

CITY OF SPOKANE



REGARDING CITY COUNCIL MEETINGS

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 January 22, 2024, meetings is below. All meetings will continue to be streamed live on Channel 5 and online at <https://my.spokanecity.org/citycable5/live> and <https://www.facebook.com/spokanecitycouncil>.

WebEx call in information for the week of January 29, 2024:

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 2485 859 8861; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 248 137 73341; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 2490 239 4174; password: 0320

To participate in public comment (including Open Forum):

Testimony sign up is open from 5:00-6:00 p.m. on Monday, January 29, 2024. You must sign up by 6:00 p.m. to be called on to testify. 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 public testimony on legislative items (two minutes for open forum)!**

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, prior to the consideration of consent or legislative items, the Council shall hold an open forum unless a majority of Council Members vote otherwise. The open forum shall have 15 (fifteen) spaces of two minutes each available and members of the public who have not spoken during open forum during that calendar month will be prioritized for spaces ahead of those who have spoken during that calendar month.
- B. Members of the public can sign up for open forum in the hour preceding the legislative session, or at the conclusion of the briefing session, whichever is later, via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. Each speaker must sign themselves using their true first and last name. Members of the public who are unable to sign up during the sign up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers will be determined at the discretion of the chair. Each speaker shall be limited to no more than two 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 maintain decorum as laid out in Rule 2.15(E). Legal or personal matters between private parties that do not impact the governance of the City of Spokane are not a permissible topic of open forum testimony.

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, all first reading ordinances together (with the exception of first reading ordinances associated with Hearings, which shall be taken separately), 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 true first and last 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 obscene speech, physically pounding the dais or other furniture, yelling, or personal comments or verbal insults about any individual will be permitted.
- F. A speaker asserting a statement of fact may be asked by a Council Member 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. City employees 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 while in uniform; 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 and avoiding unlawful harassment 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. All persons attending City Council Meetings or City Council sponsored meetings shall refrain from unlawfully harassing other attendees or risk being removed and/or prohibited from attending future meetings.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. Members of the public can sign up to give testimony in the hour preceding the legislative session, or at the conclusion of the briefing session, whichever is later, via the virtual testimony form linked in the meeting packet or in person outside Council Chambers. Each speaker must sign themselves using their true first and last name. Members of the public who are unable to sign up during the sign up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers shall be determined at the discretion of the chair.
- B. 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.
- C. No public testimony shall be taken on amendments to consent or legislative agenda items, votes to override a Mayoral veto, or solely procedural, parliamentary, or administrative matters of the Council.
- D. 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.
- E. 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.
- F. 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.
- G. 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.

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JANUARY 29, 2024

MISSION STATEMENT

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

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY WILKERSON

COUNCIL MEMBER JONATHAN BINGLE

COUNCIL MEMBER PAUL DILLON

COUNCIL MEMBER ZACK ZAPPONE

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER KITTY KLITZKE

VACANT POSITION - DISTRICT 2

**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 at the public microphone shall verbally identify themselves by their true first and last 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.
- City 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 two-minute speaking time during Open Forum and a three-minute speaking time for other matters. 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, including veto overrides.

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 Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

ADMINISTRATIVE REPORTS

OPEN FORUM

At each meeting before the consideration of the Consent Agenda, the Council shall hold an open public comment period for up to 15 (fifteen) speakers. Each speaker is limited to no more than two minutes. In order to participate in Open Forum, you must sign up by 6:00 p.m. If more than 15 (fifteen) speakers wish to participate in Open Forum, members of the public who have not spoken during that calendar month will be prioritized. 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. Virtual sign up is open 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.

CONSENT AGENDA

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|--|---------|---------------|
| 1. Interlocal Agreement with Spokane Transit Authority for Spokane Police Department Plaza police services in and around 701 W. Riverside Avenue from January 1, 2024, through December 31, 2024. (Council Sponsors: Council Member Cathcart and Bingle)
Mike McNab | Approve | OPR 2024-0047 |
| 2. Grant Agreement with Spokane County to accept funding from the Washington Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address and Residency Verification Program. (Council Sponsors: Council Member Cathcart and Bingle)
Eric Olsen | Approve | OPR 2024-0048 |
| 3. Grant Partnership with Gonzaga University for an Environmental and Climate Justice Community Change Grant from the U.S. Environmental Protection Agency, with the City of Spokane as subrecipient, to provide infrastructure for installation of a variety of improvements that will help to harden the Northeast Central Community Center and the West Central Community Center as "climate resilience hubs." (Council Sponsor: Council President Wilkerson)
Michelle Murray | Approve | OPR 2024-0049 |

- | | | |
|--|---|----------------------|
| <p>4. Public Works Contract with Kreuger Sheet Metal (Spokane Valley, WA) for Martin Luther King Community Center 2023 Roof Improvements from August 21, 2023, to December 31, 2024—\$797,830. (Note: Contractor switched from Weatherproofing Technologies to Kreuger Sheet Metal) (Council Sponsors: Council President Wilkerson and Council Member Dillon)
Patrick Striker</p> | <p>Approve</p> | <p>OPR 2024-0050</p> |
| <p>5. Service Level Agreement with Spokane Regional Emergency Communications regarding emergency communications services for the dispatch of fire related emergency services beginning January 1, 2023—\$150,000 per month. (Deferred from July 10, 2023, Agenda) (Council Sponsors: Council Members Cathcart and Bingle)
Tom Williams</p> | <p>Approve</p> | <p>OPR 2023-0246</p> |
| <p>6. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2024, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____.</p> | <p>Approve &
Authorize
Payments</p> | <p>CPR 2024-0002</p> |
| <p>7. City Council Meeting Minutes: _____, 2024.</p> | <p>Approve
All</p> | <p>CPR 2024-0013</p> |

LEGISLATIVE AGENDA

EMERGENCY ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

- | | |
|-------------------|---|
| <p>ORD C36482</p> | <p>Relating to Short-Term Rental Occupancy Fee, amending SMC Section 8.02.090, adopting a new Section 8.02.091 of Chapter 08.02 of the Spokane Municipal Code; and declaring an emergency. (Deferred from January 8, 2024, Agenda) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)
Spencer Gardner</p> |
| <p>ORD C36487</p> | <p>(To be considered under Hearings Item H1.)</p> |

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2024-0015 Recognizing the *Final South Logan Transit-Oriented Development Plan* and *Final Environmental Impact Statement* as the coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan area. (Council Sponsors: Council Members Cathcart and Bingle)
Maren Murphy
- ORD C36483 Relating to Water; amending section 13.04.2017 to chapter 13.04 of the Spokane Municipal Code (SMC); and setting an effective date. (Relates to golf course irrigation conservation rate.) (Council Sponsors: Council President Wilkerson and Council Member Bingle)
Marlene Feist
- ORD C36484 Relating to the establishment of a process to consider and act upon community members' concerns regarding City-owned property; adopting a new Chapter 18.10 to Title 18 of the Spokane Municipal Code. (Council Sponsors: Council President Wilkerson and Council Members Dillon and Zappone)
Alex Gibilisco
- ORD C36485 Relating to the regulation of special events and establishing a process allowing for expanded events, amending Section 10.39.040 (D) of the Spokane Municipal Code. (Council Sponsors: Council Members Zappone and Dillon)
Chris Wright

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

HEARINGS

RECOMMENDATION

- | | | | |
|-----|--|--|------------|
| H1. | Emergency Ordinance C36487 concerning land use standards for centers and corridors, amending sections 17C.122.010 and 17C.122.030 of the Spokane Municipal Code, and declaring an emergency. (Council Sponsors: Council President Wilkerson and Council Member Dillon)
Tirrell Black | Pass
(Requires
5 Roll Call
Votes) | ORD C36487 |
|-----|--|--|------------|

**Motion to Approve Advance Agenda for January 29, 2024
(per Council Rule 2.1.2)**

ADJOURNMENT

The January 29, 2024, Regular Legislative Session of the City Council is adjourned to February 5, 2023.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mlovmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

NOTES



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 01/8/2024

Committee Agenda type: Consent

Date Rec'd 12/27/2023

Clerk's File # OPR 2024-0047

Renews #

Cross Ref #

Council Meeting Date: 01/29/2024

Submitting Dept	POLICE	Project #	
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Contact Name/Phone	MIKE MCNAB 835-4514	Bid #	
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Contact E-Mail	MMCNAB@SPOKANEPOLICE.ORG	Requisition #	
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	MCATHCART JBINGLE		
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Agenda Item Name	0680 - INTERLOCAL AGREEMENT FOR POLICE SERVICES AT STA PLAZA		
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Agenda Wording

Spokane Transit Authority (STA) and the Spokane Police Department (SPD) have had a longstanding partnership in providing a safe and secure environment in downtown Spokane, specifically around the STA Plaza located at 701 W. Riverside Ave.

Summary (Background)

SPD will assign an officer that will perform general patrol functions in and around the Plaza. Hours of service will be mutually agreed upon by SPD Downtown Precinct Captain and STA Security Manager and SPD will be reimbursed at a flat hourly rate of \$67.14/hour. Staffing this detail may vary depending on the staffing needs of the Spokane Police Department or by agreement of the parties.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$ N/A

Current Year Cost \$ N/A

Subsequent Year(s) Cost \$ N/A

Narrative

Reimbursement agreement between parties. No additional cost will be incurred by SPD by entering this agreement. Staffing will be assigned dependent on staffing levels and availability. Estimated annual reimbursed - \$35,000.

