same as above	

C. Modify Residential Single-family and Two-family zones to allow Middle Housing (duplexes, triplexes, and fourplexes).

Middle Housing defined as duplexes, triplexes, quadplexes, cottage clusters, townhouses, and accessory dwelling units (ADU) provides an opportunity to increase housing supply in developed neighborhoods and can be compatible with detached single-family dwellings.

Context: A significant segment of the Mission Avenue corridor is predominately single-family housing with resident populations and density that moderately contribute to transit ridership. Rental and multi-family options are limited which reduces housing choice and affordable housing options.

Discussion: Consider allowing for and encouraging development of more "middle housing" by expanding residential use types in residential zones located along the corridor in the areas between stations and surrounding nodes of transit supportive zones. Middle housing typically includes "plexes" (duplexes, triplexes and fourplexes), rowhouses and cottage cluster housing. The current Title 17C Land Use Standards do allow cottage cluster housing in its RA, RSF, and RSF-C zones, with specific development and design standards for this type of housing. Changes to standards for middle housing should include some combination of the following revisions city-wide or within a certain distance of the TOD corridor (e.g., ¼ or ½ mile) in an Overlay Zone (See section 3. Create and Overlay Zone for further details)

- Allow middle housing types in more residential zones; for example, duplexes, and multi-dwelling structures with 3 or 4 units could be allowed in the RA, RSF, RSF-C and RTF zones in addition to attached single-family housing which is already allowed in these areas.
- Reduce lot sizes or increase maximum densities for middle housing types; for example, minimum lot sizes could be reduced to approximately 2,000-2,500 square feet per unit for these housing types.
- Reduce setbacks and lot coverage (e.g., a modest reduction of the front setback from 15 feet to 10 feet and an increase in lot coverage from 50% or 60%-70% on smaller lots). Rear setbacks also could be reduced in the RA, RSF and RSF-C zones to 10-15'. Rear setbacks could be reduced even further for lots served by alley access.
- Continue to apply FAR limitations to help control the massing of middle housing but increase FAR on smaller lots to increase the feasibility of development.
- Reduce off-street parking requirements. Requirements could be reduced for middle housing types to eliminate the additional one space per bedroom after 3 bedrooms requirement for these housing types.

2. REZONE CITY LINE CORRIDOR TOD OPPORTUNITY AREAS

A. Rezone transit-oriented development opportunity areas within the McCarthey Athletic Center, Napa Street and Regal Station Areas

Context: Potential transit-oriented development opportunity areas include base zones that are non-transit supportive. Residential Single/Two-family, General Commercial, Community Business & Industrial zones may limit, preclude, or render uncertainty to, new uses and development standards

that stimulate pedestrian activity with mutually reinforcing land use patterns to support transit. For instance, Single family/two-family zones allow for residential densities that are not transit supportive and preclude housing choice and potentially limit affordability. Use and development standards for General Commercial, Commercial Business and Industrial zones allow auto-oriented uses and development patterns, and low employee per acre uses that limits pedestrian activity and densities to support transit ridership.

Discussion: The TOD opportunity areas at the McCarthey, Napa, and Regal stations have the potential to transition from a lower density and auto-oriented environment to a more transit supportive development form. The NR, NMU, and Center and Corridor Type CC-1 are generally transit-supportive zones (allowing street-oriented and mixed-use commercial and residential uses) that should be considered to replace General Commercial, Community Business and Industrial zones. Consider the following for potential TOD opportunity areas:

- Modify uses and standards within the CC-1 zone and rezone General Commercial to CC-1 at the McCarthey Athletic Center Station. The rezone establishes a contiguous CC-1 designation with uses, and development standards that are transit supportive.
- Modify uses and standards within the Neighborhood Retail (NR) zone at the Napa Street Station.
- Modify the NMU zone to be a medium-scale zone intended for sites in a variety of areas that have frequent transit service and allows a wide range and mix of commercial and residential uses, as well as employment uses.
- Rezone the Community Business (CB) and Industrial (I) at the Regal Station to a modified NMU zone.

3. CREATE a TRANSIT OVERLAY ZONE

An Overlay Zone would apply base zone modifications within a core zone inclusive of the FBC, CC, NR, RMF and RHD zones and an Overlay transition zone allowing Missing Middle Housing types for single-family and two-family zones within a ¼ mile of the high frequency transit corridor.

A. Transit Overlay Core Zone would address areas of transit supportive zones with regulations potentially limiting TOD, applying base zone modifications within a geographic area along designated high frequency transit corridors versus city-wide.

Context: The Overlay Zone would apply a boundary to Center and Corridor, Form Based Code, Residential Multi-Family, and Residential High-Density transit supportive base zones along a high frequency transit corridor. The overlay would not affect the base zone in other parts of the City and would focus necessary modifications in areas that will promote transit ridership and support the investment in transit infrastructure.

Discussion: An Overlay Zone has the potential to greater promote the City's growth strategy by aligning significant investments in multi-modal modal infrastructure (frequent transit service and improved walking and biking between transit and corridor destinations) with market demands for mixed-use, walkable development in urban areas along high-frequency transit corridors. The Overlay would apply the recommended base zone modifications mentioned previously. Standards

in the Overlay are intended to supersede any correlating standards in the underlying base zones and modify the underlying standards or add additional design variables or requirements.

B. Transit Overlay Transition Zone would address lower density residential areas in close proximity to transit by expanding opportunities for compatible infill and increased housing density within ¼ mile of a high frequency transit corridor.

Context: A significant segment of the Mission Avenue corridor is predominately single-family housing with resident populations and density that moderately contribute to transit ridership. Rental and multi-family options are limited which reduces housing choice and affordable housing options. Middle Housing defined as duplexes, triplexes, quadplexes, cottage clusters, townhouses, and accessory dwelling units (ADU) provides an opportunity to increase housing supply in developed neighborhoods and can be compatible with detached single-family dwellings.

Discussion: Consider allowing for and encouraging development of more "middle housing" by expanding residential use types in the single-family and two-family residential zones located along the corridor in the areas between stations and surrounding nodes of transit supportive zones. Middle housing typically includes "plexes" (duplexes, triplexes and fourplexes), rowhouses and cottage cluster housing. The current Title 17C Land Use Standards do allow cottage cluster housing in its RA, RSF, and RSF-C zones, with specific development and design standards for this type of housing. Changes to standards for middle housing should include some combination of the following revisions city-wide or within a certain distance of the TOD corridor (e.g., ¼ or ½ mile) in an Overlay Zone (See section 3. Create and Overlay Zone for further details)

- Allow middle housing types in more residential zones; for example, duplexes, and multi-dwelling structures with 3 or 4 units could be allowed in the RA, RSF, RSF-C and RTF zones in addition to attached single-family housing which is already allowed in these areas.
- Reduce lot sizes or increase maximum densities for middle housing types; for example, minimum lot sizes could be reduced to approximately 2,000-2,500 square feet per unit for these housing types.
- Reduce setbacks and lot coverage (e.g., a modest reduction of the front setback from 15 feet to 10 feet and an increase in lot coverage from 50% or 60%-70% on smaller lots). Rear setbacks also could be reduced in the RA, RSF and RSF-C zones to 10-15'. Rear setbacks could be reduced even further for lots served by alley access.
- Continue to apply FAR limitations to help control the massing of middle housing but increase FAR on smaller lots to increase the feasibility of development.
- Reduce off-street parking requirements. Requirements could be reduced for middle housing types to eliminate the additional one space per bedroom after 3 bedrooms requirement for these housing types.

The extent of the Transition Zone is recommended to be within ¼ mile of the high frequency transit corridor which aligns with best practices and industry standards for the transit rider walkshed where roughly 70% of riders access transit within a 5-minute walk of a station or stop. Research from the Puget Sound Regional Council (PSRC) and other national studies, indicates that frequent bus service

draws riders primarily within a 5-minute walk (1/4 mile) and that every acre of land within a 5-minute walk of a frequent bus route, is an opportunity to make transit accessible to more potential transit users through development of more intensive land uses.

Figure 18 identifies the potential geographic boundary of a suggested Transit Overlay Core zone, which would follow existing transit-supportive zones and TOD opportunity areas and the Transit Overlay Transition Zone, which would follow single-family and two-family residential zones approximately ¼ mile of the high frequency transit corridor

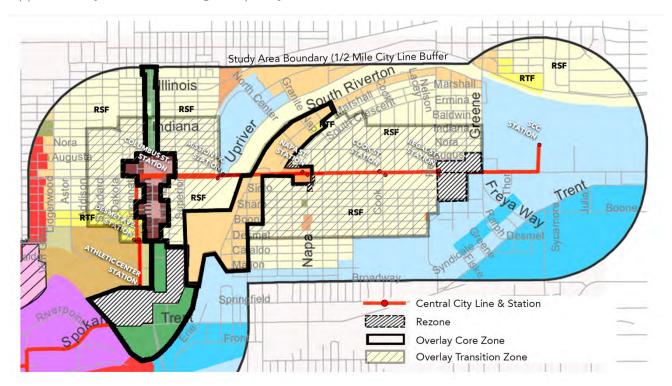


Figure 18: Potential Transit Overlay Zone- Core and Transition area boundaries.

4. CITY LINE REGULATORY CHANGES PROCESS

City planning staff would initiate an Overlay Zone process, prepare zoning modifications, and rezoning; undertake Subarea Planning and a Transportation Land Use Study for selected station areas and implement a public review and Plan Commission/City Council adoption process.

A. Apply the TOD Study Process to the entire City Line Corridor outside of the Downtown Zones and along future high-performance transit corridors.

The CITY LINE TOD STUDY provides a model process and framework that aligns polices, and regulations with capital infrastructure improvements to promote transit-oriented development. The process, as summarized by phase in Figure 19, can be applied to the entire City Line corridor, outside of the Downtown zones, and future high-performance transit corridors including—Division, Monroe/Regal, and Sprague.

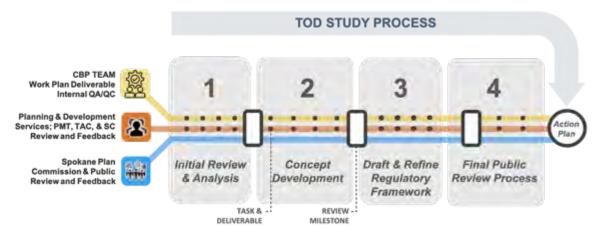


Figure 19: TOD Study Process and Project Phases

B. Rezoning, Base Zone Modifications and Overlay Zone

Planning staff should initiate and lead the preparation of a public review and adoption process for base zone modifications, Overlay Zone and rezoning of TOD potential areas within the extents of the City Line corridor study area.

C. Subarea Planning

Planning staff should initiate and administer a Subarea Plan process within the McCarthy Athletic Center and Desmet Station Areas. The Subarea Plan would provide design, regulation and development guidance, extensive community engagement and building of public/private partnerships, to ensure successful transit-oriented development. The outcome of the Subarea Plan should result in a district redevelopment strategy similar to the process for the South University District.

D. Transportation and Land Use Study

Planning staff should initiate and administer a transportation and land use study for the Mission Avenue corridor between Division Street and Spokane Community College, to address barriers to multimodal access and a lack of adequate sidewalks in proximity of stations within the Logan and Chief Garry Park neighborhoods. The corridor study would explore opportunities for transportation, safety, and streetscape changes, as well as, promoting street-oriented commercial uses and an active pedestrian environment, and identifying necessary regulatory changes for promoting transit-oriented development within the Columbus/Hamilton, Napa Street and Regal Street station areas.

Next Steps

The assessments, findings and recommendations of this memorandum will be reviewed by staff to determine their efficacy, identify potential refinements, and determine applicability to a specific focus area along the City Line study area corridor.

APPENDIX A. REVIEW OF OFF-STREET PARKING STANDARDS IN COMPARABLE COMMUNITIES

Off-street parking requirements have a significant impact on the ability to achieve desired levels of density and also have a potentially significant impact on the cost of development. Decreasing the amount of off-street parking required near stations supports the success of TOD areas by improving pedestrian circulation, decreasing development costs, and reduced greenhouse gas emissions. The City already applies relatively low off-street parking requirements for most uses, including requiring a minimum of 1 stall per 1,000 sf of floor area in the C1, C2 and C3 zones and 2 spaces per 1,000 sf of floor area in the C4 zone. The City also requires no off-street parking in these areas for buildings under 3,000 sf in size. Additionally, some of the study area around the McCarthy station is located within a "Multifamily Tax Exemption" area and in a Centers & Corridors (CC) zoning category, in this instance, the project has no requirement to provide parking (SMC 08.15.140)

To continue to support compact, walkable development, the City could consider further reducing minimum parking requirements within TOD areas. In addition, reducing minimum required offstreet parking standards, the City also could consider updating its maximum standards for some uses. The City also could provide additional reductions as an incentive for specific uses. Our team conducted a brief review of off-street parking standards in comparable communities in the Pacific Northwest, as well as Boulder, CO and those standards are summarized in the table below. We also have noted a number of reductions applied in these and other communities in TOD areas for specific types of development. In most cases, standards for residential developments vary by the number of bedrooms in each housing unit.

Land Use	Spokane	Portland	PDX	Bend	Boulder	Tacoma
	CC1-CC4	Metro	HD/MU		CO	WA (MU)
			zones			
General office	2 (max 4)	2.7	2	3	2.5-3.3	2.5
Retail/commercial	2 (max 4)	4.1	2	1-3	2.5-3.3	1.8-3
Restaurants (non-FF)	4 (max 4)	15.3	4	5	1/3 seats	4.2
Townhomes/ Multi- family residential units	1-4/unit (max 4/1,000 sf)	1-1.75/unit	0.5	1-2	1-2	1

Note: Minimum standards are measured in the number of spaces per 1,000 sf of floor area or per dwelling unit.

Other example parking standards and reductions include the following.

Cities Eliminating Minimum Parking Requirements; links to articles Toronto City Council Removes

Most Minimum Parking Requirements; Minneapolis Eliminates Parking Requirements Citywide; Denver Reduces Parking Requirements for Affordable Housing;

North American Cities Eliminating Minimum Parking Requirements, from the Parking Reform Network a non-profit organization with a mission to educate the public about the impact of parking policy on climate change, equity, housing, and traffic. (2019)

Metro Portland Maximum Standards. In addition to establishing minimum off-street parking standards for all cities within the region, Metro also has established maximum standards for those same communities as part of its Regional Transportation Functional Plan. On average, maximum standards are typically about 25-50% higher than the minimum standard cities can apply with lower maximum in regional and town centers. Cities also are free to establish lower minimum standards than those identified by Metro.

City of Portland reductions. The City of Portland offers a number of area or use-specific parking reductions beyond the ratios cited in the table above. In areas served by frequent transit, residential or mixed-use development requires no minimum except for Household Living, which has the following minimums: 0 for 1 to 30 units; 0.2 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units. Housing developments affordable to residents in specific income ranges also receive parking reductions of up to 100%, depending on affordability levels.

City of Rochester, MN parking reductions. In the City of Rochester, an interim TOD Overlay District allows developments to receive an additional 30 percent below the amount of parking required in portions of the underlying zoning district. Reference:

https://www.rochestermn.gov/home/showpublisheddocument/22907/636752761597330000;

The draft TOD code for adoption includes revised parking standards for uses. Reference: https://www.rochestermn.gov/government/departments/community-development/planning-zoning/transit-oriented-development-tod-and-infill-redevelopment-r2x

Additional Citations:

Oakland, CA, Planning Code § 17.101H.070 (2015) (using parking fees to promote TOD).

South Salt Lake, UT, Code of Ordinances § 17.27.60(E)(4)(b) (2013) (offering a 25 percent decrease in parking requirements to commercial developments that meet certain criteria in its Transit-Oriented Core Overlay district).

Miami, FL, Miami 21 Code App. J § 4.2(T5-T6) (2019) (allowing 30 percent parking reductions in the Wynwood NRD-1 district for developments that are granted a waiver by the City).

San Antonio, TX, Unified Development Code § 35-208(n). (allows reduction to 50% and 75% of minimum in TOD zones)

Chicago, IL, Municipal Code of Chicago §§ 17-3-0402 – 17-3-0403, 17-10-102(B), (50% reduction within ¼ mile of station or frequent transit corridor. The quarter-mile standard is "measured along a straight line between the rail station entrance and the nearest boundary of the lot to be developed"

when accounting for rail stations, and "between the roadway segment centerline and the nearest boundary of the lot" when measuring the bus line corridor roadway segment

APPENDIX B TOD REGULATIONS

Model TOD Ordinance, Model TOD ordinance II, p.123 of PDF (Clarion Associates model ordinance for the Sustainable Land Use Code Project, Capitol Region Council of Governments).

Middle Housing in Large Cities, Department of Land Conservation and Development Oregon publications for: Large Cities Middle Housing Model Code (pdf); Large Cities Middle Housing Model Code (graphics)

Rochester Minnesota TOD District Zoning- Interim Overlay and Draft TOD Zone consisting of Node, Corridor and Transition districts along high frequency transit corridors. Transit-Oriented Development Interim Overlay; Section 62.1120 Transit-Oriented Development Interim Overlay District - Approved 4/16/18; TOD/R2x Maps; Open House Posters; R2X District Draft; Transit Oriented Development (TOD) Draft

Metropolitan Council Local Planning Handbook – Density and Activity Near Transit (provides recommended average minimum residential density requirements and target densities for various transit facilities within the Minneapolis/St Paul region))

APPENDIX C SAMPLE DRIVEWAY STANDARDS

City of Portland Bureau of Transportation- Standard Drawings for Resurfacing, Driveways, Curbs, Sidewalks and Street Trees: Pavement. Resurfacing, Driveways, Curbs, Sidewalks, Bike Racks, Bollards, Street Trees Standards Link; and Typical Separated Sidewalk Driveway;

APPENDIX D FLOOR AREA AND HEIGHT BONUS OPTIONS- AFFORDABLE HOUSING OR AFFORDABLE COMMERCIAL SPACE

City of Portland <u>33.130 Commercial/Mixed Use</u> <u>Zones; Mixed Use Zone Project Summary</u>

The City of Portland in 2021 completed the Mixed-Use Zones Project intended to develop new mixed-use planning and zoning designations to implement the "Centers and Corridors" concepts that emerged from The Portland Plan and the Comprehensive Plan Update planning processes. The project addressed issues that arise with new, more intensive mixed-use buildings, such as massing and design, transitions and stepdowns, and ground floor uses.



Figure 20: Commercial/Mixed-Use Zone- Floor Area and Height Bonus Options (City of Portland, OR)

A major refinement of the previous zones were provisions for Floor Area and Height Bonus options to promote affordable housing and commercial space (Figure 20) within centers and corridors. The City's mixed use zones project is coordinated with the City's transit agency Trimet, which has prioritized investment in enhanced transit along these commercial corridors, building a framework for integrated land use and transportation planning and development.

<u>Prosper Portland- Affordable Commercial Tenanting Program</u> In June 2018, changes to Portland City Code allowed Prosper Portland (the economic and urban development agency for the city of

Portland) to add the Affordable Commercial Space Bonus Program to its existing affordable tenanting initiative. The Bonus Program allows mixed-use development projects to access a floor area ratio (FAR) and height bonus to add additional space to residential, commercial office or hotel projects within approved Commercial/Mixed-Use zones. Proposed projects that include a housing component must include 20 or fewer new residential units. Priority tenants for the affordable space are local businesses owned by women and/or people of color; local businesses primarily owned by individuals who are members of historically underserved populations; and non-profit organizations which serve historically underserved communities, including communities of color.

Affordable Commercial Space Program Administrative Rule: defines the policies, processes, and procedures of implementation of the Affordable Commercial Space Program (the "ACS Program"), as contemplated in City Code Section 33.130.212.D.

Briefing on the Affordable Commercial Space Bonus Program: PowerPoint presentation summarizing the Affordable Commercial Space Bonus Program.

APPENDIX A-3: NEIGHBORHOOD MIXED-USE DISCUSSION DRAFT

Title 17C Land Use Standards

Chapter 17C.120 Commercial Zones

[...]

Section 17C.120.030 Characteristics of Commercial Zones

[...]

D. Neighborhood Mixed Use (NMU).

The neighborhood mixed use zoning category may be located in areas with frequent transit and designated nNeighborhood mMini eCenter, Neighborhood Retail, and General Commercial on the land use plan map of the comprehensive plan. The uses permitted and the development standards are comparable to the neighborhood retail zoning category. New residential development is encouraged in these areas by allowing greater floor area for commercial uses when residential uses are constructed in conjunction with commercial development. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

[...]

Section 17C.120.100 Commercial Zones Primary Uses

[...]

TABLE 17C.120-1 COMMERCIAL ZONE PRIMARY USES				
Use is: P: Permitted N: Not Permitted L: Allowed, but Special Limitations CU: Conditional Use Review Required	NMU (Neighborhood Mixed Use)			
Residential Categories				
Group Living [1]	L/CU			
Residential Household Living	P <u>[7]</u>			
Commercial Categories				
Adult Business	N			
Commercial Outdoor Recreation	N			
Commercial Parking	<u>P-N</u>			
Drive-through Facility	L[4] <u>N</u>			
Major Event Entertainment	N			
Office	Р			
Quick Vehicle Servicing	L[5, 7, 10] <u>N</u>			
Retail Sales and Service	L[7]			

Mini-storage Facilities	N		
Vehicle Repair	N		
Mobile Food Vending	L[13]		
Industrial Categories			
High Impact Uses	N		
Industrial Service	N		
Manufacturing and Production	L[7, 8, 10]		
Railroad Yards	N		
Warehouse and Freight Movement	N		
Waste-related	N		
Wholesale Sales	N		
Institutional Categories			
Basic Utilities	Р		
Colleges	Р		
Community Service	Р		
Daycare	Р		
Medical Centers	Р		
Parks and Open Areas	Р		
Religious Institutions	P		
Schools	Р		
Other Categories			
Agriculture	N		
Aviation and Surface Passenger Terminals	CU		
Detention Facilities	N		
Essential Public Facilities	CU		
Mining	N		
Rail Lines and Utility Corridors	CU		

Notes:

- The use categories are described in chapter 17C.190 SMC.
- Standards that correspond to the bracketed numbers [] are stated in SMC 17C.120.110.
- Specific uses and developments may be subject to the standards in Part 3 of this division, Special Use Standards.

[...]

Section 17C.120.110 Limited Use Standards

The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.120-1.

[...]

4. Drive-through Facility.

This regulation applies to all parts of Table 17C.120-1 that have a [4]. In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by a special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. Drive-through facilities are subject to the additional standards of SMC 17C.120.290 and SMC 17C.325.

5. Quick Vehicle Servicing.

This regulation applies to all parts of Table 17C.120-1 that have a [5]. Quick vehicle servicing uses are permitted only on sites that have frontage on a principal arterial street. Quick vehicle servicing uses are subject to the additional standards of SMC 17C.120.290.

[...]

7. Required Residential Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [7]. The limitations are stated in SMC 17C.120.280.

8. Industrial Size Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [8]. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the planning director determines that the proposed use will not be able to comply with the off-site impact standards of chapter 17C.220 SMC, the planning director may require documentation that the development will be modified to conform with the standards.

- a. Individual uses in the NR and NMU zones are limited to five thousand square feet of floor area per site exclusive of parking area.
- b. Individual uses in the CB zone that exceed twenty thousand square feet of floor area per site exclusive of parking area are a conditional use.
- c. Individual uses in the GC zone that exceed fifty thousand square feet of floor area per site exclusive of parking area are a conditional use.

[...]

10. Outdoor Activity Limitation.

This regulation applies to all parts of Table 17C.120-1 that have a [10]. Outdoor display, storage or use of industrial equipment, such as tools, equipment, vehicles, products, materials or other objects that are part of or used for the business operation is prohibited.

[...]

13. Mobile Food Vending.

This standard applies to all parts of Table 17C.120-1 that have a [13]. All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010 Mobile Food Vendors.

Section 17C.120.210 Floor Area Ratio

A. Purpose

Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a

means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height and setback standards to control the overall bulk of development.

B. FAR Standard

The floor area ratios are stated in Table 17C.120-2 and apply to all nonresidential development. To determine the allowed gross floor area of all structures allowed on a site, the FAR in the Table 17C.120-2 below is multiplied by the area of the lot. The following are excluded from FAR calculations:

- 1. Floor area dedicated to parking.
- 2. Elevators, staircases, escalators and mechanical spaces.
- 3. Exterior decks, porches and arcades open to the air.
- 4. Floor area dedicated to public amenities.

Table 17C.120-2 Development Standards [1]				
Standard	NMU (Neighborhood Mixed Use)			
Minimum FAR	<u>1.0</u>			
Maximum FAR [2]	1 No Maximum [3]			
Minimum Ground Floor Height	<u>15'</u>			
Maximum Height [4]	40 <u>55</u> ft.			
Minimum Setback from Street Lot Line [5]	0 ft.			
Minimum Setback from R-zoned Lots [6]	10 ft.			
Setback from Lot Line abutting an O, OR, NR, NMU, CB, GC, Downtown, CC or I-zoned Lot [6]	0 ft.			
Minimum Front Lot Line	10 ft.			
Landscaping Required [7]	Yes			
Parking Required [8]	Yes			

Notes:

- [1] Plan district or overlay zone standards may supersede these standards.
- [2] The FAR limits apply to nonresidential development. There is no FAR limit for residential development.
- [3] See SMC 17C.120.280 for requirements for the provision of residential uses along with new commercial development.
- [4] See SMC 17C.120.220.
- [5] When abutting single-family and two-family residential zoning, the minimum structure setback from the street lot line is 10 feet the same as the abutting residential zoning district for the first sixty feet from the boundary of the abutting residential zoning district. See SMC

17C.120.230 for additional standards and exceptions. This does not apply when a zone boundary is within the public right-of-way.

- [6] Structure setbacks are measured from the lot line.
- [7] This part of the table is for general information purposes only; see chapter 17C.200 SMC, Landscaping and Screening, for the specific standards.
- [8] This part of the table is for general information purposes only; see chapter 17C.230 SMC, Parking and Loading, for the specific standards.

[...]

Section 17C.120.220 Height

A. Purpose

The height limits are intended to control the overall scale of buildings. The height limits in the O_7 and NR and NMU zones discourage buildings that visually dominate adjacent residential areas. The height limits in the NMU, OR, CB and GC zones allow for a greater building height that can accommodate the growth intended for high frequency transit corridors, at a scale that generally reflects Spokane's commercial areas while relating to the low- to mid-rise scale of neighborhood residential areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.

B. Height Standards

The height standards for all structures are stated in Table 17C.120-2. Exceptions to the maximum height standard are stated below.

1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are thirty-five feet, forty feet, fifty-five feet, seventy feet or one hundred fifty feet depending on location.

- 2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in chapter 17C.250 SMC, Tall Building Standards.
- 3. Adjacent to Single-family and Two-family Residential Zones.

 To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent single-family and two-family residential zones:
 - a. For all development within one hundred fifty feet of any single-family or two-family residential zone the maximum building height is as follows:
 - i. Starting at a height of thirty feet at the residential zone boundary additional building height may be added at a ratio of 1 to 2 (one foot of additional building height for every two feet of additional horizontal distance from the closest single-family or two-family residential zone). The building height transition requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.

[...]

Section 17C.120.230 Setbacks and Sidewalks

A. Purpose.

The required structure setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The setback requirements for areas that abut single-family residential zones promote commercial development that will maintain light, air and the potential for privacy for adjacent single-family residential zones. The sidewalk standards provide a continuous, safe, and consistent street frontage character along the street right-of-way.

B. Setback and Required Sidewalk Width Standards.

The setback standards for all structures are stated in Table 17C.120-2 and as stated below.

- 1. Structures shall be no closer than twelve feet from the back of the curb except as provided in subsection (B)(3) of this section.
- 2. Sidewalks are required to be constructed and shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to planting zone for street trees per SMC 17C.200.050). Part of the sidewalk width may be located on private property. The sidewalk dimension shall be measured from back of curb to building facades or parking lot screening.
- 3. The required sidewalk width may be reduced by approval of the planning director if the existing sidewalk (distance between the curb and the building) is less than twelve feet wide between the back of curb and the existing building setback line of adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb unless on-street parking exists between the building and the street.
- 4. Unless otherwise required or where larger plaza areas are provided, sidewalk paving material shall be concrete, two-foot grid, standard sidewalk color, and float finish.
- 5. Pervious concrete may be used in the design and construction of sidewalks, where feasible.

[...]

Section 17C.120.260 Pedestrian Standards

A. Purpose.

The pedestrian standards encourage a safe, attractive and usable pedestrian circulation system. They ensure a direct pedestrian connection between the street and buildings on a site.

- B. Pedestrian Connection Implementation.
 - 1. Connections.

Within parking lots containing more than thirty stalls, clearly defined pedestrian connections shall be provided:

- a. between a public right-of-way and building entrances;
- b. between parking lots and building entrances.
- 2. Width.

Pedestrian connections shall not be less than five feet wide.

3. Materials.

Pedestrian connections shall be clearly defined by at least two of the following:

- a. Six-inch vertical curb.
- b. Textured paving, including across vehicular lanes.
- c. A continuous landscape area at a minimum of three feet wide on at least one side of the walkway.
- d. Trellis.
- e. Special railing.
- f. Bollards.
- g. Special paving.
- h. Low seat wall and/or other architectural features.

4. Landscaping.

Pedestrian connections can be counted toward the amount of required landscaping.

Requirements for landscaping are stated in chapter 17C.200 SMC, Landscaping and Screening.

[...]

Section 17C.120.270 Outdoor Activities

A. Purpose:

The standards of this section are intended to assure that outdoor sales, display, storage and work activities:

- 1. will be consistent with the desired character of the zone;
- 2. will not be a detriment to the overall appearance of a commercial area;
- 3. will not have adverse impacts on adjacent properties, especially those zoned residential; and
- 4. will not have an adverse impact on the environment.

B. Outdoor Sales and Display Areas

- 1. Outdoor sales and display areas are not permitted in the O and OR zones.
- 2. Outdoor sales, <u>outdoor and display areas</u>, <u>and accessory sales</u> are <u>permitted prohibited</u> in the NR and NMU zones except for the accessory sales of fruits, vegetables and plants.
- 3. Outdoor sales and display areas in NR and NMU zones are limited to ten percent of lot area or one thousand square feet, whichever is less.
- 4. Outdoor sales and display areas are permitted in the CB and GC zones except for uses in the industrial categories.
- 5. There is no limitation on the size of a permitted outdoor sales and display areas in CB and GC zones.

6. Mobile food vendors as defined and licensed pursuant to SMC Title 10 shall not be considered "outdoor sales" or "display" for the purposes of SMC 17C.120.270.

C. Outdoor Storage Areas

- 1. Outdoor storage areas are not permitted in the O and OR zones.
- 2. Outdoor storage areas in NR and NMU zones <u>are not allowed within 60-feet of the front lot line and within 30-feet of a side street for corner lots. Outdoor storage areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.</u>
- 3. Outdoor storage areas are permitted in the CB and GC zones except for uses in the industrial categories.
- 4. There is no limitation on the size of a permitted outdoor storage area in CB and GC zones.

D. Outdoor Activities Location

Where permitted, the following outdoor activities shall be located at least fifty feet from a residentially zoned lot:

- 1. Outdoor sales and/or service of food or beverages.
- 2. Outdoor storage.
- 3. Outdoor loading berths.
- 4. Outdoor work activities including the sales of motor vehicle fuels and car washes, when these uses are allowed.

[...]

Section 17C.120.280 Additional Requirements in the NMU Zone

A. Purpose.

These standards encourage new mixed-use and residential development in the NMU zone when substantial new development occurs in these areas.

B. Applicability.

The standards of this section apply in the NMU zone.

C. New Development.

Up to ten thirty thousand square feet of new nonresidential development is allowed outright per site without any required residential uses. Where new nonresidential development exceeds ten thirty thousand square feet per site at least one square foot of residential development is required for each additional square foot of retail sales and service, office, or manufacturing and production uses over ten thousand square feet. When residential floor area is required, all residential units shall meet the minimum size requirements of the building code.

D. Residential Uses.

Residential uses are allowed and not subject to any floor area ratio limitations.

- 1. The following housing types are not allowed in the NMU zone:
 - a. Single-family residence (detached)

b. Duplexes

OPTION 1

2. Minimum Density.

Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements.

- <u>a. The minimum density requirement for residential uses in the NMU zone is 15 units</u> per net acre for the portion of a site developed for residential use only or for residential uses on upper stories with non-residential uses on the ground floor.
- <u>b. The following formula is used to determine the minimum number of lots required on</u> the site:

Square footage of the residential portion of the site or vertical mixed use portions of the site with upper story residential uses, less the area set aside for right-of-way and tracts of land dedicated for stormwater facilities;

Divided by minimum density;

Equals minimum number of units required.

OPTION 2

2. Minimum Density.

Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements.

a. The minimum density requirement for residential uses in the NMU zone 20 units per net acre (1 unit per 2,100 square feet of site area).

3. Ground-floor Commercial

New residential development is required to dedicate ground-floor commercial space for a minimum 25% of ground floor frontage and within 30' of the maximum front lot building setback along an arterial street. Residential use common areas can meet this requirement if the area is an indoor tenant fitness or tenant community room. Indoor common areas that are not fitness or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

E. Conversion of Residential Floor Area.

Conversion of residential floor area to retail sales and service, office or manufacturing and production uses is allowed if, after conversion, there is at least one square foot of residential floor area for each square foot of these nonresidential uses.

F. Building Additions.

Building additions are allowed as follows:

1. One to One Ratio Not Required.

If the addition will increase the floor area on the site by two thousand five hundred square feet or less or, after construction, the total floor area for retail sales and service, office, or manufacturing and production uses is ten thousand square feet or less, construction of at least

one square foot of residential floor area for each square foot of these nonresidential uses is not required.

2. One to One Ratio Required.

If the addition will increase the floor area on the site by more than two thousand five hundred square feet and after construction, the total floor area in retail sales and service, office, or manufacturing and production uses is more than ten thousand square feet, construction of at least one square foot of residential floor area for each new square foot of these nonresidential uses is required. When residential floor area is required, all residential units shall meet the minimum size requirements of the building code. The relationship between nonresidential building size and the required amount of new residential construction is shown in Table 17C.120-3.

Table 17C.120-3 Residential Construction Requirement for Building Additions				
		Nonresidential Building Addition Less Than 2,500 Square Feet	Nonresidential Building Addition Greater Than 2,500 Square Feet	New Residential Construction
Nonresidential Building Size After Addition	Less than 10,000 square feet	Yes	Yes	None
	More than 10,000 square feet	Yes		None
Addition	More than 10,000 square feet		Yes	One square foot of residential per square foot of nonresidential addition over 2,500 square feet

G. Public Amenities Allowing Bonus FAR

1. Minor Amenities.

<u>Each public amenity from the following list may allow an increase of two-tenths FAR from the basic</u> allowable FAR to the maximum FAR.

a. Additional Streetscape Features.

<u>Seating, trees, pedestrian-scaled lighting, and special paving in addition to any that are required by the design standards and guidelines.</u>

b. Canopy Over the Public Sidewalk.

A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.

c. Alley Enhancements.

<u>Decorative paving, pedestrian-scaled lighting, special paving and rear entrances intended to encourage pedestrian use of the alley.</u>

d. Preferred Materials on Building.

Use of brick and stone on the building facades that face streets.

e. An amenity specifically identified and described in an adopted neighborhood plan.

f. Building Frontage.

<u>Buildings complying with the Building Frontage requirements with 70% of the front lot line and 30' of a side lot line when property is located at a corner consists of building facades.</u>

2. Major Amenities.

<u>Each public amenity from the following list may allow an increase of five-tenths FAR from the basic</u> allowable FAR to the maximum FAR.

a. Exterior Public Space.

A plaza or courtyard, with a minimum area of four hundred square feet or two percent of the total interior floor space of the development, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.

b. Public Art.

Public art includes sculptures, murals, inlays, mosaics and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the FAR bonus, public art must be documented at a value that is at least one percent of the value of construction.

c. Through-block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved and lighted for nighttime use. It may be covered or open to the sky.

d. Residential Units.

Comprising at least twenty-five percent of the total floor area.

e. Structured parking.

3. "Super Bonuses."

Any development that receives super bonuses shall also provide at least two of the major or minor amenities listed above. In return for providing either of the following, the maximum FAR's may be increased by fifty percent.

a. Underground Parking.

All of the parking is provided within a structure that is entirely below grade.

b. Affordable Housing.

At least twenty percent of the units are set-aside for households making less than eighty percent of the median income for the City as defined by HUD.

c. Affordable Commercial Space.

TBD

[...]

Section 17C.120.290 Drive-through Facilities

Drive-through facilities are allowed in the zones that are intended for auto-accommodating development. They are limited in areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in chapter 17C.325 SMC, Drive-through Facilities.

A. CB and GC Zones.

Drive-through facilities are allowed in the CB and GC zones.

B. NR-and NMU Zones.

In the NR and NMU zones, drive-through facilities are allowed on sites that are adjacent to a principal arterial street. Ingress and egress for the drive-through facility shall be from the principal arterial street and is prohibited from a local access street.

C. NMU Zone.

Drive-through facilities are prohibited in the NMU zone.

€D. O and OR Zones.

In the O and OR zones, a drive-through facility is permitted only when associated with a drive-through bank. In addition, in the OR zone, for a florist use approved by special permit, sales of non-alcoholic beverages, and sale of food items not prepared on site, including drive-through sales of such items are allowed as an accessory use at locations situated on principal arterials or a designated state route. A drive-through facility for a drive-through bank shall have no more than two lanes and shall be located only on sites that are adjacent to a principal arterial street. Ingress and egress for the drive-through facility shall be from the principal arterial street and is prohibited from a local access street.

[..]

Section 17C.120.340 Parking and Loading

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and internal parking lot pedestrian connections are stated in chapter 17C.230 SMC, Parking and Loading.

[...]

Section 17C.120.500 Design Standards Implementation

The design standards and guidelines found in SMC 17C.120.500 through 17C.120.580 follow SMC 17C.120.015, Design Standards Administration. All projects must address the pertinent design standards

and guidelines. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each guideline. An applicant may seek relief through chapter 17G.030 SMC, Design Departures, for those eligible standards and guidelines contained in the zoning code.

[...]

Section 17C.120.510 Ground Floor Windows - Building Design

A. Purpose.

In the O, OR, NR, NMU, CB and GC zones, blank walls on the ground level of buildings are limited in order to:

- 1. provide a pleasant, rich and diverse pedestrian-friendly experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- 2. encourage observation or viewing opportunities by restricting fortress-like facades at street level; and
- 3. avoid a monotonous pedestrian environment.
- B. Required Amounts of Window Area.

These provisions apply to nonresidential <u>and residential</u> building <u>facades walls</u> between two feet and ten feet above the level of the adjacent sidewalk, walkway or ground level.

- 1. Non-residential ground floor window standard within 20 feet of an arterial street.
 - <u>4a</u>. A minimum of fifty percent of any ground floor nonresidential building <u>façade or</u> <u>wall area</u> that is visible from and located within twenty feet of the lot line of an arterial street designated on the arterial street plan shall be comprised of windows with clear, "vision" glass allowing views into the interior. Display windows may be used to meet half of this requirement. (<u>PR</u>)
 - b. If the lot has more than one street frontage, then the ground floor window standard indicated above applies to the facade that faces the highest street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped (Section 17C.200.040) providing 25 percent windows. If two or more streets have the same highest street classification, then the applicant may choose on which of those streets to meet the higher standard. Street classifications are identified on the City of Spokane Official Arterial Street Map SMC 112.08.040. (P)
- 2. Non-residential ground floor window standard within 60 feet of an arterial street.
 - 2<u>a</u>. A minimum of thirty percent of any ground floor nonresidential building facade that is visible from, fronting on, and located within sixty feet of the lot line of an arterial street designated on the arterial street plan shall be comprised of windows with clear, "vision" glass allowing views into the interior. Display windows may be used to meet half of this requirement. (R)
 - $3\underline{b}$. For portions of facades that do not have windows, see guidelines for treating blank walls, SMC 17C.120.570. (R)

C. Qualifying window features.

Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep-set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade. (R)

D. Residential Ground floor Window Standard.

Ground floor residential units may follow one of three options. They may be designed with storefront-type windows and barrier-free entrances to facilitate future conversion to commercial uses or be designed to provide greater privacy by either being setback from the street or raised above street level.