Amount	Budget Account
Select \$	#
Select \$	#
Select \$	#
Select \$	#
\$	#
\$	#

INTERLOCAL AGREEMENT OPR 2024-0047

FOR SPOKANE POLICE DEPARTMENT PLAZA POLICE SERVICES

This Interlocal Agreement (“Agreement”) is between the City of Spokane (“City”), a Washington State municipal corporation, and the Spokane Transit Authority (“STA”), a Washington State municipal corporation and public benefit transportation area; individually referred to as “Party” and jointly referred to as the "Parties".

WHEREAS, STA and the Spokane Police Department (“SPD”) have had a longstanding partnership in providing a safe and secure environment in downtown Spokane; and

WHEREAS, STA desires to continue to support the effort of the City and the SPD to increase the availability and visibility of SPD officers at STA’s downtown transit center, located at 701 W. Riverside Avenue, Spokane, WA (“The Plaza”); and

WHEREAS, a routine law enforcement presence consisting of SPD commissioned officers and STA Transit Officers (“STA Officers”) located in and around The Plaza helps to deter illegal activity in an area of high pedestrian activity in downtown Spokane; and

WHEREAS, the Parties desire to enhance police services provided at The Plaza and to assist in furthering law enforcement efforts in the areas immediately surrounding The Plaza; and

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

NOW, THEREFORE, the Parties agree as follows:

1. PURPOSE, TERMS & CONDITIONS.

The purpose of this Agreement is to enable the City and STA to establish a dedicated, full-time SPD police officer presence at The Plaza and to support law enforcement efforts for the benefit of the public in and around the immediate vicinity of The Plaza, under the following terms and conditions:

1. SPD Officer. SPD shall assign an officer to The Plaza to perform general patrol functions in and around the Plaza Service Area described in 1(F), herein. A SPD officer will be assigned to and based out of The Plaza for up to eight (8) hours each day during The Plaza hours of operation, Monday through Friday, for the term of this Agreement. Hours of the officer’s shift will be mutually agreed upon by the SPD Downtown Precinct Captain and the STA Security Manager, or their designee, and may vary with the staffing needs of the Spokane Police Department or by agreement of the parties.

2. Service Logs. In order to properly account for the hours SPD officer(s) are providing services under this Agreement, SPD officers shall utilize the Service Log located at the Plaza Customer Service Desk (1st Floor) to track all hours worked. SPD officers shall sign in and out of the Service Log upon commencement and completion, respectively, of performing services under this Agreement. STA shall maintain and control the Service Log, and reserves the right to confirm any and all invoices received from the City for services performed under this Agreement, in accordance with Section 3, herein.
 3. Equipment. The City shall provide all equipment, including a marked police vehicle and/or bicycle for the SPD officer.
 4. Office and Supportive Facilities. STA shall provide SPD with administrative workspace in the STA Plaza Security Office for the assigned officer and a total of four (4) parking spaces for marked SPD vehicles in The Plaza garage. Provision of the parking spaces is contingent upon the continued operation of the SPD Downtown Precinct at 710 W. Riverside Ave., Spokane, WA.
 5. Plaza Service Area. The Plaza Service Area is defined as: The Plaza, the STA boarding bays surrounding The Plaza, including boarding/alighting bays located in the 600, 700 and 800 blocks of West Riverside and West Sprague Avenues, including both North and South sides of West Riverside Avenue, and on the East side of Post Street and on both sides of Wall Street, between Riverside and Sprague Avenues, or at other locations as mutually agreed upon in writing by both Parties.
 6. Adherence to City Policy and Procedures. While providing services pursuant to this Agreement, the SPD Officer is obligated to discharge all duties of his or her office and to adhere to SPD policy and procedures at all times.
 7. Duty to City. The SPD officer has a primary obligation to the City to discharge all duties of his or her office, to enforce all laws and ordinances, and to adhere to all police department policies, procedures, rules and regulations. The Parties acknowledge that SPD Officers based at The Plaza may sometimes need to be dispatched to calls outside of the assigned Plaza Service Area based on SPD's call prioritization system and/or emergency law enforcement needs.
 8. Communication. STA Transit Officers shall have direct communication with the SPD's Downtown Precinct. SPD shall respond to such calls in accordance with precinct priorities.
2. TERM. This Agreement shall commence January 1, 2024, and continue through December 31, 2024, unless terminated earlier in accordance with Section 9 herein.
 3. COMPENSATION. As full compensation for everything furnished and performed under this Agreement, STA shall pay the City an hourly rate of \$67.14 (sixty-seven dollars and fourteen cents) for each hour worked, or portion thereof, in one-quarter (1/4) hour increments, not to exceed a total of 2,080 hours or a maximum of \$140,000.00 (one hundred forty thousand dollars and zero cents) per calendar year for which SPD officers provide services under this Agreement.
 4. PAYMENT. The City shall submit monthly applications for payment addressed to the address specified in Section 6 herein. In its monthly applications, the City shall certify the hours for services performed under this Agreement. Payment to the City will be made by check within thirty (30) days of receipt of the City's monthly application and certification of hours, to the remittance address specified in Section 6 herein.

5. ADMINISTRATORS. This Agreement shall be administered by the Parties' designated representatives below:

City of Spokane	Spokane Transit Authority
Justin Lundgren Interim Chief of Police Spokane Police Department Administration Office 1100 W Mallon Ave Spokane, WA 99260-0001 E: jclundgren@spokanepolice.org P: (509) 625-4115	Nancy Williams Chief Human Resources Officer Spokane Transit Authority 1230 W Boone Ave Spokane, WA 99201 E: nwilliams@spokanetransit.com P: (509) 325-6081

6. NOTICES. All notices, requests, claims, demands and related communications shall be in writing and shall be signed by a person duly authorized to provide such notice. Notices permitted or requested to be given hereunder shall be deemed sufficient if given (1) in person; (2) by regular mail, postage prepaid; (3) by registered or certified mail, postage prepaid, return receipt requested; or (4) by facsimile or email, addressed to the respective contact of the Parties as set forth below, or as may be revised by like notice from time to time.

All notices shall be deemed to have been duly given (1) when delivered in person; (2) three (3) business days after the date of mailing by regular mail, postage prepaid; (3) upon receipt after dispatch by registered or certified mail, postage prepaid; or (4) upon confirmation of a read receipt when transmitted by email.

City of Spokane	Spokane Transit Authority
Craig Meidl Chief of Police Spokane Police Department Administration Office 1100 W Mallon Ave Spokane, WA 99260-0001 E: cmeidl@spokanepolice.org P: (509) 625-4115	Contracts Compliance Spokane Transit Authority 1230 W Boone Ave Spokane, WA 99201 E: contracts@spokanetransit.com P: (509) 325-6062
Remittance Address: Spokane Police Department Administration Office 1100 W Mallon Ave Spokane, WA 99260-0001	Accounts Payable: Accounts Payable Spokane Transit Authority 1230 W Boone Ave Spokane, WA 99201

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

- A. The City is self-funded for its liability exposures including General Liability and Automobile Liability (\$1.5 Million SIR) as well as Workers' Compensation (\$1.5 Million SIR). The City also carries excess General Liability Insurance to \$15 Million and excess Workers' Compensation Insurance to \$10 Million. Should a covered loss occur in the fulfillment of this Agreement, the City shall provide payment under the terms of its self-funded insurance program.
- B. STA shall maintain:
 - 1. General Liability Insurance on an occurrence basis, with minimum limits of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate for bodily injury and property damage to protect against legal liability arising out of the performance of this Agreement; and
 - 2. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and
 - 3. Workers' Compensation Insurance in compliance with Chapter 51.12.020 RCW, which requires subject employers to provide workers' compensation coverage for all their subject workers, and Employer's Liability Insurance in the amount of \$1,000,000 per occurrence.
- C. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from a Party or its insurer(s) to the other Party.

8. INDEMNIFICATION.

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

9. TERMINATION. This Agreement may be terminated by either Party by submitting a written Notice of Termination to the other Party in accordance with Section 6 herein. The effective date of termination shall not be less than sixty (60) days from the date of Notice of Termination.

10. COMPLIANCE WITH LAWS. The Parties shall observe all federal, state and local laws, ordinances and regulations, to the extent they may be applicable to the terms of this Agreement.
11. VENUE. This Agreement shall be construed under the laws of the State of Washington. Any action at law, suit in equity or judicial proceeding regarding this Agreement or any provision hereto shall be instituted only in courts of competent jurisdiction within Spokane County, Washington.
12. ASSIGNMENT. Neither Party may assign its interest in this Agreement without the express written consent of the other Party.
13. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the Parties and supersedes all prior negotiations, representations and agreements between the Parties relating to the subject matter hereof.
14. MODIFICATION. No modification or amendment to this Agreement shall be valid until put in writing and signed with the same formalities as this Agreement.
15. SEVERABILITY. In the event any portion of this Agreement should become invalid or unenforceable, the remainder of the Agreement shall remain in full force and effect.
16. NONDISCRIMINATION. No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this Agreement because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation including gender expression or gender identity, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities. The Parties agree to comply with, and to require that all subcontractors comply with, federal, state and local nondiscrimination laws, including but not limited to: the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, and the American's With Disabilities Act, to the extent those laws are applicable.
17. ANTI-KICKBACK. No officer or employee of the City of Spokane or the Spokane Transit Authority, having the power or duty to perform an official act or action related to this Agreement, shall have or acquire any interest in the Agreement, or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this Agreement.
18. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same.
19. RCW 39.34 REQUIRED CLAUSES.
 - A. Purpose. See Section 1 above.
 - B. Duration. See Section 2 above.
 - C. Organization of Separate Entity and Its Powers. No new or separate legal or administrative entity is created to administer the provisions of this Agreement.
 - D. Responsibilities of the Parties. See provisions above.

- E. Agreement to be Filed. The City shall file this Agreement with its City Clerk and post it on its internet website, and STA shall file this Agreement in its usual fashion.
- F. Financing. Each Party shall advise the other Party, during its yearly regular budget hearings, on the proposed budget changes (only) affecting this Agreement. Each Party shall be solely responsible for the financing of its contractual obligations under its normal budgetary process.
- G. Termination. See Section 9 above.
- H. Acquisition / Disposition of Property. Title to all property acquired by any Party in the performance of this Agreement shall remain with the acquiring Party upon termination of the Agreement. Jointly acquired property shall be divided in proportion to the percentage share of each Party contributing to its acquisition.

[signatures on the following page]

20. **SIGNATURES.** The Parties affirm that the individuals signing this Agreement have been granted the authority to do so and by their signature affirm that the Parties will comply with the terms and conditions of this Agreement.

City of Spokane

Spokane Transit Authority

By:
Title: Mayor

By: E. Susan Meyer
Title: Chief Executive Officer

Date: _____

Date: _____

By: Craig Meidl
Title: Chief of Police

Date: _____

Attest:

Attest:

By: Terri Pfister
Title: City Clerk

By: Dana Infalt
Title: Clerk of the Authority

Date: _____

Date: _____

Approved as to form:

Approved as to form:

By:
Title: City Attorney

By:
Title: STA Attorney

Date: _____

Date: _____

Committee Agenda Sheet

Urban Experience Committee

Committee Date	January 8 th , 2024
Submitting Department	Police
Contact Name	Mike McNab
Contact Email & Phone	mmcnab@spokanepolice.org 835-4514
Council Sponsor(s)	<u>CM Cathcart and CM Bingle</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Interlocal Agreement for police services at STA Plaza
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Spokane Transit Authority (STA) and the Spokane Police Department (SPD) have had a longstanding partnership in providing a safe and secure environment in downtown Spokane, specifically around the STA Plaza located at 701 W. Riverside Ave.</p> <p>SPD will assign an officer that will perform general patrol functions in and around the Plaza. Hours of service will be mutually agreed upon by SPD Downtown Precinct Captain and STA Security Manager and SPD will be reimbursed at a flat hourly rate of \$67.14/hour. Staffing this detail may vary depending on the staffing needs of the Spokane Police Department or by agreement of the parties.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: <u>N/A</u></p> <p> Current year cost: N/A</p> <p> Subsequent year(s) cost: N/A</p> <p>Narrative: <u>Reimbursement agreement between parties. No additional cost will be incurred by SPD by entering this agreement. Staffing will be assigned dependent on staffing levels and availability. Estimated annual reimbursed - \$35,000.</u></p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
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?



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 01/08/2024

Committee Agenda type: Consent

Date Rec'd 12/27/2023

Clerk's File # OPR 2024-0048

Renews #

Cross Ref #

Council Meeting Date: 01/29/2024

Submitting Dept	POLICE	Project #	
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Contact Name/Phone	ERIC OLSEN 835-4505	Bid #	
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Contact E-Mail	EOLSEN@SPOKANEPOLICE.ORG	Requisition #	
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	MCATHCART JBINGLE		
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Agenda Item Name	0680 - 2023-2024 REGISTERED SEX OFFENDER GRANT AWARD		
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Agenda Wording

Grant agreement between City of Spokane and Spokane County to accept funding from the Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address and Residency Verification Program.

Summary (Background)

Grant agreement between City of Spokane and Spokane County to accept funding from the Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address and Residency Verification Program. A total of \$60,000 is being awarded to be used \$57,000 for salary/benefits and \$3,000 for travel/training. Grant period is 7/1/2023 through 6/30/2024.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 60000

Current Year Cost \$ 60000

Subsequent Year(s) Cost \$ N/A

Narrative

Grant reimbursement of up to \$57,000 in one (1) SPD Detective's salary and benefits during the award period. No new position required or requested. \$3,000 reimbursement available for eligible training & travel.

Amount

Budget Account

Revenue	\$ 60,000	# 1620-91819-99999-33469-99999
Expense	\$ 60,000	# 1620-91819-21250-VARIOUS
Select	\$	#
Select	\$	#
	\$	#
	\$	#

**AGREEMENT BETWEEN SPOKANE COUNTY AND CITY OF SPOKANE
POLICE DEPARTMENT IN CONJUNCTION WITH THE
REGISTERED SEX OFFENDER ADDRESS AND RESIDENCY
VERIFICATION PROGRAM FY23 GRANT**

1. Grantee City of Spokane Spokane Police Department Public Safety Building 1100 W. Mallon Spokane, WA 99201		2. Contract Amount \$60,000	3. Tax ID# 91-6001280
			4. DUNS#/UEI 115528189/PDNCLY8MYJN3
5. Grantee Representative Jennifer Hammond, Director City of Spokane Spokane Police Department, Police Business Services Public Safety Building 1100 W. Mallon Spokane, WA 99201 (509) 625-4056 jhammond@spokanepolice.org		6. County's Representative Heather Arnold, Grants Administrator Office of Financial Assistance 1116 W. Broadway Spokane, WA 99260 (509) 477-7272 harnold@spokanecounty.org	
7. Contract #	8. Original Grant ID# RSO 23-24 Spokane	9. Start Date 07/01/23	10. End Date 06/30/24
11. Funding Authority: Washington Association of Sheriffs and Police Chiefs			
12. Federal Funds (as applicable) N/A	13. CFDA # N/A	14. Federal Agency: N/A	
15. Contractor Selection Process: (check all that apply or qualify) <input type="checkbox"/> Sole Source <input type="checkbox"/> A/E Services <input type="checkbox"/> Competitive Bidding <input checked="" type="checkbox"/> Pre-approved by Funder		16. Contractor Type: (check all that apply) <input type="checkbox"/> Private Organization/Individual <input checked="" type="checkbox"/> Public Organization/Jurisdiction <input type="checkbox"/> VENDOR <input checked="" type="checkbox"/> SUBRECIPIENT <input type="checkbox"/> Non-Profit <input type="checkbox"/> For-Profit	
17. Grant Purpose: To verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130.			
18. COUNTY and the CITY, as identified above, acknowledge and accept the terms of this AGREEMENT and attachments and have executed this AGREEMENT the date below to start as of the date and year referenced above. The rights and obligations of both parties to this AGREEMENT are governed by this AGREEMENT and the following other documents incorporated by reference: (1) General Terms and Conditions, (2) Attachment "A" Scope of Work, and (3) Attachment "B" Budget.			
FOR THE GRANTEE:		FOR COUNTY:	
Signature _____	Date _____	Signature _____	Date _____
Name _____		Name _____	
Title _____		Title _____	

(FACE SHEET)

1. SERVICES

- 1.1. The CITY shall provide those services set forth in the Scope of Work attached hereto as Attachment A and incorporated herein by reference.

2. COMPENSATION

- 2.1. The COUNTY shall reimburse the CITY an amount not to exceed the amount set forth in Attachment “B” Budget, attached hereto and incorporated herein by reference for the performance of all things necessary for or incidental to the performance of Scope of Work as set forth in Attachment “A”. The CITY’s reimbursement for services set forth in Attachment “A” shall be in accordance with the terms and conditions set forth in the Budget attached hereto as Attachment “B” and incorporated herein by reference. Invoices must be submitted with appropriate supporting documentation, including time and labor certifications, timesheets, copies of receipts, etc., as directed by the COUNTY’s representative designated hereinafter. Requests for reimbursement by the CITY shall be made quarterly and are due on or before the following: January 10, 2024 (for the preceding July 1-December 30 period), April 15, 2024 (for the preceding January 1-March 31 period), and July 15, 2024 (for the preceding April 1-June 30 period). The July to December’s reimbursement **request must be received no later than January 10th** to be allowable under this AGREEMENT. **Failure to do so, may result in the County’s refusal to pay the request for reimbursement based upon a finding of unsatisfactory compliance of the contractual terms.**
- 2.2. In conjunction with each reimbursement request, the CITY shall certify that services to be performed under this Agreement do not duplicate any services to be charged against any other grant, subgrant, or other funding source. A reimbursement voucher is provided and is required for requests for payment.
- 2.3. Requests for reimbursement shall be submitted to:

Contessa Tucker
Accounting Tech IV
Spokane County Sheriff’s Office
1100 West Mallon Avenue
Spokane, WA 99260-0300
ctucker@spokanecounty.org
- 2.4. Payment shall be considered timely if made by COUNTY within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the CITY. No payments in advance of or in anticipation of goods or services to be provided under this Agreement shall be made by COUNTY.

3. TERM

- 3.1. The term of this Agreement shall commence as of the date on the Face Sheet and shall terminate on the date on the Face Sheet.

4. RELATIONSHIP OF THE PARTIES

- 4.1. The Parties intend that an independent contractor relationship will be created by this Agreement. The COUNTY is interested only in the results that can be achieved and the conduct and control set forth in Section No. 1 and described in Attachment "A" will be solely with the CITY. No agent, employee, servant or otherwise of the CITY shall be deemed to be an employee, agent, servant, or otherwise of the COUNTY for any purpose, and the employees of the CITY are not entitled to any of the benefits that the COUNTY provides for COUNTY employees. The CITY will be solely and entirely responsible for its acts and the acts of its agents, employees, servants, and subcontractors or otherwise, during the performance of this Agreement.