1. Flexible ground floor design.

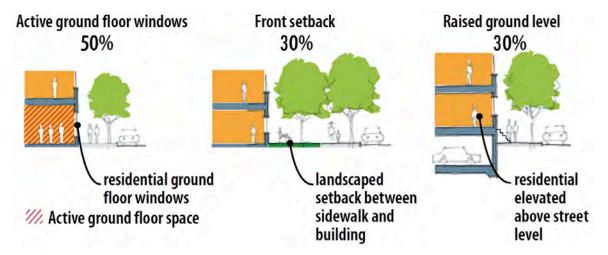
- a. A minimum of fifty percent of any ground floor residential building façade or wall area that is visible from and located within twenty feet of the lot line of an arterial street designated on the arterial street plan shall be comprised of windows with clear, "vision" glass allowing views into the interior. Display windows may be used to meet half of this requirement.
- b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
- c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

2. Front setback.

- a. The portions of the building with residential dwelling units on the ground floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least (Section 17C.200.040) and/or hard surfaced for use by pedestrians; and
- b. Windows must cover at least 30 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

3. Raised ground floor.

- a. The portion of the building with residential dwelling units on the ground floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk
- b. Window must cover at least 30 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.



E. Minimum ground floor height.

For ground-floor non-residential and residential (Flexible ground floor design) the distance from the finished floor to the bottom of the ceiling structure above must be at least 15 feet. The bottom of the structure above includes supporting beams. (P)

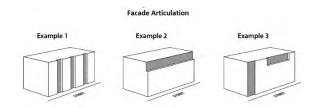
Section 17C.120.520 Base/Middle/Top - Building Design

A. Purpose.

To reduce the apparent bulk of the buildings by providing a sense of "base" and "top.

- B. Base/Middle/Top Implementation.
 - 1. Buildings shall have a distinct "base" at the ground level, using articulation and materials such as stone, masonry, or decorative concrete. (P)
 - 2. The "top" of the building shall be treated with a distinct outline with elements such as a projecting parapet, cornice, or projection. (P)

Section 17C.120.530 Articulation - Building Design



A. Purpose.

To reduce the massiveness of larger buildings.

- B. Articulation Implementation.
 - 1. Facades longer than fifty feet shall be broken down into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs and

other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this. (R)

- a. Off-sets in the façade must be at least 2 feet in depth from the rest of the façade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. (R)
- 2. Articulation shall be provided along facades visible from the street, as well as from neighboring residential areas. (P)

Section 17C.120.540 Prominent Entrance - Building Design

A. Purpose.

To ensure that building entrances are easily identifiable and clearly visible from roads and sidewalks.

- B. Prominent Entrance Implementation.
 - 1. Principal entry to the store/building shall be marked by at least one element from Group A and one element from Group B: (R)
 - a. Group A.
 - i. Large entry doors.
 - ii. Recessed entrance. Recessed entrance shall be recessed at least 3' from the building face.
 - iii. Protruding entrance.
 - b. Group B.
 - i. Canopy. Canopy or awning shall extend at least 5' from the building face, with a minimum height clearance of 8' above the sidewalk
 - ii. Portico.
 - iii. Overhang.
 - 2. Weather Protection.

Some form of weather protection shall be provided over the entry. (P)

3. Mixed Use Buildings.

For mixed-use buildings, entrances to residential, office, or other upper story uses, and on-site parking shall be clearly distinguishable in form and location from storefront entrances.

Section 17C.120.550 Ground Level Details - Building Design

A. Purpose.

To ensure that buildings along any street display the greatest amount of visual interest and reinforce the character of the streetscape.

- B. Ground Level Details Implementation.
 - 1. Ground level of building shall be pedestrian-friendly in scale, expression and use of materials. (R)
 - 2. Ground floor of the buildings shall have at least three of the following elements: (P)
 - a. Large windows.
 - b. Kickplates for storefront window.
 - c. Projecting sills.
 - d. Pedestrian scale signs.
 - e. Canopies.
 - f. Plinth.

Section 17C.120.560 Roof Expression – Building Design

A. Purpose.

To ensure that rooflines present a distinct profile and appearance for the building.

B. Roof Expression Implementation.

Buildings with flat roofs shall have portions with pitched roofs, extended parapets or projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances. (P)

Section 17C.120.570 Treating Blank Walls - Building Design

A. Purpose.

To mitigate blank walls by providing visual interest.

- B. Treating Blank Walls Implementation.
 - 1. Where windows are not provided on walls (or portions of walls) facing streets or visible from right-of-way, at least four of the following elements shall be incorporated: (R)
 - a. Masonry (but not flat concrete block).
 - b. Concrete or masonry plinth at wall base.
 - c. Belt courses of a different texture and color.
 - d. Projecting cornice.
 - e. Projecting metal canopy.
 - f. Decorative tilework.
 - g. Trellis containing planting.
 - h. Medallions.
 - i. Opaque or translucent glass windows.

- j. Artwork such as sculptures, murals, inlays, mosaics or elements integrated with the project.
- k. Vertical articulation.
- I. Lighting fixtures.
- m. Recesses.
- n. An architectural element not listed above, as approved, that meets the intent of this section.

Section 17C.120.580 Plazas and Other Open Spaces

A. Purpose.

To provide a pedestrian-friendly environment by creating a variety of usable and interesting open spaces within private development.

- B. Plazas and Other Open Spaces Implementation.
 - 1. New or renovated buildings over <u>forty twenty</u> thousand square feet shall have plazas, courtyards or other pedestrian spaces at or near their main entrances. (R)
 - 2. Plazas and other open spaces shall be a minimum of one square foot of plaza per one hundred square feet of building area. This area may count toward the interior landscaping required. (P)
 - 3. Plazas, courtyards and other pedestrian space shall include at least three of the following: (P)
 - a. Special interest landscape.
 - b. Pedestrian scale bollard or other accent lighting.
 - c. Special paving, such as colored/stained concrete, brick or other unit paver.
 - d. Artwork.
 - e. Seating, such as benches, tables, or low seating walls.
 - f. Water feature.

4. Amount Required.

- <u>a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the sites</u>
- b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site.

5. Size, Location, and Configuration.

Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.

a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.

b. Common areas. There are two types of common area:

i. Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.

ii. Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.

6. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

Section 17C.120.590 Building Frontage

A. Purpose.

To establish a street-wall of primary building facades that contributes to the liveliness of sidewalks along the street a minimum percentage of a building facade is required along a front lot line. Parking is prohibited between the building façade and the street, and driveways and parking areas are limited to reduce their impact on the pedestrian. Breaks in the street wall should be limited to those necessary to accommodate pedestrian pass-throughs, public plazas, entry forecourts, and permitted vehicular access driveways.



Figure X: Minimum Frontage Buildout Illustration-(City of Brooklyn Park, MN- TOD Zone)

- 1. A minimum frontage buildout (Figure 13) requires buildings along the prescribed length of the property line where:
 - a. At front streets the minimum frontage buildout is a percentage of the length of the abutting property line.
 - b. At side streets the minimum frontage buildout is a specified distance along the property line from the corner.
- B. Building Frontage Implementation.
 - 1. 70% of site frontage must be built to the min/max setback range. (R)
 - 2. A minimum 40-feet of side street frontage must be built to the min/max range (R)

Section 17C.120.600 Buildings Along Intersection Corners

A. Purpose.

<u>Building placement and massing along intersection corners support an environment that frames the</u> public realm to create an urban street edge and promotes pedestrian activity.

B. Buildings Along Intersection Corners Implementation.

70% of site frontage must be built to the min/max setback range. (R)

Section 17C.120.610 Curb-cut Limitations

A. Purpose

To provide safe, convenient vehicular access to in-site parking without diminishing pedestrian safety and maintaining a continuous sidewalk.

- B. Curb Cut Limitations Implementation.
 - 1. A curb cut for a nonresidential use shall not exceed 30 feet for combined entry/exits.

 Driveway width where the sidewalk crosses the driveway shall not exceed 24 feet in width. (R)
 - 2. The sidewalk pattern shall carry across the driveway. (R)
 - 3. Adjacent developments should share driveways, to the greatest extent possible. (P)

- 4. Vehicular access should be designated so that traffic is not directed through an abutting residential zone. (P)
- 5. Only one (1) curb-cut is allowed along a street frontage. (R)

[...]

Chapter 17C.230 Parking and Loading

[...]

Section 17C.230.130 Parking Exceptions

A. In center and corridor downtown, and FBC CA1, CA2, and CA3, and NMU zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement.

B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three five thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five ten thousand square feet or less, the parking requirement will be determined after deducting the three five thousand square foot exemption from the building's floor area. For example, the parking requirement for a four an eight thousand square foot building would be based on one three thousand square feet of floor area – i.e., a four an eight thousand square foot building size minus the three five thousand square foot exemption.

C. The director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the character of the proposed use.

D. If more than one type of land use occupies a single structure or property with no single use occupying more than 75 percent of the total square feet of the building, the minimum off-street parking may be 75 percent of the sum of the requirements for all uses.

E. The amount of off-street parking required for nonresidential uses may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space.

<u>PF</u>. If property owners and businesses establish a parking management area program with shared parking agreements, the director may reduce or waive parking requirements.

<u>EG</u>. Except in the residential single-family and residential two-family zones, existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

FH. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and

RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

- 1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230-2.
- 2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230-2.

[...]

Section 17C.230.200 Bicycle Parking

A. Purpose.

Bicycle parking is required to encourage the use of bicycles by providing safe and convenient places to park bicycles.

- 1. Bicycle parking facilities, either off-street or in the street right-of-way, shall be provided in RMF, RHD, CC1, CC2, CC3, CC4, O, OR, NR, NMU, CB, GC, and industrial zones for any new use which requires twenty or more automobile parking spaces according to Table 17C.230-1 or Table 17C.230-2. All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
 - a. The number of required bicycle parking spaces shall be five percent of the number of required off-street auto parking spaces.
 - b. When any covered automobile parking is provided, all bicycle parking shall be covered.
- 2. Within downtown, and FBC CA1, CA2, CA3, zones, and the NMU zone bicycle parking facilities, either off-street or in the street right-of-way, shall be provided. The number of spaces shall be the largest amount based on either subsections (a) or (b) below.
 - a. The number of required bicycle parking spaces shall be <u>five-ten</u> percent of the number of off-street auto parking spaces being provided, whether the auto parking spaces are required by code or not.
 - b. A minimum of one bicycle parking space shall be provided for every ten thousand square feet of building area. When a building is less than ten thousand square feet in building area at least one bicycle parking space shall be provided.
 - c. When any covered automobile parking is provided, all bicycle parking shall be covered.
 - d. All bicycle parking facilities in the street right-of-way shall conform to City engineering services department standards.
- 3. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or within eight hundred feet of the lot. Bicycle parking accessory to residential uses shall be located on-

site. Bicycle parking facilities shared by more than one use are encouraged. Bicycle and automobile parking areas shall be separated by a barrier or painted lines.

SPOKANE Agenda Sheet	Date Rec'd	4/18/2022	
05/02/2022		Clerk's File #	RES 2022-0040
		Renews #	
Submitting Dept	HUMAN RESOURCES	Cross Ref #	
Contact Name/Phone	KRIS SMITH 6383	Project #	
Contact E-Mail	KSMITH@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0620 - RESOLUTION APPOINTING NICK	ANTUSH TO PUBLIC	DEFENDER

Agenda Wording

Resolution Appointing Nick Antush to Public Defender

Summary (Background)

Resolution Appointing Nick Antush to Public Defender

Lease?	NO	Grant related? NO	Public Works? NO	
Fiscal	<u>Impact</u>		Budget Account	
Select	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	
Approv	/als		Council Notification	<u>s</u>
Dept He	ead	SMITH, KRIS	Study Session\Other	Finance & Administration
Division	n Director	STEINOLFSON,	Council Sponsor	CP Beggs & CM Cathcart
		MEGHANN		
<u>Finance</u>	<u> </u>	BUSTOS, KIM	Distribution List	
<u>Legal</u>		PICCOLO, MIKE	jquick@spokanecity.org	
For the	Mayor	ORMSBY, MICHAEL	ksmith@spokanecity.org	
Additio	onal Approva	<u>ls</u>		
Purcha	sing			

Committee Agenda Sheet FINANCE & ADMINISTRATION

Submitting Department	Human Resources		
Contact Name & Phone	Kristin Smith, Human Resources Director x6383		
Contact Email	ksmith@spokanecity.org		
Council Sponsor(s)	Council President Beggs and Council Member Cathcart		
Select Agenda Item Type	☐ Consent		
Agenda Item Name	Council Confirmation of Mayoral Appointee –Public Defender		
Summary (Background)	All administrative department heads shall not perform the duties of the position or be compensated directly or indirectly by the City of Spokane until approved by City Council SMC 03.01A.195. Appointment of Nick Antush to Public Defender		
	 The Public Defender recruitment opened on November 1st, 2021, and closed on December 7th, 2021. 10 applications were received; 3 applicants did not meet the minimum qualifications; 7 applicants passed only the minimum screening; 7 applicants were selected to participate in the first round of interviews. 2 candidates were selected for and participated in the second round of interviews. Mr. Antush has been a City employee for 27 years with the Public Defender's Office. Nick Antush was selected for appointment to the position by Mayor		
	Woodward and is being presented for confirmation to Public		
	Defender.		
Proposed Council Action &	= :		
Date:	Defender.		
=	Defender.		
Date: Fiscal Impact:	Defender. Confirm the Appointment of Nick Antush to Public Defender.		
Date: Fiscal Impact: Total Cost:	Defender. Confirm the Appointment of Nick Antush to Public Defender. et? No □ N/A		
Date: Fiscal Impact: Total Cost: Approved in current year budg Funding Source □ One Specify funding source:	Defender. Confirm the Appointment of Nick Antush to Public Defender. et? No □ N/A		
Date: Fiscal Impact: Total Cost: Approved in current year budg Funding Source □ One Specify funding source: Expense Occurrence □ One Other budget impacts: (revenu	Defender. Confirm the Appointment of Nick Antush to Public Defender. et? Yes No N/A e-time Recurring		
Piscal Impact: Total Cost: Approved in current year budg Funding Source □ One Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue) Operations Impacts	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
Fiscal Impact: Total Cost: Approved in current year budg Funding Source Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue) Operations Impacts What impacts would the proportions	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
Fiscal Impact: Total Cost: Approved in current year budg Funding Source Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue) Operations Impacts What impacts would the proportion of	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
Fiscal Impact: Total Cost: Approved in current year budg Funding Source □ One Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue Operations Impacts What impacts would the proportional properties of the proportional properties of the properties of th	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
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Fiscal Impact: Total Cost: Approved in current year budg Funding Source Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue) Operations Impacts What impacts would the proportion will data be collected, and racial, ethnic, gender identity, existing disparities? N/A How will data be collected regarders.	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
Fiscal Impact: Total Cost: Approved in current year budg Funding Source □ One Specify funding source: Expense Occurrence □ One Other budget impacts: (revenue Operations Impacts What impacts would the proportion of the proporti	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		
Fiscal Impact: Total Cost: Approved in current year budg Funding Source Specify funding source: Expense Occurrence □ One Other budget impacts: (revenu Operations Impacts What impacts would the proportion of the will data be collected, and racial, ethnic, gender identity, existing disparities? N/A How will data be collected regains the right solution? N/A Describe how this proposal alignment.	Defender. Confirm the Appointment of Nick Antush to Public Defender. et?		

RESOLUTION 2022 - 0040

A resolution approving the appointment of Nick Antush as Public Defender of the City of Spokane.

WHEREAS, Section 24 of the City Charter provides that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, Section 2.14 F of the City Council Rules of Procedures states that approval of appointment of department heads shall be by resolution during the City Council's legislative session; and

WHEREAS, after full consideration, Mayor Nadine Woodward has appointed Nick Antush as Public Defender of the City of Spokane.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the appointment of Nick Antush as Public Defender of the City of Spokane.

PASSED BY THE CITY COUNCIL (ON	, 2022.
	City Clerk	
Approved as to form:		
Assistant City Attorney		

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/18/2022
05/02/2022		Clerk's File #	RES 2022-0041
		Renews #	
Submitting Dept	HUMAN RESOURCES	Cross Ref #	
Contact Name/Phone	KRIS SMITH 6383	Project #	
Contact E-Mail	KSMITH@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0620 - RESOLUTION APPOINTING LOR	EN SEARL TO WATER	& HYDRO SVCS
	DIRECTOR		

Agenda Wording

Resolution Appointing Loren Searl to Water & Hydro Svcs Director

Summary (Background)

Resolution Appointing Loren Searl to Water & Hydro Svcs Director

Lease? NO	Grant related? NO	Public Works? NO	
Fiscal Impact		Budget Account	
Select \$		#	
Approvals		Council Notification	<u>is</u>
Dept Head	SMITH, KRIS	Study Session\Other	Finance & Admin
Division Director	STEINOLFSON,	Council Sponsor	CM Kinnear & CM
	MEGHANN		Stratton
<u>Finance</u>	BUSTOS, KIM	Distribution List	
<u>Legal</u>	PICCOLO, MIKE	jquick@spokanecity.org	
For the Mayor	ORMSBY, MICHAEL	ksmith@spokanecity.org	
Additional Approva	<u>als</u>		
<u>Purchasing</u>			

Committee Agenda Sheet FINANCE & ADMINISTRATION

Submitting Department	Human Resources		
Contact Name & Phone	Kristin Smith, Human Resources Director x6383		
Contact Email	ksmith@spokanecity.org		
Council Sponsor(s)	Council Member Kinnear and Council Member Stratton		
Select Agenda Item Type	☐ Consent ☐ Discussion Time Requested: 10 mins		
Agenda Item Name	Council Confirmation of Mayoral Appointee – Water and Hydroelectric Services Director		
Summary (Background)	 All administrative department heads shall not perform the duties of the position or be compensated directly or indirectly by the City of Spokane until approved by City Council SMC 03.01A.195. Appointment of Loren Searl to Water and Hydroelectric Services Director – The Director of Water and Hydroelectric Services recruitment opened on December 3d, 2021, and closed on January 9th, 2022. 8 applications were received; 4 applicants did not meet the minimum qualifications; 4 applicants passed only the minimum screening; 4 applicants were selected to participate in the first round of interviews. 3 candidates were selected for and participated in the second round of interviews. Mr. Searl has been a City employee for 26 years with 5 years as the Water Superintendent. 		
	Loren Searl was selected for appointment to the position by Mayor Woodward and is being presented for confirmation to the Water and Hydroelectric Services Director.		
Proposed Council Action & Date:	Confirm the Appointment of Loren Searl to Water and Hydroelectric Services Director		
Fiscal Impact:			
Total Cost:			
Approved in current year budg	et? ⊠ Yes □ No □ N/A		
Funding Source	e-time 🗵 Recurring		
·	e-time 🗵 Recurring		
	e generating, match requirements, etc.)		
Operations Impacts What impacts would the prope	osal have on historically excluded communities? N/A		
	sal have on historically excluded communities? N/A alyzed, and reported concerning the effect of the program/policy by		
	national origin, income level, disability, sexual orientation, or other		
existing disparities? N/A			
	arding the effectiveness of this program, policy or product to ensure it		
is the right solution? N/A			

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? N/A

RESOLUTION 2022 - 0041

A resolution approving the appointment of Loren Searl as Director of Water and Hydroelectric Services.

WHEREAS, Section 24 of the City Charter provides that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, Section 2.14 F of the City Council Rules of Procedures states that approval of appointment of department heads shall be by resolution during the City Council's legislative session; and

WHEREAS, after full consideration, Mayor Nadine Woodward has appointed Loren Searl as Director of Water and Hydroelectric Services.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the appointment of Loren Searl as Director of Water and Hydroelectric Services.

2022

DARRED BY THE CITY COLINICIL ON

PASSED BY THE CITY COUNC	IL ON, 2022.
	City Clerk
Approved as to form:	
Assistant City Attorney	_

Agenda Sheet for City Council Meeting of:		Date Rec'd	4/20/2022
05/02/2022		Clerk's File #	RES 2022-0042
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	CM CATHCART X6257	Project #	
Contact E-Mail	MCATHCART@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	0320 - FIRE OVERTIME RESOLUTION		

Agenda Wording

Committing support for identifying immediate actions to reduce significant overtime costs within the Spokane Fire Department.

Summary (Background)

This resolution encourages the City Administration and Fire Chief Brian Schaeffer to take immediate steps to reduce the increasing financial burden on the City and its taxpayers resulting from significant fire overtime costs by immediately implementing any necessary mitigations or cost saving measures that will not result in less effective service or increased response times to Spokane citizens.

Lease?	NO Gi	ant related?	NO	Public Works?	NO	
<u>Fiscal</u>	<u>Impact</u>			Budget Acc	<u>ount</u>	
Select	\$			#		
Select	\$			#		
Select	\$			#		
Select	\$			#		
Approv	als			Council Not	ification	<u>s</u>
Dept He	ad	ALLERS, HAN	NAHLEE	Study Sessio	n\Other	4/11 Public Safety
Division	<u>Director</u>			Council Spon	sor	Cathcart/Bingle
<u>Finance</u>	}			Distribution	List	
<u>Legal</u>				mcathcart@spc	kanecity.or	·g
For the	<u>Mayor</u>			jbingle@spokar	ecity.org	
Additio	nal Approvals	<u> </u>		nocheltree@sp	okanecity.o	rg
Purchas	sing			sblackwell@spc	kanecity.or	g

Committee Agenda Sheet [COMMITTEE]

Submitting Department	City Council - Cathcart
Contact Name & Phone	Shae Blackwell (509) 625-6224
Contact Email	sblackwell@spokanecity.org
Council Sponsor(s)	CM Cathcart, CM Bingle
Select Agenda Item Type	☐ Consent ☐ Discussion Time Requested: 5 min
Agenda Item Name	Fire Overtime Resolution
Agenda Item Name Summary (Background)	Fire Overtime Resolution Committing support for identifying immediate actions to reduce significant overtime costs within the Spokane Fire Department (Council Sponsors: Council Member Cathcart and Council Member Bingle) Resolution to declare Council strongly encourages the City to take immediate steps to reduce the increasing financial burden on the City and its taxpayers resulting from significant fire overtime costs by immediately implementing any necessary mitigations or cost saving measures that will not result in less effective service or increased response times to Spokane citizens.
Duamanad Carriell Asiles C	
Proposed Council Action &	
Date:	
Fiscal Impact:	
Total Cost:	

Approved in current year budget? ☐ Yes ☐ No ☐ N/A
Funding Source One-time Recurring Specify funding source:
Expense Occurrence One-time Recurring
Other budget impacts: (revenue generating, match requirements, etc.)
Operations Impacts
What impacts would the proposal have on historically excluded communities?
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
How will data be collected regarding the effectiveness of this program, policy or product to ensure it
is the right solution?
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

RESOLUTION NO. 2022-0042

A Resolution addressing increasing overtime costs within the Spokane Fire Department.

WHEREAS, in emergency situations within the City of Spokane, the City's public safety employees and first responders carry out the critical role of protecting and ensuring public safety; and

WHEREAS, the Spokane Fire Department, in conjunction with partners from other agencies, rescue people from dangerous circumstances, treat the injured and protect the lives and safety of people, regardless of the peril or hazard to themselves; and

WHEREAS, the Spokane Fire Department serves as the first, first responder to protect the people of Spokane every day, being always available to provide a coordinated response to any emergency at any hour, under any conditions or circumstances; and

WHEREAS, firefighters provide fire suppression, emergency medical services, search and rescue, hazardous materials response, critical fire prevention and safety education across the Spokane community; and

WHEREAS, in 2021 the Spokane Fire Department responded to 49,897 emergency incident calls (a 13.2% increase from 2020), provided over 120,000 fire safety training hours and installed 71 smoke or carbon monoxide alarms in community residences; and

WHEREAS, the government of the City of Spokane is charged first and foremost with assuring public safety by protecting the lives, peace and property of its residents; and

WHEREAS, the Fire Department's overtime costs continue to increase and the City Council has called for an overtime study of which the results are expected to be available in May 2022; and

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency in response to a novel coronavirus, SARS-CoV-2, which caused the COVID-19 disease and subsequent pandemic; and

WHEREAS, since that time, the Governor, the Mayor and the Spokane Regional Health Department Health Officer have all issued various directives and guidance to state and local residents including stay-at-home orders, restrictions on certain business activities, the implementation of mask and vaccine mandates; and

WHEREAS, across the Spokane community, many workers who chose not to be vaccinated against COVID-19 have been separated from their jobs; and

WHEREAS, twenty-five highly professional, specialty trained Spokane firefighters were separated from their jobs during the COVID-19 pandemic by reason of their unvaccinated status; and

WHEREAS, the City is struggling with overtime costs in the Fire Department due in large part to a lack of staffing; and

WHEREAS, voters deserve to know the City is doing everything in its power to get a handle on those costs; and

WHEREAS, the national public health emergency has caused many employers, including the City of Spokane, to discharge, lay off, and furlough workers who could now return to their previous jobs as the COVID-19 pandemic recedes and business and social activities return to normal levels; and

WHEREAS, the City of Spokane recognizes the importance of public safety in the Spokane community as citizens return to normal activities, drivers are more prone to accidents in warmer weather and fire season is upon us; and

WHEREAS, browning out fire houses or otherwise reducing service is not and should not be a conceivable option today and it is incumbent upon city leaders to consider all options and think creatively; and

NOW THEREFORE, BE IT RESOLVED that the City Council strongly encourages the City Administration and Fire Chief Brian Schaeffer to take immediate steps to reduce the increasing financial burden on the City and its taxpayers resulting from significant fire overtime costs by immediately implementing any necessary mitigations or cost saving measures that will not result in less effective service or increased response times to Spokane Citizens,

BE IT ALSO RESOLVED that these measures shall include, but are not limited to, offering and identifying a path forward, including any necessary COVID-19 mitigations to immediately rehire all Spokane firefighters who were separated from employment due to pandemic regulations.

day of

2022

r asset by the Oity Council thi	3 day of	, 2022.
	City Clerk	
Approved as to form:		
Assistant City Attorney		

Passed by the City Council this

SPOKANE Agenda Sheet for City Council Meeting of:			Date Rec'd	3/9/2022
03/28/2022			Clerk's File #	ORD C36186
			Renews #	
Submitting Dept	INTEGRATED CAP	PITAL	Cross Ref #	ORD C35844
	MANAGEMENT			
Contact Name/Phone	INGA NOTE	625-6331	Project #	
Contact E-Mail	INOTE@SPOKANI	ECITY.ORG	Bid #	
Agenda Item Type	First Reading Ord	inance	Requisition #	
Agenda Item Name	4250-UPDATE FOR TREES AND TRAFFIC CONTROL DEVICE			

Agenda Wording

Adoption of ordinance to increase the urban tree canopy coverage.

Summary (Background)

The city has a goal to increase the urban tree canopy coverage from 23% to 40% by 2030 (Ord C35844). Staff from Urban Forestry, Integrated Capital Management, Planning, Developer Services, Streets, Design and Construction were involved in developing this code change. Adoption of this code change is categorically exempt from SEPA through WAC 197-11-800(19).

Lease?	NO Gr	ant related?	NO	Public Works?	NO	
Fiscal Impact			Budget Account			
Select	\$			#		
Select	\$			#		
Select	\$			#		
Select	\$			#		
Approv	als_			Council Not	ification	<u>s</u>
Dept He	ad ad	MILLER, KATH	ERINE E	Study Sessio	n\Other	PIES 2/28/22
Division Director FEIST, MARLENE		NE	Council Spon	sor	Beggs/Wilkerson	
<u>Finance</u>		ALBIN-MOORI	E, ANGELA	Distribution List		
<u>Legal</u>		PICCOLO, MIK	Έ	inote@spokanecity.org		
For the I	<u>Mayor</u>	ORMSBY, MIC	HAEL	eraea@spokanecity.org		
Additional Approvals			kemiller@spokanecity.org			
<u>Purchasing</u>			icmaccounting@spokanecity.org			

Committee Agenda Sheet Public Infrastructure, Environment & Sustainability

Submitting Department	Public Works Division / Integrated Capital Management			
Contact Name & Phone	Inga Note 509-625-6331			
Contact Email	inote@spokanecity.org			
Council Sponsor(s)	CM Kinnear			
Select Agenda Item Type	Consent Discussion Time Requested: 10 min			
Agenda Item Name	2/28/22 - SMC Update for trees and traffic control device conflicts			
Summary (Background)				
	The city's municipal code and design standards do not provide sufficient guidance on how to deal with placement of trees vs. visibility of traffic control devices. The city has a goal to increase the urban tree canopy coverage from 23% to 40% by 2030 (Ord C35844). Trees are often shown on landscape plans but then removed during construction inspection because they block visibility of traffic signs. This code change seeks to reduce those conflicts by clarifying the sign visibility distance. Staff from Urban Forestry, Integrated Capital Management, Planning, Developer Services, Streets, Design and Construction were involved in developing this code change. Adoption of this code change is			
	 categorically exempt from SEPA through WAC 197-11-800(19). Summary Clarification of the code for Urban Forestry, Developer Services, Streets and Construction office staff. Draft SMC revisions are attached Urban Forestry will also specify "high-headed" trees along streets to minimize low hanging branches. Developer Services and Planning staff will ensure trees and signs are shown on the same plan set for review. 			
Proposed Council Action & Date:	Adoption of ordinance. March 2022.			
Fiscal Impact: Total Cost: Approved in current year buc	lget? Yes No N/A time Recurring time Recurring			
Other budget impacts: (revenue generating, match requirements, etc.)				

Operations Impacts
What impacts would the proposal have on historically excluded communities?
Public Works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community, and to respond to gaps in services identified in various City plans. We recognize the need to maintain affordability and predictability for utility customers. And we are committed to delivering work that is both financially and environmentally responsible. This item supports the operations of Public Works.
Over time it should result in more tree cover citywide.
,
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?
N/A – This is a public works project to address an ongoing technical question from staff and should not impact racial, gender identity, national origin, income level, disability, sexual orientation or other existing disparity factors.
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
Not applicable.
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
Comprehensive Plan - Goal NE 12 Urban Forest – Maintain and enhance the urban forest to provide good air quality, reduce urban warming, and increase habitat.

SpoCanopy Program – goal to increase Spokane's urban canopy by planting free street trees in low-

income neighborhoods with low canopy coverage.

ORDINANCE NO. C36186

An ordinance relating to traffic control device visibility and vegetation control along roadways amending Chapter 12.02, Article 1 and Chapter 12.02, Article 5 of Title 12 Spokane Municipal Code;.

WHEREAS, the City of Spokane has a goal to increase the urban tree canopy coverage from 23% to 40% by 2030; and

WHEREAS, City staff identified a need for additional guidance regarding traffic control device visibility and tree placement; and

WHEREAS, staff from Urban Forestry, Integrated Capital Management, Planning, Developer Services, Streets, Design and Construction worked together to develop this code; and

WHEREAS, adoption of this code is categorically exempt from SEPA through WAC 197-11-800(19); and

WHEREAS, this ordinance was discussed with the City Council's Public Infrastructure, Environment and Sustainability committee on Feb 28th, 2022;

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 12.020.0203 is added to the Spokane Municipal Code as follows:

Section 12.02.0203 Traffic Control Device Visibility

Owners of property within the City must prune all trees, plants, shrubs, or vegetation, or parts thereof, which are growing thereon in such a manner as to obstruct or impair the visibility of traffic control devices as shown in Table 12.02-1. In most instances the trunk of the tree is exempt from this requirement. If tree or shrub pruning or relocation of the traffic control device (non-priority signs only) cannot remedy the obstruction, the Urban Forester will determine if removal of the tree will be required. Such condition is declared a nuisance and subject to the process and provisions under SMC 12.02.0210.

Table 12.02-1 Traffic Control Device Visibility

	Minimum Visible Distance ¹ (feet)			
Speed Limit (mph)	Traffic Signals, PHB²	Priority Signs ^{3,} RRFB ⁴	All other signs ⁵	
20	175	115	75	
25	215	155	90	
30	270	200	110	
35	325	250	130	
40	390	305	145	
45	460	360	165	

Notes:

Section 2. That section 12.020.965 of the Spokane Municipal Code is amended to read as follows:

<u>Section 12.02.965</u> Removal, Pruning of Trees and Shrubs

- A. The director may authorize or order removal of or may remove street trees and shrubs situated within the rights-of-way, or other treatment or pruning, whenever one or more of the following criteria are met:
 - 1. The tree or shrub is hazardous as determined by <u>SMC 12.02.920</u>.
 - 2. The tree or shrub is damaging public improvements or public utilities and removal is necessary because of the installation of, or potential or actual

¹ Measured longitudinally along the roadway, line of sight from the center of the nearest vehicle travel lane to the traffic control device using driver's eye height of 42 inches.

² Pedestrian Hybrid Beacon.

³ Includes stop, yield, do not enter, crosswalk, stop here for ped, no motor vehicle signs. Sign codes include R1-1, R1-2, R5-1, R1-5, R1-5a, R5-3, and W16-7P (arrow plaque) combined with a W11-2, W11-15, or S1-1.

⁴Rectangular Rapid Flashing Beacon.

⁵Parking signs, No Parking Bike Lane, transit stop signs are exempt from this table and shall be visible for 30 feet.

- damage to, a sidewalk, parkway, curb, gutter, pavement, sewer line, underground utility or other municipal improvement.
- There is infection or infestation of trees or shrubs with a disease or pest detrimental to the growth, health or life of such trees and which infection or infestation cannot be controlled or removed.
- 4. The vegetation obstructs rights-of-way, authorized traffic signs traffic control devices per 12.02.0203 or is determined to interfere with line of sight or creates other identified traffic or safety concerns.
- 5. The tree's health is severely degraded because of improper pruning, including severe crown reduction.
- B. When the engineering services department determines that vegetation obstructs a public right-of-way, it notifies the director. Unless an emergency requires immediate abatement by the City, the director may utilize the procedures in SMC 12.02.0210 or any other lawful means for pruning or removal.
- C. As a condition of removal, the director requires replacement with trees or shrubs that are appropriate for the location, unless replacement is not possible.
- D. If a street tree is to be removed at the order of the director, unless immediate removal is necessary to protect public health and safety, he notifies the property owner and tenants thirty (30) days prior to the proposed date of removal. The notice states the reason(s) for the removal and the proposed date of the removal. An order of removal may include an estimated cost and provide the property owner with the option of procuring removing within a time specified by authorized persons, but no estimate shall bind the City to accept any amount less than the true and actual cost determined after corrective action is taken.
- E. For City projects which will require removing one or more trees, the department will notify the property owner and tenants thirty (30) days prior to the proposed date of removal. A copy of the notice shall also be delivered to the department of neighborhood services and code enforcement within the same time frame.
- F. Questions affecting right-of-way management are referred to the director of the engineering services department. The parks and recreation director may also refer inquiries about interdepartmental assistance to the director of engineering services, where a healthy tree may be preserved with extra measures involving additional cost or expense, on a site by site basis.

Attest: Approved as to form: City Clerk Mayor Date Effective Date

SPOKANE Agenda Sheet	Date Rec'd	4/14/2022	
05/02/2022	Clerk's File #	ORD C36202	
		Renews #	
Submitting Dept	DSC, CODE ENFORCEMENT &	Cross Ref #	
	PARKING SERVICES		
Contact Name/Phone	ELDON BROWN X6305	Project #	
Contact E-Mail	EBROWN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	AMENDING ORDINANCE C-27577		

Agenda Wording

Amending Ordinance C-27577 to release a portion of an easement

Summary (Background)

Property owners have submitted a short plat for review. During review it was discovered that (1) of the lots is encumbered by an easement that was reserved in Ordinance C-27577 when the street was vacated. The property owners wish to release the easement in order to make the lot buildable. We have checked with the easement holder (Avista) and they are ok with releasing a portion of the easement as shown on the attached map.

Lease?	NO (Grant related? NO	Public Works? NO		
<u>Fiscal</u>	<u>Impact</u>		Budget Account		
Neutral	\$		#		
Select	\$		#		
Select	\$		#		
Select	\$		#		
Approvals			Council Notification	<u>s</u>	
Dept He	<u>ad</u>	DUVALL, MEGAN	Study Session\Other	PIES 4/11/22	
Division	<u>Director</u>	MACDONALD, STEVEN	Council Sponsor	CM Karen Stratton	
<u>Finance</u>		MURRAY, MICHELLE	IICHELLE Distribution List		
<u>Legal</u>		RICHMAN, JAMES	ebrown@spokanecity.org		
For the	<u>Mayor</u>	ORMSBY, MICHAEL	edjohnson@spokanecity.org		
Additional Approvals			rbenzie@spokanecity.org		
Purchas	sing		kbecker@spokanecity.org		
		smacdonald@spokanecity.org			

City of Spokane Development Services Center 808 West Spokane Falls Blvd. Spokane, WA 99201-3343 (509) 625-6300

ORDINANCE NO. C36202

Amending Ordinance C27577 that vacated Dalton Avenue from Ash Place to Ash Street.

WHEREAS, a petition for the vacation of Dalton Avenue from Ash Place to Ash Street has been filed with the City Clerk representing 73.7% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That Dalton Avenue from Ash Place to Ash Street is hereby vacated.

Section 2. An easement is reserved and retained over the south half of the east 168.37 feet of the entire vacated area for existing utilities of Washington Water Power Company Avista Utilities and no buildings or other obstruction shall be placed thereon without the prior written approval of the Director of Public Works.

Passed the City Council	
	Council President
Attest: City Clerk	
approved as to Form:	
Assistant City Attorney	
Mayor	Date:
Effective Date:	



SPOKANE Agenda Sheet	Date Rec'd	4/18/2022		
05/02/2022	Clerk's File #	ORD C36203		
		Renews #		
Submitting Dept	NEIGHBORHOOD SERVICES	Cross Ref #		
Contact Name/Phone	CARLY CORTRIGHT X6263	Project #		
Contact E-Mail	CCORTRIGHT@SPOKANECITY.ORG	Bid #		
Agenda Item Type	First Reading Ordinance	Requisition #		
Agenda Item Name	0550 - SPECIAL EVENT ORDINANCE UPDATE			

Agenda Wording

Updates to section 10.39 of Spokane Municipal Code regarding special event cost recovery, application fees, and language clean-up.

Summary (Background)

Current language in SMC 10.39 allows for 100% cost recovery for personnel costs related to public safety for special events, unless waived. To create more transparency and equity, a flat fee cost recovery for legacy events will replace this language with a proposed 25% cost recovery for parades and 75% for all other events. In response to COVID-19 pandemic, this flat fee will be phased in. Other changes include increase in application fee and language clean-up to be consistent with practice.

Lease? NO	Gr	ant related?	NO	Public Works?	NO	
Fiscal Imp	<u>act</u>			Budget Acc	<u>ount</u>	
Select \$				#		
Select \$,			#		
Select \$				#		
Select \$,			#		
Approvals				Council Not	ification	<u>s</u>
Dept Head		CORTRIGHT,	CARLY	Study Session	n\Other	UE 4/11/22
Division Dir	<u>ector</u>	SWEET, HEA	ΓHER	Council Spon	sor	Breean Beggs; Zack
						Zappone
<u>Finance</u>		ORLOB, KIME	BERLY	Distribution	List	
Legal		PICCOLO, MI	KE	ccortright@spol	kanecity.or	5
For the May	<u>or</u>	ORMSBY, MI	CHAEL	cortiz@spokane	city.org	
Additional Approvals				korlob@spokan	ecity.org	
Purchasing				kschmitt@spokanecity.org		
		1				
Additional			CHAEL	korlob@spokan	ecity.org	

ORDINANCE NO. C36203

An ordinance relating to special events; amending Chapter 10.39 of the Spokane Municipal Code; SMC sections 4.04.020, 10.39.010, 10.39.020, 10.39.030, 10.39.040, 10.39.050 10.39.055, 10.39.070, and 10.39.090.