5. VENUE STIPULATION

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

6. COMPLIANCE WITH LAWS

- 6.1. The Parties specifically agree to observe all federal, state and local laws, ordinances and regulations and policies to the extent that they may have any bearing on meeting their respective obligations under the terms of this Agreement, including, but not limited to the following:
 - 6.1.1. Audits – 2 CFR Part 200;
 - 6.1.2. Labor and Safety Standards – Convict Labor 18 U.S.C. 751, 752, 4081, 4082; Drug-Free Workplace Act of 1988, 41 USC 701 et seq.; Federal Fair Labor Standards Act 29 U.S.C. 201 et seq.; Work Hours and Safety Act of 1962 40 U.S.C. 327-330 and Department of Labor Regulations, 29 CFR Part 5;
 - 6.1.3. Laws Against Discrimination – Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101-07, 45 CFR Part 90 Nondiscrimination in Federally Assisted Programs; Americans with Disabilities Act of 1990, Public Law 101-336; Equal Employment Opportunity, Executive Order 11246, as amended by Executive Order 11375 and supplemented in U.S. Department of Labor Regulations, 41 CFR Chapter 60; Executive Order

11246, as amended by EO 11375, 11478, 12086 and 12102; Employment under Federal Contracts, Rehabilitation Act of 1973, Section 503, 29 U.S.C. 793; Nondiscrimination under Federal Grants, Rehabilitation Act of 1973, Section 504, 29 U.S.C. 794; Minority Business Enterprises, Executive Order 11625, 15 U.S.C. 631; Minority Business Enterprise Development, Executive Order 12432, 48 CFR 32551; Nondiscrimination and Equal Opportunity, 24 CFR 5.105(a); Nondiscrimination in benefits, Title VI of the Civil Rights Act of 1964, Public Law 88-352, 42 U.S.C. 2002d et seq, 24 CFR Part 1; Nondiscrimination in employment, Title VII of the Civil Rights Act of 1964, Public Law 88-352; Nondiscrimination in Federally Assisted Construction Contracts, Executive Order 11246, 42 U.S.C. 2000e, as amended by Executive Order 11375, 41 CFR Chapter 60; Section 3, Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (See 24 CFR 570.607(b));

- 6.1.4. Office of Management and Budget Circulars – 2 CFR Parts 200, 215, 220, 225, and 230;
 - 6.1.5. Other – Anti-Kickback Act, 18 U.S.C. 874; 40 U.S.C. 276b, 276c; 41 U.S.C. 51-54; Governmental Guidance for New Restrictions on Lobbying: Interim Final Guidance, Federal Register 1, Vol. 54, No. 243\Wednesday, December 20, 1989; Hatch Political Activity Act, 5 U.S.C. 1501-8; Lobbying and Disclosure, 42 U.S.C. 3537a and 3545 and 31 U.S.C. 1352 (Byrd Anti-Lobbying Amendment); Non-Supplantation, 28 CFR Sec. 90, 18; Section 8 Housing Assistance Payments Program; and
 - 6.1.6. Privacy – Privacy Act of 1974, 5 U.S.C. 552a.
- 6.2. **Washington State Laws and Regulations:**
- 6.2.1. Affirmative action, RCW 41.06.020 (11);
 - 6.2.2. Boards of directors or officers of non-profit corporations – Liability – Limitations, RCW 4.24.264;
 - 6.2.3. Disclosure-campaign finances-lobbying, Chapter 42.17 RCW;
 - 6.2.4. Discrimination-human rights commission, Chapter 49.60 RCW;
 - 6.2.5. Ethics in public service, Chapter 42.52 RCW;
 - 6.2.6. Office of minority and women’s business enterprises, Chapter 39.19 RCW and Chapter 326-02 WAC;
 - 6.2.7. Open public meetings act, Chapter 42.30 RCW;
 - 6.2.8. Public records act, Chapter 42.56 RCW; and
 - 6.2.9. State budgeting, accounting, and reporting system, Chapter 43.88 RCW.

7. NON-DISCRIMINATION

- 7.1. The Parties hereto specifically agree that no person shall, on the grounds of race, creed, color, sex, sexual orientation, national origin, marital status, age or the

presence of any sensory, mental, or physical disability or Vietnam era or disabled veterans status be excluded from full employment rights and participation in, or be denied the benefits of, or be otherwise subject to, discrimination in conjunction with any services which the CITY will receive payment under the provisions of this Agreement.

8. AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336

- 8.1. The CITY must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

9. NEW CIVIL RIGHTS PROVISION

- 9.1. The CITY shall comply with the Violence Against Women Reauthorization Act of 2013 provision that prohibits recipients from excluding, denying benefits to, or discriminating against any person on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability in any program or activity funded in whole or in part by this Agreement.

10. SERVICES TO LIMITED-ENGLISH-PROFICIENT (LEP) PERSONS

- 10.1. To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing their programs and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. Additional assistance regarding LEP obligations and information may be found at www.lep.gov.

11. NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

- 11.1. During the performance of this AGREEMENT, the CITY shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the CITY's noncompliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part, and the CITY may be declared ineligible for further agreements with the COUNTY. The CITY shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the dispute resolution provision of this Agreement.

12. PAY EQUITY

- 12.1. The CITY agrees to ensure that “similarly employed” individuals in its workforce are compensated as equals, consistent with the following:
 - 12.1.1. Employees are “similarly employed” if the individuals work for the same employer, the performance of the job required comparable skill, effort and responsibility and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
 - 12.1.2. The CITY may allow differentials in compensation for its workers if the differentials are based in good faith and on any of the following:
 - 12.1.2.1. A seniority system; a merit system; a system that measures earning by quantity or quality of production; a bona fide job-related factor or factors, or a bona fide regional difference in compensation levels.
 - 12.1.2.2. A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience that is consistent with business necessity, not based on or derived from a gender-based differential and accounts for the entire differential.
 - 12.1.2.3. A bona fide regional difference in compensation level must be consistent with business necessity, not based on or derived from a gender-based differential and account for the entire differential.
- 12.2. This AGREEMENT may be terminated if the COUNTY determines that the CITY is not in compliance with this provision.

13. TERMINATION FOR CAUSE/SUSPENSION

- 13.1. In the event COUNTY determines that the CITY failed to comply with any term or condition of this Agreement, COUNTY may terminate the Agreement in whole or in part upon written notice to the CITY. Such termination shall be deemed “Termination for Cause.” Termination shall take effect on the date specified in the notice.
- 13.2. In the alternative, COUNTY, upon written notice may allow the CITY a specific period of time in which to correct the non-compliance. During the corrective-action time period, COUNTY may suspend further payment to the CITY in whole or in part, or may restrict the CITY's right to perform duties under this Agreement. Failure by the CITY to take timely corrective action shall allow COUNTY to terminate the Agreement upon written notice to the CITY.
- 13.3. "Termination for Cause" shall be deemed a "Termination for Convenience" when COUNTY determines that the CITY did not fail to comply with the terms of the Agreement or when COUNTY determines the failure was not caused by the CITY's actions or negligence.

- 13.4. In the event of termination or suspension, the CITY shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original Agreement and the replacement or cover agreement and all administrative costs directly related to the replacement agreement, e.g. cost of the competitive bidding, mailing, advertising and staff time.

14. TERMINATION FOR CONVENIENCE

- 14.1. Except as otherwise provided in this Agreement, COUNTY may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Agreement, in whole or in part. If this Agreement is so terminated, the COUNTY shall be liable only for payment required under the terms of this Agreement for services rendered prior to the effective date of termination.

15. TERMINATION PROCEDURES

- 15.1. After receipt of a Notice of Termination, except as otherwise directed by COUNTY, the CITY shall:
- 15.1.1. Stop work under the Agreement on the date, and to the extent specified, in the notice;
 - 15.1.2. Place no further orders for materials, services, or facilities related to the Agreement;
 - 15.1.3. Assign to COUNTY all of the rights, title, and interest of the CITY under the orders and subcontracts so terminated, in which case COUNTY 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 the CITY to settle such claims must have the prior written approval of COUNTY; and
 - 15.1.4. Preserve and transfer any materials, Agreement deliverables and/or COUNTY property in the CITY's possession as directed by COUNTY.
- 15.2. Upon termination of the Agreement, COUNTY shall pay the CITY for any service provided by the CITY under the Agreement prior to the date of termination. COUNTY may withhold any amount due as COUNTY reasonably determines is necessary to protect COUNTY against potential loss or liability resulting from the termination. COUNTY shall pay any withheld amount to the CITY if COUNTY later determines that loss or liability will not occur. The rights and remedies of COUNTY under this Section are in addition to any other rights and remedies provided under this Agreement or otherwise provided under law. Provided, further, in the event that the CITY fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of this Agreement, COUNTY reserves the right to recapture funds in an amount to compensate COUNTY for the noncompliance in addition to any other remedies available at law or in equity.
- 15.3. Repayment by the CITY of funds under this recapture provision shall occur within the time period specified by COUNTY. In the alternative, COUNTY may recapture such funds from payments due under this Agreement.

16. COUNTY REPRESENTATIVE

16.1. The COUNTY hereby appoints and the CITY hereby accepts the COUNTY's representative or her designee as identified on the Face Sheet as the COUNTY's liaison for the purpose of administering this Agreement. The CITY hereby appoints and COUNTY hereby accepts the CITY's representative or his/her designee as identified on the Face Sheet as the CITY's liaison for the purpose of administering this Agreement.

17. NOTICES

17.1. Except as provided to the contrary herein, all notices or other communications given hereunder shall be deemed given on: (i) the day such notices or other communications are received when sent by personal delivery; or (ii) the third day following the day on which the same have been mailed by first class delivery, postage prepaid addressed to the COUNTY or the CITY at the address set forth on the Face Sheet for such party, or at such other address as either party shall from time-to-time designate by notice in writing to the other Party.

18. HEADINGS

18.1. The Section headings in this Agreement have been inserted solely for the purpose of convenience and ready-reference. In no way do they purport to, and shall not be deemed to, define, limit or extend the scope or intent of the Sections to which they appertain.

19. MODIFICATION

19.1. No modification or amendment of this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

20. WAIVER

20.1. No officer, employee, agent or otherwise of the COUNTY has the power, right or authority to waive any of the conditions or provisions to this Agreement. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement or at law, shall be taken and construed as cumulative that is, in addition to every other remedy provided herein or by law. Failure of the COUNTY to enforce at any time any of the provisions of this Agreement, or to require at any time performance by the CITY of any provision hereof, shall in no way be construed to be a waiver of such provisions, nor in any way effect the validity of this Agreement of any part hereof, or the right of the COUNTY to hereafter enforce each and every such provision.

21. INDEMNIFICATION

- 21.1. To the fullest extent permitted by law, the CITY shall indemnify, defend and hold harmless the COUNTY, and all officials, agents and employees of the COUNTY, from and against all claims for injuries or death arising out of or resulting from the performance of the contract. "Claim" as used in this contract, means any financial loss, claim, suit, action, damage or expense, including but not limited to attorneys fees, attributable for bodily injury, sickness, disease, death or injury to or the destruction of tangible property including loss of use therefrom.
- 21.2. The CITY's obligation to indemnify, defend and hold harmless includes any claim by the CITY's agents, employees, representatives or any subgrantee/subcontractor or its employees.
- 21.3. The CITY expressly agrees to indemnify, defend and hold harmless the COUNTY for any claim arising out of or incident to the CITY's or any subgrantee's/subcontractor's performance or failure to perform under this Agreement. The CITY's obligation to indemnify, defend and hold harmless the COUNTY shall not be eliminated or reduced by an actual or alleged concurrent negligence of the COUNTY or its agents, employees and/or officials.
- 21.4. The COUNTY shall protect, defend, indemnify, and hold harmless the CITY, its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property). The COUNTY will not be required to indemnify, defend, or save harmless the CITY if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the CITY.
- 21.5. The COUNTY and CITY agree that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any COUNTY or CITY employees or agents while performing work authorized under this Agreement. For this purpose, the COUNTY and CITY, by mutual negotiation, hereby waives any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of chapter 51.12 RCW.
- 21.6. These indemnifications and waiver shall survive the termination of this Agreement.
- 21.7. No officer or employee of the CITY or the COUNTY shall be personally liable for any act, or failure to act, in connection with this Agreement, it is understood that in such matters they are acting solely as agents of their respective agencies.

22. ALL WRITINGS CONTAINED HEREIN

- 22.1. This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. The

CITY has read and understands all of this Agreement and now states that no representation, promise or condition not expressed in this Agreement has been made to induce the CITY to execute the same.

23. SEVERABILITY

- 23.1 It is understood and agreed between the Parties that if any parts, terms or provisions of this Agreement are held by the courts to be illegal, the validity of the remaining portions or provisions shall not be affected and the rights and obligations of the Parties shall not be affected in regard to the remainder of the Agreement. If it should appear that any part, term or provision of this Agreement is in conflict with any statutory provisions of the State of Washington, then the part, term or provision thereof that may be in conflict shall be deemed inoperative and null and void insofar as it may be in conflict therewith and this Agreement shall be deemed modify to conform to such statutory provision.

24. EXECUTION AND APPROVAL

- 24.1. The Parties warrant that the officers/individuals executing below have been duly authorized to act for and on behalf of the party for purposes of confirming this Agreement.

25. COUNTERPARTS

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

26. DISPUTE RESOLUTION

- 26.1. Any dispute between the Parties which cannot be resolved between the Parties shall be subject to arbitration. Except as provided for to the contrary herein, such dispute shall first be reduced to writing. If the COUNTY and CITY representatives cannot resolve the dispute it will be submitted to arbitration. The provisions of chapter 7.04A RCW shall be applicable to any arbitration proceeding.
- 26.2. The COUNTY and the CITY shall have the right to designate one person each to act as an arbitrator. The two selected arbitrators shall then jointly select a third arbitrator. The decision of the arbitration panel shall be binding on the Parties and shall be subject to judicial review as provided for in chapter 7.04A RCW.
- 26.3. The costs of the arbitration panel shall be equally split between the Parties.

27. NO THIRD-PARTY BENEFICIARIES

- 27.1. Nothing in this Agreement is intended to give, or shall give, whether directly or indirectly, any benefit or right, greater than that enjoyed by the general public, to third persons.

28. SURVIVAL

- 28.1. Any Sections of this Agreement which, by their sense and context, are intended to survive shall survive the termination of this Agreement.

29. INSURANCE

- 29.1. The CITY is self-funded for its liability exposures including General Liability and Automobile Liability to the limits of \$1.5 million and Workers Compensation to the limits of \$1 million. Should a covered loss occur in the fulfillment of this Agreement, the CITY shall provide payment under the terms of its self-funded insurance program.
- 29.2. All self-insured risk management programs or self-insured/liability pool financial reports must comply with Generally Accepted Accounting Principles (GAAP) and adhere to accounting standards promulgated by: 1) Governmental Accounting Standards Board (GASB), 2) Financial Accounting Standards Board (FASB), and 3) the Washington State Auditor's annual instructions for financial reporting. The COUNTY, its agents and employees need not be named as additional insureds under a self-insured property/liability pool, if the pool is prohibited from naming third parties as additional insureds.

30. AUDIT

- 30.1. General Requirements. CITY shall procure audit services based on the following guidelines.
- 30.1.1. The CITY shall maintain its records and accounts so as to facilitate the audit requirement and shall ensure that Subcontractors also maintain auditable records.
- 30.1.2. The CITY is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.
- 30.1.3. The COUNTY reserves the right to recover from the CITY all disallowed costs resulting from the audit.
- 30.1.4. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The CITY must respond to COUNTY requests for information or corrective action concerning audit issues within thirty (30) days of the date of request.
- 30.2. Federal Funds Requirement – 2 CFR Part 200

- 30.2.1. The CITY, expending \$750,000 or more in a fiscal year in federal funds from all sources, direct and indirect, is required to have an audit conducted in accordance with 2 CFR Part 200. When state funds are also to be paid under this Agreement a Schedule of State Financial Assistance as well as the required schedule of Federal Expenditure must be included. Both schedules include:
 - 30.2.1.1. Grantor agency name
 - 30.2.1.2. Federal agency
 - 30.2.1.3. Federal program income
 - 30.2.1.4. Other identifying contract numbers
 - 30.2.1.5. Catalog of Federal Domestic Assistance (CFDA) number (if applicable)
 - 30.2.1.6. Grantor contract number
 - 30.2.1.7. Total award amount including amendments (total grant award)
 - 30.2.1.8. Current year expenditures
- 30.2.2. If the CITY is a state or local government entity, the Office of the State Auditor shall conduct the audit. Audits of non-profit organizations are to be conducted by a certified public accountant selected by the CITY in accordance with 2 CFR Part 200.
- 30.2.3. The CITY shall include the above audit requirements in any subcontracts.
- 30.2.4. In any case, the CITY's financial records must be available for review by the COUNTY and the Washington State Department of Commerce.
- 30.3. Documentation Requirements
 - 30.3.1. The CITY must send a copy of the audit report described above no later than sixty (60) days after the completion of the audit to the COUNTY representative identified in Section No. 2 Compensation.
 - 30.3.2. In addition to sending a copy of the audit, when applicable, the CITY must include:
 - 30.3.2.1. Corrective action plan for audit findings within three (3) months of the audit being received by the COUNTY.
 - 30.3.2.2. Copy of the Management Letter.

31. CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY AND VOLUNTARY EXCLUSION – PRIMARY AND LOWER TIER COVERED TRANSACTION

- 31.1. The CITY, defined as the primary participant and its principal, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:

- 31.1.1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- 31.1.2. Have not within a three (3) year period preceding this Agreement, been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of Federal or state antitrust statutes or commission 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;
- 31.1.3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses enumerated in paragraph (A)(2) of this section; and
- 31.1.4. Have not within a three-year period preceding the signing of this Agreement had one or more public transactions (Federal, state, or local) terminated for cause of default.
- 31.2. Where the CITY is unable to certify to any of the statements in this Agreement, the CITY shall attach an explanation to this Agreement.
- 31.3. The CITY agrees by signing this Agreement 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, unless authorized by COUNTY.
- 31.4. The CITY further agrees by signing this Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:
 - 31.5. **LOWER TIER COVERED TRANSACTIONS**
 - 31.5.1. The lower tier Grantee certifies, by signing this Agreement 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.
 - 31.5.2. Where the lower tier Grantee is unable to certify to any of the statements in this Agreement, such Grantee shall attach an explanation to this Agreement.
- 31.6. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the COUNTY for assistance in obtaining a copy of these regulations.

32. SUBCONTRACTORS

32.1. The CITY shall seek and whenever appropriate will receive approval from the COUNTY for all subcontracts under this Agreement. All subcontractors employed or used by the CITY to provide the services under the terms of this Agreement agree to comply with all applicable sections of this Agreement. The CITY shall notify the COUNTY's representative of any subcontractor and certify that the subcontractor has been advised of the above provisions and has satisfied the Insurance provisions prior to providing any subcontracting services.