NOW, **THEREFORE**, the City of Spokane does ordain:

Section 1. That Chapter 10.39 SMC is amended to read as follows:

Chapter 10.39 Special Events ((- Parades - Demonstrations))

Section 2. That SMC 10.39.010 is amended to read as follows:

10.39.010 Definitions

- A. "Applicant" is the person ((<u>representing the entity</u>, group or association who has the authority from the same to apply for the special event permit.)) applying for the special event permit on their own behalf or on behalf of a group.
- B. "Assembly" is a public gathering or group of people organized for the purpose of advocating causes, public celebration, expressing ideas or conveying a message to the public or public display.
- C. <u>"Beer garden" is a completely fenced off area within the public right of way with a maximum occupancy of 50 people where only beer and wine are served (no spirits).</u>
- ((C.)) <u>D.</u> "Commercial special event" means any special event organized and conducted by any person <u>or group</u> that does not qualify as a tax-exempt nonprofit organization.
- ((D.)) <u>E.</u> "Demonstration" is a public gathering for the purpose of a public display or the redress of grievances.
- ((E.)) F. "Expressive activity" includes conduct, the sole or principal object of which is the expression, dissemination, or communication by verbal, visual, literary or auditory means of opinions, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. For purposes of this chapter, expressive activity does not include sport events, fundraising events or events the principal purpose of which is entertainment.

((1. For purposes of this chapter, expressive activity does not include sport events, fundraising events or events the principal purpose of which is entertainment.))

- ((F.)) <u>G.</u> "Float" is any decorated parade entry.
- H. "Issuing Authority" means the person who issues the special event permit. For all events held on public property, the issuing authority is the chief of police or his or her designee.
- <u>I.</u> <u>"Legacy Event" is a large-scale event with the following attributes:</u>
 - a. provides a long-term commitment to the City with an event that draws large numbers of visitors to the city on a recurring basis;
 - b. <u>brings a significant and sustained economic benefit to the City of Spokane,</u> as independently-verified through increased revenues to the City,
 - c. <u>brings improved infrastructure and increases amenities to the areas surrounding the event.</u>

A determination of what qualifies as a "legacy event" is made by the issuing authority.

- ((G.)) <u>J.</u> "Noncommercial special event" means:
 - 1. ((any special)) special event organized and conducted by a group that qualifies as a tax-exempt nonprofit organization, or
 - 2. ((a special)) special event whose principal purpose is expressive activity and does not involve fundraising.
- ((H.)) <u>K.</u> "Outdoor concert" is any organized event for the primary purpose of presenting live or recorded music or other amplified sounds for entertainment.
- ((\frac{1}{4})) L. "Parade" is any organized group marching or in procession, whether on foot, animal or vehicle.
- ((J-)) M. Special event" is a preplanned activity sponsored by groups or organizations that (1) involves the use of public property or facilities, (2) impacts public and/or private property, and (3) may require the provision of public safety services. Special events include parades, demonstrations, entertainment, celebrations, amusement, cultural recognition, amateur sports demonstrations, competitive events, assemblies and outdoor concerts.
 - ((J. Special event" is a preplanned activity (including a parade or demonstration) sponsored by groups or organizations that involves the use of or has an impact on

public property or facilities and the provision of City public safety services in response thereto.))

- ((1. A special event also has to be held on public property for the purpose of entertainment, celebration, amusement, cultural recognition, amateur sports demonstrations, competition or similar activity and demonstrations, assemblies and outdoor concerts and the principal purpose of which is not expressive activity.))
- ((K.)) N. "Tax-exempt nonprofit organization" means an organization that is exempted from payment of income taxes by federal or state law and has been in existence for a minimum of six months preceding the date of application for a special permit.
- ((L."Beer garden" is a completely fenced off area within the public right of way with a maximum occupancy of 50 people where only beer and wine are served (no spirits).))
 - Section 3. That SMC 10.39.020 is amended to read as follows:

10.39.020 Special Event Permit Approval Required

- A. No person or group may sponsor, promote or conduct a special event within the City that involves the use of or impacts public property or a city park without a permit under this chapter. ((, in case the special event is on park property, without a permit under chapter 12.06 SMC.))
 - 1. As provided in SMC 12.06A.040, permits for special events held in city parks are subject to the provisions of this chapter.
 - 2. Permits for special events are issued by the Chief of Police or his or her designee, who is the issuing authority.
 - 3. Persons or groups applying for a special event permit must submit an operational plan that addresses clean-up after the event, and shall reimburse the City for any costs associated with clean-up of the event.
 - 4. Applicants shall commit to compliance with all laws, including rules and procedures set forth by the Parks Department for events in city parks.
 - ((B. The permit under this chapter is in the nature of class III licenses as provided in chapter 4.04 SMC issued by the chief of police and/or fire chief.))
 - Section 4. That SMC 10.39.030 is amended to read as follows:

10.39.030 Application Process

A. Time for Filing.

- 1. The application for special event permit shall be filed ((with the City license officer not less than thirty calendar days before the time when it is proposed to conduct the special event)) proposed special event.
- ((2.)) ((If the special event is solely an expressive activity event, as defined by this chapter, then such application shall be filed with the City license officer not less than seven calendar days before the expressive activity event.))
- ((3))2. ((Upon good cause shown and provided that no risk or burden to the City ensues, the chief of police has discretion to allow a later filing of the application.)) The issuing authority, upon finding that there is good cause and no burden to the City, may approve an application filed fewer than thirty days before the proposed event.

B. Contents of Application.

The applicant must file the application in writing on a form supplied by the City to the license officer, setting forth:

- 1. the name, telephone number and address of the applicant or the principals of the applicant;
- 2. the date and time of the event;
- 3. the probable number of participants;
- 4. the place or route of the event, including a map and written narrative of the proposed route;
- 5. a description of all public ways proposed to be blocked;
- 6. a description of the measures to be taken to protect participants and the general public from injury, including traffic control and crowd control, emergency medical services, fire and life safety services and emergency communication systems;
- 7. a description of the measures to be taken to ensure cleanup of any litter or damage resulting from the event;
- 8. the number and location of portable sanitation facilities;
- 9. a certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the special event;

- 10. a copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt nonprofit organization;
- 11. a description of the types and number of vehicles to be used in the special event;
- 12. insurance and surety bond information;
- 13. any other additional information required by special event regulations.
- C. The date of the special event shall not be confirmed until the special event permit is issued.
- D. The application for a special event permit is deemed complete when the applicant has provided to the City issuing authority all of the information required by this chapter.
 - Section 5. That SMC 10.39.040 is amended to read as follows:

10.39.040 Conditions Affecting the Special Event Permit Process

- A. ((The license officer may impose reasonable)) Reasonable and necessary conditions provided by this chapter on may be imposed with the issuance of the permit.
- B. Conditions imposed will ensure that the special event does not:
 - 1. substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of the proposed route:
 - 2. cause an unreasonable conflict with construction or development in the public right-of-way or at a public facility;
 - 3. require the diversion of police and fire personnel and equipment from their normal duties without provisions for such;
 - 4. interfere with the movement of police, fire, ambulance and other emergency vehicles on the streets; and
 - 5. interfere with any other special event for which a permit has already been granted.
- C. The use of a float requires a permit from the fire department and is subject to conditions set forth in the fire code.

- D. The use of beer gardens on public right of way is acceptable if following conditions have been met (this condition does not apply to beer gardens in City parks and/or private property requiring a special event permit)
 - 1. A permit is required from the Washington Liquor Cannabis Board.
 - 2. Beer garden must close by 10 PM.
 - Liquor Endorsement must be included on insurance coverage.
 - 4. Beer garden area must be clearly designated with a minimum of 4 foot high fencing surrounding the area; fencing, tables, chairs, etc. must be able to be removed quickly to allow passing of emergency vehicles.
 - 5. Clearly designated entrance/exit points.
 - 6. Two uniformed security guards must be posted at every entrance/exit point unless deemed unnecessary.
 - 7. No outside alcohol may be brought into beer garden and no alcohol may be removed.
 - 8. Wrist bands or other clearly visible identification system must be used to designate who is eligible to enter the beer garden area; no person under 21 will be allowed into the garden area.
 - 9. Only one beer garden allowed per event.
 - Section 6. That SMC 10.39.050 is amended to read as follows:

10.39.050 Denial of Permit - Revocation of Permit

- A. <u>Denial.</u> An application for special event permit will be denied if the applicant does not conform to the terms and conditions of this chapter. <u>Denial of the special event permit shall be made in writing as soon as reasonably practicable.</u>
- ((B.)) ((Denial of the special event permit shall be made by the chief of police or his designee in writing as soon as reasonably practicable.))
- B. ((Revocation.))

 Revocation. The ((license officer)) issuing authority may revoke a special event permit and require the participants and spectators to disperse whenever the permittee is failing to satisfy the conditions or obligations under the permit or whenever the special event becomes an imminent danger to public safety or there is present a danger of substantial public disturbance or disorder.

Section 7. That SMC 10.39.055 is amended to read as follows:

10.39.055 Violation

- A. If a person engages in activities defined in <u>SMC 10.39.010</u> without a current special event permit issued by the <u>issuing authority</u> ((City of Spokane Police or Fire Department)), they are subject to a penalty.
- B. A violation of this chapter is a class 1 civil infraction. Each day upon which a violation occurs or is knowingly continued constitutes a separate violation.
- C. Special Event Permit holders must comply with all state and local laws.
 - Section 8. That SMC 10.39.090 is amended to read as follows:

10.39.090 Cost Recovery for Special Events

- A. Except when waived by the mayor or by city council resolution for any special event, the ((licensing officer)) issuing authority shall charge:
 - 1. an administrative processing fee ((of fifty dollars)) per event paid at the time of application in the amount of;
 - a. \$50 for Small Event (0-50 attendees),
 - b. \$100 for Medium Event (51-1000 attendees), and
 - c. \$250 for Large Event (1001-10,000 attendees), and
 - d. \$500 for Extra Large Event (10,001 or more attendees).
 - 2. the cost of the police officers and other City personnel involved in traffic or crowd control, fire department response, facility or street support, clean up and repair, and the cost of City equipment and any other non-personnel expense involved in the special event as follows: ((-))
 - a. The following legacy events will be charged a flat fee as assessed in following table:

<u>Event</u>	2022	2023	2024	2025 and beyond
Bloomsday	<u>\$0</u>	\$12,000	\$24,000	\$48,000
Hillyard Hi-Jinx Parade	<u>\$0</u>	\$200	<u>\$400</u>	\$800
<u>Hoopfest</u>	<u>\$0</u>	\$22,500	\$45,000	\$90,000
Junior Lilac Parade	<u>\$0</u>	<u>\$875</u>	<u>\$1,750</u>	<u>\$3,500</u>
<u>Lilac Parade</u>	<u>\$0</u>	<u>\$5,000</u>	<u>\$10,000</u>	\$20,000
Pig Out in the Park	<u>\$0</u>	<u>\$4,125</u>	\$8,250	<u>\$16,500</u>
St. Patrick's Day Parade	<u>\$0</u>	<u>\$1,375</u>	<u>\$2,750</u>	<u>\$5,500</u>

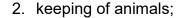
- b. 25% of personnel costs for any community parade
- c. 75% of personnel costs for all other events
- 3. any park reservation fees associated with a special event.
- B. The fees and costs shall be estimated in writing by the ((licensing officer)) issuing authority and given to the applicant prior to the issuance of the special event permit.
- C. The fees and costs shall be paid by the applicant to the City within thirty days from the receipt of the bill for such costs and fees.
- D. When a special event permit is sought for an expressive activity involving a demonstration, rally or march, as defined by this chapter, and the special event will not require temporary street closures, cost recovery shall be limited to the administrative processing fee.
- E. When a special event permit is sought for an expressive activity requiring street closure or other City services, personnel and equipment, the special event permit may be conditioned upon payment of estimated costs incurred by the City to a maximum amount of five hundred dollars.
 - 1. In no way will an indigent applicant's First Amendment rights be impaired in any fashion.
 - 2. The terms and conditions of a permit shall not infringe upon the rights of petition, assembly or free expression protected by the First Amendment of the U.S. Constitution and/or Article 1, Section 3, 4 and 5 of the Washington State Constitution.
 - Section 9. That SMC 4.04.020 is amended to read as follows:

4.04.020 Activities Requiring Registrations and Licenses

- A. A person, including principals and agents, needs a current and valid license issued under this chapter to begin or to continue, directly or indirectly, any activity provided for in Division II of Title 10 SMC, whether as a commercial business or for nonprofit or charitable purposes.
- B. Persons pursuing ordinary vocations and businesses on private property by private means need a class I license and registration, for such activities as:
 - 1. peddling merchandise, and
 - 2. solicitation of money or things of value.

C.	Persons conducting activities which have a potential to cause social or economic
	evil, or useful occupations which may under certain circumstances become a
	public or private nuisance offensive or dangerous to health, safety, morals, or good
	order, need a class II license for such activities as:

1.	maintaining places and devices of amusement, including teen clubs	s,
	cabarets, and entertainment facilities;	



- 3. building relocation;
- 4. certain contracting;
- 5. commercial use and sale of fireworks;
- 6. private or special police;
- 7. dealing in used goods;
- 8. operating for-hire vehicles
- D. Persons claiming a private right in or making extraordinary use of public property need a class III license for such activities as:
 - 1. moving buildings;
 - 2. operating cable television;
 - 3. certain contracting;
 - 4. collecting garbage or commercial recyclables (SMC 13.02.0204);
 - 5. distributing natural gas;
 - 6. maintaining mechanical newspaper vendors;

((7. parades, special events, and demonstrations;))

- ((8.)) <u>7.</u> operating telephone and telegraph equipment;
- ((9.)) 8. operating sidewalk cafes; and
- ((10.)) 9. doing commercial tree work.

PASSED by the City Council on		
	Council President	
Attest:	Approved as to form:	
City Clerk	Assistant City Attorney	
Mayor	Date	
	 Effective	

Committee Agenda Sheet Urban Experience

Submitting	Office of Neighborhood Services
Department	
Contact	Carly Cortright 625-6263
Name &	
Phone	
Contact	ccortright@spokanecity.org
Email	
Council	CP Beggs and CM Kinnear
Sponsor(s)	
Select	☐ Consent ☐ Discussion Time Requested: 10
Agenda Item	
Туре	
Agenda Item Name	SMC 10.39 Modifications: Special Events Cost Recovery
Summary (Background)	SMC 10.39 currently outlines 100% public safety cost recovery for events in the right of way unless waived by City Council or Mayor. Historically, we have completely waived public safety costs for parades and have waived 40% of the costs for Bloomsday, Hoopfest, and Pig Out in the Park in recognition of their economic impact.
	Starting back in 2019, City Council asked for a cost recovery model that was more transparent and equitable for all events. We proposed a tiered approach in 2020 just before the COVID pandemic which forced the delay of adding the ordinance to Council agenda until 2021. The tiered approach was 25% for parades (free community events who have paid 0% traditionally), 50% for events with major economic impact, or the Big 3, (Bloomsday, Hoopfest, and Pig Out in the Park), and 75% for all other events. First Amendment or free speech events would remain capped at a \$500 total cost recovery. We also proposed increasing the application fee based on event size to help offset part of the staff time involved in reviewing and coordinating these events.
	In spring of 2021 this tiered approach was presented again, the major legacy events in Spokane that make up the majority of the costs associated with special events provided feedback that the unpredictable nature of how much the total cost would be (due to variations in staffing these events based on both police and fire seniority per union contract as well as potential security risks at time of the event), was too difficult to budget for non-profits often running on a shoe-string budget. Based on this feedback, we developed a flat-fee approach for these events, but based on the on-going COVID pandemic, the ordinance changes were suspended indefinitely in April 2021.
	We are bringing these changes forward again, this time with a phased-in approach to assist events with recovery following the COVID pandemic. The flat fee approach was based on the previous agreed to tier approach, but capped based on the 5 year average for those events plus a 20% increase to capture the increase in police wages as a result of their contract being settled. For example, for parades, 25% of the most recent 5 year average plus 20% was used to determine their flat fee as shown in the following table in the "2025" column. For the Big 3, this was 50% of their 5 year

average. However, we are phasing in these costs over 4 years: 0% cost recovery in 2022, 25% in 2022, 50% in 2024, and then starting in 2025 would be the ongoing flat fee charged.

This phased in approach not only recognizes the impacts of the pandemic on events, but also helps the parades secure funding to continue these events going forward. As previously determined, cost recovery for demonstration or free speech events will be capped at \$500. We are also recommending increases to the application fee based on size event from the current \$50 in recognition of the staff time involved in special events. Additionally, we are in the middle of a software implementation to streamline the application process for events as well as the approval process for staff, and the application fees will cover the cost of this software. The increase in application fees will help make sure we are able to continue to pay for this software based on their annual price increases. The majority of events will stay at \$50 or increase to \$100. For events with more than 1000 attendees, the price will increase to \$250, and for events with more than 10,000, the application fee will be \$500. This is consistent with other communities of our size as well.

EVENT	2022	2023	2024	2025
Bloomsday	\$ -	\$ 12,000	\$ 24,000	\$ 48,000
Hillyard Hi-Jinx Parade	\$ -	\$ 200	\$ 400	\$ 800
Hoopfest	\$ -	\$ 22,500	\$ 45,000	\$ 90,000
Jr. Lilac Parade	\$ -	\$ 875	\$ 1,750	\$ 3,500
Lilac Parade	\$ -	\$ 5,000	\$ 10,000	\$ 20,000
Pig Out in the Park	\$ -	\$ 4,125	\$ 8,250	\$ 16,500
St. Patrick's Day Parade	\$ -	\$ 1,375	\$ 2,750	\$ 5,500

Also, in making these changes to SMC 10.39, as previously presented in 2021, we also are recommending some other clean-up of the code in terms of language (references to codes that have since been repealed), better clarity on issuing authority (between the Chief of Police and the Parks Director depending on location of event), and appeals process for permit denials (which previously referred to a different section of the municipal code). None of these changes are a reflection of a change in practice, but simply codify existing procedure.

Proposed Council Action & Date:

Approve Ordinance changes: First Reading April 25th; Final Reading May 2nd

Fiscal Impact:

Total Cost: Varies by year, but in 2019 cost was \$401,668 and city recovered \$147,495. Under proposal, in 2022 cost recovery would be \sim \$23,500. In 2023, \sim \$69,500; in 2024, \sim \$115,500, and in 2025 and beyond, \sim 207,500.

Approved in current ye	ar budget?	□ Yes ⊠ No □ N/A
Funding Source Specify funding source		☑ Recurring vered for public safety costs from special event sponsors
Expense Occurrence	\square One-time	⊠ Recurring

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

Public Safety special event costs are typically in the form of overtime spent for personnel assigned to the event. Per the ordinace we can recover those costs from the events unless waived. This proposal, starting in 2023, would recover funds from events previously not charges, and while not 100% off-setting, is higher than in the past

Operations Impacts

What impacts would the proposal have on historically excluded communities?

None to minimal; we are proposing increasing the application fee, but should be minimal impact for majority of events. Demonstration, or 1st Amendment, events would still be capped at \$500 for max cost recovery.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

We will continue to analyze cost of events compared to their cost recovery to determine if the flat fee charged is still consistent with intent.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

N/A

SPOKANE Agenda Sheet	for City Council Meeting of:	Date Rec'd	4/15/2022		
05/02/2022		Clerk's File #	ORD C36204		
		Renews #			
Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	ORD C36205		
	DEVELOPMENT		ORD C36206		
Contact Name/Phone	DEAN GUNDERSON EXT 6082	Project #			
Contact E-Mail	DGUNDERSON@SPOKANECITY.ORG	Bid #			
Agenda Item Type	First Reading Ordinance	Requisition #			
Agenda Item Name	0650- NEW DESIGN GUIDELINES - CITY WIDE				

Agenda Wording

New Design Guidelines for Public Projects and Structures, Skywalks over Public Right-of-Way, and City-Wide projects supported by amendments to the Spokane Municipal Code (SMC).

Summary (Background)

The adoption of these provisions will be undertaken via three ordinances. The first ordinance adopts the new design guidelines into the SMC. The second ordinance amends a portion of Title 12 and adopts a new chapter for Skywalks in Title 17C. The third ordinance amends portions of the SMC to clarify the formal design review process.

Lease?	NO	Grant related? NO	Public Works? NO	
<u>Fiscal</u>	<u>Impact</u>		Budget Account	
Neutral	\$		#	
Select	\$		#	
Select	\$		#	
Select	\$		#	
Approv	/als		Council Notification	<u>s</u>
Dept He	<u>ad</u>	BLACK, TIRRELL	Study Session\Other	Urban Experience:
				August 2019, Urban
				Experience: September
				2021, Urban Experience:
				April 13, 2022, City
				Council Advance Agenda:
				April 25, 2022
Division	n Director	BLACK, TIRRELL	Council Sponsor	CMs Stratton and
				Cathcart
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ORDINANCE NO. C36204

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

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

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

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

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

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

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

THE CITY OF SPOKANE DOES ORDAIN:

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

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

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

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

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

- A. All public projects or structures. <u>Such design reviews shall be conducted using the</u> Public Projects and Structures Design Guidelines.
- ((B. Shoreline conditional use permit applications.))
- ((C)) <u>B.</u> Skywalks ((applications)) over a public right-of-way. <u>Such design reviews</u> shall be conducted using the Skywalks Design Guidelines.
- ((D)) <u>C.</u> Projects seeking a design departure per chapter 17G.030 SMC, Design Departures, SMC 17G.030.030, Review Process. <u>Unless such projects would otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the Citywide Design Guidelines.</u>
- ((E)) <u>D.</u> Within downtown zones. <u>Such design reviews within the downtown zones</u> shall be conducted using the <u>Downtown Design Guidelines</u>:
 - 1. Within the central area identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. New buildings and structures greater than twenty-five thousand square feet.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.

- 2. Within the perimeter area identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. New buildings and structures greater than fifty thousand square feet.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade visible from an adjacent street.
- 3. Within the gateway areas identified on the Downtown Design Review Threshold Map 17G.040-M1:
 - a. All new buildings and structures.
 - b. Modification of more than twenty-five percent (at minimum three hundred square feet) of a building façade fronting on a designated gateway street or within one hundred feet of an intersection with a gateway street.
- 4. Sidewalk encroachment by private use. <u>Unless such projects would</u> otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the Citywide Design Guidelines.
- ((F)) E. Within Centers & Corridors zones, ((application)) requests for ((Design Departures)) design deviations from the Design Standards and Guidelines for Centers and Corridors. Such design reviews shall be conducted using the Citywide Design Guidelines.
- <u>F. Mini-storage Facilities, when required under SMC 17C.350.040. Such design reviews shall be conducted using the Mini-Storage Design Guidelines.</u>
- ((H)) <u>G.</u> Other developments or projects listed within the Unified Development Code that require design review. <u>Unless such projects would otherwise be subject to another set of design guidelines, such design reviews shall be conducted using the <u>Citywide Design Guidelines</u>.</u>
- H. Any development proposal about which the planning director or hearing examiner requests to have the board's advice pertaining to any design elements.

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

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

Passed by the City Council on	
	Council President
Attest:	Approved as to form:
City Clerk	Assistant City Attorney
Mayor	Date
	Effective Date

CITY OF SPOKANE PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE DESIGN GUIDELINES AND DESIGN REVIEW ORDINANCES

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.510, 17C.255.520, 17C.255.525, and 17C.255.530.

FINDINGS OF FACT:

- A. The proposed text amendments aligns with the following adopted <u>Shaping Spokane Comprehensive Plan</u> policies:
 - 1. Chapter 3 Land Use, LU 2.1 Public Realm Features Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.
 - 2. Chapter 3 Land Use, LU 2.2 Performance Standards Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.
 - 3. Chapter 3 Land Use, LU 4.4 Connections Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.
 - 4. Chapter 3 Land Use, LU 5.1 Built and Natural Environment Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.
 - Chapter 3 LU 5.2 Environmental Quality Enhancement Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.
 - Chapter 3 LU 5.4 Natural Features and Habitat Protection Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.
 - 7. Chapter 3 LU 5.5 Compatible Development Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

- 8. Chapter 3 LU 6.4 City and School Cooperation Continue the cooperative relationship between the city and school officials.
- 9. Chapter 3 LU 6.9 Facility Compatibility with Neighborhood Ensure the utilization of architectural and site designs of essential public facilities that are compatible with the surrounding area.
- Chapter 3 LU 7.1 Regulatory Structure Develop a land use regulatory structure
 that utilizes a variety of mechanisms to promote development that provides a
 public benefit.
- 11. Chapter 4 TR 1 Transportation Network for All Users Design the transportation system to provide a complete transportation network for all users, maximizing innovation, access, choice, and options throughout the four seasons. Users include pedestrians, bicyclists, transit riders, and persons of all abilities, as well as freight, emergency vehicles, and motor vehicle drivers.
- 12. Chapter 4 TR 2 Transportation Supporting Land Use Maintain an interconnected system of facilities that allows travel on multiple routes by multiple modes, balancing access, mobility and place-making functions with consideration and alignment with the existing and planned land use context of each corridor and major street segment.
- 13. Chapter 4 TR 7 Neighborhood Access Require developments to have open, accessible, internal multi-modal transportation connections to adjacent properties and streets on all sides.
- 14. Chapter 4 TR 9 Promote Economic Opportunity Focus on providing efficient and affordable multi-modal access to jobs, education, and workforce training to promote economic opportunity in the city's designated growth areas, develop "Great Streets" that enhance commerce and attract jobs.
- 15. Chapter 4 TR 13 Infrastructure Design Maintain and follow design guidelines (including national guidelines such as MUTCD, NACTO, AASHTO) reflecting best practices that provide for a connected infrastructure designed for our climate and potential emergency management needs, and respecting the local context. Local context may guide signage and elements such as traffic calming, street furniture, bicycle parking, and community spaces. Accessibility guidelines and emergency management needs will be maintained.
- 16. Chapter 4 TR 15 Activation Build great streetscapes and activate public spaces in the right-of-way to promote economic vitality and a sense of place, with a focus on the designated Centers and Corridors identified in the Land Use chapter.
- 17. Chapter 7 ED 6.1 Infrastructure Projects Promote infrastructure projects that enhance the city's quality of life and business climate.
- 18. Chapter 7 ED 7.6 Development Standards and Permitting Process 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.

- 19. Chapter 7 ED 8.1 Quality of Life Protection Protect the natural and built environment as a primary quality of life feature that allows existing businesses to expand and that attracts new businesses, residents, and visitors.
- 20. Chapter 8 DP 1.1 Landmark Structures, Buildings, and Sites Recognize and preserve unique or outstanding landmark structures, buildings, and sites.
- 21. Chapter 8 DP 1.2 New Development in Established Neighborhoods Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.
- 22. Chapter 8 DP 1.3 Significant Views and Vistas Identify and maintain significant views, vistas, and viewpoints, and protect them by establishing appropriate development regulations for nearby undeveloped properties.
- 23. Chapter 8 DP 1.4 Gateway Identification Establish and maintain gateways to Spokane and individual neighborhoods consisting of physical elements and landscaping that create a sense of place, identity, and belonging.
- 24. Chapter 8 DP 2.1 Definition of Urban Design Recognize current research that defines urban design and identifies elements of a well-designed urban environment.
- 25. Chapter 8 DP 2.2 Design Guidelines and Regulations Adopt regulations and design guidelines consistent with current definitions of good urban design.
- 26. Chapter 8 DP 2.3 Design Standards for Public Projects and Structures Design all public projects and structures to uphold the highest design standards and neighborhood compatibility.
- 27. Chapter 8 DP 2.4 Design Flexibility for Neighborhood Facilities Incorporate flexibility into building design and zoning codes to enable neighborhood facilities to be used for multiple uses.
- 28. Chapter 8 DP 2.5 Character of the Public Realm Enhance the livability of Spokane by preserving the city's historic character and building a legacy of quality new public and private development that further enriches the public realm.
- 29. Chapter 8 DP 2.6 Building and Site Design Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features including topography, hydrology, and microclimate and considers intensity of use.
- 30. Chapter 8 DP 2.7 Historic District and Sub-Area Design Guidelines Utilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district.
- 31. Chapter 8 DP 2.8 Design Review Process Apply design guidelines through a review process that relies on the expertise of design professionals and other community representatives to achieve design performance that meets or exceeds citizens' quality of life expectations.
- 32. Chapter 8 DP 2.9 Permit Process Integrate the design review process with other permitting processes to increase efficiency and create a better outcome.

- 33. Chapter 8 DP 2.10 Business Entrance Orientation Orient commercial building entrances and building facades toward the pedestrian sidewalks and pathways that lead to adjoining residential neighborhoods.
- 34. Chapter 8 DP 2.11 Improvements Program Facilitate improvements such as sidewalks, street improvements, street trees, sewers, and parks in neighborhoods and commercial areas designated for higher density development.
- 35. Chapter 8 DP 2.12 Infill Development Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.
- 36. Chapter 8 DP 2.13 Parking Facilities Design Minimize the impacts of surface parking on the neighborhood fabric by encouraging the use of structured parking with active commercial storefronts containing retail, service, or office uses, and improve the pedestrian experience in less intensive areas through the use of street trees, screen walls, and landscaping.
- 37. Chapter 8 DP 2.14 Town Squares and Plazas Require redevelopment areas and new development to provide appropriately scaled open space such as town squares, plazas, or other public or private spaces that can be used as the focus of commercial and civic buildings.
- 38. Chapter 8 DP 2.15 Urban Trees and Landscape Areas Maintain, improve, and increase the number of street trees and planted areas in the urban environment.
- 39. Chapter 8 DP 2.16 On-Premises Advertising Ensure that on-premises business signs are of a size, number, quality, and style to provide identification of the business they support while contributing a positive visual character to the community.
- 40. Chapter 8 DP 2.21 Lighting Maximize the potential for lighting to create the desired character in individual areas while controlling display, flood and direct lighting installations so as to not directly and unintentionally illuminate, or create glare visible from adjacent properties, residential zones or public right-of-way.
- 41. Chapter 8 DP 5.1 Neighborhood Participation Encourage resident participation in planning and development processes that will shape or re-shape the physical character of their neighborhood.
- 42. Chapter 8 DP 5.2 Neighborhood Involvement in the City Design Review Process Encourage neighborhoods to participate in the city's design review process.
- 43. Chapter 9 NE 1.2 Stormwater Techniques Encourage the use of innovative stormwater techniques that protect ground and surface water from contamination and pollution.
- 44. Chapter 9 NE 2.3 Native Tree and Plant Protection Preserve native vegetation in parks and other publicly owned lands in the design and construction of new public facilities.
- 45. Chapter 9 NE 4.3 Impervious Surface Reduction Continue efforts to reduce the rate of impervious surface expansion in the community.

- 46. Chapter 9 NE 14.2 New Plaza Design Develop plazas with native natural elements and formations, such as basalt, Missoula flood stones, stream patterns, river character, native trees, and plants that attract native birds.
- 47. Chapter 9 NE 15.5 Nature Themes Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region.
- 48. Chapter 10 SH 3.1 Support for the Arts Encourage public and private participation in and support of arts and cultural events in recognition of their contribution to the physical, mental, social, and economic wellbeing of the community.
- 49. Chapter 10 SH 3.2 Neighborhood Arts Presence Provide the regulatory flexibility necessary to support and encourage an arts presence at the neighborhood level.
- 50. Chapter 10 SH 3.7 Support Local Artists Solicit local artists to design or produce functional and decorative elements for the public realm, whenever possible.
- 51. Chapter 10 SH 4.1 Universal Accessibility Ensure that neighborhood facilities and programs are universally accessible.
- 52. Chapter 10 SH 6.1 Crime Prevention Through Environmental Design Themes Include the themes commonly associated with Crime Prevention Through Environmental Design (CPTED) in the normal review process for development proposals.
- 53. Chapter 10 SH 6.2 Natural Access Control Use design elements to define space physically or symbolically to control access to property.
- 54. Chapter 10 SH 6.3 Natural Surveillance Design activities and spaces so that users of the space are visible rather than concealed.
- 55. Chapter 10 SH 6.4 Territorial Reinforcement Employ certain elements to convey a sense of arrival and ownership and guide the public through clearly delineated public, semi-public, and private spaces.
- 56. Chapter 10 SH 6.5 Project Design Review Include the crime prevention principles of CPTED in any analysis of projects that come before the Design Review Board.
- B. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- C. On March 1, 2022 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- D. A State Environmental Protection Act (SEPA) Nonproject Determination of Nonsignificance was issued by the City of Spokane on March 28, 2022 and a 14-day

Findings of Fact, Conclusion, and Recommendation Design Guidelines Ordinances

comment period commenced March 28, 2022 through April 11, 2022. No comments were received during the comment period.

- E. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- F. A legal notice of public hearing was published in the *Spokesman-Review* on March 30 and April 6, 2022.
- G. The Plan Commission held a public hearing on April 13, 2022 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- 1. The Plan Commission has reviewed all public testimony received during the public hearing.
- 2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

Findings of Fact, Conclusion, and Recommendation Design Guidelines Ordinances

RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the New Design Guidelines Project, by a vote of 8 to 0, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines Project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.515, 17C.255.520, 17C.255.525, and 17C.255.530.

Gregory F Francis
Gregory F Francis (Apr 14, 2022 19:15 PDT)

Greg Francis, Vice-President Spokane Plan Commission

Apr 14, 2022

2022-04-13_PC Findings and Conclusions

Final Audit Report 2022-04-15

Created: 2022-04-15

By: Jackie Churchill (jchurchill@spokanecity.org)

Status: Signed

Transaction ID: CBJCHBCAABAAJtrNpSFwb9cwlrgkVjC8Q8gwJQdlGi6L

"2022-04-13_PC Findings and Conclusions" History

Document created by Jackie Churchill (jchurchill@spokanecity.org) 2022-04-15 - 0:12:45 AM GMT- IP address: 73.83.158.109

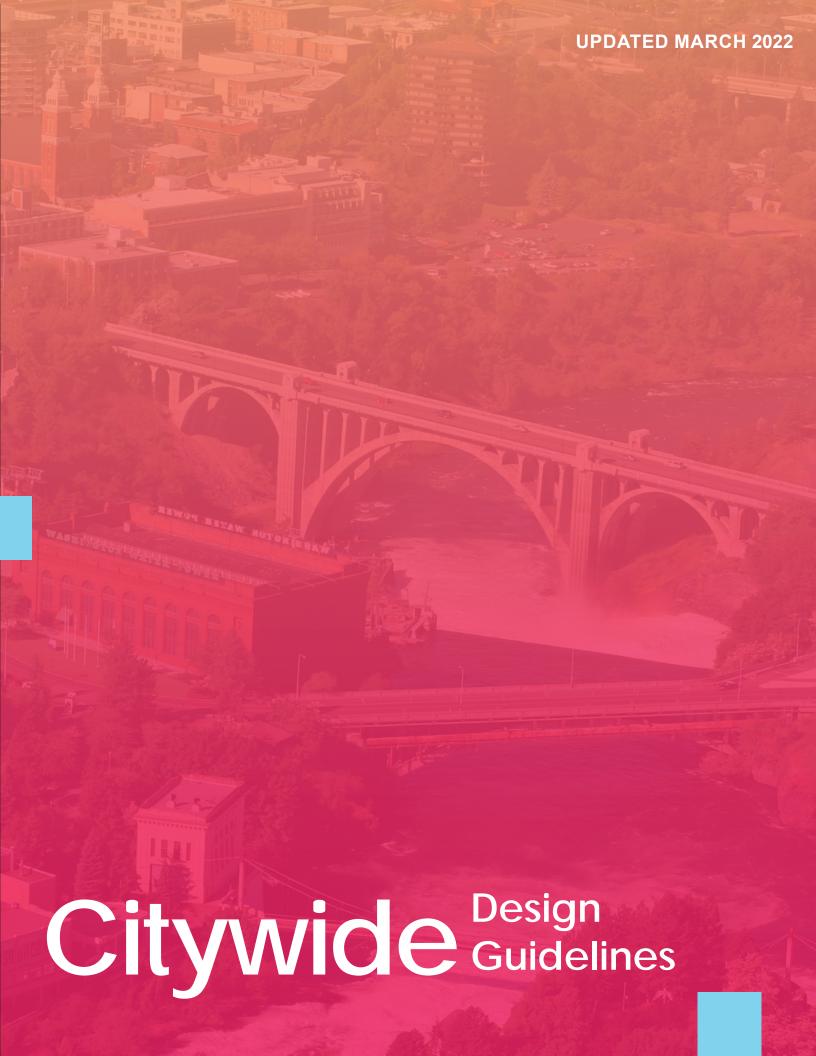
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Email viewed by Gregory F Francis (gfrancis@spokanecity.org) 2022-04-15 - 2:15:20 AM GMT- IP address: 73.225.178.203

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Agreement completed. 2022-04-15 - 2:15:54 AM GMT



Publication Page & Date



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Landscape Architect

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The the City of Spokane Design Guidelines for Skywalks were developed in collaboration with residents, community organizations, agency partners, and the City of Spokane.

The City of Spokane hired Urbsworks, an urban design firm out of Portland, to assist with Phase I of the project: initial research, workshops, and findings. City staff used the information presented by Urbsworks to complete Phase II: writing the guidelines and presenting them to the technical team, stakeholders, and the general public before bringing the guidelines to City Council for approval.

CITY OF SPOKANE

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2 | Citywide Design Guidelines

Project background, explanation, purpose

Guideline vs. Standard What is a Design Guideline?

Design Guidelines: A set of design parameters for development which apply within a design district, sub-district, or overlay zone.

The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design. (Spokane Municipal Code 17A.020.040.L)

In practice, since design review is an advisory process only, the adopted Design Guidelines help guide conversations that Urban Design staff and the Design Review Board have with a design review applicant.

... Ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan. (Spokane Municipal Code 04.13.015.B)

The guidelines help ensure that these conversations, and the advice rendered, stays focused on the community's set of aesthetic expectations for the public realm elements of a project or plan.

How is this different than a Design Standard?

Design Standard: an obligatory design requirement for any project.

These standards are not advisory, they must be followed – just like the requirements in the building code, fire code, or electrical code.

The design review process cannot waive compliance with these standards.

While Design Standards and Design Guidelines are similar in that they are both about a project's design, they differ mostly in that the standards are mandatory obligations applied to that project – while guidelines are a list of relevant subjects, and examples, intended to improve the design of any project subject to design review.

The standards were adopted to ensure that all development in the city achieve a minimum quality of design.

The guidelines are used in order to improve the quality of design above bare minimums, for a select set of projects. Those projects have already been identified by the community for special consideration.

CityWide Design Guidelines

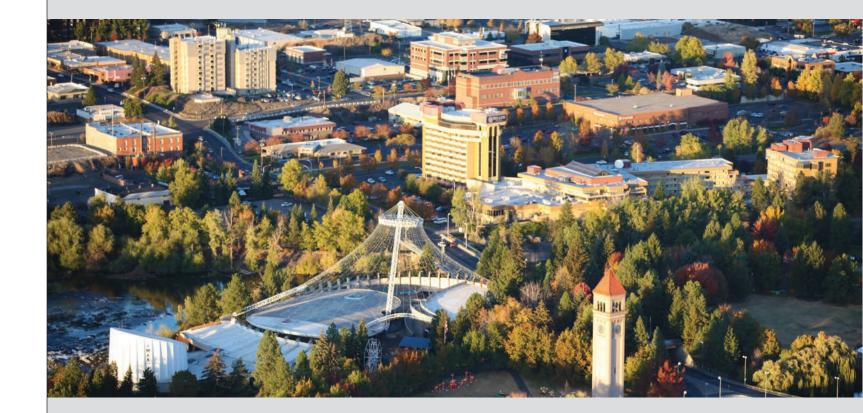
This is not a type of project or development, but may be best described as a set of urban design Best Management Practices. The reason these are necessary relates back to why we have design guidelines in the first place – in order to facilitate effective conversations about a project or plans design elements in order to meet the community's aesthetic expectations.

When would such guidelines be used?

- When Urban Design staff or the Design Review Board are asked to provide advice on a Plan (not connected to a development proposal).
- When Urban Design staff or the Design Review Board are tasked with evaluating a Design Departure (to determine whether an alternative design is superior in design and may qualify for a departure).

When Urban Design staff or the design Review Board are asked to provide advice in unique projects that have no adopted design guidelines.