33. ASSIGNMENT

33.1. Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the CITY without prior written consent of COUNTY.

34. ATTORNEYS' FEES

34.1. Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce the terms of the Agreement, each party agrees to bear its own attorneys' fees and costs.

35. RECORDS MAINTENANCE

35.1. The CITY shall maintain all books, records, documents, data and other evidence relating to this Agreement and performance of the Services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. The CITY shall retain such records for a period of six years following the date of final payment.

35.2. At no additional cost, the CITY shall make available to the COUNTY, Washington State Auditor, federal and state officials so authorized by law, or their duly authorized representatives at any time during their normal operating hours, all records, books or pertinent information which the COUNTY may be required by law to make part of its auditing procedures, an audit trail, or which may be required for the purpose of funding the services contracted for herein. The CITY shall provide access to its facilities for this purpose.

35.3. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

36. LOSS OF FUNDING

36.1. In the event funding from state, federal, or other sources which is the source of funding by the COUNTY for this Agreement is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to normal

completion, COUNTY may terminate the Agreement under the "Termination for Convenience" clause, without the ten business day notice requirement. In lieu of termination, the Agreement may be amended to reflect the new funding limitations and conditions.

37. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

- 37.1. "Confidential Information" as used in this section includes:
 - 37.1.1. All material provided to the CITY by COUNTY that is designated as "confidential" by COUNTY;
 - 37.1.2. All material produced by the CITY that is designated as "confidential" by COUNTY; and
 - 37.1.3. All personal information in the possession of the CITY that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- 37.2. The CITY shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The CITY agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789(g) and 28 C.F.R. Part 22, which are applicable to collection, use and revelation of data of information. The CITY shall use Confidential Information solely for the purposes of this Grant and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COUNTY or as may be required by law. The CITY shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the CITY shall provide COUNTY with its policies and procedures on confidentiality. COUNTY may require changes to such policies and procedures as they apply to this Grant whenever COUNTY reasonably determines that changes are necessary to prevent unauthorized disclosures. The CITY shall make the changes within the time period specified by COUNTY. Upon request, the CITY shall immediately return to COUNTY any Confidential Information that COUNTY reasonably determines has not been adequately protected by the CITY against unauthorized disclosure.
- 37.3. Unauthorized Use or Disclosure. The CITY shall notify COUNTY within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

38. COPYRIGHT PROVISIONS

- 38.1. Unless otherwise provided, all Materials produced under this Grant shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COUNTY. COUNTY shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the CITY hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COUNTY effective from the moment of creation of such Materials.
- 38.2. "Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.
- 38.3. For Materials that are delivered under the Grant, but that incorporate pre-existing materials not produced under the Grant, the CITY hereby grants to COUNTY a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The CITY warrants and represents that the CITY has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COUNTY.
- 38.4. The CITY shall exert all reasonable effort to advise COUNTY, at the time of delivery of Materials furnished under this Grant, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Grant. The CITY shall provide COUNTY with prompt written notice of each notice or claim of infringement received by the CITY with respect to any Materials delivered under this Grant. COUNTY shall have the right to modify or remove any restrictive markings placed upon the Materials by the CITY.

39. PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION

- 39.1. The funds provided under this Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the Grant which is the basis of funding this Agreement or any other approval or concurrence under this Agreement. Provided, however, that reasonable fees for bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as costs.

40. REPORTING

- 40.1. The CITY shall provide ongoing reporting to the Spokane County Sheriff's Office in accordance with the established format of the Spokane County Registered Sex Offender Program on the work performed. These reports should be submitted to:

**LT. Ron Miya
Program Manager
Spokane County Sheriff's Office
1100 West Mallon Avenue
Spokane, WA 99260-0300
RMIYA@spokanesherriff.org**

41. POLITICAL ACTIVITIES

- 41.1. Political activity of CITY employees and officers are limited by the State Campaign Finances and Lobbying provisions of Chapter 42.17A RCW and the Federal Hatch Act, 5 USC 1501-1508. No funds may be used under this Agreement for working for or against ballot measures or for or against the candidacy of any person for public office.

42. PUBLICITY

- 42.1. The CITY agrees not to publish or use any advertising or publicity materials in which COUNTY's name is mentioned, or language used from which the connection with COUNTY's name may reasonably be inferred or implied, without the prior written consent of COUNTY.

43. TAXES

- 43.1. All payment accrued on account of payroll taxes, unemployment contributions, the CITY's income or gross receipts, any other taxes, insurance or expenses for the CITY or its staff shall be the sole responsibility of the CITY.

44. LICENSING, ACCREDITATION, AND REGISTRATION

- 44.1. The CITY shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Grant.

ATTACHMENT A SCOPE OF WORK

This is an Agreement to clearly identify the roles and responsibilities of the City of Spokane Police Department (hereinafter referred to as the CITY) as they relate to the Spokane County Registered Sex Offender Address and Residency Verification Program (hereinafter referred to as Spokane County RSO Program). As a grant-funded sub-recipient in accordance with this AGREEMENT and the Spokane County RSO Program, the CITY agrees to the following conditions:

1. The term of this Agreement is the period within which the Spokane County RSO Program responsibilities will be performed. The term commences July 1, 2023 and terminates on June 30, 2024.
2. Funding from this grant must be used for the support of the Spokane County RSO Program to accomplish a public purpose.
3. The requirement of the Spokane County RSO Program is for face-to-face verification of a registered sex offender's address at the place of residency:
 - a. For level I offenders, once every twelve (12) months;
 - b. For level II offenders, once every six (6) months; and
 - c. For level III offenders, once every three (3) months.

For the purposes of this AGREEMENT, unclassified offenders and kidnapping offenders are considered Level I offenders, unless the local jurisdiction sets a higher classification in the interest of public safety.

4. The CITY shall provide one detective full-time to verify addresses and place of residency of RSOs for the purpose of the Spokane County RSO Program.
5. The CITY is responsible to notify the COUNTY's Representative of any change in personnel. Non-reporting of change in personnel may impact CITY's request for reimbursement. Time and Effort documentation must be submitted with each reimbursement request.
6. The CITY shall maintain statistics and provide ongoing reporting to the Spokane County Sheriff's Office in accordance with the established format of the Spokane County RSO Program on the work program performed.
7. The CITY will work collaboratively with the SCSO in accomplishing the goals and objectives of the Spokane County RSO Program.
8. Funding from the Spokane County RSO Program as set forth in Attachment "B" Budget for "Travel/Training" will be used for the CITY to send at least one staff person to one or more Offender Watch User Group meetings and/or the RSO Coordinator Conference during the term of this Agreement. The CITY may also use funding from the Spokane County RSO Program as set forth in Attachment "B" Budget for "Travel/Training" to send staff to other training events.

9. Proposed training events and estimated costs must be submitted to Spokane County Sheriff's Office Program Manager Lt. Ron Miya via email at rmiya@spokanesherriff.org for prior approval to use grant funds for proposed training events.

**ATTACHMENT B
BUDGET**

Category	Budget Protected Direct Costs
Salary/ Benefits	\$57,000
Equipment	\$0.00
Contracted Services	\$0.00
Goods & Services	\$0.00
Administrative Costs	\$0.00
Travel/Training	\$3,000
Total Program	\$60,000

Transfer of funds between line-item budget categories must be approved by COUNTY's representative.

Approved expenditures for the performance of Services as set forth in Attachment "A" (Scope of Work) must be itemized into the following categories: salary, benefits, contracted services, equipment, goods and services, travel/training or administrative costs.

In order to be eligible for reimbursement all expenses must be submitted with supporting documentation. **Payroll Expenses must be accompanied by a Time and Effort Certification and a timesheet signed by the employee and supervisor.**

Proposed training events and estimated costs must be submitted to Spokane County Sheriff's Office Program Manager Lt. Ron Miya via email at rmiya@spokanesherriff.org for prior approval to use grant funds for proposed training events.

Payment will be on a reimbursement basis only.



**Spokane County
INVOICE VOUCHER**

Subrecipient Number	Award Number	Award Name
		Spokane County RSO Program FY23-24

AGENCY NAME
City of Spokane Spokane Police Department
CLAIMANT (Warrant is to be payable to)
(please fill in your department's mailing address) City of Spokane Spokane Police Department

INSTRUCTIONS TO CLAIMANT: Submit this form to claim payment for materials, merchandise or services. Show complete detail for each item.

Claimant's Certificate: I hereby certify under penalty of perjury that the items and totals listed herein are proper charges for materials, merchandise or services furnished to Spokane County, and that all goods furnished and/or services rendered have been provided without discrimination because of age, sex, marital status, race, creed, color, national origin, handicap, religion, or Vietnam era or disabled veterans status and all expenses claimed will not be charged to any other grant, subgrant or funding source.

BY _____
(SIGN IN INK)

_____ (TITLE) _____ (DATE)

FEDERAL I.D. NO. OR SOCIAL SECURITY NO. (For reporting Personal Services Contract Payments to I.R.S.)

RECEIVED BY

DATE RECEIVED

DATE	DESCRIPTION	AMOUNT BILLED

Committee Agenda Sheet

Urban Experience Committee

Committee Date	January 8 th , 2024
Submitting Department	Police
Contact Name	Eric Olsen
Contact Email & Phone	eolsen@spokanepolice.org 835-4505
Council Sponsor(s)	<u>Cathcart & Bingle</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	2023-2024 Registered Sex Offender grant award
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Grant agreement between City of Spokane and Spokane County to accept funding from the Washington Association of Sheriffs and Police Chiefs (WASPC) for the Registered Sex Offender Address and Residency Verification Program.</p> <p>A total of \$60,000 is being awarded to be used \$57,000 for salary/benefits and \$3,000 for travel/training.</p> <p>Grant period is 7/1/2023 through 6/30/2024.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>\$60,000</u></p> <p> Current year cost: \$60,000</p> <p> Subsequent year(s) cost: N/A</p> <p>Narrative: <u>Grant reimbursement of up to \$57,000 in one (1) SPD Detective's salary and benefits during the award period. No new position required or requested.</u></p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
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?



Agenda Sheet for City Council:

Committee: Finance & Administration **Date:** 01/22/2024

Committee Agenda type: Discussion

Date Rec'd

1/10/2024

Clerk's File #

OPR 2024-0049

Renews #

Cross Ref #

Council Meeting Date: 01/29/2024

Submitting Dept

ACCOUNTING

Project #

Contact Name/Phone

MICHELLE 625-6320

Bid #

Contact E-Mail

MMURRAY@SPOKANECITY.ORG

Requisition #

Agenda Item Type

Contract Item

Council Sponsor(s)

BWILKERSON

Agenda Item Name

5600 - ACCOUNTING - EPA CHANGE GRANT

Agenda Wording

This Grant program will provide infrastructure for installation of a variety of improvements that will help to harden these community centers as "climate resilience hubs".

Summary (Background)

Gonzaga University is applying for an Environmental and Climate Justice Community Change Grant and is seeking a partnership with the City of Spokane to be a sub-recipient if the award is granted in the amount of approximately \$4.3 million dollars. This grant will fund a portion of the salary of the Emergency Management Director's efforts to coordinate this program and to continue to implement climate resilience plans and strategies for the City.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ \$4.3 million over 3 years

Current Year Cost \$ Various

Subsequent Year(s) Cost \$ Various

Narrative

The City of Spokane will receive a sub award of approximately \$4.3 million dollars to administer this program. The award period is 3 years and the project can be completed at any year.

Amount

Budget Account

Select \$

#

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#

Committee Agenda Sheet

Finance & Administration Committee

Committee Date	1/22/24
Submitting Department	Accounting and Grants
Contact Name	Michelle Murray & Sarah Nuss
Contact Email & Phone	mmurray@spokanecity.org : snuss@spokanecity.org
Council Sponsor(s)	<u>CP Wilkerson</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	EPA Change Grant
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>Gonzaga University is applying for an Environmental and Climate Justice Community Change Grant and is seeking a partnership with the City of Spokane to be a subrecipient if the award is granted in the amount of approximately \$4.3 million dollars. This Grant program will provide infrastructure for installation of solar panel arrays, backup battery capacity, and electric vehicle charging stations at the Northeast Central Community Center and the West Central Community Center, in order to harden these community centers as "climate resilience hubs." This is part of a larger project which will also fund two Spokane libraries and the Carl Maxey Center with similar upgrades. The City will also assist Gonzaga University in creating a multi-tiered community resilience hub training and certification process. Finally, this grant will fund the salaries of City Council's Sustainability Initiatives Manager to continue to help implement and update the City's climate and sustainability plans to meet our greenhouse gas emission reduction targets and plan for climate resilience. Finally, this grant will fund a portion of the salary of the Emergency Management Director's efforts to coordinate this program and to continue to implement climate resilience plans and strategies for the City.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>\$4.3 over 3 years</u></p> <p style="padding-left: 20px;">Current year cost: various</p> <p style="padding-left: 20px;">Subsequent year(s) cost: various</p> <p>Narrative: <u>The City of Spokane will receive a sub award of approximately \$4.3 million dollars to administer this program.. The award period is 3 years and the project can be completed at any year.</u></p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Grant</p> <p>Is this funding source sustainable for future years, months, etc? The sub award is 3 years once completed no continued funding is necessary.</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: <u>The city has no matching requirements and will receive 10% for indirect administrative costs. The annual maintenance costs of equipment is approximately \$15,000 per year with an estimated cost savings from reduced energy is \$57,000.</u></p>	

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

- *The "climate resilience hubs" that the NECC and the WCCC will become are in underserved neighborhoods of Spokane whose residents by definition are largely historically excluded members of the larger community.*
- *The NECC serves eight Spokane neighborhoods which have some of the lowest median household income levels in the region and are particularly vulnerable to extreme climate events such as wildfire smoke, extreme heat and extreme cold.*
- *Similarly, the WCCC serves three large Spokane neighborhoods which also have low household income and climate vulnerability.*
- *The single-family and multi-family residential structures in both of these neighborhoods are largely older in construction and suffer from inadequate HVAC climate control and air filtration systems.*
- *Both of these centers will provide much-needed respite during extreme climate events, as emergency and relief centers with backup power and as central resource navigation centers.*

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?

All data will be collected and assessed in compliance with best practice standards and as appropriate consideration for these affected populations.

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

Past community outreach efforts such as the formation of the Sustainability Action Subcommittee, the Sustainability Action Plan of 2021, and the Gonzaga Climate Institute's "Beat the Heat Initiative" as a response to the 2021 Northwest Heat Dome, have shown the need to create climate resilience hubs to mitigate the effects of extreme weather. Additionally, studies were conducted by the Gonzaga Climate Institute in collaboration with the Washington State Department of Health which found statistically significant correlations between Spokane's urban heat islands and other factors including income, age, race and English proficiency.

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 grant activities proposed here strongly align with the City's Sustainability Action Plan of 2021, particularly "buildings & energy" strategy BE 1.2 and "health & wellbeing" strategies HW 3 and HW 4.

FEDERAL AGENCY AND OFFICE: U.S. Environmental Protection Agency, Office of Environmental Justice and External Civil Rights (OEJECR)

FUNDING OPPORTUNITY TITLE: Environmental and Climate Justice Community Change Grants Program

ANNOUNCEMENT TYPE: Notice of Funding Opportunity (NOFO)

FUNDING OPPORTUNITY NUMBER: EPA-R-OEJECR-OCS-23-04

ASSISTANCE LISTING NUMBER: 66.616

IMPORTANT DATES:

November 21, 2023	NOFO Opening Date
November 21, 2024	Application Closing Date
March 2024	Initial Award Selections
May / June 2024	<u>Anticipated</u> Start of Period of Performance for Initial Selections

DEADLINE: Application packages will be accepted on a rolling basis, as further explained in the NOFO, until November 21, 2024, at 11:59 PM (Eastern Time) through Grants.gov. Applications received after the closing date and time will not be considered for funding.

In alignment with EPA’s commitment to conducting business in an open and transparent manner, copies of applications selected for award under this NOFO may, as appropriate, be made publicly available on the OEJECR website or other public website for a period after the selected applications are announced. Therefore, applicants should clearly indicate which portion(s) of the application, if any, they are claiming contains confidential, privileged, or sensitive information. As provided at 40 CFR § 2.203(b), if no claim of confidential treatment accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant.

NOTE: Prior to naming a contractor (including consultants) or subrecipient in your application as a “partner,” please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements as well as EPA’s rule on Participation by Disadvantaged Business Enterprises in EPA Programs in 40 CFR Part 33. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications.

TABLE OF CONTENTS:

Section I. Funding Opportunity Description 4

- A. Background: Inflation Reduction Act and Executive Orders 4
- B. Statutory and Regulatory Authority..... 5
- C. Community Change Grants Objectives 6
- D. NOFO Competition Features..... 6
- E. Technical Assistance..... 7
- F. Community or Tribal Relocation Resources..... 8
- G. Funding Track I: Community-Driven Investments for Change 8
- H. Funding Track II: Meaningful Engagement for Equitable Governance 19
- I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures..... 22
- J. Additional Provisions for Applicants Incorporated into the NOFO 23

Section II. Federal Award Information 24

- A. Number and Amount of Awards 24
- B. Target Investment Areas (TIA) for Track I Applications 24
- C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures..... 25
- D. Conditional Awards..... 26
- E. Period of Performance 26
- F. Partial Funding..... 26
- G. Additional Awards..... 26
- H. Funding Type 27

Section III. Eligibility Information..... 28

- A. Eligible Applicants 28
- B. Statutory Partnership Requirements and Collaborating Entities 30
- C. Cost-Sharing or Matching Funds..... 31
- D. Threshold Eligibility Criteria 31

Section IV. Application and Submission Information 34

- A. Requirement to Submit through Grants.gov and Limited Exception Procedures..... 34
- B. Content of Application Submission..... 37
- C. Informational Webinars and Application Assistance 46

Section V. Application Review Information 47

- A. Threshold Eligibility Review Process 47

B. Review Panel and Evaluation Process	47
C. Track I Application Review Process, Evaluation Criteria, and Oral Presentations	47
D. Track II Application Review Process and Evaluation Criteria.....	54
E. Final Selection Process and Other Factors.....	57
F. Anticipated Announcement and Federal Award Date.....	58
Section VI. Award Administration Information	59
A. Award Notification and Disputes	59
B. Administrative and National Policy Requirements	59
C. Audit Requirements	62
D. Remedies for Non-Compliance	62
E. Program Administration Activities	63
F. Fraud, Waste, and Abuse Awareness.....	63
G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs).....	63
Section VII. Contact Information.....	65
Appendix A. Definition of Disadvantaged Communities and Mapping Requirements.....	66
Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner	70
Appendix C. Climate Action Strategies and Associated Project Activities	71
Appendix D. Pollution Reduction Strategies and Associated Project Activities	78
Appendix E. Job Quality & Equitable Employment Opportunities	81
Appendix F. Track I and II Outputs and Outcomes.....	82
Appendix G. Budget Template	87
Appendix H. Alaska Tribal Lands Target Investment Area.....	92

Section I. Funding Opportunity Description

[\(back to the Table of Contents\)](#)

A. Background: Inflation Reduction Act and Executive Orders

The Environmental and Climate Justice Community Change Grant program (Community Change Grants) – the subject of this NOFO – offers an unprecedented opportunity to transform disadvantaged communities across the United States into healthy, climate resilient, and thriving communities for their current and future residents. The Community Change Grants will fund community-driven projects that address climate challenges and reduce pollution while strengthening communities through thoughtful implementation. The historic levels of support provided by these grants will enable communities and their partners to overcome longstanding environmental challenges and implement meaningful solutions to meet community needs now and for generations to come.