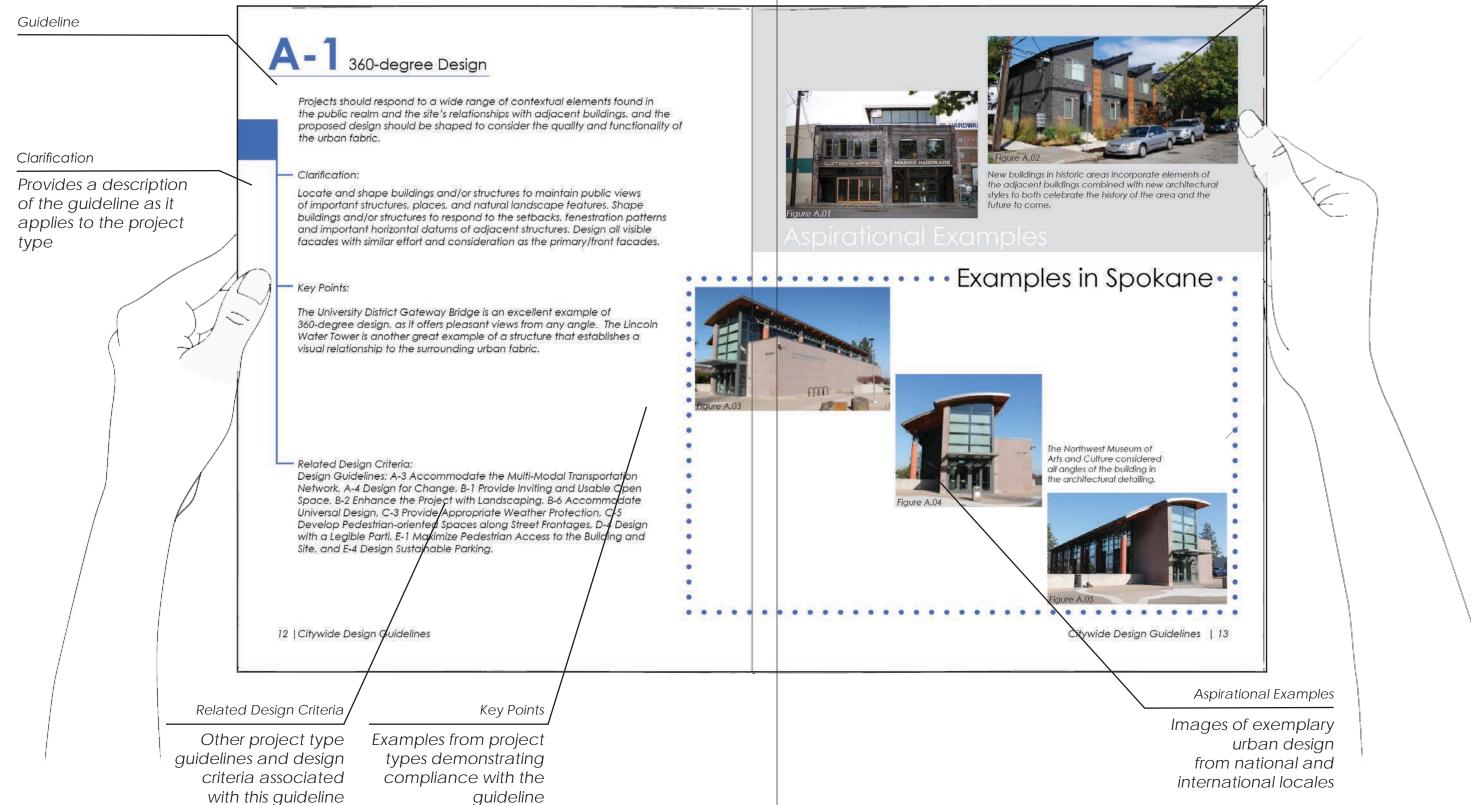
proposal



How to use this booklet

<u>Images</u>

Visuals to reinforce the explanatory text



Guidelines



A URBAN DESIGN

Area of Influence: Region, City, Neighborhood, District

Design Objective

Urban Design guidelines assist designers and developers in recognizing and respecting physical systems that extend beyond the site so projects can respond to regional, municipal, neighborhood, and district patterns in space and time. Any new intervention should extend, mend, connect, or enhance the context through all aspects of the project, big and small—from public amenities to site design to the street-path network serving all modes of transportation,

natural systems (e.g., natural resources, stormwater flow, topography, land forms), or historic settlement patterns.



A-1 360-degree Design

Projects should respond to a wide range of contextual elements found in the public realm and the site's relationships with adjacent buildings, and the proposed design should be shaped to consider the quality and functionality of the urban fabric.

Clarification:

Locate and shape buildings and/or structures to maintain public views of important structures, places, and natural landscape features. Shape buildings and/or structures to respond to the setbacks, fenestration patterns and important horizontal datums of adjacent structures. Design all visible façades with similar effort and consideration as the primary/front façades.

Key Points:

The University District Gateway Bridge is an excellent example of 360-degree design, as it offers pleasant views from any angle. The Lincoln Water Tower is another great example of a structure that establishes a visual relationship to the surrounding urban fabric.

Related Design Criteria:

Design Guidelines: B-1: Provide Elements that Define the Place, B-2: Provide Context Sensitive Signage and Lighting, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas





New buildings in historic areas incorporate elements of the adjacent buildings combined with new architectural styles to both celebrate the history of the area and the future to come.

Aspirational Examples

Examples in Spokane





The Northwest Museum of Arts and Culture considered all angles of the building in the architectural detailing.



A-2 Provide a Sustainable Framework

Design projects to incorporate sustainable design and energy efficiency principles.

Clarification:

Projects should be designed to meet the City's environmental policies by enhancing the urban forest canopy - to reduce urban heat island effects and reduce stormwater runoff, and improve the utilization of renewable energy resources - like hydropower and solar power.

Promote resilient development by choosing sustainable design and building practices whenever possible. Employ passive solar design in façade configurations, treatments and materials. Employ techniques and technologies to improve the ecological performance of the building, structure and site improvements.

Key Points:

Developments should refer to policies contained within the city's Sustainability Action Plan. The Integrated Science and Engineering building on the Gonzaga University campus (see figure A.08) is an exellent example of reducing the ecological footprint. The Carnegie Library on Monroe Street (see figure A.09) is a wonderful example of reusing/repurposing an existing structure. The Hive on Sprague Avenue (see figure A.10) incorporates the recycling of storwater runoff.

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-4: Universal Design, E-1: Maximize Pedestrian Access to the Building and Site, E-4: Design Sustainable Parking



The Scottish Parliament Building in Edinburgh, Scotland was built on a brownfields site, incorporates public transit, and was built to require less heating and cooling than conventional structures.

Lurie Garden in downtown Chicago's Millennium Park is in fact a green roof over a parking garage. The ability to lower urban temperatures, capture rainwater, and the use of perennial plantings all make Lurie Garden an exceptional example of sustainability.



Aspirational Examples

Examples in Spokane

Solar panels, rain gardens to capture surface runoff, and the re-use of old buildings are all great ways to conserve natural resources.







A-3 Accomodate the Multi-modal Transportation Network

Design projects to create livable and memorable places within desirable environments where people want to spend time engaging in social, civic, and recreational activities.

Clarification:

'Multi-modal' includes all forms of transportation (walking, biking, transit riding, and driving) without exclusion. Projects that encourage connections with a variety of transit modes and enhance their immediate environment with amenities are highly encouraged. 'Multi-modal' includes all forms of transportation (walking, biking, transit riding, and driving) without exclusion.

Key Points:

The SCC Adult Continuing Education Center at 2310 North Monroe (see figure A.12) incorporates easy access to mass transit while providing expanded access to the bicycle network. It also hosts a neighborhood farmers market in its parking lot, easily accessed by these alternative modes of transportation.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-4: Design for Change, B-3: Design for Personal Safety and Security, B-4: Universal Design, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-4: Design Sustainable Parking



Figure A.11 Transit hubs incorporate all modes: vehicle, rail, bus, bike and pedestrian users.

Aspirational Examples

Examples in Spokane



This bus stop in the Emerson Garfield neighborhood is part of the Rapid Transit network, and delivers riders directly to the neighborhood farmers market during the summer.

A-4 Design for Change

Design projects to be flexible enough to respond to future changes in use, lifestyle, and demography.

- Clarification:

This means designing for energy and resource efficiency; creating flexibility in the use of a property via generous ground floor height dimensions and a capacity to access the public realm at multiple points along the property's frontage, encouraging new approaches to transportation, traffic management and parking through the way public spaces and service infrastructure are incorporated into a project's design.

Key Points:

The Spokesman Review's newspaper press building (see figure A.17) was designed in such a way that multiple ground floor tenants could face the street, as is evidenced by the Dry Fly Distillery's ability to use the building. The Carnegie Library on Monroe Street now hosts multiple office tenants.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, B-4: Universal Design, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-4: Design with a Legible Parti, E-1: Maximize Pedestrian Access to the Building and Site, E-4: Design Sustainable Parking

Tanner Springs
Park in Portland,
Oregon emulates
the original wetlands
that existed before
the city was built. It
collects and purifies
rainwater and
provides a habitat
for urban wildlife.



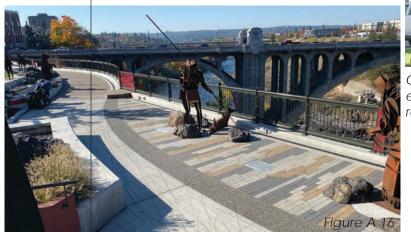


The Promenade Plantee in Paris is a 2.9 mile long park and walkway created from a defunct elevated rail line. Shops and businesses occupy the space beneath the park, which used to be empty arches.

Aspirational Examples

Examples in Spokane







Originally built to house the Spokesman Review's expanded print operation, this building has been refurbished as a local distillery.

B PUBLIC AMENITIES

Area of Influence: Public Realm

Design Objective

Public Amenity guidelines assist designers and developers in creating projects that enhance the public realm; including streetscapes and open spaces.



B-1 Provide Elements that Define the Place

Provide special elements on the façades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable 'sense of place' associated with the building/structure and site.

Clarification:

Renovations, restorations, and additions should respect nearby historic features. New buildings and/or structures in historic districts should strive to reflect the existing urban fabric and the predominate architectural features within the surrounding context.

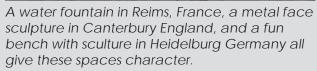
Key Points:

The façade of the Philanthropy Building on Riverside Avenue incorporates local elements such as sheaves of wheat, ponderosa pine boughs, and Native American busts with headdresses as column capitals that appear to reference the indigenous Spokani peoples.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-2: Provide Context Sensitive Signage and Lighting, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-4: Design with a Legible Parti D-5: Enhance the Skyline









Aspirational Examples

Examples in Spokane

Park structures built out of basalt (from the original Olmstead Brothers Parks) are unique to Spokane's history and culture.

reflective statues bring character and interest to the uiversity district.





B-2 Provide Context Sensitive Signage and Lighting

Design signage appropriate for the scale and character of the project and immediate neighborhood.

Clarification:

All signs should be oriented to pedestrians and/or persons in vehicles on streets within the immediate neighborhood. Provide appropriate levels of lighting on the building façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and on signage.

Key Points:

The businesses located in the Garland District, with their subdued use of neon and quaint architectural detailing provide an ideal mix of contextually sensitive signage and lighting.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, B-4: Universal Design, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas



Artistic light displays offer a beautiful as well as safe pedestrian experience at night.





Signage in a park in London, England matches the other wrought iron fixtures throughout the park.

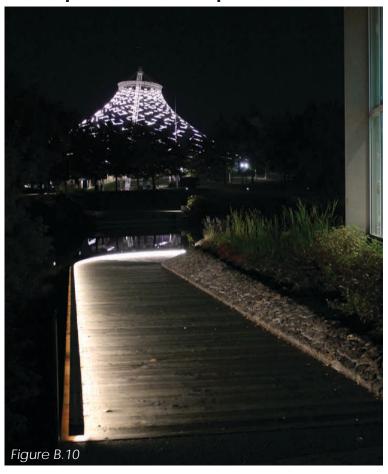
Aspirational Examples

Examples in Spokane



Left: bright yellow letters announce the entrances to Riverfront Park in downtown Spokane.

Outside the Looff Carousel in Riverfront Park, Path lighting helps pedestrians avoid the edge of the path, and falling onto the Spokane River.



B-3 Design for Personal Safety and Security

Promote a sense of security for people during nighttime hours. Design the building/structure and site to promote the feeling of personal safety and security in the immediate area.

· Clarification:

Implement appropriate Crime Prevention Through Environmental Design (CPTED) principals, with a heightened focus on increasing eyes-on-the-street to improve passive security.

Key Points:

The four elements of CPTED are natural surveillance, access control, territorial reinforcement, and space management. Public areas on the Gonzaga University Campus are designed specifically for the personal safety of students, staff, and faculty. These spaces are well lit, well defined, easily viewed by all patrons, and minimize hiding opportunities.

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, B-2: Provide Context Sensitive Signage and Lighting, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages



Plentiful and attractive lighting, stone bollards, and striping of pedestrian crossing offer pedestrians a means of safe travel.

Aspirational Examples





Examples in Spokane.



Left: fencing on the university district bridge prevents users from falling.

Right: Well marked street crossings, hand rails, and textured edge markings ensure bus users at this rapid-transit stop are safe when approaching their bus.



B-4 Universal Design

The Public Realm should be barrier-free, ergonomic, and accessible by all people regardless of physical ability or level of impairment.

Clarification:

Projects shall be safe and accessible and contribute to a better public realm for people of all ages, genders, and abilities, especially the most vulnerable - children, seniors, and people with disabilities.

Key Points:

Spokane Falls Community College with its ample pedestrian boulevard and intersecting landscaped quads provides an excellent example of a space designed to accommodate the broadest demographic of patrons with varying degrees of ability.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-5: Provide Inviting and Usable Open Space, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages



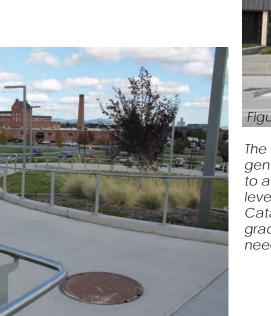
These public areas all provide easy movement for every age and mobility level.

y age





Examples in Spokane





The university district bridge has gently sloping access ramps to allow people of all mobility levels to use the bridge. The Catalyst building entrance is atgrade, therefor eliminating the need for stairs or ramps.

B-5 Provide Inviting and Usable Open Space

Design public open spaces to promote a visually pleasing, healthy, safe, and active environment for workers, residents, and visitors.

Clarification:

Views and solar access from the principal area of the open space should be emphasized.

Key Points:

The Washington State University Spokane Campus (see figures B.23 and B.24) has several well-composed outdoor areas for its students, staff, and faculty in which to work and enjoy. These spaces are well-lit, beautifully landscaped, and have ample seating.

Related Design Criteria:

Design Guidelines: B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, D-3: Maintain the Prevailing Street Edge, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages



The shoreline of Lake Geneva in Vevey, Switzerland separates vehicular traffic from pedestrian spaces with a series of linear raised planter beds.

The Promenade Plantee in Paris is a 2.9 mile long park and walkway created from a defunct elevated rail line. Shops and businesses occupy the space beneath the park.

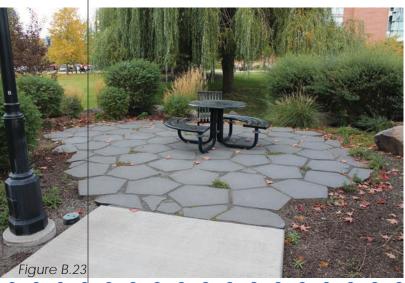


Aspirational Examples Figure B.22

Examples in Spokane



These areas in the university district are quiet, beautiful spaces to relax, eat, and study.



Enhance the Project with Landscaping

Enhance the building/structure and site with generous landscaping which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Clarification:

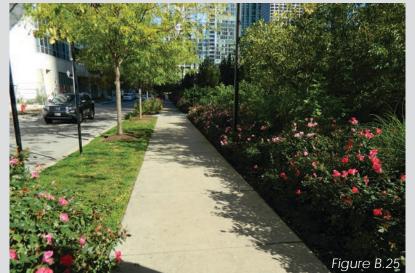
This guideline encourages the inclusion of elements such as special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material. The use of native and naturalized plants helps to ensure the landscape survives through harsh weather, while also providing the space with a connection to the regional landscape.

Key Points:

An otherwise plain gray wall and staircase are softened by plantings in this courtyard on the Washington State University Spokane Campus (see figure B.27). A mix of evergreens, deciduous shrubs, and grasses provide rich variety and texture.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, D-1: Create Transitions in Bulk and Scale, D-2: Design a Wellproportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge D-4: Design with a Legible Parti, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas, E-4: Design Sustainable Parking





Left: This street in Portland, Oregon, uses trees, lawn, and flowering shrubs to soften the streetscape.

ASPITATIONAL EXAMPLES England combines greenspace with a between the sidewalk and drive aisle.

Right: This fence and planter in London, England combines greenspace with a buffer

Examples in Spokane



The landscaped terraces along the road in Manito Park provide visual interest and beauty.

A serene courtyard in the university district provides a calm and beautiful place to relax or study.



C PEDESTRIAN ENVIRONMENT

Area of Influence: Public Realm

Design Objective

Pedestrian Environment guidelines assist designers and developers in creating skywalks that define the pedestrian environment.

The intent of the guidelines is to promote a safe and healthy environment where the pedestrian is the priority.

While there is a need for automobile, bicycle and transit in Spokane, in all cases the most important consideration is the ease of pedestrian movement.

Where intersections with other transportation modes occur, the pedestrian's comfort, safety and best interests must not be compromised.

The pedestrian should be unimpeded and relatively comfortable in all seasons and hours of the day, in all areas of Spokane.



C-1 Design Façades at Many Scales

Design architectural features, fenestration patterns, and material compositions that refer to the human activities contained within or surrounding the building/structure.

Clarification:

Building or structure façades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation. A building's or structure's façade should create and reinforce a 'human scale' not only at the street level, but also as viewed from farther away.

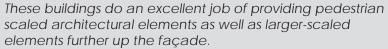
Key Points:

The front façade of the John J. Hemmingson Center on the Gonzaga University campus (see figure C.05) uses a composition of shapes that establish relationships between the interior uses and the exterior expression. This composition emphasizes a human-scaled primary entrance at its most public interface. A similar, larger scale composition is emulated in the more private building functions.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-5: Enhance the Skyline







Camples Figure C.03

Examples in Spokane



Left: the façade modulation and differing textures of Salk Middle School provide great variation in scale.

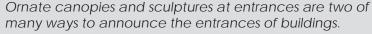
Right: the canopy over the door and how the entrance is stepped back provide pedestrian scale, while the upper floor projection provides higher level scaling.



C-2 Reinforce Primary Building Entries

Design primary building or structure entries to promote pedestrian comfort, safety, and orientation.







Clarification:

This guideline refers to the incorporation of hierarchical components to improve the legibility of the public realm by emphasizing the primary entrance to a building or open space. Such components may include wayfinding signage, unique architectural features, overhead weather protection, unique landscape features, and key lighting.

Key Points:

The primary building entry at the Thirteen-o-Nine building (see figure C.09) is well enforced by wayfinding signage, arcade articulation, and public realm enhancements such as landscaping and sidewalk improvements.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, E-1: Maximize Pedestrian Access to the Building and Site

Aspirational Examples

Examples in Spokane

Both these buildings use a projecting canopy as an entrance reinforcement.





Develop Pedestrian-oriented Spaces Along Street Frontages

Designs should create human-scale spaces in response to how people engage with their surroundings, by prioritizing active street frontages, clear paths of pedestrian travel, legible wayfinding, and enhanced connectivity.



This strategy promotes healthy living, increases economic activity at the street level, enables social interaction, creates equitable and accessible public spaces, and improves public safety by putting eyes and feet on the street.

Key Points:

A key component of a pedestrian-oriented space is the provision of all-weather physical comfort. This can be achieved through the strategic placement and selection of street trees, overhead weather protection, and the provision of hardscaped and softscaped surfaces to accommodate a variety of social activities.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-3: Accomodate the Multimodal Transportation Network, A-4: Design for Change, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, -1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas







Streetscapes in Switzerland, France, and gure C.10 Chicago all provide excellent separation of vehicle and pedestrian spaces along street

Examples in Spokane





Left: the transit hub outside the Catalyst building provides a comfortable space to wait for buses and provides universal access up to the university district pedestrian bridge.

Right: pathway on Desmet Avenue on the Gonzaga University campus uses street trees to separate the drive aisle and parking from the sidewalk.



Provide High Quality Walkable Design for the Public Realm

Create a high-quality public realm that supports the culture of walking and non-motorized transportation.

Clarification:

Design the site and building or structure so that pedestrian access is convenient, and the environment is comfortable, memorable, and attractive. Use materials at street level that create a sense of permanence and bring life and warmth to the Public Realm. Streets, alleys, trails, and public spaces work together to provide opportunities for civic, cultural, economic, and social activities. This guideline would also apply to open space located within the public realm.

Key Points:

Provide accomodations for casual walking, ample opportunities for seating, design elements that woud moderate the effects of adverse weather, integrate landscape features, and provide appropriate lighting.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-3 Accommodate the Multi-Modal Transportation Network, A-4 Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-5: Provide Appropriate Weather Protection, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas



Pedestrian areas in London, Portland Oregon, and Chicago Illinois provide excellent spaces to walk, relax, and recreate in the public realm.

Figure C.1



Aspirational Examples

Examples in Spokane





Pedestrian spaces in Spokane's hospital district offer wide walking paths, well-kept landscape areas, easy movement for wheeled pedestrians and integrated seating areas.

C-5 Provide Appropriate Weather Protection

Provide a continuous, well-lit weather protection to improve pedestrian comfort and safety along pedestrian routes.

Clarification:

Such protection should address wind, sun, and precipitation throughout the year. This may be achieved through the use of overhead weather protection (marquees, awnings, arcades, etc.), generous inclusion of an urban forest canopy, heated sidewalks to avoid ice build-up, windbreaks (walls or landscape materials), etc.

Key Points:

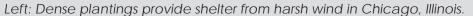
The examples provided (see figures C.23-C.25) depict many of the ways of introducing approporate weather protection.

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, E-1: Maximize Pedestrian Access to the Building and Site







Middle: a large canopy over a plaza in Portland, Oregon offers shelter from rain.

Right: a pedestrian retalil street is sheltered by a glass and steel canopy



Aspirational Examples





Examples in Spokane.



Top lef: the entrance to the Parkview Apartments building provides canopies along the street and a protected arcade to the front door.

Bottom left: the arcade around the Catalyst building shelters pedestrians and provides covered access down to adjacent trails.

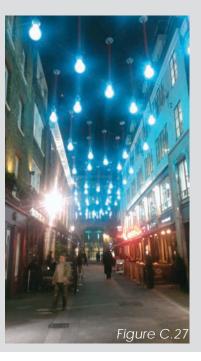
Right: Large, well established street trees provide ample cover from harsh sun in Spokane's arid summers.

C-6 Enhance Alleyways

Increase pedestrian safety, comfort, and interest along alleyways.



Alleys in Brussels and London offer pedestrian-only access to great retail and eateries.



Aspirational Examples

Clarification:

Where alleys are adjacent to the site, develop the alleyway to respond to the unique conditions of the site or project. Consider uses that work synergistically with frontage sidewalks and more public spaces - alley improvements should not supplant or interfere with building frontages and primary entrances. Improvements should not interfere with the utilitarian functions of the alleyway.

Key Points:

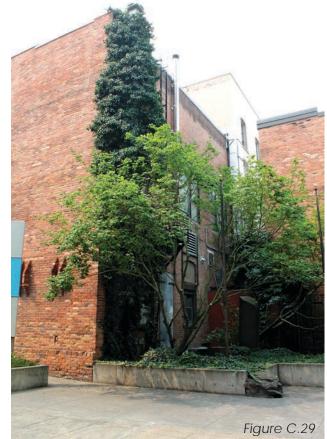
Incorporate public art, lighting, specimen landscaping, and furniture that minimize encroachment within the alley space (e.g. murals, festoon lighting, potted plants, and mobile furniture).

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, E-1: Maximize Pedestrian Access to the Building and Site, E-3: Minimize the Presence of Service Areas

•••• Examples in Spokane••





Plants soften the sharpness of buildings and are a great means to screen mechanical equipment.

ARCHITECTURAL EXPRESSION

Area of Influence: Building, Structure, & Site

Design Objective

Architectural Expression guidelines assist designers and developers in creating skywalks that relate to the neighborhood context and promote quality development that reinforces the individuality, spirit, and values of Spokane. The guidelines are intended to promote architectural design that is complementary to Spokane's heritage

and character. The following objectives and guidelines for Spokane primarily address the exterior of skywalks and their relationship to its architectural surroundings.



Create Transitions in Bulk and Scale

A building or structure's form should provide a transition in height, bulk, and scale of the overall development from neighboring or nearby areas with less intensive development.



This guideline refers to typical transitions found in the Spokane area, which are often demonstrated with building stepbacks, articulations of building planes and materials, and variable roof heights.

Key Points:

The Schade Building (see figure D.05) and the Liberty Park Branch Library (see figure D.04) offer excellent examples of appropriate transitions in bulk and scale.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline





Left: a building in Frankfurt, Germany uses curvilinear glazing to reduce the structure's bulk.

Center: the undulating wall of Tanner Springs Park in Portland, Oregon creates a fun transition between the surrounding office buildings and the sunken natural area.

Right: skyscrapers in Chicago, Illinois use step backs to reduce bulk.

Aspirational Examples



Examples in Spokane



Above: Step backs and terraced portions in the Schade Building lessen the overall bulk and massing of this former brewery.

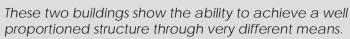
Left: The single story sloping roof line of the Liberty Park Branch Library, with the lowest portions of the structure facing the adjacent residential areas offers a smooth transition to the surrounding neighborhood.



Design a Well-proportioned and Unified Building/Structure/Site

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building/structure that exhibits a coherent conformance with the original parti.





This terraced hedge in Chicago softens the hardscape and brings balance to the space.

Aspirational Examples





Clarification:

Design the architectural elements and finish details to create a unified building/structure, so that all components appear integral to the whole.

Key Points:

The Catalyst Building (see figure D.10) uses its own strong architectural language to establish a unified composition (horizontal and vertical elements expressed both on the building façades and in the surrounding landscape), whereas the Liberty Park Branch Library (see figure D.09) adopts a spatial language from the surrounding park to build a unified composition. Both buildings are well-proportioned and approach composition from different perspectives.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, D-4: Design with a Legible Parti, D-5: Enhance the Skyline

Examples in Spokane

Right: the Catalyst Building's strong horizontal alignments, tree placement, landscape features and paving patterns all work to create a well unified composition.





Left: the Liberty Park Branch Library utilizes a contemporary architectural language and a subtle interplay of transparent and opaque building elements to integrate the building into the surrounding park, creating a unified composition.

D-3 Maintain the Prevailing Street Edge

Design new buildings/structures to help define and maintain the street edge.









Aspirational Examples

Clarification:

Building/structure and site frontages should have active and direct engagement to the street to support pedestrian-oriented activity. Street edges help define public space and promote a continuity of urban fabric along with supporting a pedestrian-oriented experience.

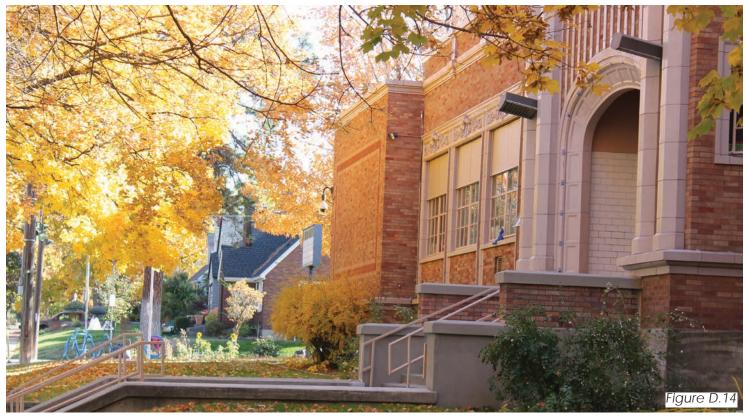
Key Points:

The scale and harmony of architectural expressions along a block are key features that contribute to a public realm's ability to support vibrant pedestrian activity. Street edges are the "walls" that define the public room of every well-composed streetscape.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages

Examples in Spokane

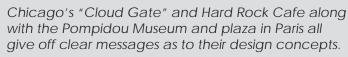


The façade of Wilson Elementary School precisely aligns to the façade of the homes down the street.

D-4 Design with a Legible Parti

A good design has a central organizing thought or decision guiding the overall concept. This influencing precept can be depicted as a simple diagram and explanatory statement typically referred to as a parti.









Aspirational Examples

Clarification:

Since the design of a site, public realm, and building/structure should have an organizational concept experienced through scale, proportion, enclosure, and compositional clarity. This parti should not be modified during the design evolution of a project, but should serve as a guide to resolve design issues throughout the maturation of the project.

Key Points:

The outdoor plaza at the WSU nursing building (see figure D.18) expresses all of the organizational ideas for the larger adjacent buildings. As such, the plaza is a good example of a constructed parti diagram.

Related Design Criteria:

Design Guidelines: A-4: Design for Change, B-1: Provide Elements that Define the Place, B-6: Enhance the Building and Site with Landscaping, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-5: Enhance the Skyline

Examples in Spokane • :





Left: this tucked-away courtyard in the university district strives to emulate the natural landscape of Spokane.

Right: the parti of this space is undoubtedly centered on a religous experience.

D-5 Enhance the Skyline

Design the upper portions of taller buildings to create visual interest and variety in the City, Neighborhood, and/or District skyline.



Various notable skylines around the world: Singapore (Malaysia), New York City (USA), and Frankfurt (Germany).





Aspirational Examples

Clarification:

Respect noteworthy structures within the vicinity of a project site, in order to respond and contribute to the skyline of the surrounding built context. In this guideline, the term "skyline" is scalar in nature. That is, the larger city has a specific skyline defined by it's tallest structures. Neighborhoods, districts, and blocks also have unique skylines defined by their taller structures (which may not correspond with the tallest buildings in the surrounding city).

Key Points:

The Shadle Water Tower (see figure D.23) accentuates the surrounding commercial and institutional buildings by serving as a landmark feature that defines the neighborhood. The University Gateway Bridge (see figure D.24) enhances the skyline by contrasting the verticality of the arch with the horizontal nature of the railroad corridor.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-2: Provide Context Sensitive Signage and Lighting, C-1: Design Façades at Many Scales, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-4: Design with a Legible Parti

Examples in Spokane



The iconic shape and colors of the Shadle Water Tower can be clearly seen from viewing points around the city.



The arch of the university district pedestrian bridge contributes its sleek design to the Spokane skyline.

ACCESS & SCREENING

Area of Influence: Building, Structure, & Site

Design Objective

Access and Visual Impact guidelines assist designers and developers in creating skywalks that minimize adverse environmental impacts.



E 1 Maximize Pedestrian Access to the Building and Site

Minimize adverse impacts of curb cuts and drive-aisles on the safety and comfort of pedestrians.



Large entry plazas separated from vehicular travel, pedestrianscale lighting, seating, and landscaping all ensure safe and comfortable access to these public buildings.

Top left and right: open spaces in Portland Oregon. Bottom right: Scottish Parliament Building in Ediburgh, Scotland





Clarification:

This guideline refers to potential impediments to the free flow of pedestrians onto a site from the public realm. Vehicle turn lanes, curb cuts, service areas, and blank walls can all dissuade pedestrians from being able to comfortably approach, or cross adjacent to, buildings and sites.

Key Points:

Both the Liberty Park Branch Library (see figure E.03) and the pedestrian walkways of the Gonzaga University campus quad (see figure E.04) demonstrate highly accessible pedestrian spaces. While these spaces can easily accommodate vehicular traffic (e.g. service vehicles), the movement of these vehicles is clearly subservient to the safety and free flow of pedestrian movement.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas

Examples in Spokane





Above: the Liberty Park Branch Library entrance seamlessly incorporates univeral pedestrian access. Paths are at such a gentle slope that handrails are not required.

Left: wide pedestrian-only pathways provide students easy and safe routes to university buildings.

E-2 Minimize the Impact of Parking Facilities along Street Frontages

Minimize the visual impact of parking by designing parking facilities into the building/structure, e.g. below ground, behind veneer non-parking uses, or above the ground floor.



Top left: the parking garage is set back from the street and behind retail shops so it takes up minimal street frontage.

Top right: Plantings and a decorative wall screen the surface parking lot.

Bottom right: plants and decorative screens help screen the parking garage from view.

Aspirational Examples





Clarification:

This guideline's use of the term "parking facilities" refers to both parking structures and surface parking lots. Incorporate contextual architectural treatments or suitable landscaping to enhance the safety and comfort of people using the facility as well as passersby.

Key Points:

The Department of Environmental Quality's surface parking lot (see figure E.10) is screened from the street with enhanced landscaping. Gonzaga University's Hamilton Street parking garage (see figure E.09) is screened from the street by the introduction of a veneer of institutional space (campus office space and bookstore). In both cases, the visual presence of a higher concentration of parked vehicles adjacent to the street is either eliminated or mitigated.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-3: Accomodate the Multi-modal Transportation Network, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-3: Maintain the Prevailing Street Edge, E-1: Maximize Pedestrian Access to the Building and Site

Examples in Spokane





Left: this parking garage on the Gonzaga University campus incorporates retail and screens to minimize the visual impact.

Right: plantings are used to create a visual buffer between the parking lot and the sidewalk.

E-3 Minimize the Presence of Service Areas

Screen service areas and mechanical equipment from the view of passersby.



While an enclosure or screen are common ways to hide service areas and mechanical equipment, planting trees and shrubs in front of those areas can be just as effective.



Commissioning a local artist to paint a brick enclosure is a fantastic way to bring character to a space.

Aspirational Examples

Clarification:

Locate service areas for dumpsters, recycling facilities, loading docks and mechanical equipment away from street frontages where possible. Minimize adverse smells, sounds, views, and physical contact by keeping such service areas away from the public realm.

Key Points:

The loading dock at the Washington State University's nursing building (see figures E.13 and E.14) is screened from the adjacent plaza space by a concrete ventilation shaft and heavy landscaping.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site

Examples in Spokane.

A tall concrete service area accessed by large delivery trucks is tucked behind the spruce tree in this image.



The same service area as above, from a different angle



E-4 Design Sustainable Parking

Design places for parking that mitigate automobile and impervious surface impacts to air, temperature, and water; and improve the City's visual and environmental quality.





Solar panels built into shade structures, charging for electric vehicles, rain gardens to capture surface runoff, and permeable paving are all excellent ways to fascilitate sustainable parking.



Aspirational Examples

Clarification:

This design guideline refers to all parking facilities (structures and surface lots). Consideration should be given to on-site stormwater infiltration/retention (e.g. permeable pavement), surface treatments that moderate heat island effects, and provide opportunities for energy conservation/generation (e.g. photovoltaic panels, electric vehicle charging stations).

Key Points:

The images associated with this guideline (see figures E.15-E.19) depict the broad range of ways this guideline can be implemented.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-6: Enhance the Building and Site with Landscaping,

• • • Examples in Spokane • •

Landscape swales designed to capture surface runoff from the adacent parking lot.



Landscape strip functions as a buffer between pedestrians and vehicles while also capturing and purifying surface runoff from the parking lot.



Glossary of Terms

Glossary of Terms

Action Approving Authority: Any City official that may initiate the design review process, accept final recommendations, or render final determinations regarding design review. Actions Approving Authorities at the City include the Hearing Examiner, the Planning Director, or the City Engineer. While not considered an action approving authority, the Plan Commission may request the Design Review Board's review and recommendations of any urban design portions of plans or codes under its consideration.

Active Street Edge: In addition to the four horizontal elements of sidewalks (see Sidewalk Zones), there are three distinct vertical zones on the ground floor façades of buildings adjacent to sidewalks. These are (see figure below):

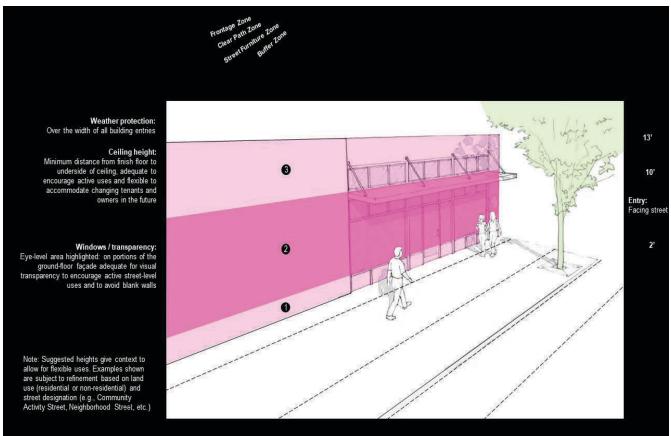


Image modified from the National Association of City Transportation Officials

1. Bulkhead/Kickplate Zone

The portion of the ground floor closest to the ground plane. Typically this zone ranges from 1- to 2-feet in height. This portion is often opaque and more resilient to impact.

2. Storefront/Window Zone

the greatest level of transparency, the purpose of which is to establish a visual connection between the activities within the building and those on the sidewalk.

3. Transom/Ceiling Zone

The portion of the ground floor with The portion of the ground floor accommodating transitional elements from the ground floor to the upper floors. Exterior elements often include marquees, awnings, transom windows, signage, and cornices.

Area of Influence: As every building and site rests within a variety of contexts, each design guideline category is provided with the relative scale in which potentially influencing factors may be found or wherein they may be expressed. These are, from largest to most local: Region, City, Neighborhood, District, Public Realm, Site, and Building/Structure.

Civic Use: Within the context of the Spokane Municipal Code, and the range of uses typically referred to as civic in nature, a Civic Use is an enclosed/conditioned space that can accommodate a range of public functions operating under the auspices of a government body. Such uses may include offices, public schools or colleges, public health clinics or hospitals, community centers, libraries, museums, fire houses, police stations, and courts of law.

Contextual: An attribute of a context area (similar to an Area of Influence), a project or design element that is contextual is one that responds to social, cultural, or historic stimuli that may influencing a site, structure, or building. A good example of contextual design is one that seamlessly weaves into an existing neighborhood or street.

de minimis Change: Any change to a project's design after the conclusion of design review that would have a negligible effect on the final recommendations provided to the City's action approving authority. See Substantial Change.

Design Departure: While the design review process cannot waive compliance with a design standard, a design departure can grant the approval of an alternative means of complying with a standard. The alternative design must comply with the decision criteria for design departures listed in the Unified Development Code (Spokane Municipal Code 17G.030.040.A-F).

Design Guideline: A set of design parameters for developments which apply to projects that would trigger design review. These parameters may be unique to a design district, sub-district, overlay zone, or to specific project types. The guidelines, as design criteria, are adopted public statements of intent and are used to evaluate the acceptability of a project's design (Spokane Municipal Code 17A.020.040.L). Design guidelines help ensure that the design review process will result in advice and recommendations rendered which stay focused on the community's set of aesthetic expectations for the projects being reviewed.

Design Standard: A set of design parameters for developments which apply to all projects within a specific land use category. These parameters are written into every zoning category of the Unified Development Code and compliance is obligatory.

Façade: The exterior wall of a building. While often associated with the front (or *face*) of a building, façades are typically those portions of a building's exterior that can be viewed from a public way or street.

Fenestration: The arrangement and design of penetrations in the exterior wall of a building, typically exterior windows and doorways. The term may encompass the pattern of open-air passageways through a building or the design of a building's arcade.

Green: See *Sustainable*

Living in Place: Related to Aging in Place, Living in Place refers to the design of a district, street, site, or building that is intentionally composed to be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. Unlike Aging in Place, Living in Place is not restricted to only accommodating the needs of people as they age.

Glossary of Terms (continued)

Parti: A good design has a central organizing thought or decision guiding the overall concept. This influencing precept can be depicted as a simple diagram and explanatory statement, typically referred to as a parti. As the design of a site, public realm, and building should have a comprehensive concept experienced through scale, proportion, enclosure, and compositional clarity this coordinating precept can be expressed in the parti's diagram and statement. A parti is derived prior to the development of a project's plan, section, or elevation diagrams.

Plinth: In urban design a plinth is defined as a projecting masonry coursing that forms a platform for a building. Such a course is typically knee-high, though taller plinths may be used to add monumentality to landmark buildings.

Public Realm: Those parts of the urban fabric that are held in common, either by physical occupation or visual association. This includes, but is not limited to plazas, squares, parks, vistas, streets, public frontages, private frontages, civic buildings, and certain spaces in commercial developments like the common areas of malls and hotels. There is an ethical and civic connotation to the term that transcends the mere physical, legal, or utilitarian. On a street, the public realm is the entire space formed by the adjacent buildings/structures and site

Resilient: See Sustainable

Sidewalk Zones: The various portions of a public sidewalk with discrete functions. These are (see figure. below):

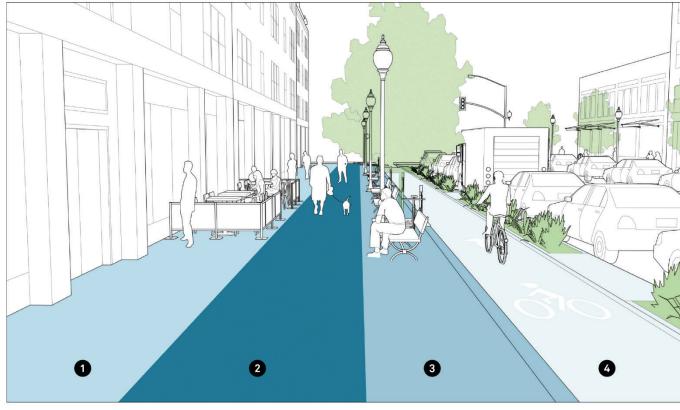


Image from Global Designing Cities and the National Association of City Transportation Officials

1. Frontage Zone

The section of the sidewalk that functions as an extension of the building, whether through entryways and doors or sidewalk cafés and sandwich boards. The frontage zone consists of both the facade and adequate place to of the building fronting the street and the space immediately adjacent to the building.

2. Clear Path Zone

The pedestrian clear path defined by the primary, dedicated, and accessible pathway that runs parallel to the street. The clear path ensures that pedestrians have a safe walk and should be 5-feet wide in residential settings and 7- to 12-feet wide in downtown or commercial areas with heavy pedestrian volumes.

3. Street Furniture Zone

The section of the sidewalk between the curb and the clear path, in which street furniture and amenities such as lighting, benches, newspaper kiosks, transit facilities, utility poles, tree pits, and cycle parking are provided. The street furniture zone may also contain green infrastructure elements such as rain gardens, trees, or flowthrough planters.

4. Buffer Zone

The space immediately next to the sidewalk that may consist of a variety of different elements. These include curb extensions, parklets, stormwater management features, parking, cycle racks, cycle share stations, and curbside cycle tracks.

Glossary of Terms (continued)

Substantial Change: Any change to a project's design after the conclusion of design review that may take a project out of compliance with the final recommendations provided to the City's action approving authority. A substantial change to a project's design would typically result in further design review, remanding the project back to either urban design staff or the full Design Review Board to determine if additional, or revised, recommendations are warranted.

Superior in Design Quality: A determination that an alternative means of complying with the intent of a design standard would result in a greater compliance with the set of applicable design guidelines than what would be potential achieved by complying with the requirements (R) or presumptions (P) written in the design standard's implementation section.

Sustainable: An attribute or action that does not completely use up or destroy a resource. A design element that is sustainable is one that can last for a long time or can be easily repaired using local and readily available materials and techniques. A design element may also facilitate an occupant or user lifestyle involving sustainable methods. Typically, sustainable efforts focus on reducing, reusing, and recycling of valuable and limited resources.

Thoroughfare: An all-encompassing term used to describe a public way whose principal function is to convey goods and people. This includes pedestrians, cyclists, transit riders, drivers, and heavy freight operators. The elements of thoroughfares include sidewalks (frontage zone, pedestrian through zone, furnishing/landscaping zone, curb zone), the flexible area (on-street parking, bicycling lanes), and the vehicle realm (travel lanes, transit lanes, turning lanes, boulevard landscaping). A term often used instead of *street*, as the latter can be limited in perception as a conveyance for motorized vehicles.

Urban Fabric: The physical aspect of urbanism. This term emphasizes building forms, streets, open space, streetscapes, and frontages, while excluding without prejudice ecological, functional, economic, and sociocultural aspects.

Visitability: A design solution for residential uses that eliminates major accessibility barriers. Visitability design includes the following three elements: 1) at least one zero-step entrance on an accessible route leading from a driveway or street sidewalk, 2) all interior doors being wide enough to allow a wheelchair to pass through, and 3) a least one toilet (half bath) on the main floor. A distinct advantage of incorporating these elements in a residential unit is that it will allow an easier conversion of a portion of the main floor into a non-residential use. A term related to Living in Place.

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Image Attributions- Citywide

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- Figure E.12: Mural on concrete masonry unit wall- courtesy of Thad Zajdowicz on Flickr: https://creativecommons.org/licenses/by/2.0/legalcode
- Figure E.13: Concrete wall covered in vines on WSU Spokane Campus- courtesy of Taylor Berberich- COS Staff
- Figure E.14: Secondary view of concrete wall showing service entrance- courtesy of Taylor Berberich- COS Staff
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- Figure E.17: Parking lot rain garden in Portland, Oregon- courtesy of Taylor Berberich- COS Staff
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Design Guidelines for Public Projects

Publication Page & Date



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The the City of Spokane Design Guidelines for Skywalks were developed in collaboration with residents, community organizations, agency partners, and the City of Spokane.

The City of Spokane hired Urbsworks, an urban design firm out of Portland, to assist with Phase I of the project: initial research, workshops, and findings. City staff used the information presented by Urbsworks to complete Phase II: writing the guidelines and presenting them to the technical team, stakeholders, and the general public before bringing the guidelines to City Council for approval.

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Project background, explanation, purpose

Guideline vs. Standard What is a Design Guideline?

Design Guidelines: A set of design parameters for development which apply within a design district, sub-district, or overlay zone.

The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design. (Spokane Municipal Code 17A.020.040.L)

In practice, since design review is an advisory process only, the adopted Design Guidelines help guide conversations that Urban Design staff and the Design Review Board have with a design review applicant.

... Ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan. (Spokane Municipal Code 04.13.015.B)

The guidelines help ensure that these conversations, and the advice rendered, stays focused on the community's set of aesthetic expectations for the public realm elements of a project or plan.

How is this different than a Design Standard?

Design Standard: an obligatory design requirement for any project.

These standards are not advisory, they must be followed - just like the requirements in the building code, fire code, or electrical code.

The design review process cannot waive compliance with these standards.

While Design Standards and Design Guidelines are similar in that they are both about a project's design, they differ mostly in that the standards are mandatory obligations applied to that project – while guidelines are a list of relevant subjects, and examples, intended to improve the design of any project subject to design review.

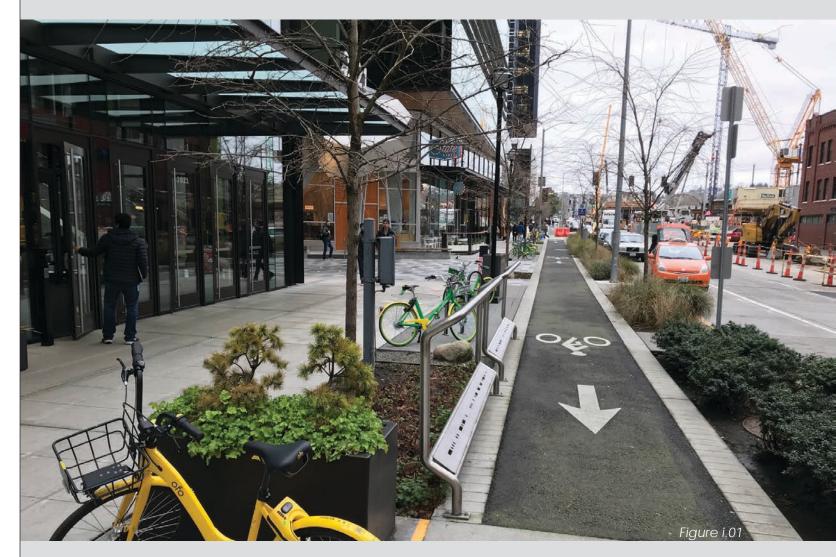
The standards were adopted to ensure that all development in the city achieve a minimum quality of design.

The guidelines are used in order to improve the quality of design above bare minimums, for a select set of projects. Those projects have already been identified by the community for special consideration.

Design Guidelines for Public Projects

All public projects in the city are subject to design review. Here's a brief list these kinds of projects:

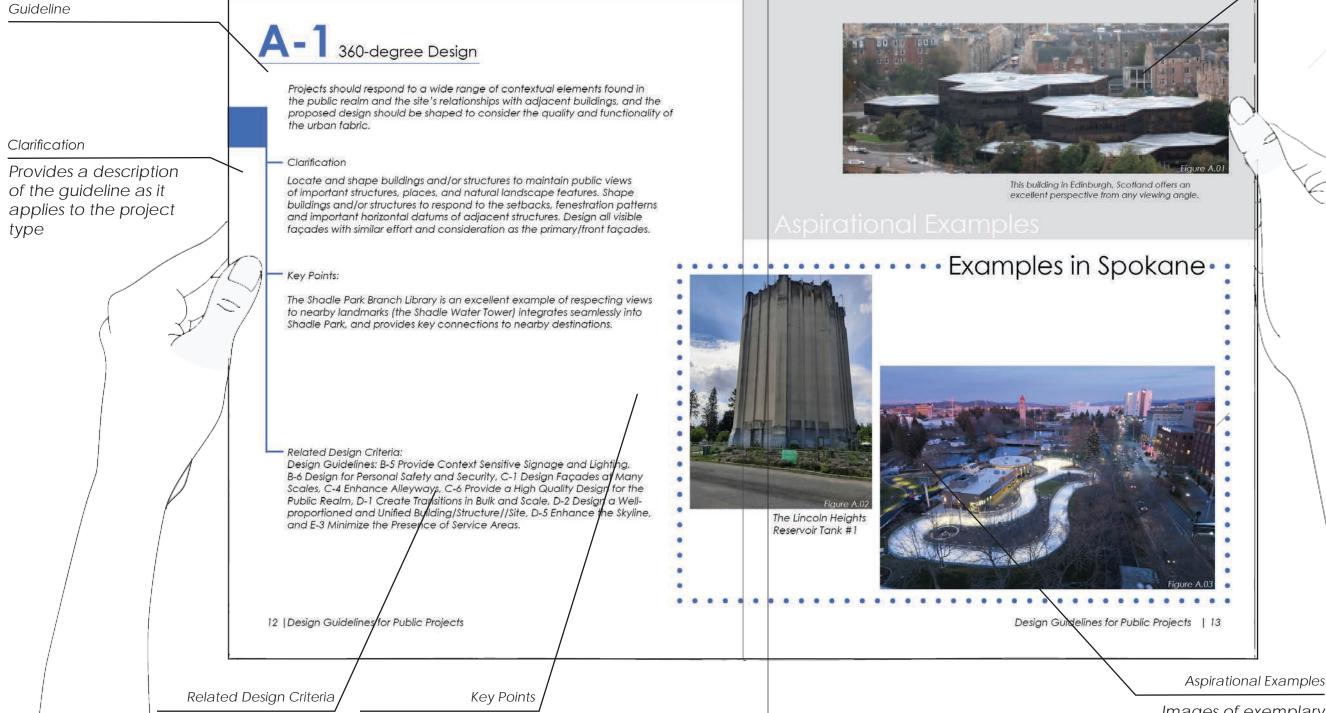
- All City of Spokane Projects (Parks, Bridges, Trails, City Buildings/ Structures, Open Space)
- Spokane School District Buildings and Structures Elementary Schools, Middle Schools, Senior Highs, Administrative and Maintenance Buildings)
- Charter School Building and Structures » Public Colleges and Universities Buildings and Structures (SCC, SFCC, EWU, WSU, UW)
- Spokane Public Libraries
- Spokane Transit Authority Buildings and Structures
- County, State, and Federal Buildings and Structures



How to use this booklet

Images





Images of exemplary urban design from national and international locales

Other project type

criteria associated

with this guideline

guidelines and design

Examples from project

types demonstrating

compliance with the

guideline

Guidelines



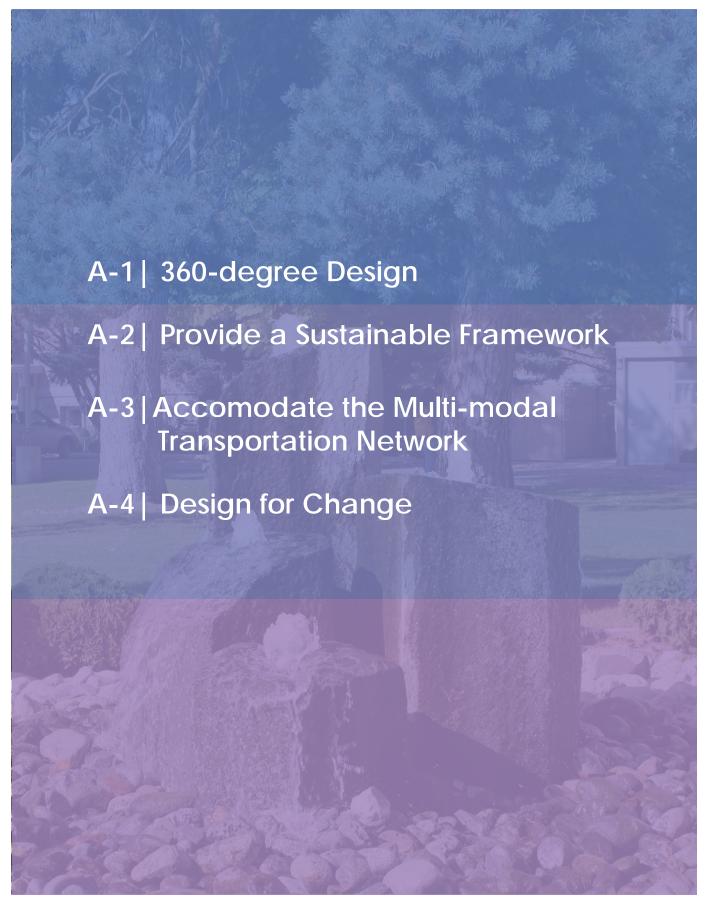
URBAN DESIGN

Area of Influence: Region, City, Neighborhood, District

Design Objective

Urban Design guidelines assist designers and developers in recognizing and respecting physical systems that extend beyond the site so projects can respond to regional, municipal, neighborhood, and district patterns in space and time. Any new intervention should extend, mend, connect, or enhance the context through all aspects of the project, big and small—from public amenities to site design to the street-path network serving all modes of transportation,

natural systems (e.g., natural resources, stormwater flow, topography, land forms), or historic settlement patterns.



A-1 360-degree Design

Projects should respond to a wide range of contextual elements found in the public realm and the site's relationships with adjacent buildings, and the proposed design should be shaped to consider the quality and functionality of the urban fabric.

Clarification:

Locate and shape buildings and/or structures to maintain public views of important structures, places, and natural landscape features. Shape buildings and/or structures to respond to the setbacks, fenestration patterns and important horizontal datums of adjacent structures. Design all visible façades with similar effort and consideration as the primary/front façades.

Key Points:

The Shadle Park Branch Library is an excellent example of respecting views to nearby landmarks (the Shadle Water Tower) integrates seamlessly into Shadle Park, and provides key connections to nearby destinations.

Related Design Criteria:

Design Guidelines: B-1: Provide Elements that Define the Place, B-2: Provide Context Sensitive Signage and Lighting, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas



This building in Edinburgh, Scotland offers an excellent perspective from any viewing angle.

Examples in Spokane



The Lincoln Heights Reservoir Tank #1



A-2 Provide a Sustainable Framework

Design projects to incorporate sustainable design and energy efficiency principles. Incoprorate the concepts of Reduce, Reuse, and Recycle.

Clarification:

Projects should be designed to meet the City's environmental policies by enhancing the urban forest canopy - to reduce urban heat island effects and reduce stormwater runoff, and improve the utilization of renewable energy resources - like hydropower and solar power. Promote resilient development by choosing sustainable design and building practices whenever possible. Employ passive solar design in façade configurations, treatments and materials. Employ techniques and technologies to improve the ecological performance of the building, structure and site improvements.

Key Points:

The Spokane projects used for this guideline (see figures A.06-A.08) depict projects utilizing a comprehensive approach to sustainability, whether utilizing photovoltaic panels, stormwater infiltarion areas, or rain gardens. The aspirational images (see figures A.04 and A.05) depict projects with a broader approach to sustainability (e.g. repurposing urban brownfields or reducing heat island effects).

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-4: Universal Design, E-1: Maximize Pedestrian Access to the Building and Site, E-4: Design Sustainable Parking



The Scottish Parliament Building in Edinburgh, Scotland was built on a brownfields site, incorporates public transit, and was built to require less heating and cooling than conventional structures.

Lurie Garden in downtown Chicago's Millennium Park is in fact a green roof over a parking garage. The ability to lower urban temperatures, capture rainwater, and the use of perennial plantings all make Lurie Garden an exceptional example of sustainability.



Aspirational Examples

Examples in Spokane

Solar panels and rain gardens to capture surface runoff are great ways to conserve natural resources.







A-3 Accomodate the Multi-modal Transportation Network

Design projects to create livable and memorable places within desirable environments where people want to spend time engaging in social, civic, and recreational activities.

Clarification:

'Multi-modal' includes all forms of transportation (walking, biking, transit riding, and driving) without exclusion. Projects that encourage connections with a variety of transit modes and enhance their immediate environment with amenities are highly encouraged. 'Multi-modal' includes all forms of transportation (walking, biking, transit riding, and driving) without exclusion.

Key Points:

The key elements for this guideline include the incorporation of accommodations for bicyclists, pedestrians, transit riders, and a variety of motorized vehicles. These accommodations place pedestrian movement first in importance.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-4: Design for Change, B-3: Design for Personal Safety and Security, B-4: Universal Design, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-4: Design Sustainable Parking



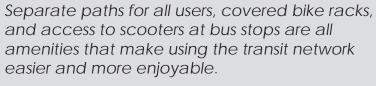


Figure A.10

Aspirational Examples

Examples in Spokane.

Left: transit hub and pedestrian bridge make crucial connections to university areas.

Top right: Bike lane on Riverside Avenue offers connections between downtown and neighborhoods west of downtown.

Bottom right: stops along the Rapid Transit line offer easy and safe access to buses.







A-4 Design for Change

Design projects to be flexible enough to respond to future changes in use, lifestyle, and demography.

Clarification:

This means designing for energy and resource efficiency; creating flexibility in the use of a property via generous ground floor height dimensions and a capacity to access the public realm at multiple points along the property's frontage, encouraging new approaches to transportation, traffic management and parking through the way public spaces and service infrastructure are incorporated into a project's design.

Key Points:

As public property ownership limits the ability to rely on market forces to fund redevelopment of projects, public agencies should incorporate the ability to reconfigure a project to accommodate a different future use at minimal public expense. For example, parking structures may need to be reconfigured into offices, dormatories may need to be converted to facilty offices, maintenance buildings may need to be converted to laboratories, etc. The basic structural, mechanical, electrical, and plumbing criteria for the most intense future use envisioned should be accommodated (though not necessarily installed) within the original building or structure.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, B-4: Universal Design, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-4: Design with a Legible Parti, E-1: Maximize Pedestrian Access to the Building and Site, E-4: Design Sustainable Parking



Tanner Springs Park in Portland, Oregon emulates the original wetlands that existed before the city was built. It collects and purifies rainwater and provides a habitat for urban wildlife.

The Promenade Plantee in Paris is a 2.9 mile long park and walkway created from a defunct elevated rail line. Shops and businesses occupy the space beneath the park, which used to be empty arches.



Aspirational Examples

Examples in Spokane







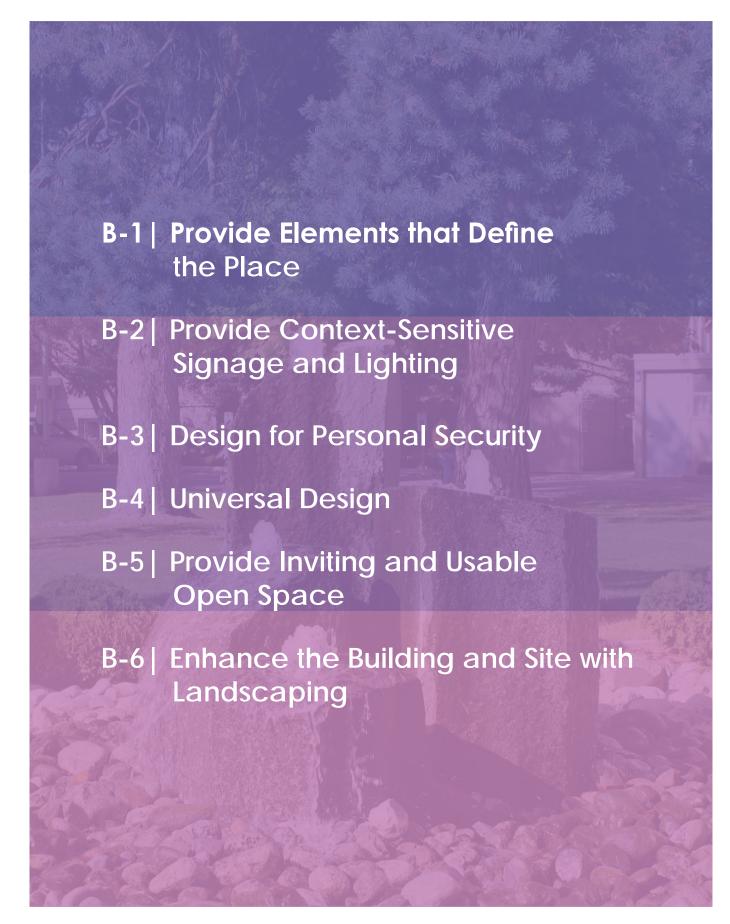
Originally built to house the Spokesman Review's expanded print operation, this building has been refurbished as a local distillery.

PUBLIC AMENITIES

Area of Influence: Public Realm

Design Objective

Public Amenity guidelines assist designers and developers in creating projects that enhance the public realm; including streetscapes and open spaces.



B-1 Provide Elements that Define the Place

Provide special elements on the façades, within public open spaces, or on the sidewalk to create a distinct, attractive, and memorable 'sense of place' associated with the building/structure and site.

Clarification:

Renovations, restorations, and additions should respect nearby historic features. New buildings and/or structures in historic districts should strive to reflect the existing urban fabric and the predominate architectural features within the surrounding context.

Key Points:

The images for this guideline (see figures B.01-B.06) depict projects and structures that use unique sculptural elements (which introduce aspects of whimsy), repurpose locally-sourced building material with historic significance (basalt cobble, granite riverstone), or utilize contextual building forms. These elements are either derived from the surrounding context or introduce significant new imagery to define the place.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-2: Provide Context Sensitive Signage and Lighting, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-4: Design with a Legible Parti D-5: Enhance the Skyline





Left: "The Fork" in Lake Geneva along the Vevey shoreline.

Center: A beautiful mosaic in a subway station in Munich, Germany.

Right: The undulating deck structures of The Aqua Tower in Chicago, Illinois make it stand out amongst other skyscrapers in the city.



Aspirational Examples

Examples in Spokane



Left: a fountain on the Gonzaga campus uses three types of local stone.

Top Right: Whimsical statues at the Northwest Museum of Arts and Culture give the site a distinct sense of place.

Bottom Right: One of the original Olstead-era restrooms in Cannon Park.





B-2 Provide Context Sensitive Signage and Lighting

Design signage appropriate for the scale and character of the project and immediate neighborhood.

Clarification:

All signs should be oriented to pedestrians and/or persons in vehicles on streets within the immediate neighborhood. Provide appropriate levels of lighting on the building façade, on the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and on signage.

Key Points:

The images for this guideline (see figures B.07-B.12) depict both signage and lighting that respond to the demands of the surrounding public realm - whether these demands are historic or novel in nature. An image often utilized for public projects are various depictions of the historic bridges in Spokane.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, B-4: Universal Design, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas



The town of Leavenworth, Washington celebrates California. its Bavarian heritage by creating custom "German-style" signs for businesses in the town center.

Top Right: The Pont Neuf ("New Bridge") in Paris, France cleverly illuminates the faces carved above the waters of the Seine River.

Bottom Right: "Urban Light" art installation in Los Angeles, California.





Aspirational Examples

Examples in Spokane • •







Top left: The Hive's giant letters on the side of the building direct drivers to the site.

Bottom Left: modeling the Monroe Street Bridge's iconic arches, this fence balances vehicle and foot traffic with separate gates.

Top right: Downtown lightinjg provides understated ambiance to Wall Street.

B-3 Design for Personal Safety and Security

Promote a sense of security for people during nighttime hours. Design the building/structure and site to promote the feeling of personal safety and security in the immediate area.

Clarification

Implement appropriate Crime Prevention Through Environmental Design (CPTED) principals, with a heightened focus on increasing eyes-on-the-street to improve passive security.

Key Points:

The four elements of CPTED are natural surveillance, access control, territorial reinforcement, and space management. The images for this guideline (see figures B.13-B.18) depict projects that demonstrate all four elements of CPTED.

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, B-2: Provide Context Sensitive Signage and Lighting, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages





Figure B.14



Aspirational Examples

Examples in Spokane

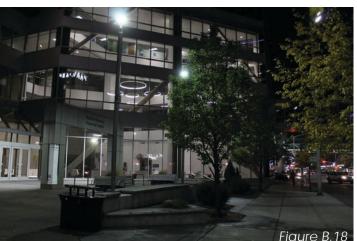
Left: fencing on the university district bridge prevents users from falling.

Top right: multiple street crossing safety features at Wilson Elementary School make sure students are as safe as possible.

Bottom right: a downtown Spokane plaza is brightly lit from overhead as well as at the entrance to the building.







B-4 Universal Design

The Public Realm should be barrier-free, ergonomic, and accessible by all people regardless of physical ability or level of impairment.

Clarification

Projects shall be safe and accessible and contribute to a better public realm for people of all ages, genders, and abilities, especially the most vulnerable - children, seniors, and people with disabilities.

Key Points:

The primary entrance to Liberty Park Branch Library (see figure B.22) incorporates a gradual, stair- and ramp-free access to accommodate patrons with limited mobility.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-5: Provide Inviting and Usable Open Space, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages

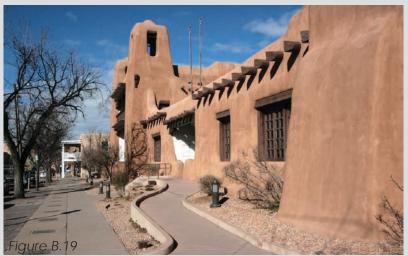




Figure B.20



Aspirational Examples

Examples in Spokane





Left: Liberty Park Branch Library seamlessly incorporated universal design in the pathways to the main entrance, without needing ramps or handrails.

Right: The university district bridge has gently sloping access ramps to allow people of all mobility levels to use the bridge.

B-5 Provide Inviting and Usable Open Space

Design public open spaces to promote a visually pleasing, healthy, safe, and active environment for workers, residents, and visitors.

Clarification:

Views and solar access from the principal area of the open space should be emphasized.

Key Points:

The images for this guideline (see figures B.24-B.28) depict generous and well-appointed open spaces that are easily accessible and inviting.

Related Design Criteria:

Design Guidelines: B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, D-3: Maintain the Prevailing Street Edge, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages



The Promenade Plantee in Paris is a 2.9 mile long park and walkway created from a defunct elevated rail line. Shops and businesses occupy the space beneath the park.

The shoreline of Lake Geneva in Vevey, Switzerland separates vehicular traffic from pedestrian spaces with a series of linear raised planter beds.



Aspirational Examples

Examples in Spokane







Top left: the park by Brickwest Brewing is a fun place to sit and relax.

Bottom left: the Catalysy building provides seating and beautiful landscaping for patrons of the building and those waiting for their bus in the nearby transit hub.

Top right: The ampitheater at the Northwest Museum of Arts and Culture provides a shaded, sheltered, quiet and comfortable outdoor space for the public.

B-6 Enhance the Building and Site with Landscaping

Enhance the building/structure and site with generous landscaping which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.

Clarification:

This guideline encourages the inclusion of elements such as special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material. The use of native and naturalized plants helps to ensure the landscape survives through harsh weather, while also providing the space with a connection to the regional landscape.

Key Points:

The images for this guideline (see figures B.29- B.33) depict landscaping installations that significantly enhance the adjacent buildings and structures.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-3: Design for Personal Safety and Security, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, C-6: Enhance Alleyways, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge D-4: Design with a Legible Parti, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas, E-4: Design Sustainable Parking





Figure B.30

Right: This fence and planter in London, England combines greenspace with a buffer between the sidewalk and drive

Aspirational Examples

Examples in Spokane

Top: the landscaping at the Northwest Museum of Arts and Culture

Bottom left: foundational plantings at Salk Middle School

Bottom right: landscaping at the Masonic Temple on Garland Ave.





Figure B.33

PEDESTRIAN ENVIRONMENT

Area of Influence: Public Realm

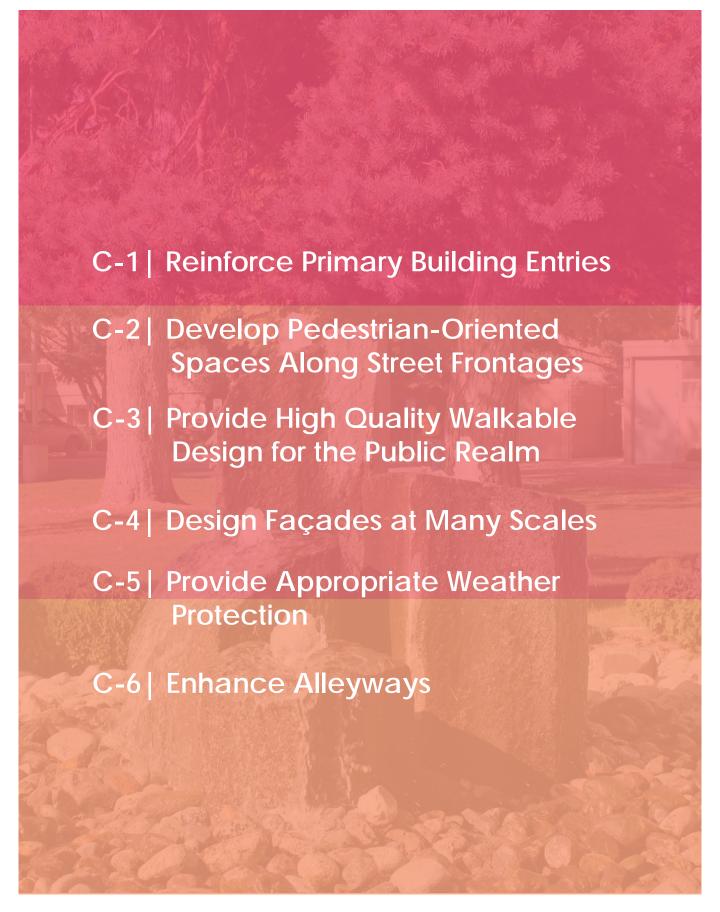
Design Objective

Pedestrian Environment guidelines assist designers and developers in creating skywalks that define the pedestrian environment.

The intent of the guidelines is to promote a safe and healthy environment where the pedestrian is the priority.

While there is a need for automobile, bicycle and transit in Spokane, in all cases the most important consideration is the ease of pedestrian movement. Where intersections with other transportation modes occur, the pedestrian's comfort, safety and best interests must not be compromised.

The pedestrian should be unimpeded and relatively comfortable in all seasons and hours of the day, in all areas of Spokane.



C-1 Design Façades at Many Scales

Design architectural features, fenestration patterns, and material compositions that refer to the human activities contained within or surrounding the building/structure.

Clarification:

Building or structure façades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation. A building's or structure's façade should create and reinforce a 'human scale' not only at the street level, but also as viewed from farther away.

Key Points:

The images for this guideline (see figures C.01-C.04) depict projects that introduce human-scale elements along front facades while providing articulation along all facades to moderate the bulk and massing of the building or structure.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-5: Enhance the Skyline



The Banker's Life Fieldhouse in Indianapolis, Indiana provides architectural elements at the street, vehicular, and skyline scales.

Below: this building in Hamburg, Germany does an excellent job of providing pedestrian scaled architectural elements as well as larger-scaled elements further up the façade.



Aspirational Examples

Examples in Spokane.



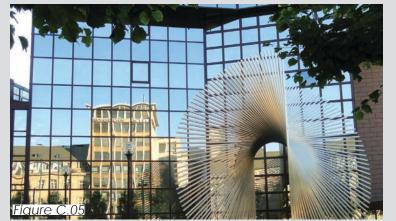
Left: the façade modulation and differing textures of Salk Middle School provide great variation in scale.

Right: The Masonic Temple on Garland stylistically has many house-scale elements, while the two-story outdoor seating area gives even more pedestrian scale.



C-2 Reinforce Primary Building Entries

Design primary building or structure entries to promote pedestrian comfort, safety, and orientation.



The entrance to this building in Frankfurt, Germany uses an art installation to direct patrons to the front door.

The ornate canopy of the Samaritaine department store in Paris, France tell shoppers where to enter the building.



Aspirational Examples

Clarification:

This guideline refers to the incorporation of hierarchical components to improve the legibility of the public realm by emphasizing the primary entrance to a building or open space. Such components may include wayfinding signage, unique architectural features, overhead weather protection, unique landscape features, and key lighting.

Key Points:

The images for this guideline (see images C.05-C.09) depict projects that utilize a wide variety of architectural and landscape features to emphasize the building's primary entrance. This includes view corridors, landscape allees, sculptural forms, and unique canopies.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-5: Provide Appropriate Weather Protection, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, E-1: Maximize Pedestrian Access to the Building and Site

Examples in Spokane •:

Top left: the Liberty Park Branch Library uses color to announce the entrance to the building.

Bottom left: the Catalyst building uses a projecting canopy as an entrance reinforcement.

Right: a long promenade in line with the entrance to this university building creates a dramatic statement.







C-3 Develop Pedestrian-oriented Spaces Along Street Frontages

Designs should create human-scale spaces in response to how people engage with their surroundings, by prioritizing active street frontages, clear paths of pedestrian travel, legible wayfinding, and enhanced connectivity.





Streetscapes in Switzerland, France, and Chicago all provide excellent separation of vehicle and pedestrian spaces along street frontages.



Aspirational Examples

Clarification:

This guideline promotes healthy living, increases economic activity at the street level, enables social interaction, creates equitable and accessible public spaces, and improves public safety by putting eyes and feet on the street. Consideration should be given to the proper composition of the sidewalk. This includes the building shy zone, flexible retail space (e.g. outdoor sales, al fresco dining), pedestrian travelway, furniture zone (which would accommodate the landscape buffer and street trees, street furnishings, street lighting), and the curb zone.

Key Points:

A key component of a pedestrian-oriented space is the provision of all-weather physical comfort. This can be achieved through the strategic placement and selection of street trees, overhead weather protection, and the provision of hardscaped and softscaped surfaces to accommodate a variety of social activities.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-3: Accomodate the Multimodal Transportation Network, A-4: Design for Change, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, -1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas

Examples in Spokane



Street trees separate the drive aisle and parking from pedestrian spaces on both the Gonzaga University Campus and in the hospital district.



Provide High Quality Walkable Design for the Public Realm

Create a high-quality public realm that supports the culture of walking and nonmotorized transportation.

Clarification:

Design the site and building or structure so that pedestrian access is convenient and the environment is comfortable, memorable, and attractive. Use materials at street level that create a sense of permanence, are wellmaintained, and bring life and warmth to the Public Realm. Streets, alleys, trails, and public spaces work together to provide opportunities for civic, cultural, economic, and social activities. This guideline would also apply to open space located within the public realm.

Key Points:

Provide accommodations for casual walking, ample opportunities for seating, design elements that would moderate the effects of adverse weather, integrate landscape features, and provide appropriate lighting.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-3 Accommodate the Multi-Modal Transportation Network, A-4 Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-5: Provide Appropriate Weather Protection, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline, E-1: Maximize Pedestrian Access to the Building and Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas



Pedestrian areas in London, Portland Oregon, and Chicago Illinois provide excellent spaces to walk, relax, and recreate in the public realm.

Figure C.16

Examples in Spokane

Left: pathways on the Gonzaga University campus allow safe and comfortable vehicle-free pedestrian circulation.

Right: excellent bike storage and seating at the entrance to the Catalyst building create a pedestrian-centered public realm.







C-5 Provide Appropriate Weather Protection

Provide a continuous, well-lit weather protection to improve pedestrian comfort and safety along pedestrian routes.

Clarification:

Such protection should address wind, sun, and precipitation throughout the year. This may be achieved through the use of overhead weather protection (marquees, awnings, arcades, etc.), generous inclusion of an urban forest canopy, heated sidewalks to avoid ice build-up, windbreaks (walls or landscape materials), etc.

Key Points:

The examples provided (see figures C.23-C.25) depict many ways of introducing appropriate weather protection.

Related Design Criteria:

Design Guidelines: A-3: Accomodate the Multi-modal Transportation Network, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-2: Reinforce Primary Building Entries, C-4: Provide a High-Quality Design for the Public Realm, E-1: Maximize Pedestrian Access to the Building and







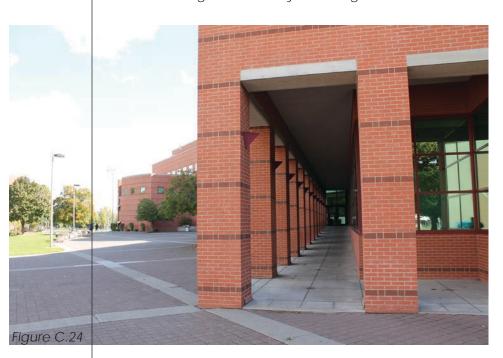


Examples in Spokane

Left: an arcade on the Gonzaga campus.

Top right: the second floor of this building projects out over the main entrance and provides weather protection.

Bottom right: the Catalyst building's arcade







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Enhance Alleyways

To increase pedestrian safety, comfort, and interest; where proposed develop the alleyway in response to the unique conditions of the site or project.





Beautiful overhead protection, decorative lighting, and alley-oriented businesses all contribute to the liveliness of urban alleys.

Clarification:

Where alleys are adjacent to the site, develop the alleyway to respond to the unique conditions of the site or project. Consider uses that work synergistically with frontage sidewalks and more public spaces - alley improvements should not supplant or interfere with building frontages and primary entrances. Improvements should not interfere with the utilitarian functions of the alleyway.

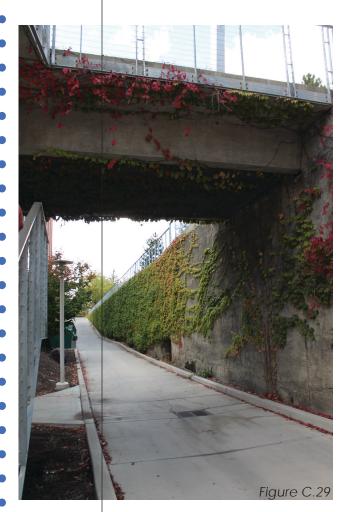
Key Points:

Incorporate public art, lighting, specimen landscaping, and furniture that minimize encroachment within the alley space (e.g. murals, festoon lighting, potted plants, and mobile furniture).

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, E-1: Maximize Pedestrian Access to the Building and Site, E-3: Minimize the Presence of Service Areas

Examples in Spokane





This alley in the university district provides access for service vehicles, and the starkenss of the concrete is hidden by extensive vines.

ARCHITECTURAL EXPRESSION

Area of Influence: Building, Structure, & Site

Design Objective

Architectural Expression guidelines assist designers and developers in creating skywalks that relate to the neighborhood context and promote quality development that reinforces the individuality, spirit, and values of Spokane. The guidelines are intended to promote architectural design that is complementary to Spokane's heritage

and character. The following objectives and guidelines for Spokane primarily address the exterior of skywalks and their relationship to its architectural surroundings.



Create Transitions in Bulk and Scale

A building or structure's form should provide a transition in height, bulk, and scale of the overall development from neighboring or nearby areas with less intensive development.



This guideline refers to typical transitions found in the Spokane area, which are often demonstrated with building stepbacks, articulations of building planes and materials, and variable roof heights.

Key Points:

The images depicting Spokane examples (see figures D.04 and D.05) utilize a variety of interventions (transit shelter as arcade and highly articulated building façade) to effectively transition from buildings of significant bulk to the more human-scale public realm and adjacent architectural context.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-3: Maintain the Prevailing Street Edge, D-5: Enhance the Skyline





Left: a building in Frankfurt, Germany uses curvilinear glazing to reduce the structure's bulk.

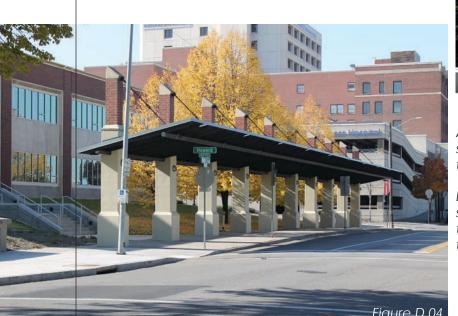
Center: the undulating wall of Tanner Springs Park in Portland, Oregon creates a fun transition between the surrounding office buildings and the sunken natural area.

Right: skyscrapers in Chicago, Illinois use step backs to reduce bulk.

Aspirational Examples



Examples in Spokane





Above: the window placement and accents create symmetry and texture. The smaller shapes created by the window accents function to lessen the overall bulk.

Left: due to its placement behind the sidewalk, the bus shelter outside Lewis and Clark High School provides a transition in architecture thereby lessening the bulk of the school building.

Design a Well-proportioned and Unified Building/Structure/Site

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building/structure that exhibits a coherent conformance with the original parti.





This terraced hedge in Chicago softens the hardscape and brings balance to the space.

Aspirational Examples





Clarification:

Design the architectural elements and finish details to create a unified building/structure, so that all components appear integral to the whole.

Key Points:

The Gonzaga University's School of Law building (see figure D.09) uses its own strong architectural language to establish a unified composition, whereas the Liberty Park Branch Library (see figures D.10 and D.11) adopts a spatial language from the surrounding park to build a unified composition. Both buildings are well-proportioned and approach composition from different perspectives.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-6: Enhance the Building and Site with Landscaping, C-1: Design Façades at Many Scales, C-2: Reinforce Primary Building Entries, D-1: Create Transitions in Bulk and Scale, D-3: Maintain the Prevailing Street Edge, D-4: Design with a Legible Parti, D-5: Enhance the Skyline

Examples in Spokane





Top left: using traditional architecture techniques, this building uses stepped roof structures to acheive balance.

Top and bottom right: The Liberty Park Branch Library utilizes contemporary architecture as well as synergy with the surrounding park to achieve balance and proportion.



D-3 Maintain the Prevailing Street Edge

Design new buildings/structures to help define and maintain the street edge.

Clarification:

Building/structure and site frontages should have active and direct engagement to the street to support pedestrian-oriented activity. Street edges help define public space and promote a continuity of urban fabric along with supporting a pedestrian-oriented experience.

Key Points:

The scale and harmony of architectural expressions along a block are key features that contribute to a public realm's ability to support vibrant pedestrian activity. Street edges are the "walls" that define the public room of every well-composed streetscape.

Related Design Criteria:

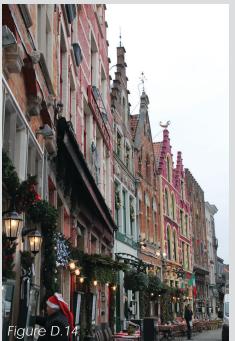
Design Guidelines: A-1: Provide a 360-degree Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, E-2: Minimize the Impact of Parking Facilities Along Street Frontages

Figure D.11









Aspirational Examples

• • • Examples in Spokane • •



The façade of Wilson Elementary School precisely aligns to the façade of the homes down the street.

D-4 Design with a Legible Parti

A good design has a central organizing thought or decision guiding the overall concept. This influencing precept can be depicted as a simple diagram and explanatory statement typically referred to as a parti.



Since the design of a site, public realm, and building/structure should have an organizational concept experienced through scale, proportion, enclosure, and compositional clarity. This parti should not be modified during the design evolution of a project, but should serve as a guide to resolve design issues throughout the maturation of the project.

Key Points:

The images for this guideline (see figures D.16-D.21) depict projects whose organizational logic is well-expressed and was consistent throughout the various projects' design evolution.

Related Design Criteria:

Design Guidelines: A-4: Design for Change, B-1: Provide Elements that Define the Place, B-6: Enhance the Building and Site with Landscaping, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-5: Enhance the Skyline





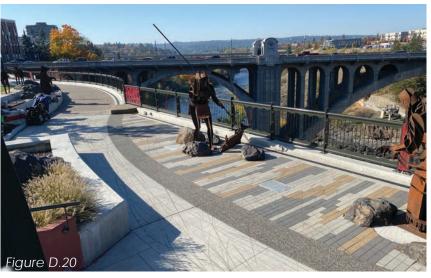
Chicago's "Cloud Gate" and Hard Rock Cafe along with the Pompidou Museum and plaza in Paris all give off clear messages as to their design concepts.



Aspirational Examples

Examples in Spokane.







Top and bottom left: The Hive in East Central Spokane was designed around the industrial and auto centered businesses in the area, and used materials reminiscent of industry. The signage mirrors the mid-century vibe of nearby businesses as well.

Right: A Place of Truths Plaza in downtown Spokane is infused with art and elements celebrating the tribal history and sacred connection to Spokane River.

D-5 Enhance the Skyline

Design the upper portions of buildings to create visual interest and variety in the City, Neighborhood, and/or District skyline.



Various notable skylines around the world: Singapore (Malaysia), New York City (USA), and Frankfurt (Germany).





Aspirational Examples

Clarification:

Respect noteworthy structures within the vicinity of a project site, in order to respond and contribute to the skyline of the surrounding built context. In this guideline, the term "skyline" is scalar in nature. That is, the larger city has a specific skyline defined by it's tallest structures. Neighborhoods, districts, and blocks also have unique skylines defined by their taller structures (which may not correspond with the tallest buildings in the surrounding city).

Key Points:

While the images for this guideline (see figures D.22-D-26) depict skylines at a city scale (i.e. of downtown cores) skylines that may influence any particular project may be found at various scales depending on the area of influence of the project site (e.g. blocks, districts, neighborhoods, cities, or regions).

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-2: Provide Context Sensitive Signage and Lighting, C-1: Design Façades at Many Scales, C-4: Provide a High-Quality Design for the Public Realm, D-1: Create Transitions in Bulk and Scale, D-2: Design a Well-proportioned and Unified Building/Structure/Site, D-4: Design with a Legible Parti

Examples in Spokane



A view of Spokane's downtown at sunrise, viewed from the north.

Spokane's skyline viewed from the western edge of Kendall Yards, along Centennial Trail.

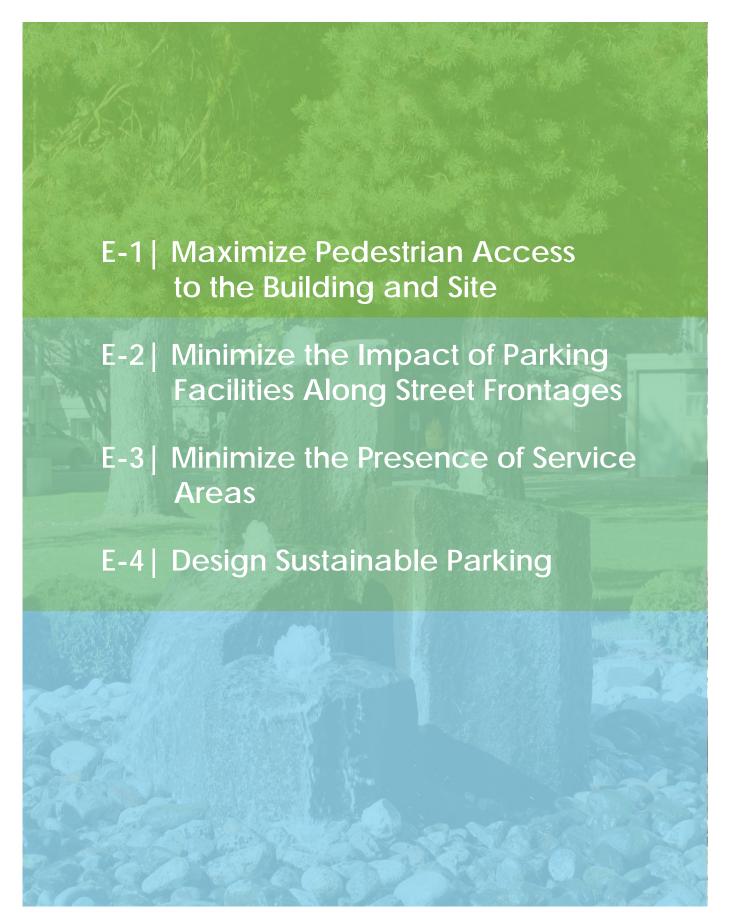


ACCESS & SCREENING

Area of Influence: Building, Structure, & Site

Design Objective

Access and Visual Impact guidelines assist designers and developers in creating skywalks that minimize adverse environmental impacts.



E 1 Maximize Pedestrian Access to the Building and Site

Minimize adverse impacts of curb cuts and drive-aisles on the safety and comfort of pedestrians.



Large entry plazas separated from vehicular travel, pedestrianscale lighting, seating, and landscaping all ensure safe and comfortable access to these public buildings.

Top left and right: open spaces in Portland Oregon. Bottom right: Scottish Parliament Building in Ediburgh, Scotland





Clarification:

This guideline refers to potential impediments to the free flow of pedestrians onto a site from the public realm. Vehicle turn lanes, curb cuts, service areas, and blank walls can all dissuade pedestrians from being able to comfortably approach, or cross adjacent to, buildings and sites.

Key Points:

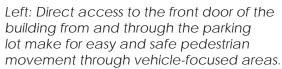
The images of Spokane projects (see figures E.04 and E.05) depict conditions where pedestrian access to a site or building is prioritized above vehicular access. The aspirational examples (see figures E.01-E.03) also depict a variety of spaces with generous details that emphasize pedestrian access.

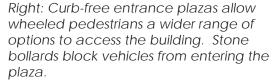
Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-2: Provide a Sustainable Framework, A-3: Accomodate the Multi-modal Transportation Network, A-4: Design for Change, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, E-2: Minimize the Impact of Parking Facilities Along Street Frontages, E-3: Minimize the Presence of Service Areas

Examples in Spokane









E-2 Minimize the Impact of Parking Facilities along Street Frontages

Minimize the visual impact of parking by designing parking facilities into the building/structure, e.g. below ground, behind veneer non-parking uses, or above the ground floor.



Top left: the parking garage is set back from the street and behind retail shops so it takes up minimal street frontage.

Top right: Plantings and a decorative wall screen the surface parking lot.

Bottom right: plants and decorative screens help screen the parking garage from view.







Clarification:

Incorporate contextual architectural treatments or suitable landscaping to enhance the safety and comfort of people using the facility as well as passersby.

Key Points:

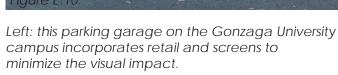
The Department of Environmental Quality's surface parking lot (see figure E.10) is screened from the street with enhanced landscaping. Gonzaga University's Hamilton Street parking garage (see figure E.09) is screened from the street by the introduction of a veneer of institutional space (campus office space and bookstore). In both cases, the visual presence of a higher concentration of parked vehicles adjacent to the street is either eliminated or mitigated.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, A-3: Accomodate the Multi-modal Transportation Network, B-2: Provide Context Sensitive Signage and Lighting, B-3: Design for Personal Safety and Security, B-4: Universal Design, B-5: Provide Inviting and Usable Open Space, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, D-3: Maintain the Prevailing Street Edge, E-1: Maximize Pedestrian Access to the Building and Site

Examples in Spokane



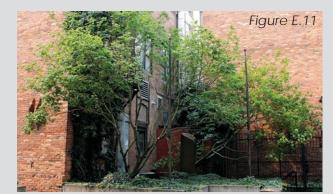


Right: plantings are used to create a visual buffer between the parking lot and the sidewalk.

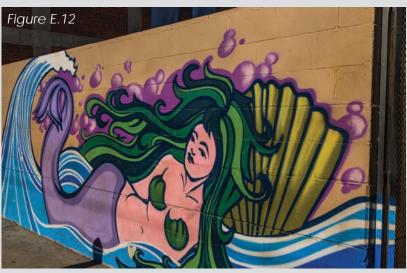


Minimize the Presence of Service Areas

Screen service areas and mechanical equipment from the view of passersby.



While an enclosure or screen are common ways to hide service areas and mechanical equipment, planting trees and shrubs in front of those areas can be just as effective.



Commissioning a local artist to paint a brick enclosure is a fantastic way to bring character to a space.

Clarification:

Locate service areas for dumpsters, recycling facilities, loading docks and mechanical equipment away from street frontages where possible. Minimize adverse smells, sounds, views, and physical contact by keeping such service areas away from the public realm.

Key Points:

The Liberty Park Branch Library (see figure E.15) utilizes an aesthetic screen/ enclosure to visually shield the HVAC and other machinery. The material used for this enclosure is identical to the exterior finish material used for the main building.

Related Design Criteria:

Design Guidelines: A-1: Provide a 360-degree Design, B-1: Provide Elements that Define the Place, B-6: Enhance the Building and Site with Landscaping, C-3: Develop Pedestrian-oriented Spaces Along Street Frontages, C-4: Provide a High-Quality Design for the Public Realm, C-6: Enhance Alleyways, E-1: Maximize Pedestrian Access to the Building and Site

Examples in Spokane



Top left and top right: A tall concrete service area accessed by large delivery trucks is tucked behind the spruce tree.

Bottom right: service area is cleverly disguised behind an enclosure made of the same material as the main building.





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Design Sustainable Parking

Design places for parking that mitigate automobile and impervious surface impacts to air, temperature, and water; and improve the City's visual and environmental quality.



Solar panels built into shade structures, charging for electric vehicles, rain gardens to capture surface runoff, and permeable paving are all excellent ways to fascilitate sustainable parking.





Clarification:

This design guideline refers to all parking facilities (structures and surface lots). Consideration should be given to on-site stormwater infiltration/ retention (e.g. permeable pavement), surface treatments that moderate heat island effects, and provide opportunities for energy conservation/ generation (e.g. photovoltaic panels, electric vehicle charging stations).

Key Points:

The parking lot for The Hive on Sprague Avenue (see figure E.19) uses rain gardens and electric vehicle charging stations as sustainable features.

Related Design Criteria:

Design Guidelines: A-2: Provide a Sustainable Framework, A-3: Accomodate the Multimodal Transportation Network, A-4: Design for Change, B-6: Enhance the Building and Site with Landscaping,

• • • Examples in Spokane • •

Landscape swales designed to capture surface runoff from the adacent parking





Landscape strip functions as a buffer between pedestrians and vehicles while also capturing and purifying surface runoff from the parking lot.

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Glossary of Terms

Glossary of Terms

Action Approving Authority: Any City official that may initiate the design review process, accept final recommendations, or render final determinations regarding design review. Actions Approving Authorities at the City include the Hearing Examiner, the Planning Director, or the City Engineer. While not considered an action approving authority, the Plan Commission may request the Design Review Board's review and recommendations of any urban design portions of plans or codes under its consideration.

Active Street Edge: In addition to the four horizontal elements of sidewalks (see Sidewalk Zones), there are three distinct vertical zones on the ground floor façades of buildings adjacent to sidewalks. These are (see figure below):

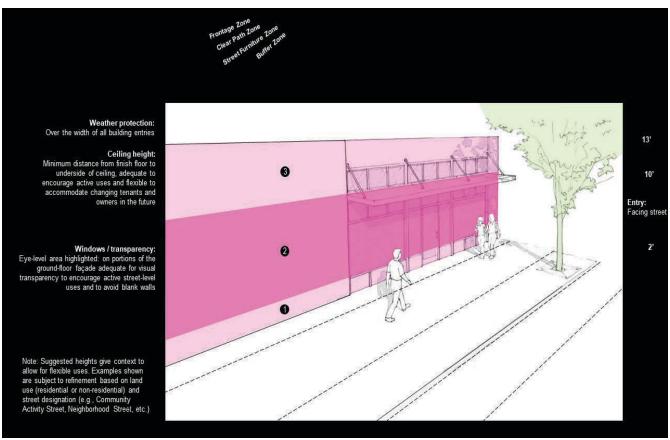


Image modified from the National Association of City Transportation Officials

1. Bulkhead/Kickplate Zone

The portion of the ground floor closest to the ground plane. Typically this zone ranges from 1- to 2-feet in height. This portion is often opaque and more resilient to impact.

2. Storefront/Window Zone

the greatest level of transparency, the purpose of which is to establish a visual connection between the activities within the building and those on the sidewalk.

3. Transom/Ceiling Zone

The portion of the ground floor with The portion of the ground floor accommodating transitional elements from the ground floor to the upper floors. Exterior elements often include marquees, awnings, transom windows, signage, and cornices.

Area of Influence: As every building and site rests within a variety of contexts, each design guideline category is provided with the relative scale in which potentially influencing factors may be found or wherein they may be expressed. These are, from largest to most local: Region, City, Neighborhood, District, Public Realm, Site, and Building/Structure.

Civic Use: Within the context of the Spokane Municipal Code, and the range of uses typically referred to as civic in nature, a Civic Use is an enclosed/conditioned space that can accommodate a range of public functions operating under the auspices of a government body. Such uses may include offices, public schools or colleges, public health clinics or hospitals, community centers, libraries, museums, fire houses, police stations, and courts of law.

Contextual: An attribute of a context area (similar to an Area of Influence), a project or design element that is contextual is one that responds to social, cultural, or historic stimuli that may influencing a site, structure, or building. A good example of contextual design is one that seamlessly weaves into an existing neighborhood or street.

de minimis Change: Any change to a project's design after the conclusion of design review that would have a negligible effect on the final recommendations provided to the City's action approving authority. See Substantial Change.

Design Departure: While the design review process cannot waive compliance with a design standard, a design departure can grant the approval of an alternative means of complying with a standard. The alternative design must comply with the decision criteria for design departures listed in the Unified Development Code (Spokane Municipal Code 17G.030.040.A-F).

Design Guideline: A set of design parameters for developments which apply to projects that would trigger design review. These parameters may be unique to a design district, sub-district, overlay zone, or to specific project types. The guidelines, as design criteria, are adopted public statements of intent and are used to evaluate the acceptability of a project's design (Spokane Municipal Code 17A.020.040.L). Design guidelines help ensure that the design review process will result in advice and recommendations rendered which stay focused on the community's set of aesthetic expectations for the projects being reviewed.

Design Standard: A set of design parameters for developments which apply to all projects within a specific land use category. These parameters are written into every zoning category of the Unified Development Code and compliance is obligatory.

Façade: The exterior wall of a building. While often associated with the front (or *face*) of a building, façades are typically those portions of a building's exterior that can be viewed from a public way or street.

Fenestration: The arrangement and design of penetrations in the exterior wall of a building, typically exterior windows and doorways. The term may encompass the pattern of open-air passageways through a building or the design of a building's arcade.

Green: See *Sustainable*

Living in Place: Related to Aging in Place, Living in Place refers to the design of a district, street, site, or building that is intentionally composed to be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. Unlike Aging in Place, Living in Place is not restricted to only accommodating the needs of people as they age.

Glossary of Terms (continued)

Parti: A good design has a central organizing thought or decision guiding the overall concept. This influencing precept can be depicted as a simple diagram and explanatory statement, typically referred to as a parti. As the design of a site, public realm, and building should have a comprehensive concept experienced through scale, proportion, enclosure, and compositional clarity this coordinating precept can be expressed in the parti's diagram and statement. A parti is derived prior to the development of a project's plan, section, or elevation diagrams.

Plinth: In urban design a plinth is defined as a projecting masonry coursing that forms a platform for a building. Such a course is typically knee-high, though taller plinths may be used to add monumentality to landmark buildings.

Public Realm: Those parts of the urban fabric that are held in common, either by physical occupation or visual association. This includes, but is not limited to plazas, squares, parks, vistas, streets, public frontages, private frontages, civic buildings, and certain spaces in commercial developments like the common areas of malls and hotels. There is an ethical and civic connotation to the term that transcends the mere physical, legal, or utilitarian. On a street, the public realm is the entire space formed by the adjacent buildings/structures and site

Resilient: See Sustainable

Sidewalk Zones: The various portions of a public sidewalk with discrete functions. These are (see figure, below):

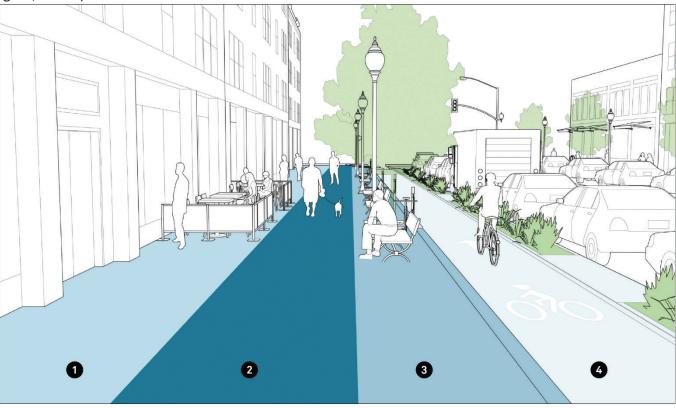


Image from Global Designing Cities and the National Association of City Transportation Officials

1. Frontage Zone

The section of the sidewalk that functions as an extension of the building, whether through entryways and doors or sidewalk cafés and sandwich boards. The frontage zone pedestrians have a safe consists of both the facade and adequate place to of the building fronting the street and the space immediately adjacent to the building.

2. Clear Path Zone

The pedestrian clear path defined by the primary, dedicated, and accessible pathway that runs parallel to the street. The clear path ensures that walk and should be 5-feet wide in residential settings and 7- to 12-feet wide in downtown or commercial areas with heavy pedestrian volumes.

3. Street Furniture Zone

The section of the sidewalk between the curb and the clear path, in which street furniture and amenities such as lighting, benches, newspaper kiosks, transit facilities, utility poles, tree pits, and cycle parking are provided. The street furniture zone may also contain green infrastructure elements such as rain gardens, trees, or flowthrough planters.

4. Buffer Zone

The space immediately next to the sidewalk that may consist of a variety of different elements. These include curb extensions. parklets, stormwater management features, parking, cycle racks, cycle share stations, and curbside cycle tracks.

Substantial Change: Any change to a project's design after the conclusion of design review that may take a project out of compliance with the final recommendations provided to the City's action approving authority. A substantial change to a project's design would typically result in further design review, remanding the project back to either urban design staff or the full Design Review Board to determine if additional, or revised, recommendations are warranted.

Superior in Design Quality: A determination that an alternative means of complying with the intent of a design standard would result in a greater compliance with the set of applicable design guidelines than what would be potential achieved by complying with the requirements (R) or presumptions (P) written in the design standard's implementation section.

Sustainable: An attribute or action that does not completely use up or destroy a resource. A design element that is sustainable is one that can last for a long time or can be easily repaired using local and readily available materials and techniques. A design element may also facilitate an occupant or user lifestyle involving sustainable methods. Typically, sustainable efforts focus on reducing, reusing, and recycling of valuable and limited resources.

Thoroughfare: An all-encompassing term used to describe a public way whose principal function is to convey goods and people. This includes pedestrians, cyclists, transit riders, drivers, and heavy freight operators. The elements of thoroughfares include sidewalks (frontage zone, pedestrian through zone, furnishing/landscaping zone, curb zone), the flexible area (on-street parking, bicycling lanes), and the vehicle realm (travel lanes, transit lanes, turning lanes, boulevard landscaping). A term often used instead of street, as the latter can be limited in perception as a conveyance for motorized vehicles.

Urban Fabric: The physical aspect of urbanism. This term emphasizes building forms, streets, open space, streetscapes, and frontages, while excluding without prejudice ecological, functional, economic, and sociocultural aspects.

Visitability: A design solution for residential uses that eliminates major accessibility barriers. Visitability design includes the following three elements: 1) at least one zero-step entrance on an accessible route leading from a driveway or street sidewalk, 2) all interior doors being wide enough to allow a wheelchair to pass through, and 3) a least one toilet (half bath) on the main floor. A distinct advantage of incorporating these elements in a residential unit is that it will allow an easier conversion of a portion of the main floor into a non-residential use. A term related to Living in Place.

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Design Guidelines for

Skywalks

Publication Page & Date



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The the City of Spokane Design Guidelines for Skywalks were developed in collaboration with residents, community organizations, agency partners, and the City of Spokane.

The City of Spokane hired Urbsworks, an urban design firm out of Portland, to assist with Phase I of the project: initial research, workshops, and findings. City staff used the information presented by Urbsworks to complete Phase II: writing the guidelines and presenting them to the technical team, stakeholders, and the general public before bringing the guidelines to City Council for approval.

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Project background, explanation, purpose

Guideline vs. Standard What is a Design Guideline?

Design Guidelines: A set of design parameters for development which apply within a design district, sub-district, or overlay zone.

The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design. (Spokane Municipal Code 17A.020.040.L)

In practice, since design review is an advisory process only, the adopted Design Guidelines help guide conversations that Urban Design staff and the Design Review Board have with a design review applicant.

... Ensure that projects subject to design review under the Spokane Municipal Code are consistent with adopted design guidelines and help implement the City's comprehensive plan. (Spokane Municipal Code 04.13.015.B)

The guidelines help ensure that these conversations, and the advice rendered, stays focused on the community's set of aesthetic expectations for the public realm elements of a project or plan.

How is this different than a Design Standard?

Design Standard: an obligatory design requirement for any project.

These standards are not advisory, they must be followed - just like the requirements in the building code, fire code, or electrical code.

The design review process cannot waive compliance with these standards.

While Design Standards and Design Guidelines are similar in that they are both about a project's design, they differ mostly in that the standards are mandatory obligations applied to that project – while guidelines are a list of relevant subjects, and examples, intended to improve the design of any project subject to design review.

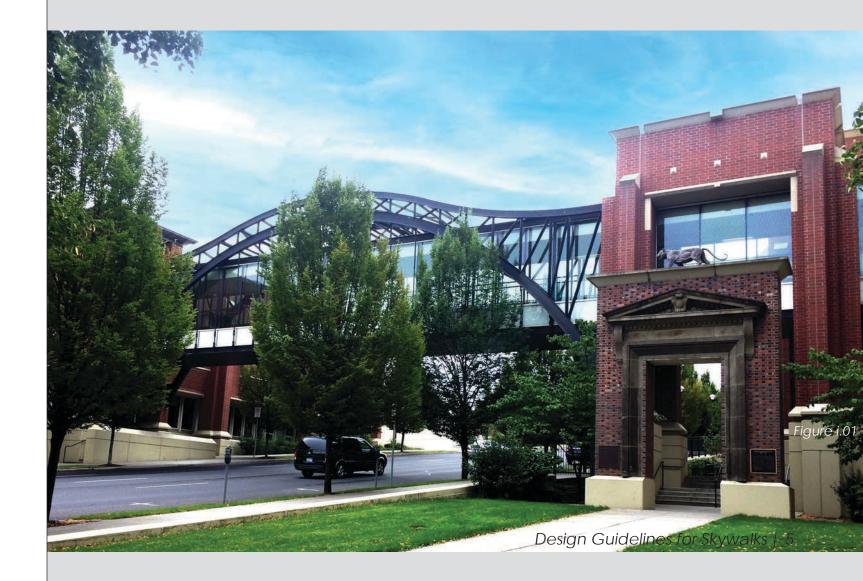
The standards were adopted to ensure that all development in the city achieve a minimum quality of design.

The guidelines are used in order to improve the quality of design above bare minimums, for a select set of projects. Those projects have already been identified by the community for special consideration.

Design Guidelines for Skywalks

This category of project includes any type of structure or building intended to be built over a publicly-owned right-of-way. Here's a brief list these kinds of projects:

- Conventional Skywalks (like those in the downtown)
- Buildings over public streets (like some in the areas around the hospitals)
- On/Off-ramps to elevated structures located on adjacent parcels



How to use this booklet

Images

Visuals to reinforce the explanatory text with descriptive captions and highlighted elements

Aspirational Examples

Images of exemplary design from national and international locales

360-degree Design

Skywalks should respond to the local area context, the public realm and the relationships with adjacent buildings, and should be shaped to consider the quality and functionality of the urban fabric. Locate and shape skywalks to maintain public views of important structures, places and natural landscape features. Shape skywalks to respond to the setbacks, fenestration patterns, adjacent traffic control devices, wayfinding signage, and important horizontal datums of adjacent structures. Design all visible facades with similar effort and consideration as facades of the connecting buildings.



Examples of skywalks that exhibit excellent 360 degree design. They respond well to their surroundings and are designed to b visually engaging from multiple an

Clarification

Guideline

Provides a description of the guideline as it applies to the project type



Skywalks are a relatively contemporary building type and can be heavily reliant on modern structural materials. These materials and their construction methods are not always visually compatible with the materials and methods employed in older buildings to which they may connect. Although the replication of architectural design and elements is not always necessary, or in some cases even desirable, efforts should be made to incorporate colors, textures, rhythms, repetitive patterns, shapes, etc. of a connecting building into the design of a skywalk. Care should be given to the relationship between a skywalk and its surrounding urban fabric so that views to important buildings, natural features, and key wayfinding elements are conserved.



An excellent example of a skywalk with a 360-degree Design consideration is the Stevens Street skywalk that connects the historic Lewis and Clark High School to the school's Hunter Field House. The expressed arch structure responds to the historic arched bridges and tunnels found in the downtown area, while its east connection to the high school relates well to the architecture of the historic structure.

Related Design Criteria:

Design Guidelines: B-2 Provide Context Sensitive Signage and Lighting, B-3 Design for Personal Safety and Security, C-3 Provide a High Quality Design for the Public Realm, D-1 Create Transitions in Bulk and Scale, D-2 Design a Well-proportioned and Unified Skywalk, and D-3 Enhance the Streetscape.

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Examples in Spokane.. Top left: Skywalk at Howard and Main-responds to street below by providing overhead protection. Design ties into architecture

Bottom left: The Stevens St. Skywalk connecting Lewis and Clark
High School and the Hunter Field House displays an excellent

Bottom right: The parkade skywalk carries the design down to

response to the adjacent buildings.



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Related Design Criteria

Other project type quidelines and design criteria associated with this guideline

Key Points

Examples from project types demonstrating compliance with the guideline

Guidelines



A URBAN DESIGN

Area of Influence: Region, City, Neighborhood, District

Design Objective

Urban Design guidelines assist designers and developers in recognizing and respecting physical systems that extend beyond the site so projects can respond to regional, municipal, neighborhood, and district patterns in space and time. Any new intervention should extend, mend, connect, or enhance the context through all aspects of the project, big and small—from public amenities to site design to the street-path network serving all modes of transportation, natural systems (e.g., natural resources, stormwater flow, topography, land forms), or historic settlement patterns.



A-1 360-degree Design

Skywalks should respond to the local area context, the public realm and the relationships with adjacent buildings, and should be shaped to consider the quality and functionality of the urban fabric. Locate and shape skywalks to maintain public views of important structures, places and natural landscape features. Shape skywalks to respond to the setbacks, fenestration patterns, adjacent traffic control devices, wayfinding signage, and important horizontal datums of adjacent structures. Design all visible facades with similar effort and consideration as facades of the connecting buildings.

Clarification:

Skywalks are a relatively contemporary building type and can be heavily reliant on modern structural materials. These materials and their construction methods are not always visually compatible with the materials and methods employed in older buildings to which they may connect. Although the replication of architectural design and elements is not always necessary, or in some cases even desirable, efforts should be made to incorporate colors, textures, rhythms, repetitive patterns, shapes, etc. of a connecting building into the design of a skywalk.

Key Points:

Care should be given to the relationship between a skywalk and its surrounding urban fabric so that views to important buildings, natural features, and key wayfinding elements are conserved. An excellent example of a skywalk with a 360-degree Design consideration is the Stevens Street skywalk that connects the historic Lewis and Clark High School to the school's Hunter Field House (see figure A.04). The expressed arch structure responds to the historic arched bridges and tunnels found in the downtown area, while its east connection to the high school relates well to the architecture of the historic structure.

Related Design Criteria:

Design Guidelines: B-1 Provide Elements that Define the Place, B-2 Provide Context Sensitive Signage and Lighting, C-1 Design Façades at Many Scales, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-1 Create Transitions in Bulk and Scale, E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to Traffic Flow





Examples of skywalks that exhibit excellent 360 degree design. They respond well to their surroundings and are designed to be visually engaging from multiple angles.

Aspirational Examples

Examples in Spokane •:

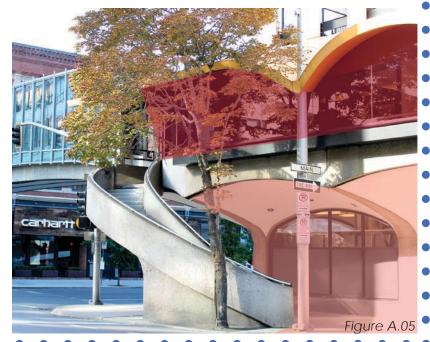
Top left: Skywalk at Howard and Main- responds to street below by providing overhead protection. Design ties into architecture of the Parkade.

Bottom left: The Stevens St. Skywalk connecting Lewis and Clark
High School and the Hunter Field House displays an excellent
response to the adjacent buildings.

Bottom right: The parkade skywalk carries the design down to the arcade.







A-2 Provide a Sustainable Framework

Design skywalks to incorporate sustainable design and energy efficiency principles. Skywalks should be designed to meet the City's environmental policies.

Clarification:

Skywalks are often designed as glazed, open-webbed structural bridges as such their exterior skin offer little in the way of insulated protection from solar gains and inclement weather. Yet, a skywalk does contribute to the walkability between the connecting buildings while preserving the existing street grid. This increased pedestrian connectivity between buildings and city blocks can contribute to a sustainable framework.

Key Points:

Care should be given to incorporate insulated glazing and energy efficient heating, ventilating, and air conditioning system. Continuously glazed walls on a skywalk should be balanced against the demands of an energy efficient, well insulated wall system. Some skywalks are constructed with less glazing, providing a greater opportunity to insulate the exterior wall of the skywalk. Consider the use of energy-efficient heat-pump HVAC systems for skywalks to lessen the energy required to condition the skywalk interior.

Related Design Criteria:

Design Guidelines: A-3 Accomodate the Multi-modal Transportation Network, A-4 Design for Change, B-4 Universal Design, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to Traffic Flow



- Increases pedestrian network
- May use insulated glazing
- May use green roofs for cooling
- May use energy-efficient heatpump HVAC systems

Examples in Spokane



An example of a skywalk using a more insulated exterior wall.

A-3 Accomodate the Multi-modal Transportation Network

Design skywalks to create livable and memorable places within desirable environments where people want to spend time engaging in social, civic, and recreational activities. Skywalks that encourage connections with a variety of transit modes and enhance their immediate environment with amenities are highly encouraged. 'Multi-modal' includes all forms of transportation (walking, biking, transit riding, and driving) without exclusion.

Clarification:

As skywalks are considered an addition to the public realm of the adjacent pedestrian street environment, their successful integration into the surrounding sidewalk system and any nearby public open spaces, as well as the mass transit accommodations within these elements cannot be understated. Care should be given to ensuring that the location of skywalks does not impede the view of pedestrian or vehicular traffic signage. While vertical circulation (stairs/elevators) located in the public right-of-way is one way to successfully knit the skywalk improvement into the surrounding pedestrian circulation system, such accommodations should not come at the expense of all the other multi-modal transportation improvements located at the street-level.

Key Points:

An example of a successful integration of a skywalk into the pedestrian realm of the street level is the exterior stairwell from the skywalk to the sidewalk found at the southeast corner of the intersection of Main Avenue and Howard Street (see figure A.11). Another excellent example are the two skywalks servicing the Spokane Transit Authority's Downtown Bus Plaza facility, one of which bridges over Riverside Avenue while the other bridges over Wall Street.

Related Design Criteria:

Design Guidelines: A-2 Provide a Sustainable Framework, A-4 Design for Change, B-4 Universal Design, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to Traffic Flow



Skywalks can provide safe pedestrian and bicycle circulation above busy streets, and easy access from pedestrian routes to bus stations and parking.

Aspirational Examples

Examples in Spokane.

Below left: Bike and scooter racks outside the STA Plaza are conveniently close to the skywalk entrance.

Top right: Skywalks on Main and Howard provide safe pedestrian crossings above the street, increasing pedestrian circulation around the city block.

A stairway to the skywalk also provides access to the Parkade parking garage.







A-4 Design for Change

Design and locate skywalks to be flexible enough to respond to future changes in use, lifestyle, and demography. This means designing for energy and resource efficiency while accepting that connecting buildings may change use and occupancies over time. Skywalks should have an unobstructed connection to the first finish floor elevation of connecting buildings and those buildings' public realm.

Clarification:

Skywalks should not impede a connecting building's changing uses or tenants, over time. Preserving this long-term adaptability extends to how pedestrians circulate through the connecting buildings and ultimately connect to the street level sidewalk network. This often means skywalks are best located closest to the primary entrances of the connecting buildings, as these entrances often lead to atria that provide the buildings' main vertical circulation elements.

Key Points:

Skywalks should not be located near street intersections, since such locations may correspond to the connecting buildings' primary entrances and may rely on the preservation of a one-way street network system. If a one-way street is considered for a potential two-way conversion, a too-close skywalk may pose a visual conflict with modified traffic signalization. A good example of a skywalk that can accommodate future changes to either connecting buildings or adjacent street reconfiguration is the skywalk connecting Deaconess Hospital to the Shriners' Hospital located just west of the intersection of 5th Avenue and Lincoln Street.

Related Design Criteria:

Design Guidelines: A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, B-4 Universal Design, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages

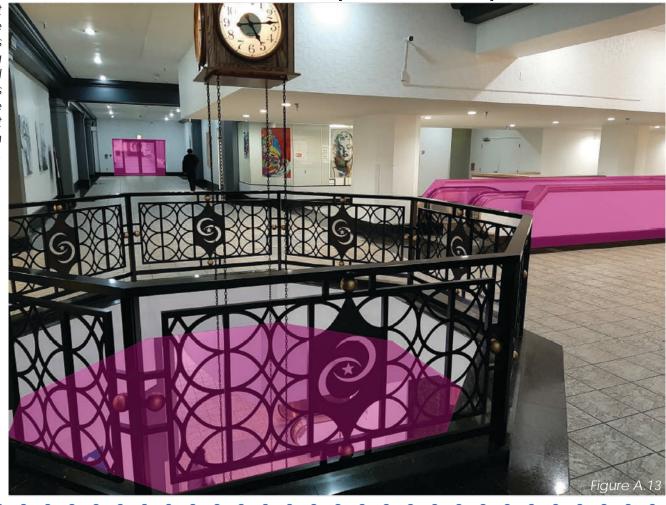
This skywalk (Staple Street Skybridge, built in the Tribeca area of New York City in 1907) was originally constructed to connect a hospital emergency room and the building housing the hospital's laundry. Today, the spaces on both sides of the skywalk, and the skywalk itself, comprise a single residential live/work loft.



Aspirational Examples

The skywalk's direct connection to the core (most long-lived) elements of the connecting building (atrium, corridor, and vertical circulation) ensures that the skywalk can serve as a contributing element of a changeable urban environment.

Examples in Spokane.

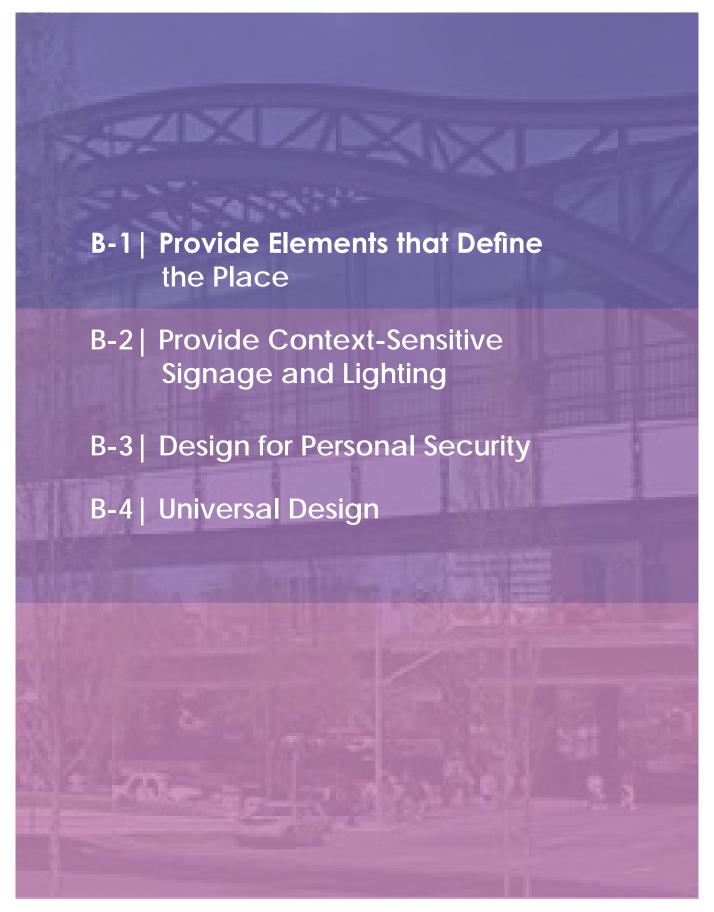


B PUBLIC AMENITIES

Area of Influence: Public Realm

Design Objective

Public Amenity guidelines assist designers and developers in creating projects that enhance the public realm; including streetscapes and open spaces.



B-1 Provide Elements that Define the Place

Incorporate special elements on the facades to create a distinct, attractive, and memorable 'sense of place' associated with the skywalk and connecting buildings.

Clarification:

Renovations, restorations, and additions within Spokane should respect adjacent or nearby historic features. New skywalks in historic districts should strive to reflect the existing urban fabric and the predominate architectural features within the surrounding context. Although skywalks are akin to stand-alone physical structures, they have a great potential to significantly impact the architectural composition of the connecting building as well as the surrounding physical context. Care should be given to ensuring that a skywalk contributes to, and is sympathetic to, the architectural design of the connecting buildings. This would include, but is not limited to, fenestration pattern, façade articulation and rhythm, exterior finish material, lighting, and architectural details.

Key Points:

While the Stevens Street Skywalk has been mentioned in the A-1 Design Guidelines, it is also a good example of a skywalk that respects the historic building to which it connects by incorporating place-making elements that are sympathetic to, but not replications of, the historical character of the surrounding context. Another wonderful example is the skywalk running parallel to the Howard Street frontage of the Parkade (see figure B.04) as this structure utilizes the architectural elements of the Parkade while serving as a framing/gateway element between the street and the adjacent public plaza. Other excellent examples can be found in skywalks around the world that incorporate highly individual lighting and artistic schemes that imbue the surrounding areas with a unique aesthetic, offering memorable experiences to pedestrians and other travelers.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, B-2 Provide Context Sensitive Signage and Lighting, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape

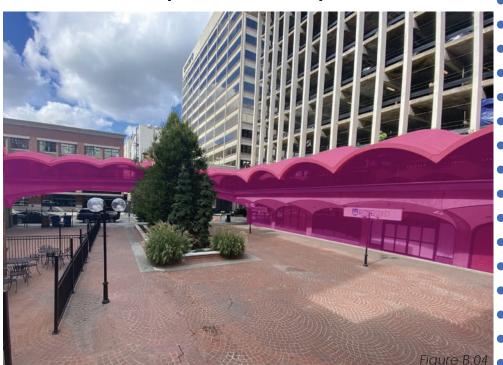




A very distinct skywalk offering unique and memorable views of the city.

Aspirational Examples

Examples in Spokane



The skywalk at the Parkade effectively defines the edge of this public plaza, while serving as an extension of the connecting building's arcade.





B-2 Provide Context Sensitive Signage and Lighting

Design wayfinding signage appropriate for the scale and character of the skywalk and immediate neighborhood. All street-level wayfinding should be oriented to pedestrians in the immediate neighborhood and provide clear directions on how to access the skywalk. To promote a sense of security for people during nighttime hours, provide appropriate levels of lighting in the skywalk, on the underside and/or façades of the skywalk, and around any wayfinding signage.



As skywalks project over public rights-of-way they can often appear disconnected to the activities on the street and detract from the liveliness of the public realm. This disconnection can be remedied by providing signage that orients pedestrians (whether in the skywalk network or on the street) to the activities throughout the larger built environment. Additionally, unique lighting can be incorporated into a skywalk design that provides more than mere ambient lighting for pedestrians walking through the skywalk.

Key Points:

Well-lit and well-placed wayfinding signage located at both ends of the skywalk, providing directions for pedestrians to the connecting buildings' main vertical circulation routes and the primary entrances is an important element of good skywalk design. Additionally, how well the exterior of the skywalk is lit at night, and how lighting on the underside of a skywalk can help add a unique experience to the streetscape.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, B-1 Provide Elements that Define the Place, B-3 Design for Personal Safety and Security, B-4 Universal Design, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk

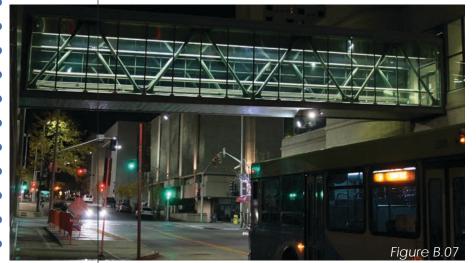


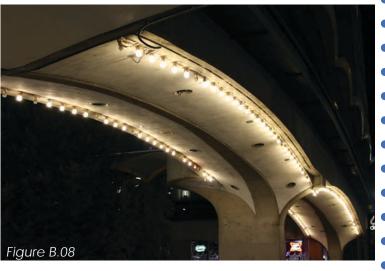


Left: A skywalk in Germany illuminated at night. Right: Directional signage in Des Moines, Iowa.

Aspirational Examples

Examples in Spokane









Top left: the skywalk adjacent to the STA Plaza provides robust lighting for patrons.

Top right: lighting beneath the Parkade skywalk provides light for those on the street below, while accentuating a unique architectural feature.

Bottom left: prominent and legible directional signage in the M Building accommodates ease of access for patrons.

Bottom right: ground-level signage offers easy-to-read directions up to the skywalk.

B-3 Design for Personal Safety and Security

Promote a sense of security for people during nighttime hours. Design the skywalk to promote the feeling of personal safety and security in the immediate area. Implement appropriate Crime Prevention Through Environmental Design (CPTED) principals, with a heightened focus on increasing eyes-on-the-street to improve passive security.

Clarification:

Skywalks present a unique challenge to meeting the four guiding principles of CPTED: natural surveillance, access control, territorial reinforcement, and space management. Historically, only the natural surveillance principle has been addressed in skywalk design, and then achieved by simply maximizing the amount of clear vision glazing on the skywalks themselves. All three remaining principles are more adequately addressed by providing clear wayfinding signage, an unimpeded and well-lit visual connection between the skywalk network and the primary entrances of the connecting buildings.

Key Points:

Good examples of skywalks in Spokane that are designed to meet the broader range of CPTED principles are those found in the hospital district. Of note is the 5th Ave skywalk located between Lincoln and Wall Streets that connects the Deaconess Medical Center's Emergency Room and the Medical Office Building.

Related Design Criteria:

Design Guidelines: B-2 Provide Context Sensitive Signage and Lighting, B-4 Universal Design, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-2 Minimize Adverse Visual Impacts to Traffic Flow





Above: skywalks can provide a well-lit, highly visible pedestrian environment.

Left: skywalks can serve as territorial reinforcement by assisting in the creation of a well-defined outdoor room.

Aspirational Examples

• • • Examples in Spokane • •



Top left: Downtown skywalks provide a reprieve from harsh weather.

Top right: well-lit skywalks with straight alignments offer unobstructed passage between connecting buildings, while offering few areas for those seeking to avoid being seen

Top left: Security cameras and corner mirrors along the Spokane skywalk network provide safety measures to patrons.





B-4 Universal Design

As a skywalk is part of the Public Realm it should be barrier-free, ergonomic, and accessible by all people regardless of physical ability or level of impairment. Skywalks shall be safe and accessible and contribute to a better public realm for people of all ages, genders, and abilities, especially the most vulnerable - children, seniors, and people with disabilities.

Clarification:

Skywalks should always be understood to be extension of the public sidewalk system, and as such should comply with all applicable design criteria found in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the appropriate accessibility requirements stipulated in the city's building code.

Key Points:

As the elevation of the floors in the connecting buildings are often at different heights, the slope of a skywalk's travelway is often required to be pitched. Regardless of the exterior façade composition of a skywalk the interior travelway must comply with the ADAAG accommodation requirements for accessible routes.

Related Design Criteria:

Design Guidelines: A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, A-4 Design for Change, B-2 Provide Context Sensitive Signage and Lighting, B-3 Design for Personal Safety and Security, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk



the travel surface of skywalks should offer unimpeded access between connecting buildings, but that doesn't mean the rest of the skywalk can't be beautiful and fun!



Aspirational Examples

Examples in Spokane



The walking plane on this Spokane skywalk has a slight pitch- but not so steep that a wheelchair could not easily navigate it. Handrails are available to anyone needing a steady hand hold.

Ramps provide easy access for wheelchairs, strollers, walkers, etc. to the skywalk



C PEDESTRIAN ENVIRONMENT

Area of Influence: Public Realm

Design Objective

Pedestrian Environment guidelines assist designers and developers in creating skywalks that define the pedestrian environment.

The intent of the guidelines is to promote a safe and healthy environment where the pedestrian is the priority.

While there is a need for automobile, bicycle and transit in Spokane, in all cases the most important consideration is the ease of pedestrian movement.

Where intersections with other transportation modes occur, the pedestrian's comfort, safety and best interests must not be compromised.

The pedestrian should be unimpeded and relatively comfortable in all seasons and hours of the day, in all areas of Spokane.



C-1 Design Façades at Many Scales

Design architectural features, fenestration patterns, and material compositions that refer to the human activities contained within. Skywalk façades should be composed of elements scaled to promote pedestrian comfort, safety, and orientation. A skywalk's façade should create and reinforce a 'human scale' not only at the street level, but also as viewed from farther away.

Clarification:

Skywalks can serve as successful extensions of the connecting buildings' façades. Just as taller buildings are encouraged to contribute to the community's skyline through articulated roof lines and stepbacks, skywalks can also incorporate similar architectural features to contribute to the liveliness of the surrounding streetscape and the avoidance of canyon-like street corridors.

Key Points:

Care should be taken to avoid skywalk designs that block-out the sky while contributing little back to the liveliness of the streetscape below. While opaque roofs and solid soffits are often used in skywalk construction, these elements can be artfully detailed and articulated to add to the visual enjoyment of the streetscape.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-1 Create Transitions in Bulk and Scale, D-2 Design a Well-proportioned and Unified Skywalk, D-3 Enhance the Streetscape



The architecture and glazing patterns of this building have been clearly translated to the skywalks, providing the same level of design to the pedestrian realm.

Aspirational Examples

Examples in Spokane.



The design of the Parkade skywalk integrates the arches of the main structure into the street level detailing, providing appropriate scale to both facades.

The addition of an entrance plaza below the skywalk abutment, and the use of a similar architectural vocabulary allows the skywalk to be seen as a pedestrian-scaled extension of the connecting building.



C-2 Reinforce Pedestrian Access

Design the ground level skywalk entrances to promote pedestrian comfort, safety, and orientation.

Clarification:

Because skywalks often span between the upper floors of connecting buildings, how pedestrians gain access to the skywalks from the street level is an often-overlooked design element. The design of the skywalk must include the primary means of pedestrian access to and from the street. Sometime this can be accomplished by including a stair or elevator directly from the skywalk to the sidewalk, though mostly this is accomplished by the skywalk connecting directly to the connecting buildings' primary entries lobbies and primary corridors.

Key Points:

A good local example is the Main Avenue skywalk that connects River Park Square to the Crescent Building, as this skywalk leads directly to the primary circulation corridors in these two buildings.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, B-2 Provide Context Sensitive Signage and Lighting, B-4 Universal Design, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to Traffic Flow



Left: a fun, well lit skywalk provides safe pedestrian access via ramps on either side of the roadway.
Right: the skywalk is accessed by a staircase.



Signage at the ground level direct pedestrians to the skywalk.

Aspirational Examples

• Examples in Spokane • The Parkade's spiral

environment.

staircase brings people

to the sidewalk and a

from the parking garage

comfortable pedestrian



Signage helps people find the entrances to nearby skywalks.

Access from Second Level to:

• Müv Fitness

• Skywalk to Nordstrom

& Shopping Center

C-3 Develop Pedestrian-oriented Spaces Along Street Frontages

Designs should create human-scale spaces in response to how people engage with their surroundings, by prioritizing active street frontages, clear paths of pedestrian travel, legible wayfinding, and enhanced connectivity. This strategy promotes healthy living, increases economic activity at the street level, enables social interaction, creates equitable and accessible public spaces, and improves public safety by putting eyes and feet on the street. Skywalks should not discourage street level activity.

Clarification:

This guideline promotes healthy living, increases economic activity at the street level, enables social interaction, creates equitable and accessible public spaces, and improves public safety by putting eyes and feet on the street. Skywalks should not discourage street level activity, and in their design should improve the public realm.

Key Points:

A good pedestrian-oriented area adjacent to a skywalk can be found at the plaza immediately south of the Parkade, as it is framed by a skywalk. In addition, the skywalk above the main entry to 809 Main Avenue (see figure C.11) accentuates this primary entrance while emphasizing the improved public realm of the sidewalk.

Related Design Criteria:

Design Guidelines: A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, A-4 Design for Change, B-1 Provide Elements that Define the Place, B-2 Provide Context Sensitive Signage and Lighting, B-3 Design for Personal Safety and Security, B-4 Universal Design, C-1 Design Façades at Many Scales, C-2 Reinforce Pedestrian Access, C-4 Provide a High-Quality Design for the Public Realm, D-3 Enhance the Streetscape, E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to Traffic Flow



Aspirational Examples

Examples in Spokane







Top left: Wide sidewalks at the STA Plaza offer bountiful pedestrian space

Top right: Multiple skywalks to the STA plaza and bountiful sidealks below offer many varied pedestrian connections

Bottom left: Sidewalks at street level and elevated sidewalks at the retail level offer an attractive pedestrian experience at the entrance to a Riverpark Square skywalk.

Provide High Quality Walkable Design for the Public Realm

Create a high quality public realm that supports the culture of walking. Create a high-quality public realm that supports the culture of walking and non-motorized transportation. Design the skywalk so that pedestrian access is convenient, and the environment is comfortable, memorable, and attractive. Use materials at street level that create a sense of permanence and bring life and warmth to the Public Realm. As skywalks are part of this realm they must be integrated into the network of streets, alleys, trails, and public spaces to provide opportunities for civic, cultural, economic, and social activities.



Two examples of excellent skywalks that undoubtedly add to the quality of the public realm.



Aspirational Examples

Clarification:

Use materials at street level that create a sense of permanence and bring life and warmth to the Public Realm. As skywalks are part of this realm they must be integrated into the network of streets, alleys, trails, and public spaces to provide opportunities for civic, cultural, economic, and social activities.

Key Points:

The Crescent Building holds a beautiful section of Spokane's skywalk network. With wrought iron detailing and interesting architectural features, this space is contextual with the surrounding architecture, comfortable, and enjoyable. (See figures C.14 and C.15)

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-2 Provide a Sustainable
Framework, B-1 Provide Elements that Define the Place, B-2 Provide Context Sensitive
Signage and Lighting, B-3 Design for Personal Safety and Security, B-4 Universal Design
C-1 Design Façades at Many Scales, C-2 Reinforce Pedestrian Access, C-3 Develop
Pedestrian-oriented Spaces Along Street Frontages, D-1 Create Transitions in Bulk and
Scale, D-2 Design a Well-proportioned and Unified Skywalk, D-3 Enhance the Streetscape,
E-1 Maximize Pedestrian Access to the Skywalk, E-2 Minimize Adverse Visual Impacts to
Traffic Flow

Examples in Spokane



Eateries and historic architecture are attractive amenities found throughout and nearby the Spokane skywalk network.



ARCHITECTURAL EXPRESSION

Area of Influence: Building, Structure, & Site

Design Objective

Architectural Expression guidelines assist designers and developers in creating skywalks that relate to the neighborhood context and promote quality development that reinforces the individuality, spirit, and values of Spokane. The guidelines are intended to promote architectural design that is complementary to Spokane's heritage

and character. The following objectives and guidelines for Spokane primarily address the exterior of skywalks and their relationship to its architectural surroundings.



D-1 Create Transitions in Bulk and Scale

Skywalks should be consistent with the character of Spokane as an urban setting and create a transition in height, bulk, and scale of development, from neighboring or nearby areas with less intensive development, and between buildings and the pedestrian realm.



The glazing patterns and tilt-outs of this skywalk visually reduce its bulk, as well as reducing the overall bulk of the main structure behind it.

Aspirational Examples

Clarification:

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned skywalk that exhibits a coherent conformance with the original parti. Design the architectural elements and finish details to create a unified skywalk, so that all components appear integral to the whole.

Key Points:

The skywalk network at the Parkade Plaza (see figure D.02) does an excellent job of creating a smooth transition from the higher floors of the building to ground level. The Parkade skywalk moderates the bulk of the structure by creating a more human-scale ground level. The arches below the skywalk delineate small alcoves, further introducing human-scale at the edges of the plaza.

Related Design Criteria:

Design Guideline: A-1 Provide a 360-degree Design, C-1 Design Façades at Many Scales, C-4 Provide a High-Quality Design for the Public Realm, D-2 Design a Well-proportioned and Unified Skywalk, D-3 Enhance the Streetscape

Examples in Spokane

Arches above and below the skywalk, glass framing patterns, and street trees lessen the bulk of these downtown skywalks.



The architectural details on this skywalk lessen the bulk of the structure.



Design a Well-proportioned and Unified Skywalk

Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned skywalk that exhibits a coherent conformance with the original parti. Design the architectural elements and finish details to create a unified skywalk, so that all components appear integral to the whole.



Design the architectural elements and finish details to so that all components of the skywalk appear integral to the whole. Care should be given to the architectural expression of the connecting buildings, as these elements are considered components of the whole.

Key Points:

In the hospital district, skywalks employ matching color, repeated architectural details, and fenestration patterns to achieve a unified composition with the connecting buildings. (See figure D.06)

Related Design Criteria:

Design Guidelines: C-1 Design Façades at Many Scales, C-4 Provide a High-Quality Design for the Public Realm, D-1 Create Transitions in Bulk and Scale, D-3 Enhance the Streetscape



Aspirational Examples

The building and skywalk form a well-balanced system through use of similar materials, glazing patterns, and architectural styling.

Examples in Spokane

A well proportioned skywalkthe window placement, connection points, and color create a cohesive design.





The architecture of the skywalk at Lewis and Clark Middle School ties in well with that of the adjacent architectural partis.

D-3 Enhance the Streetscape

Promote resilient development by choosing sustainable design and building practices whenever possible. Employ passive solar design in façade configurations, treatments, and materials - and where practicable incorporate active solar power systems. Employ techniques and technologies to improve the ecological performance of the skywalk.

Clarification:

A skywalk can moderate the scale and proportion of the surrounding open space, as well as moderate/create a sense of enclosure for the surrounding public realm. This can be accomplished by a conscious selection of where a skywalk is located along a block face, or along an adjacent plaza, to help frame an outdoor room within (or along) the streetscape. (See figure D.09)

Key Points:

The Steven Street skywalk at Lewis & Clark High School has excellent contextual architectural treatments - evoking both the historic details of the high school, the contemporary details of the newer field house, and the historic arched bridges of Spokane.

Related Design Criteria:

Design Guidelines: A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, B-1 Provide Elements that Define the Place, B-2 Provide Context Sensitive Signage and Lighting, B-3 Design for Personal Safety and Security B-4 Universal Design, C-1 Design Façades at Many Scales, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, D-1 Create Transitions in Bulk and Scale D-2 Design a Well-proportioned and Unified Skywalk, D-2 Design a Well-proportioned and Unified Skywalk





The underside of the Kalbarri Skywalk (left) in Australia provides art and interesting architectural details to enhance the streetscape. The Indianapolis Artsgarden (right) provides great lighting, overhead weather protection, and visual interest.

Aspirational Examples weather protection, and visual interest.

Examples in Spokane



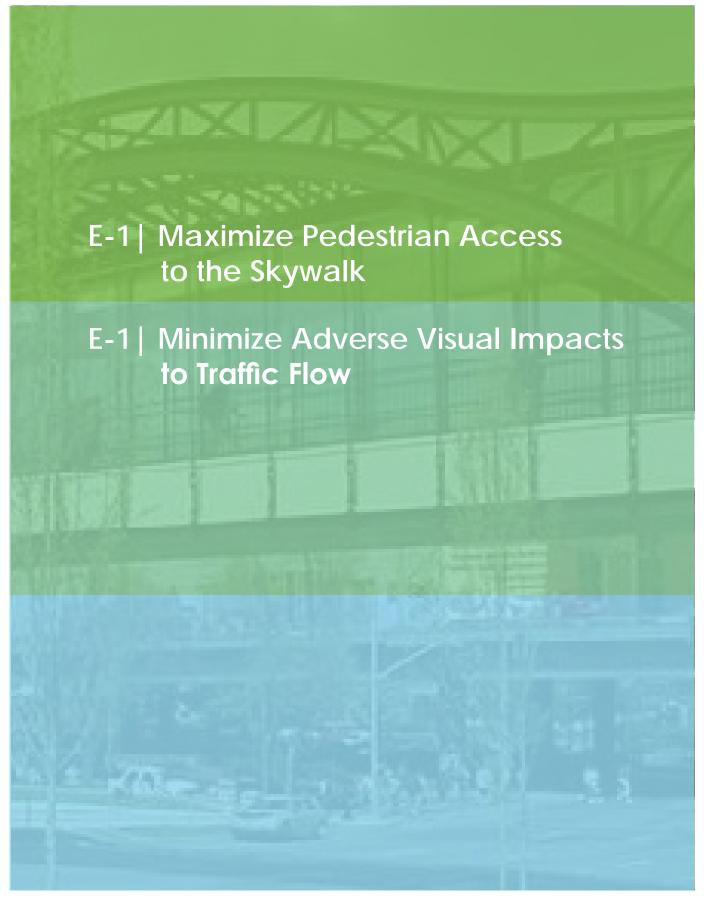
The Parkade skywalks not only function as an access network above the street level, but frame the plaza below and anchor the space. They also provide overhead weather protection and adequate lighting for the street level.

F ACCESS & SCREENING

Area of Influence: Building, Structure, & Site

Design Objective

Access and Visual Impact guidelines assist designers and developers in creating skywalks that minimize adverse environmental impacts.



E-1 Maximize Pedestrian Access to the Skywalk

As a skywalk is intended to operate as part of a larger pedestrian multi-level network of pathways, the ease of access between levels of this network is paramount. Design the skywalk to integrate seamlessly with the overall pedestrian on, and adjacent to, the development.

Clarification:

Design the skywalk to integrate seamlessly with overall pedestrian movement on, and adjacent to, the development. Ensure that adequate wayfinding (including signage and lighting) is encorporated in the skywalk design. To the greatest extent practicable, a skywalk should be incoprated into a larger skywalk network.

Key Points:

The Parkade was designed with excellent pedestrian access options; people can park their vehicle and walk either through the skywalks or down to the street level, or simply use the staircase to access the skywalk and avoid interaction with vehicular traffic. (see figure E.04)

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, B-2 Provide Context Sensitive Signage and Lighting, B-4 Universal Design, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, E-2 Minimize Adverse Visual Impacts to Traffic Flow



Right: A tower was constructed (in the same style as the main structure across the street) with which to access the main building via the skywalk.

Left: The skywalk is accessed by a staircase.

E.01 e as c Figure E.0

Aspirational Examples

Ramps allow wheeled access to the skywalk network

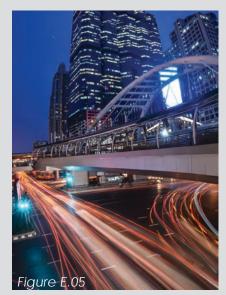
A stairway at a major downtown intersection provides access to the skywalk, and safe passage above vehicular traffic.

Examples in Spokane •:



Minimize Adverse Visual Impacts to Traffic Flow

Skywalks should not adversely affect the ability for pedestrians on sidewalks and drivers in the vehicle lanes from perceiving impediments to travel and crossing signals.





Aspirational Examples

Examples of skywalks allowing free vehicular movement below.

Clarification:

This guideline assumes that "traffic flow" refers to both vehicular and pedestrian movement. Care should be given in the proposed location of skywalks on one-way streets as this vehicular traffic flow could be revised in the future.

Key Points:

The Skywalks along Main Avenue (see figure E.09) are positioned well clear of existing traffic signals, which keep them blocking traffic signals and signs.

Related Design Criteria:

Design Guidelines: A-1 Provide a 360-degree Design, A-2 Provide a Sustainable Framework, A-3 Accomodate the Multi-modal Transportation Network, B-3 Design for Personal Safety and Security, C-2 Reinforce Pedestrian Access, C-3 Develop Pedestrian-oriented Spaces Along Street Frontages, C-4 Provide a High-Quality Design for the Public Realm, E-1 Maximize Pedestrian Access to the Skywalk

Examples in Spokane



Examples of skywalks that are not interfering with traffic signals in downtown Spokane.





Glossary of Terms

Glossary of Terms

Action Approving Authority: Any City official that may initiate the design review process, accept final recommendations, or render final determinations regarding design review. Actions Approving Authorities at the City include the Hearing Examiner, the Planning Director, or the City Engineer. While not considered an action approving authority, the Plan Commission may request the Design Review Board's review and recommendations of any urban design portions of plans or codes under its consideration.

Active Street Edge: In addition to the four horizontal elements of sidewalks (see Sidewalk Zones), there are three distinct vertical zones on the ground floor façades of buildings adjacent to sidewalks. These are (see figure below):

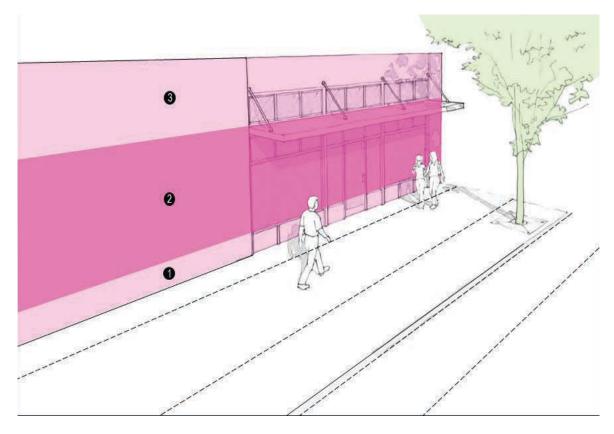


Image modified from the National Association of City Transportation Officials

1. Bulkhead/Kickplate Zone

The portion of the ground floor closest to the ground plane. Typically this zone ranges from 1- to 2-feet in height. This portion is often opaque and more resilient to impact.

2. Storefront/Window Zone

the greatest level of transparency, the purpose of which is to establish a visual connection between the activities within the building and those on the sidewalk.

3. Transom/Ceiling Zone

The portion of the ground floor with The portion of the ground floor accommodating transitional elements from the ground floor to the upper floors. Exterior elements often include marquees, awnings, transom windows, signage, and cornices.

Area of Influence: As every building and site rests within a variety of contexts, each design guideline category is provided with the relative scale in which potentially influencing factors may be found or wherein they may be expressed. These are, from largest to most local: Region, City, Neighborhood, District, Public Realm, Site, and Building/Structure.

Civic Use: Within the context of the Spokane Municipal Code, and the range of uses typically referred to as civic in nature, a Civic Use is an enclosed/conditioned space that can accommodate a range of public functions operating under the auspices of a government body. Such uses may include offices, public schools or colleges, public health clinics or hospitals, community centers, libraries, museums, fire houses, police stations, and courts of law.

Contextual: An attribute of a context area (similar to an Area of Influence), a project or design element that is contextual is one that responds to social, cultural, or historic stimuli that may influencing a site, structure, or building. A good example of contextual design is one that seamlessly weaves into an existing neighborhood or street.

de minimis Change: Any change to a project's design after the conclusion of design review that would have a negligible effect on the final recommendations provided to the City's action approving authority. See Substantial Change.

Design Departure: While the design review process cannot waive compliance with a design standard, a design departure can grant the approval of an alternative means of complying with a standard. The alternative design must comply with the decision criteria for design departures listed in the Unified Development Code (Spokane Municipal Code 17G.030.040.A-F).

Design Guideline: A set of design parameters for developments which apply to projects that would trigger design review. These parameters may be unique to a design district, sub-district, overlay zone, or to specific project types. The guidelines, as design criteria, are adopted public statements of intent and are used to evaluate the acceptability of a project's design (Spokane Municipal Code 17A.020.040.L). Design guidelines help ensure that the design review process will result in advice and recommendations rendered which stay focused on the community's set of aesthetic expectations for the projects being reviewed.

Design Standard: A set of design parameters for developments which apply to all projects within a specific land use category. These parameters are written into every zoning category of the Unified Development Code and compliance is obligatory.

Façade: The exterior wall of a building. While often associated with the front (or *face*) of a building, façades are typically those portions of a building's exterior that can be viewed from a public way or street.

Fenestration: The arrangement and design of penetrations in the exterior wall of a building, typically exterior windows and doorways. The term may encompass the pattern of open-air passageways through a building or the design of a building's arcade.

Green: See *Sustainable*

Living in Place: Related to Aging in Place, Living in Place refers to the design of a district, street, site, or building that is intentionally composed to be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability. Unlike Aging in Place, Living in Place is not restricted to only accommodating the needs of people as they age.

Glossary of Terms (continued)

Parti: A good design has a central organizing thought or decision guiding the overall concept. This influencing precept can be depicted as a simple diagram and explanatory statement, typically referred to as a parti. As the design of a site, public realm, and building should have a comprehensive concept experienced through scale, proportion, enclosure, and compositional clarity this coordinating precept can be expressed in the parti's diagram and statement. A parti is derived prior to the development of a project's plan, section, or elevation diagrams.

Plinth: In urban design a plinth is defined as a projecting masonry coursing that forms a platform for a building. Such a course is typically knee-high, though taller plinths may be used to add monumentality to landmark buildings.

Public Realm: Those parts of the urban fabric that are held in common, either by physical occupation or visual association. This includes, but is not limited to plazas, squares, parks, vistas, streets, public frontages, private frontages, civic buildings, and certain spaces in commercial developments like the common areas of malls and hotels. There is an ethical and civic connotation to the term that transcends the mere physical, legal, or utilitarian. On a street, the public realm is the entire space formed by the adjacent buildings/structures and site

Resilient: See Sustainable

Sidewalk Zones: The various portions of a public sidewalk with discrete functions. These are (see figure. below):

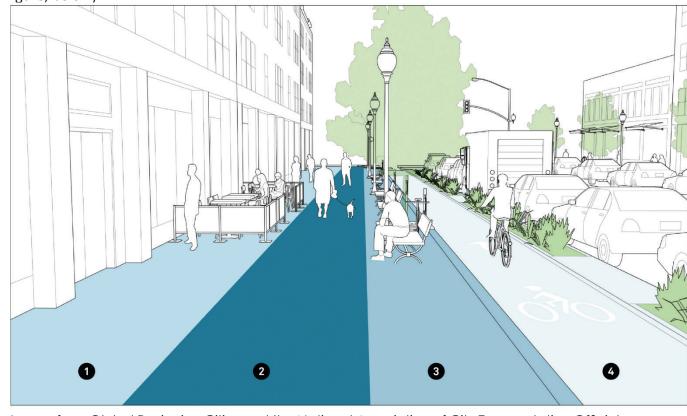


Image from Global Designing Cities and the National Association of City Transportation Officials

1. Frontage Zone

The section of the sidewalk that functions as an extension of the building, whether through entryways and doors or sidewalk cafés and sandwich boards. The frontage zone consists of both the facade and adequate place to of the building fronting the street and the space immediately adjacent to the building.

2. Clear Path Zone

The pedestrian clear path defined by the primary, dedicated, and accessible pathway that runs parallel to the street. The clear path ensures that pedestrians have a safe walk and should be 5-feet wide in residential settings and 7- to 12-feet wide in downtown or commercial areas with heavy pedestrian volumes.

3. Street Furniture Zone

The section of the sidewalk between the curb and the clear path, in which street furniture and amenities such as lighting, benches, newspaper kiosks, transit facilities, utility poles, tree pits, and cycle parking are provided. The street furniture zone may also contain green infrastructure elements such as rain gardens, trees, or flowthrough planters.

4. Buffer Zone

The space immediately next to the sidewalk that may consist of a variety of different elements. These include curb extensions, parklets, stormwater management features, parking, cycle racks, cycle share stations, and curbside cycle tracks.

Glossary of Terms (continued)

Substantial Change: Any change to a project's design after the conclusion of design review that may take a project out of compliance with the final recommendations provided to the City's action approving authority. A substantial change to a project's design would typically result in further design review, remanding the project back to either urban design staff or the full Design Review Board to determine if additional, or revised, recommendations are warranted.

Superior in Design Quality: A determination that an alternative means of complying with the intent of a design standard would result in a greater compliance with the set of applicable design guidelines than what would be potential achieved by complying with the requirements (R) or presumptions (P) written in the design standard's implementation section.

Sustainable: An attribute or action that does not completely use up or destroy a resource. A design element that is sustainable is one that can last for a long time or can be easily repaired using local and readily available materials and techniques. A design element may also facilitate an occupant or user lifestyle involving sustainable methods. Typically, sustainable efforts focus on reducing, reusing, and recycling of valuable and limited resources.

Thoroughfare: An all-encompassing term used to describe a public way whose principal function is to convey goods and people. This includes pedestrians, cyclists, transit riders, drivers, and heavy freight operators. The elements of thoroughfares include sidewalks (frontage zone, pedestrian through zone, furnishing/landscaping zone, curb zone), the flexible area (on-street parking, bicycling lanes), and the vehicle realm (travel lanes, transit lanes, turning lanes, boulevard landscaping). A term often used instead of *street*, as the latter can be limited in perception as a conveyance for motorized vehicles.

Urban Fabric: The physical aspect of urbanism. This term emphasizes building forms, streets, open space, streetscapes, and frontages, while excluding without prejudice ecological, functional, economic, and sociocultural aspects.

Visitability: A design solution for residential uses that eliminates major accessibility barriers. Visitability design includes the following three elements: 1) at least one zero-step entrance on an accessible route leading from a driveway or street sidewalk, 2) all interior doors being wide enough to allow a wheelchair to pass through, and 3) a least one toilet (half bath) on the main floor. A distinct advantage of incorporating these elements in a residential unit is that it will allow an easier conversion of a portion of the main floor into a non-residential use. A term related to Living in Place.

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SPOKANE Agenda Sheet	Date Rec'd	4/15/2022	
05/02/2022		Clerk's File #	ORD C36205
		Renews #	
Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	ORD C36204
	DEVELOPMENT		ORD C36206
Contact Name/Phone	DEAN GUNDERSON EXT 6082	Project #	
Contact E-Mail	DGUNDERSON@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0650 - NEW DESIGN GUIDELINES - SKYWALKS		

Agenda Wording

New Design Guidelines for Public Projects and Structures, Skywalks over Public Right-of-Way, and City-Wide projects supported by amendments to the Spokane Municipal Code (SMC).

Summary (Background)

The adoption of these provisions will be undertaken via three ordinances. The first ordinance adopts the new design guidelines into the SMC. The second ordinance amends a portion of Title 12 and adopts a new chapter for Skywalks in Title 17C. The third ordinance amends portions of the SMC to clarify the formal design review process.

Lease? NO	Grant related? NO	Public Works? NO	
Fiscal Impact		Budget Account	
Neutral \$		#	
Select \$		#	
Select \$		#	
Select \$		#	
<u>Approvals</u>		Council Notifications	
Dept Head	BLACK, TIRRELL	Study Session\Other	Urban Experience:
			August 2019, Urban
			Experience: September
			2021, Urban Experience:
			April 13, 2022, City
			Council Advance Agenda:
			April 25, 2022
Division Director	BLACK, TIRRELL	Council Sponsor	CMs Stratton and
			Cathcart
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Additional Approvals	dgunderson@spokancity.org
Purchasing	jchurchill@spokancity.org
	smacdonald@spokanecity.org

ORDINANCE NO. C36205

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

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

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

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

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

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

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

THE CITY OF SPOKANE DOES ORDAIN:

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

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

Section 12.02.0405 Findings

The city council finds as follows:

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

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

Section 12.02.0410 Policy - Purpose

A. The city council, finding overhead pedestrian skywalks to promise improvement of pedestrian and vehicular traffic in congested areas of the City, declares that it is the policy of the City to approve, in principal, the construction of pedestrian skywalks over City streets and alleys. Said construction is in the interest of the public health, safety and welfare.

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

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

Section 12.02.0424 Evaluation by Hearing Examiner

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

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

Section 12.02.0452 Further Specifications

A. The construction of skywalks shall be in accordance with the plans and specifications filed with the City, and shall comply with the City building code, so

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

Section 6. That section 12.02.0464 is amended as follows:

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

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

Section 7. That section 12.02.0470 is amended as follows:

Section 12.02.0470 Signs - Lighting

- A. No advertising, readerboards, or other signs, except City traffic signs and skywalk wayfinding signage, shall be permitted on the internal or external portions of the skywalk structures. Distinct internal directional signs designating routes within the skywalk system may be permitted, and such signing indicating routes to street access shall be provided at all vertical accesses. Decorations for holiday, seasonal, and civic events may be placed on skywalk structures, on a temporary basis, subject to the prior written approval of the director of engineering services.
- B. Skywalks must have ((inconspicuous,)) nonglare, internal lighting, and where necessary for pedestrian safety and convenience ((, inconspicuous external lighting)).

- C. Signs located on or facing on the sidewalk indicating the direction to and location of skywalk entrances shall conform to guidelines established by the City ((plan commission)) and shall meet the following criteria:
 - 1. Skywalk entrance direction signs on sidewalks or placed on a structure fronting on the sidewalk should be reasonably standardized and uniform ((throughout the downtown area)).
 - 2. The signs should not be a safety hazard or unduly restrict pedestrian movement.
 - 3. The signs should be aesthetically pleasing and complementary with existing street furniture.
 - 4. Signs should be simple, readable, and contain no advertising.
 - 5. The costs of the sign and associated maintenance shall be borne by the ((property)) skywalk owners.
- D. The hearing examiner administers skywalk sign proposals submitted as a part of a skywalk application as well as those proposed separately from and not a part of a skywalk application. The hearing examiner may prepare and adopt <u>project-specific signage</u> guidelines that reflect the above criteria to assist in the administration of applications for placement of sidewalk entrance signs.

Section 8. That section 12.02.0476 is amended as follows:

Section 12.02.0476 Limitation on Permits

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

structures spanning the street to the minimum number necessary for a successful pedestrian skywalk system.

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

Chapter 17C.255 Skywalks

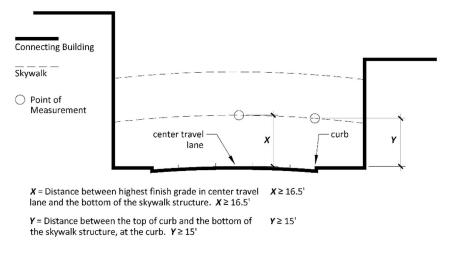
Section 17C.255.010 Purpose

A. Purpose. To ensure public safety and a consistent development of skywalk structures in the public right of way, the following development standards must be met.

B. Skywalk Development Standards

1. Street Clearance

a. Skywalks must have a minimum of sixteen and one-half feet clearance above the existing street grade in the center lane, and must have a minimum of fifteen feet clearance above the street pavement at the curb and over alleys.



2. Circulation

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

3. Street Access

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

4. Glazing

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

5. Drainage

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

Section 17C.255.015 Design Standards Administration

All projects must address the pertinent design standards. A determination of consistency with the design standards will be made by the planning director following an administrative review process. Design standards are in the form of Requirements (R), Presumptions (P), and Considerations (C). Regardless of which term is used, an applicant must address each design standard. For design standards that are designated Requirement

(R) an applicant may apply to the Design Review Board pursuant to the procedures set forth in chapter 17G.040 SMC, and the board may recommend approval of alternatives to strict compliance, upon a finding that the alternative satisfies the decision criteria for a design departure in SMC 17G.030.040.

A. Requirements (R).

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

B. Presumptions (P).

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

1. Overcoming a Presumption.

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

2. Appropriate ways to overcome a presumption include:

- a. demonstrating that for a specific project the underlying design principle will not be furthered by the application of the presumption;
- b. showing that another design principle is enhanced by not applying the presumption;
- c. demonstrating an alternative method for achieving the intent of the presumption;
- d. explaining the unique site factors that make the presumption unworkable, such as lot size and shape, slope, natural vegetation, drainage, or

characteristics of adjacent development, which are identified through their use of materials, colors, building mass and form, and landscaping.

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

C. Considerations (C).

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

Section 17C.255.500 Design Standards Implementation

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

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

Section 17C.255.510 Windows – Building Design

A. Purpose. A skywalk should achieve an open character to reveal pedestrian use of the structure.

B. Windows Implementation

1. A skywalk's enclosing structure should have at least seventy percent transparent glazing, excluding structural framing members. (P)

2. Openings in a skywalk structure should be distributed evenly along the length of the skywalk. (P)

Section 17C.255.515 Enclosure – Building Design

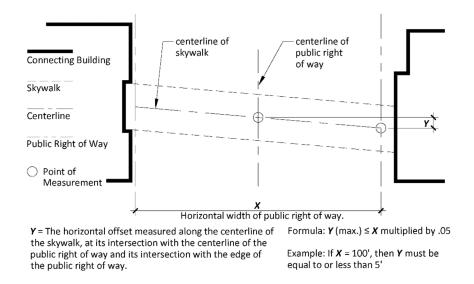
- A. Purpose. To ensure the year-round physical comfort of the pedestrian users of the skywalk.
- B. Enclosure Implementation
 - 1. A skywalk should be fully enclosed. (P)

Section 17C.255.520 Articulation – Building Design

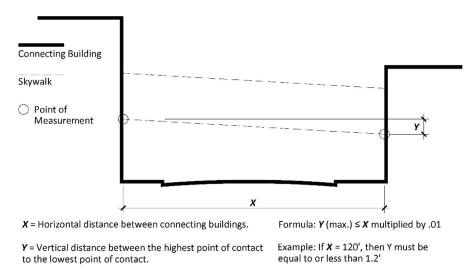
- A. Purpose. The exteriors of skywalks will be noncompetitive with the character of the connecting buildings.
- B. Articulation Implementation
 - 1. The exterior of the skywalk structure should be contextually compatible with the connecting buildings. (P)
 - 2. The exterior of the skywalk structure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

Section 17C.255.525 Angulation and Slope

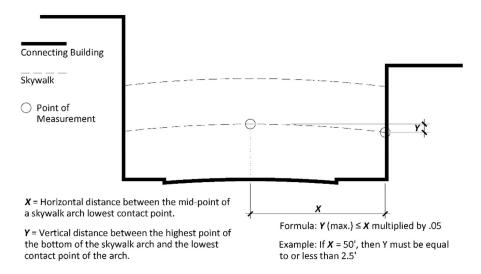
- A. Purpose. To convey a sense of structural stability to pedestrians and drivers, a skywalk structure should be as horizontal as feasible, and as orthogonal to the street grid as feasible.
- B. Angulation and Slope Implementation
 - 1. The horizontal angulation of the skywalk off the centerline of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



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



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



Section 17C.255.530 Dimensions

A. Purpose. Skywalk structures must maintain adequate interior skywalk pathway dimensions, without unduly impacting the primary use of the skywalk and the liveliness of public sidewalks.

B. Dimensions Implementation

- 1. Skywalks must be no less than eight feet nor more than fourteen feet in width. (R)
- 2. Skywalks must be no more than fourteen feet in height, as measured from the bottom of the skywalk structure to its top. (R)

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

Passed by the City Council on	·
	Council President
Attest:	Approved as to form:
City Clerk	Assistant City Attorney
Mayor	Date
	Effective Date

CITY OF SPOKANE PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE DESIGN GUIDELINES AND DESIGN REVIEW ORDINANCES

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.510, 17C.255.520, 17C.255.525, and 17C.255.530.

FINDINGS OF FACT:

- A. The proposed text amendments aligns with the following adopted <u>Shaping Spokane Comprehensive Plan</u> policies:
 - Chapter 3 Land Use, LU 2.1 Public Realm Features Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.
 - 2. Chapter 3 Land Use, LU 2.2 Performance Standards Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.
 - 3. Chapter 3 Land Use, LU 4.4 Connections Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.
 - 4. Chapter 3 Land Use, LU 5.1 Built and Natural Environment Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.
 - 5. Chapter 3 LU 5.2 Environmental Quality Enhancement Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.
 - Chapter 3 LU 5.4 Natural Features and Habitat Protection Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.
 - 7. Chapter 3 LU 5.5 Compatible Development Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

- 8. Chapter 3 LU 6.4 City and School Cooperation Continue the cooperative relationship between the city and school officials.
- 9. Chapter 3 LU 6.9 Facility Compatibility with Neighborhood Ensure the utilization of architectural and site designs of essential public facilities that are compatible with the surrounding area.
- Chapter 3 LU 7.1 Regulatory Structure Develop a land use regulatory structure
 that utilizes a variety of mechanisms to promote development that provides a
 public benefit.
- 11. Chapter 4 TR 1 Transportation Network for All Users Design the transportation system to provide a complete transportation network for all users, maximizing innovation, access, choice, and options throughout the four seasons. Users include pedestrians, bicyclists, transit riders, and persons of all abilities, as well as freight, emergency vehicles, and motor vehicle drivers.
- 12. Chapter 4 TR 2 Transportation Supporting Land Use Maintain an interconnected system of facilities that allows travel on multiple routes by multiple modes, balancing access, mobility and place-making functions with consideration and alignment with the existing and planned land use context of each corridor and major street segment.
- 13. Chapter 4 TR 7 Neighborhood Access Require developments to have open, accessible, internal multi-modal transportation connections to adjacent properties and streets on all sides.
- 14. Chapter 4 TR 9 Promote Economic Opportunity Focus on providing efficient and affordable multi-modal access to jobs, education, and workforce training to promote economic opportunity in the city's designated growth areas, develop "Great Streets" that enhance commerce and attract jobs.
- 15. Chapter 4 TR 13 Infrastructure Design Maintain and follow design guidelines (including national guidelines such as MUTCD, NACTO, AASHTO) reflecting best practices that provide for a connected infrastructure designed for our climate and potential emergency management needs, and respecting the local context. Local context may guide signage and elements such as traffic calming, street furniture, bicycle parking, and community spaces. Accessibility guidelines and emergency management needs will be maintained.
- 16. Chapter 4 TR 15 Activation Build great streetscapes and activate public spaces in the right-of-way to promote economic vitality and a sense of place, with a focus on the designated Centers and Corridors identified in the Land Use chapter.
- 17. Chapter 7 ED 6.1 Infrastructure Projects Promote infrastructure projects that enhance the city's quality of life and business climate.
- 18. Chapter 7 ED 7.6 Development Standards and Permitting Process 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.

- 19. Chapter 7 ED 8.1 Quality of Life Protection Protect the natural and built environment as a primary quality of life feature that allows existing businesses to expand and that attracts new businesses, residents, and visitors.
- 20. Chapter 8 DP 1.1 Landmark Structures, Buildings, and Sites Recognize and preserve unique or outstanding landmark structures, buildings, and sites.
- 21. Chapter 8 DP 1.2 New Development in Established Neighborhoods Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.
- 22. Chapter 8 DP 1.3 Significant Views and Vistas Identify and maintain significant views, vistas, and viewpoints, and protect them by establishing appropriate development regulations for nearby undeveloped properties.
- 23. Chapter 8 DP 1.4 Gateway Identification Establish and maintain gateways to Spokane and individual neighborhoods consisting of physical elements and landscaping that create a sense of place, identity, and belonging.
- 24. Chapter 8 DP 2.1 Definition of Urban Design Recognize current research that defines urban design and identifies elements of a well-designed urban environment.
- 25. Chapter 8 DP 2.2 Design Guidelines and Regulations Adopt regulations and design guidelines consistent with current definitions of good urban design.
- 26. Chapter 8 DP 2.3 Design Standards for Public Projects and Structures Design all public projects and structures to uphold the highest design standards and neighborhood compatibility.
- 27. Chapter 8 DP 2.4 Design Flexibility for Neighborhood Facilities Incorporate flexibility into building design and zoning codes to enable neighborhood facilities to be used for multiple uses.
- 28. Chapter 8 DP 2.5 Character of the Public Realm Enhance the livability of Spokane by preserving the city's historic character and building a legacy of quality new public and private development that further enriches the public realm.
- 29. Chapter 8 DP 2.6 Building and Site Design Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features including topography, hydrology, and microclimate and considers intensity of use.
- 30. Chapter 8 DP 2.7 Historic District and Sub-Area Design Guidelines Utilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district.
- 31. Chapter 8 DP 2.8 Design Review Process Apply design guidelines through a review process that relies on the expertise of design professionals and other community representatives to achieve design performance that meets or exceeds citizens' quality of life expectations.
- 32. Chapter 8 DP 2.9 Permit Process Integrate the design review process with other permitting processes to increase efficiency and create a better outcome.

- 33. Chapter 8 DP 2.10 Business Entrance Orientation Orient commercial building entrances and building facades toward the pedestrian sidewalks and pathways that lead to adjoining residential neighborhoods.
- 34. Chapter 8 DP 2.11 Improvements Program Facilitate improvements such as sidewalks, street improvements, street trees, sewers, and parks in neighborhoods and commercial areas designated for higher density development.
- 35. Chapter 8 DP 2.12 Infill Development Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.
- 36. Chapter 8 DP 2.13 Parking Facilities Design Minimize the impacts of surface parking on the neighborhood fabric by encouraging the use of structured parking with active commercial storefronts containing retail, service, or office uses, and improve the pedestrian experience in less intensive areas through the use of street trees, screen walls, and landscaping.
- 37. Chapter 8 DP 2.14 Town Squares and Plazas Require redevelopment areas and new development to provide appropriately scaled open space such as town squares, plazas, or other public or private spaces that can be used as the focus of commercial and civic buildings.
- 38. Chapter 8 DP 2.15 Urban Trees and Landscape Areas Maintain, improve, and increase the number of street trees and planted areas in the urban environment.
- 39. Chapter 8 DP 2.16 On-Premises Advertising Ensure that on-premises business signs are of a size, number, quality, and style to provide identification of the business they support while contributing a positive visual character to the community.
- 40. Chapter 8 DP 2.21 Lighting Maximize the potential for lighting to create the desired character in individual areas while controlling display, flood and direct lighting installations so as to not directly and unintentionally illuminate, or create glare visible from adjacent properties, residential zones or public right-of-way.
- 41. Chapter 8 DP 5.1 Neighborhood Participation Encourage resident participation in planning and development processes that will shape or re-shape the physical character of their neighborhood.
- 42. Chapter 8 DP 5.2 Neighborhood Involvement in the City Design Review Process Encourage neighborhoods to participate in the city's design review process.
- 43. Chapter 9 NE 1.2 Stormwater Techniques Encourage the use of innovative stormwater techniques that protect ground and surface water from contamination and pollution.
- 44. Chapter 9 NE 2.3 Native Tree and Plant Protection Preserve native vegetation in parks and other publicly owned lands in the design and construction of new public facilities.
- 45. Chapter 9 NE 4.3 Impervious Surface Reduction Continue efforts to reduce the rate of impervious surface expansion in the community.

- 46. Chapter 9 NE 14.2 New Plaza Design Develop plazas with native natural elements and formations, such as basalt, Missoula flood stones, stream patterns, river character, native trees, and plants that attract native birds.
- 47. Chapter 9 NE 15.5 Nature Themes Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region.
- 48. Chapter 10 SH 3.1 Support for the Arts Encourage public and private participation in and support of arts and cultural events in recognition of their contribution to the physical, mental, social, and economic wellbeing of the community.
- 49. Chapter 10 SH 3.2 Neighborhood Arts Presence Provide the regulatory flexibility necessary to support and encourage an arts presence at the neighborhood level.
- 50. Chapter 10 SH 3.7 Support Local Artists Solicit local artists to design or produce functional and decorative elements for the public realm, whenever possible.
- 51. Chapter 10 SH 4.1 Universal Accessibility Ensure that neighborhood facilities and programs are universally accessible.
- 52. Chapter 10 SH 6.1 Crime Prevention Through Environmental Design Themes Include the themes commonly associated with Crime Prevention Through Environmental Design (CPTED) in the normal review process for development proposals.
- 53. Chapter 10 SH 6.2 Natural Access Control Use design elements to define space physically or symbolically to control access to property.
- 54. Chapter 10 SH 6.3 Natural Surveillance Design activities and spaces so that users of the space are visible rather than concealed.
- 55. Chapter 10 SH 6.4 Territorial Reinforcement Employ certain elements to convey a sense of arrival and ownership and guide the public through clearly delineated public, semi-public, and private spaces.
- 56. Chapter 10 SH 6.5 Project Design Review Include the crime prevention principles of CPTED in any analysis of projects that come before the Design Review Board.
- B. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- C. On March 1, 2022 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- D. A State Environmental Protection Act (SEPA) Nonproject Determination of Nonsignificance was issued by the City of Spokane on March 28, 2022 and a 14-day

Findings of Fact, Conclusion, and Recommendation Design Guidelines Ordinances

comment period commenced March 28, 2022 through April 11, 2022. No comments were received during the comment period.

- E. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- F. A legal notice of public hearing was published in the *Spokesman-Review* on March 30 and April 6, 2022.
- G. The Plan Commission held a public hearing on April 13, 2022 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- 1. The Plan Commission has reviewed all public testimony received during the public hearing.
- 2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

Findings of Fact, Conclusion, and Recommendation Design Guidelines Ordinances

RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the New Design Guidelines Project, by a vote of 8 to 0, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines Project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.515, 17C.255.520, 17C.255.525, and 17C.255.530.

Gregory F Francis
Gregory F Francis (Apr 14, 2022 19:15 PDT)

Greg Francis, Vice-President Spokane Plan Commission

Apr 14, 2022

2022-04-13_PC Findings and Conclusions

Final Audit Report 2022-04-15

Created: 2022-04-15

By: Jackie Churchill (jchurchill@spokanecity.org)

Status: Signed

Transaction ID: CBJCHBCAABAAJtrNpSFwb9cwlrgkVjC8Q8gwJQdlGi6L

"2022-04-13_PC Findings and Conclusions" History

Document created by Jackie Churchill (jchurchill@spokanecity.org) 2022-04-15 - 0:12:45 AM GMT- IP address: 73.83.158.109

Document emailed to Gregory F Francis (gfrancis@spokanecity.org) for signature 2022-04-15 - 0:13:09 AM GMT

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SPOKANE Agenda Sheet	ANE Agenda Sheet for City Council Meeting of:		4/15/2022
05/02/2022		Clerk's File #	ORD C36206
		Renews #	
Submitting Dept	PLANNING & ECONOMIC	Cross Ref #	ORD C36204
	DEVELOPMENT		ORD C36205
Contact Name/Phone	DEAN GUNDERSON EXT 6082	Project #	
Contact E-Mail	DGUNDERSON@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name 0650- NEW DESIGN GUIDELINES			

Agenda Wording

New Design Guidelines for Public Projects and Structures, Skywalks over Public Right-of-Way, and City-Wide projects supported by amendments to the Spokane Municipal Code (SMC).

Summary (Background)

The adoption of these provisions will be undertaken via three ordinances. The first ordinance adopts the new design guidelines into the SMC. The second ordinance amends a portion of Title 12 and adopts a new chapter for Skywalks in Title 17C. The third ordinance amends portions of the SMC to clarify the formal design review process.

Lease?	NO	Grant related? NO	Public Works? NO		
<u>Fiscal</u>	<u>Impact</u>		Budget Account		
Neutral	\$		#		
Select	\$		#		
Select	\$		#		
Select	\$		#		
Approvals			Council Notification	Council Notifications	
Dept He	ead	BLACK, TIRRELL	Study Session\Other	Urban Experience:	
				August 2019, Urban	
				Experience: September	
				2021, Urban Experience:	
				April 13, 2022, City	
				Council Advance Agenda:	
				April 25, 2022	
Division	n Director	MACDONALD, STEVEN	Council Sponsor	CMs Stratton and	
				Cathcart	
Finance	2	ORLOB, KIMBERLY	Distribution List		
Legal		RICHMAN, JAMES	sgardner@spokanecity.org		
For the	Mayor	ORMSBY, MICHAEL	tblack@spokanecity.org		

Additional Approvals	smacdonald@spokanecity.org
Purchasing	dgunderson@spokanecity.org
	jchurchill@spokancity.org

ORDINANCE NO. C36206

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

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

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

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

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

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

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

THE CITY OF SPOKANE DOES ORDAIN:

Draft for PC Hearing, 4/13/2022

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

Section 08.02.0665 Design Review

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

- A. ((Review)) <u>Design review</u> conducted by the urban design staff: Six hundred dollars.
- B. ((Review)) <u>Design review</u> conducted by the design review ((committee)) <u>board</u>: One thousand two hundred seventy-five dollars.

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

Section 17G.030.020 Applicable Standards

A. Design Departures.

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

- ((1. site and building design standards (i.e., ground floor windows, base/middle/top, articulation, etc.) contained in chapter 17C.120 SMC.))
- ((2. the design standards found in chapter 17C.160 SMC, North River Overlay.))
- 1. Those applicable design standards found in chapter 17C.110 Residential Zones.
- 2. Those applicable design standards found in chapter 17C.120 Commercial Zones.
- 3. Those applicable design standards found in Attachment "A" of chapter 17C.122, section 17C.122.060 Center and Corridor Zones.
- 4. Those applicable design standards found in chapter 17C.124 Downtown Zones.
- 5. Those applicable design standards found in chapter 17C.130 Industrial Zones.
- <u>6. Those applicable design standards found in chapter 17C.160 North River Overlay.</u>

- 7. Those applicable design standards found in chapter 17C.250 Tall Building Standards.
- 8. Those applicable design standards found in chapter 17G.070 Planned Unit Developments.
- 9. Any other design standards found in title 17 written as Requirements (R) or Presumptions (P).

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

SMC 17G.060.070 Application Requirements

- A. Application requirements for Type I, II, and III project permit applications shall contain the following:
 - 1. Predevelopment meeting summary as provided in SMC 17G.060.050(B), if required in Table 17G.060-3.
 - 2. Application documents provided by the department specifically including:
 - a. General application;
 - b. Supplemental application;
 - c. Environmental checklist, if required under chapter 17E.050 SMC;
 - d. Filing fees as required under chapter 8.02 SMC;
 - e. A site plan drawn to scale showing:
 - i. property dimensions;
 - ii. location and dimensions of all existing and proposed physical improvements;
 - iii. location and type of landscaping;
 - iv. walkways and pedestrian areas;
 - v. off-street parking areas and access drives;
 - vi. refuse facilities; and

- vii. significant natural features, such as slopes, trees, rock outcrops including critical areas.
- f. Required number of documents, plans, or maps (as set forth in the application checklist);
- g. Written narrative identifying consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- h. Other plans, such as building elevations, landscaping plans, or sign plans, which are determined by the permitting department to be necessary to support the application; and
- i. Additional application information may be requested by the permitting department and may include, but is not limited to, the following:
 - i. geotechnical studies,
 - ii. hydrologic studies,
 - iii. critical area studies,
 - iv. noise studies,
 - v. air quality studies,
 - vi. visual analysis, and
 - vii. transportation impact studies.
- B. The following Type II and III applications shall meet the requirements in this subsection in addition to the provisions of subsection (A) of this section:
 - 1. Shoreline Substantial Development Permit, Conditional Use Permit and Variance.
 - a. Name, address, and phone number of the applicant.

 The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - b. Name, address, and phone number of the applicant's representative if other than the applicant.
 - c. Name, address, and phone number of the property owner, if other than the applicant.

- d. Location of the property.

 This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute.
- e. Identification of the name of the shoreline (water body) with which the site of the proposal is associated.
- f. General description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- g. General description of the property as it now exists, including its physical characteristics and improvements and structures.
- h. General description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- i. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 - i. the boundary of the parcels(s) of land upon which the development is proposed;
 - ii. the ordinary high-water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high-water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high-water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high-water mark of a shoreline;
 - iii. existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will

- not be altered by the development may be indicated as such and contours approximated for that area;
- iv. a delineation of all wetland areas that will be altered or used as a part of the development;
- v. the dimensions and locations of all existing and proposed structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities;
- vi. an inventory of the existing vegetation on the proposed project site, including the location, type, size, and condition, pursuant to SMC 17E.060.240, Shoreline Vegetation Inventory;
- vii. a landscape plan prepared and stamped by a licensed landscape architect, registered in the state of Washington;
- viii. where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included;
- ix. quality, source and composition of any fill material that is placed on the site, whether temporary or permanent;
- x. quantity, composition and destination of any excavated or dredged material;
- xi. vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties;
- xii. where applicable, a depiction of the impacts to views from existing residential uses;
- xiii. on all variance applications, the plans shall clearly indicate where development could occur without the approval of a variance, the physical features and circumstances of the property that provide a basis for the request, and the location of adjacent structures and uses.

2. Certificate of Compliance.

a. Site plan is to be prepared by a licensed surveyor; and

- b. Copies of building permits or other data necessary to demonstrate the building was erected in good faith and all reasonable efforts comply with the code.
- 3. Plans-in-lieu of Compliance.
 - a. Alternative development plan designed in conformance with the applicable development regulations; and
 - b. A written narrative of how the proposed development plan is superior, or more innovative, or provides greater public benefit.
- 4. Preliminary Plat, Short Plat, and Binding Site Plan. As provided in chapter 17G.080 SMC.

5. PUD.

- a. Profiles of any structures more than one story, shown in relation to finished grade.
- b. Location, dimension, and boundary of proposed open space.
- c. Site plan demonstrating compliance with ((chapter 11.19 SMC)) title 17C SMC including signs, off-street parking, structure height, building coverage, yards, density, screening, buffering, and lighting.

6. Skywalk.

- a. A legal description of airspace to be occupied.
- b. Architectural and engineering plans.
- c. Artist's rendering of the proposed skywalk; and
- d. Written narrative of the access for the public from the street, other buildings, and other skywalks.
- e. Acceptance of the final design review recommendations.
- f. Location and design of all wayfinding signage to be placed to ensure public access.

7. Floodplain – Floodplain Development Permit and Variance. As provided in chapter 17E.030 SMC.

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

Section 17G.060.170 Decision Criteria

- A. The purpose of the following sections is to establish the decision criteria for all permit types regardless of whether the decision is made by the director, hearing examiner, or city council, as applicable.
- B. The burden is upon the applicant to present sufficient evidence relevant to the appropriate criteria in support of the application. The decision-maker must make affirmative findings of fact relative to each criterion or the application must be denied.
- C. The following decision criteria shall be used for Type II and III permit applications:
 - 1. The proposal is allowed under the provisions of the land use codes.
 - 2. The proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.
 - 3. The proposal meets the concurrency requirements of chapter 17D.010 SMC.
 - 4. If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.
 - 5. The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.
- D. The following Type II and III applications have decision criteria listed in this subsection that are required to be met in addition to the provisions of subsection (C) of this section:
 - 1. Shoreline Substantial Development Permit.
 - a. Consistency with the map, goals, and policies of the shoreline master program; and

b. Consistency with chapter 90.58 RCW (Shoreline Management Act) and chapter 173-27 WAC (Permits for Development on Shorelines of the State).

2. Shoreline Conditional Use Permit.

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

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

- similar circumstances exist, the total of the conditional and shall not produce substantial adverse effects to the shoreline environment.
- c. Other uses which are not classified or set forth in the shoreline master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the shoreline master program.
- d. Uses which are specifically prohibited by the shoreline master program shall not be authorized by conditional use.

3. Shoreline Variance Permit.

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

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and demonstrate that the public interest in enjoying physical and visual access to the shorelines shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program regulations precludes, or significantly interferes with, reasonable use of the property.
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program regulations, and not, for example, from deed restrictions or the applicant's own actions.
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the

- comprehensive plan and SMP regulations and will not cause adverse impacts to the shoreline environment.
- iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
- v. That the variance requested is the minimum necessary to afford relief.
- vi. That the public interest in enjoying physical and visual access to the shorelines will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional, or performance standards set forth in the shoreline master program precludes all reasonable use of the property.
 - ii. That the proposal is consistent with the criteria established under WAC 173-27-170(2)(b) through (f); and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were to be granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the shoreline master program are prohibited.
- 4. PUD and Plans-in-lieu.

All of the following criteria are met:

a. Compliance with All Applicable Standards.

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

b. Architectural and Site Design.

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

c. Transportation System Capacity.

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

d. Availability of Public Services.

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

e. Protection of Designated Resources.

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

f. Compatibility with Adjacent Uses.

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

g. Mitigation of Off-site Impacts.

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

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

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

- a. public health, safety and welfare;
- b. open spaces;
- c. drainage ways;
- d. streets, roads, alleys, and other public ways;
- e. transit stops;
- f. potable water supplies;
- g. sanitary wastes;
- h. parks, recreation, and playgrounds;
- i. schools and school grounds; and
- j. sidewalks, pathways, and other features that assure safe walking conditions.
- E. The following Type II and III applications are not subject to subsections (C) and (D) of this section; they shall comply with the following decision criteria:
 - 1. Variance.
 - a. A variance or modification of the standard or requirement is not prohibited by the land use codes.
 - b. No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.
 - c. Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere

economic hardship or self-created hardship are not considered for the purposes of this section.

- i. The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or
- ii. Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of areawide significance.
- d. In addition, the following objectives shall be reasonably satisfied:
 - i. Surrounding properties will not suffer significant adverse effects.
 - ii. The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and
 - iii. The ability to develop the property in compliance with other standards will not be adversely affected.
- e. No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.
- f. Floodplain variance is subject the additional criteria of SMC 17E.030.090 and SMC 17E.030.100.

2. Certificate of Compliance.

- a. Written documentation establishes that all necessary permits were issued and inspections conducted, or the current owner of the property is not the same party responsible for the creation of the violation, but is an innocent purchaser for value.
- b. Approval of the certificate of compliance is necessary to relieve the applicant of a substantial practical or economic hardship; and
- c. Approval of the certificate of compliance will not adversely affect the neighboring property or the area.
- 3. Skywalk Permit and Air Rights Use Permit.

- a. The proposed skywalk or air rights use is consistent with the comprehensive plan.
- b. The proposed ((skywalk or)) air rights use conforms to the standards contained in ((SMC 12.02.0430 through SMC 12.02.0474)) SMC 12.02

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

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

Passed by the City Council on	•
	Council President
Attest:	Approved as to form:
City Clerk	Assistant City Attorney
Mayor	Date
	Effective Date

CITY OF SPOKANE PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS REGARDING THE DESIGN GUIDELINES AND DESIGN REVIEW ORDINANCES

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.510, 17C.255.520, 17C.255.525, and 17C.255.530.

FINDINGS OF FACT:

- A. The proposed text amendments aligns with the following adopted <u>Shaping Spokane Comprehensive Plan</u> policies:
 - Chapter 3 Land Use, LU 2.1 Public Realm Features Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.
 - 2. Chapter 3 Land Use, LU 2.2 Performance Standards Employ performance and design standards with sufficient flexibility and appropriate incentives to ensure that development is compatible with surrounding land uses.
 - 3. Chapter 3 Land Use, LU 4.4 Connections Form a well-connected network which provides safe, direct and convenient access for all users, including pedestrians, bicycles, and automobiles, through site design for new development and redevelopment.
 - 4. Chapter 3 Land Use, LU 5.1 Built and Natural Environment Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.
 - 5. Chapter 3 LU 5.2 Environmental Quality Enhancement Encourage site locations and design features that enhance environmental quality and compatibility with surrounding land uses.
 - Chapter 3 LU 5.4 Natural Features and Habitat Protection Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.
 - 7. Chapter 3 LU 5.5 Compatible Development Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.

- 8. Chapter 3 LU 6.4 City and School Cooperation Continue the cooperative relationship between the city and school officials.
- 9. Chapter 3 LU 6.9 Facility Compatibility with Neighborhood Ensure the utilization of architectural and site designs of essential public facilities that are compatible with the surrounding area.
- Chapter 3 LU 7.1 Regulatory Structure Develop a land use regulatory structure
 that utilizes a variety of mechanisms to promote development that provides a
 public benefit.
- 11. Chapter 4 TR 1 Transportation Network for All Users Design the transportation system to provide a complete transportation network for all users, maximizing innovation, access, choice, and options throughout the four seasons. Users include pedestrians, bicyclists, transit riders, and persons of all abilities, as well as freight, emergency vehicles, and motor vehicle drivers.
- 12. Chapter 4 TR 2 Transportation Supporting Land Use Maintain an interconnected system of facilities that allows travel on multiple routes by multiple modes, balancing access, mobility and place-making functions with consideration and alignment with the existing and planned land use context of each corridor and major street segment.
- 13. Chapter 4 TR 7 Neighborhood Access Require developments to have open, accessible, internal multi-modal transportation connections to adjacent properties and streets on all sides.
- 14. Chapter 4 TR 9 Promote Economic Opportunity Focus on providing efficient and affordable multi-modal access to jobs, education, and workforce training to promote economic opportunity in the city's designated growth areas, develop "Great Streets" that enhance commerce and attract jobs.
- 15. Chapter 4 TR 13 Infrastructure Design Maintain and follow design guidelines (including national guidelines such as MUTCD, NACTO, AASHTO) reflecting best practices that provide for a connected infrastructure designed for our climate and potential emergency management needs, and respecting the local context. Local context may guide signage and elements such as traffic calming, street furniture, bicycle parking, and community spaces. Accessibility guidelines and emergency management needs will be maintained.
- 16. Chapter 4 TR 15 Activation Build great streetscapes and activate public spaces in the right-of-way to promote economic vitality and a sense of place, with a focus on the designated Centers and Corridors identified in the Land Use chapter.
- 17. Chapter 7 ED 6.1 Infrastructure Projects Promote infrastructure projects that enhance the city's quality of life and business climate.
- 18. Chapter 7 ED 7.6 Development Standards and Permitting Process 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.

- 19. Chapter 7 ED 8.1 Quality of Life Protection Protect the natural and built environment as a primary quality of life feature that allows existing businesses to expand and that attracts new businesses, residents, and visitors.
- 20. Chapter 8 DP 1.1 Landmark Structures, Buildings, and Sites Recognize and preserve unique or outstanding landmark structures, buildings, and sites.
- 21. Chapter 8 DP 1.2 New Development in Established Neighborhoods Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.
- 22. Chapter 8 DP 1.3 Significant Views and Vistas Identify and maintain significant views, vistas, and viewpoints, and protect them by establishing appropriate development regulations for nearby undeveloped properties.
- 23. Chapter 8 DP 1.4 Gateway Identification Establish and maintain gateways to Spokane and individual neighborhoods consisting of physical elements and landscaping that create a sense of place, identity, and belonging.
- 24. Chapter 8 DP 2.1 Definition of Urban Design Recognize current research that defines urban design and identifies elements of a well-designed urban environment.
- 25. Chapter 8 DP 2.2 Design Guidelines and Regulations Adopt regulations and design guidelines consistent with current definitions of good urban design.
- 26. Chapter 8 DP 2.3 Design Standards for Public Projects and Structures Design all public projects and structures to uphold the highest design standards and neighborhood compatibility.
- 27. Chapter 8 DP 2.4 Design Flexibility for Neighborhood Facilities Incorporate flexibility into building design and zoning codes to enable neighborhood facilities to be used for multiple uses.
- 28. Chapter 8 DP 2.5 Character of the Public Realm Enhance the livability of Spokane by preserving the city's historic character and building a legacy of quality new public and private development that further enriches the public realm.
- 29. Chapter 8 DP 2.6 Building and Site Design Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features including topography, hydrology, and microclimate and considers intensity of use.
- 30. Chapter 8 DP 2.7 Historic District and Sub-Area Design Guidelines Utilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district.
- 31. Chapter 8 DP 2.8 Design Review Process Apply design guidelines through a review process that relies on the expertise of design professionals and other community representatives to achieve design performance that meets or exceeds citizens' quality of life expectations.
- 32. Chapter 8 DP 2.9 Permit Process Integrate the design review process with other permitting processes to increase efficiency and create a better outcome.

- 33. Chapter 8 DP 2.10 Business Entrance Orientation Orient commercial building entrances and building facades toward the pedestrian sidewalks and pathways that lead to adjoining residential neighborhoods.
- 34. Chapter 8 DP 2.11 Improvements Program Facilitate improvements such as sidewalks, street improvements, street trees, sewers, and parks in neighborhoods and commercial areas designated for higher density development.
- 35. Chapter 8 DP 2.12 Infill Development Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.
- 36. Chapter 8 DP 2.13 Parking Facilities Design Minimize the impacts of surface parking on the neighborhood fabric by encouraging the use of structured parking with active commercial storefronts containing retail, service, or office uses, and improve the pedestrian experience in less intensive areas through the use of street trees, screen walls, and landscaping.
- 37. Chapter 8 DP 2.14 Town Squares and Plazas Require redevelopment areas and new development to provide appropriately scaled open space such as town squares, plazas, or other public or private spaces that can be used as the focus of commercial and civic buildings.
- 38. Chapter 8 DP 2.15 Urban Trees and Landscape Areas Maintain, improve, and increase the number of street trees and planted areas in the urban environment.
- 39. Chapter 8 DP 2.16 On-Premises Advertising Ensure that on-premises business signs are of a size, number, quality, and style to provide identification of the business they support while contributing a positive visual character to the community.
- 40. Chapter 8 DP 2.21 Lighting Maximize the potential for lighting to create the desired character in individual areas while controlling display, flood and direct lighting installations so as to not directly and unintentionally illuminate, or create glare visible from adjacent properties, residential zones or public right-of-way.
- 41. Chapter 8 DP 5.1 Neighborhood Participation Encourage resident participation in planning and development processes that will shape or re-shape the physical character of their neighborhood.
- 42. Chapter 8 DP 5.2 Neighborhood Involvement in the City Design Review Process Encourage neighborhoods to participate in the city's design review process.
- 43. Chapter 9 NE 1.2 Stormwater Techniques Encourage the use of innovative stormwater techniques that protect ground and surface water from contamination and pollution.
- 44. Chapter 9 NE 2.3 Native Tree and Plant Protection Preserve native vegetation in parks and other publicly owned lands in the design and construction of new public facilities.
- 45. Chapter 9 NE 4.3 Impervious Surface Reduction Continue efforts to reduce the rate of impervious surface expansion in the community.

- 46. Chapter 9 NE 14.2 New Plaza Design Develop plazas with native natural elements and formations, such as basalt, Missoula flood stones, stream patterns, river character, native trees, and plants that attract native birds.
- 47. Chapter 9 NE 15.5 Nature Themes Identify and use nature themes in large scale public and private landscape projects that reflect the natural character of the Spokane region.
- 48. Chapter 10 SH 3.1 Support for the Arts Encourage public and private participation in and support of arts and cultural events in recognition of their contribution to the physical, mental, social, and economic wellbeing of the community.
- 49. Chapter 10 SH 3.2 Neighborhood Arts Presence Provide the regulatory flexibility necessary to support and encourage an arts presence at the neighborhood level.
- 50. Chapter 10 SH 3.7 Support Local Artists Solicit local artists to design or produce functional and decorative elements for the public realm, whenever possible.
- 51. Chapter 10 SH 4.1 Universal Accessibility Ensure that neighborhood facilities and programs are universally accessible.
- 52. Chapter 10 SH 6.1 Crime Prevention Through Environmental Design Themes Include the themes commonly associated with Crime Prevention Through Environmental Design (CPTED) in the normal review process for development proposals.
- 53. Chapter 10 SH 6.2 Natural Access Control Use design elements to define space physically or symbolically to control access to property.
- 54. Chapter 10 SH 6.3 Natural Surveillance Design activities and spaces so that users of the space are visible rather than concealed.
- 55. Chapter 10 SH 6.4 Territorial Reinforcement Employ certain elements to convey a sense of arrival and ownership and guide the public through clearly delineated public, semi-public, and private spaces.
- 56. Chapter 10 SH 6.5 Project Design Review Include the crime prevention principles of CPTED in any analysis of projects that come before the Design Review Board.
- B. Amendments to Title 17, Unified Development Code, are subject to review and recommendation by the Plan Commission.
- C. On March 1, 2022 the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice before adoption of proposed changes to the Unified Development Code pursuant to RCW 36.70A.106.
- D. A State Environmental Protection Act (SEPA) Nonproject Determination of Nonsignificance was issued by the City of Spokane on March 28, 2022 and a 14-day

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comment period commenced March 28, 2022 through April 11, 2022. No comments were received during the comment period.

- E. The proposed text amendment was processed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- F. A legal notice of public hearing was published in the *Spokesman-Review* on March 30 and April 6, 2022.
- G. The Plan Commission held a public hearing on April 13, 2022 to obtain public input on the proposed amendments, if any.

CONCLUSIONS:

- 1. The Plan Commission has reviewed all public testimony received during the public hearing.
- 2. The Plan Commission finds that the proposed amendments are consistent with applicable provisions of the Comprehensive Plan and that the proposed amendment bears a substantial relation to the public health, safety, welfare, and protection of the environment.

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RECOMMENDATION:

In the matter of the amendment to the Unified Development Code proposed by the New Design Guidelines Project, by a vote of 8 to 0, the Plan Commission recommends to the Spokane City Council the approval of the proposed amendments to the Spokane Municipal Code and adopt design guidelines for Public Projects and Structures, Skywalks, and Citywide as proposed by the New Design Guidelines Project. The proposed amendments would repeal SMC Sections 12.02.0450, 12.02.0425.C, 12.02.0460, 12.02.0462, 12.02.0464.A, and 12.02.0474; amend SMC Sections 17G.040.020, 12.02.0405.C, 12.02.0410.B(2), 12.02.0424, 12.02.0470, 12.02.0476, 08.02.0665, 17G.030.020, 17G.060.070, and 17G.060.170; and add SMC Chapter 17C.255 containing Sections 17C.255.010, 17C.255.515, 17C.255.520, 17C.255.525, and 17C.255.530.

Gregory F Francis (Apr 14, 2022 19:15 PDT)

Greg Francis, Vice-President Spokane Plan Commission

Apr 14, 2022

2022-04-13_PC Findings and Conclusions

Final Audit Report 2022-04-15

Created: 2022-04-15

By: Jackie Churchill (jchurchill@spokanecity.org)

Status: Signed

Transaction ID: CBJCHBCAABAAJtrNpSFwb9cwlrgkVjC8Q8gwJQdlGi6L

"2022-04-13_PC Findings and Conclusions" History

- Document created by Jackie Churchill (jchurchill@spokanecity.org) 2022-04-15 0:12:45 AM GMT- IP address: 73.83.158.109
- Document emailed to Gregory F Francis (gfrancis@spokanecity.org) for signature 2022-04-15 0:13:09 AM GMT
- Email viewed by Gregory F Francis (gfrancis@spokanecity.org) 2022-04-15 2:15:20 AM GMT- IP address: 73.225.178.203
- Document e-signed by Gregory F Francis (gfrancis@spokanecity.org)

 Signature Date: 2022-04-15 2:15:54 AM GMT Time Source: server- IP address: 73.225.178.203
- Agreement completed.