The Inflation Reduction Act (IRA) created the Environmental and Climate Justice Program (ECJP)—the largest investment in environmental and climate justice in U.S. history—when it was signed into law by President Biden on August 16, 2022. The ECJP is now contained in Section 138 of the Clean Air Act (CAA), 42 U.S.C. § 7438. Under this program, EPA was provided \$2.8 billion to award grants to help disadvantaged communities address a wide range of environmental and climate justice issues, and \$200 million for technical assistance related to these grants. This historic investment advances [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which established a whole-of-government approach to advancing equity and opportunity, and [Executive Order 14008](#), *Tackling the Climate Crisis at Home and Abroad*, which created the government-wide [Justice 40 Initiative](#) that established the goal that 40 percent of the overall benefits of certain federal investments flow to disadvantaged communities. Awards under the ECJP also support core goals of [Executive Order 14091](#), *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and [Executive Order 14096](#), *Revitalizing Our Nation’s Commitment to Environmental Justice for All*.

The Community Change Grants are the final and most comprehensive piece of EPA’s implementation of ECJP IRA funding. The Community Change Grants will complement grant programs that EPA launched in 2022 and 2023, including those for the Collaborative Problem-Solving, Government-to-Government, and Thriving Communities Grantmaker programs. Collectively, these programs will empower communities and their partners to design, develop, and implement multi-faceted community-driven projects. These programs will address the diverse and unique needs of disadvantaged communities by:

1. Reducing and preventing pollution;
2. Building resilience to climate change and mitigating current and future climate risks;
3. Enhancing meaningful involvement in government processes related to environmental and climate justice;
4. Expanding access to high-quality jobs and economic opportunity through workforce development; and
5. Bolstering community strength by ensuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

Through the approximately \$2 billion to be awarded under the Community Change Grants, and the technical assistance that will be available to eligible applicants related to the grants, EPA will advance the goals of these Executive Orders (EO) and the agency’s environmental and climate justice priorities. [Environmental justice](#), as defined by EO 14096, means the just treatment and meaningful involvement of all people,

regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other federal activities that affect human health and the environment so that people:

- Are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- Have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

B. Statutory and Regulatory Authority

The authority for the awards under this NOFO is Clean Air Act (CAA) § 138, codified at 42 U.S.C. § 7438. Of the \$2.8 billion appropriated, approximately \$2 billion will be awarded for the Community Change Grants under this NOFO. As provided in 42 U.S.C. § 7438(a)(1) and (b)(1), all the funds must be awarded by September 30, 2026, the grants cannot be longer than three years in duration, and no extensions will be granted.

Eligible entities and eligible activities are defined in 42 U.S.C. § 7438(b)(2) and (3) and are further described below and in [Section I](#) and [Section III](#) of this NOFO.

Section 138(b)(2) of the CAA specifies that an eligible entity may use a grant awarded under this NOFO for:

1. community-led air and other pollution monitoring, prevention, and remediation, and investments in low and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions¹ and other air pollutants;
2. mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;
3. climate resiliency and adaptation;
4. reducing indoor toxics and indoor air pollution; or
5. facilitating engagement of disadvantaged communities in state and federal advisory groups, workshops, rulemakings, and other public processes.

In addition, Section 102(2)(I) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(I) is applicable to international work, if any, under this NOFO. Further, all funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the Federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.

¹ “Greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

C. Community Change Grants Objectives

The Community Change Grants will support comprehensive community and place-based approaches to redressing environmental and climate injustices for communities facing legacy pollution, climate change, and persistent disinvestment. These concentrated local investments will fund community-driven, change-making projects that center collaborative efforts for healthier, safer, and more prosperous communities.

Designed with meaningful community, Tribal, and other stakeholder involvement, the investments EPA makes through the Community Change Grants are intended to achieve the following objectives:

1. Provide resources for community-driven projects to address environmental and climate challenges in communities facing disproportionate and adverse health, pollution, and environmental impacts, and suffering from generations of disinvestment.
2. Invest in strong cross-sectoral collaborations with partners who bring a robust commitment to working with and for communities with environmental and climate justice concerns.
3. Unlock access to additional and more significant resources to advance environmental and climate justice goals from across the federal government and other sources.
4. Empower communities and strengthen their capacity to drive meaningful positive change on the ground for years to come.
5. Strengthen community participation in government decision-making processes that impact them.

D. NOFO Competition Features

EPA anticipates awarding approximately \$2 billion in funding through this NOFO, depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. EPA will consider applications under two separate tracks.

- **Track I applications – Community-Driven Investments for Change** will focus on multi-faceted applications with Climate Action and Pollution Reduction Strategies to meaningfully improve the environmental, climate, and resilience conditions affecting disadvantaged communities. Awards under Track I are expected to be \$10-20 million each and cannot exceed \$20 million. EPA expects to award approximately \$1.96 billion for approximately 150 Track I awards, including those under the Target Investment Areas described in Section II.B.
- **Track II applications – Meaningful Engagement for Equitable Governance** will facilitate the engagement of disadvantaged communities in governmental processes to advance environmental and climate justice. Awards under Track II are expected to be \$1-3 million each and cannot exceed \$3 million. EPA will award approximately \$40 million for approximately 20 Track II awards.

The number of Track I and Track II awards are estimates, and EPA reserves the right to increase or decrease the total number of awards and dollar amounts for each track, contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, agency priorities, programmatic considerations, or a combination of these.

Target Investment Areas for Track I Applications: EPA has identified five Target Investment Areas (TIA) to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding (see [Section II.B](#)). Applicants applying under a specified TIA will compete against other applicants under the same TIA, as opposed to the broader application pool. Please note that applicants applying for the TIA for Alaska Tribal lands should review Appendix H for additional guidance pertaining to the Climate Action and Pollution Reduction Strategies to include in their application, including those related to the Alaska Native Claims Settlement Act (ANCSA).

Eligible Applicants: Eligible applicants for the Community Change Grants include a partnership between two community-based non-profit organizations (CBOs), or a partnership between a CBO and one of the following: a Federally recognized Tribe, a local government, or an institution of higher education (IHE), including Minority Serving Institutions as further described in [Section III.A](#). Other organizations and entities may participate in the Community Change Grants as Collaborating Entities through subawards, or as contractors selected in accordance with competitive procurement requirements. Further details about applicant eligibility, partnership requirements, Collaborating Entities, subawards, and procurement contracts are in [Section III](#).

Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two applications and may receive up to two awards, if they demonstrate the capacity and capabilities to effectively perform, manage, oversee, and complete the awards within the three-year grant period of performance. The two applications may be two Track I applications, two Track II applications, or one of each. Lead Applicants who submit more than two total applications will be asked to withdraw the excess one(s). EPA will not review more than two applications from any one Lead Applicant.

In addition, EPA is introducing several features to enhance community involvement and ease the application process. Unless otherwise noted, the following applies to both Track I and Track II applications:

- **Rolling Applications.** EPA will allow applications to be submitted on a rolling basis over a 12-month period, through November 21, 2024, and will permit applicants to resubmit an unsuccessful application after a debriefing with the agency. Further details about the rolling application and resubmission process are in Sections II and V.
- **Fast-Tracked Approach.** EPA will review and expeditiously select high-quality applications to deliver results and benefits to disadvantaged communities. Further information is in [Section V](#).
- **Indirect Costs Limitation.** As further described in Appendix G, there is a 20% cap on indirect costs for certain recipients and subrecipients.
- **Track I Two-Phase Evaluation Process.** Applicants for Track I whose applications score well following the written application review will be invited to participate in an oral presentation, as further described in [Section V](#), at which they will have an opportunity to share information about the community-oriented nature of their projects and how they will successfully implement the grant. The Track II application process does not involve an oral presentation.

E. Technical Assistance

Under the IRA, EPA received \$200 million for technical assistance to eligible entities in connection with the ECJP. Technical assistance will be available for pre-award technical assistance including but not limited to designing a project, preparing an application, or facilitating partnerships, and for post-award technical assistance to help grant recipients manage, oversee, perform, and report on the grants. Further details about technical assistance can be found [here](#). Receiving technical assistance does not guarantee that applicants will be selected for funding.

F. Community or Tribal Relocation Resources

Projects for community or Tribal relocation activities are not eligible for funding under this NOFO and will not be reviewed. For purposes of this NOFO, relocation activities generally include activities intended to plan or assist the moving of an individual from their residence or a business from its place of business.² EPA is working with other federal agencies on a separate and tailored effort to develop a support mechanism for communities that want to implement community-driven relocation plans. EPA intends to share relocation assistance information in future guidance [posted on the Community Change Grants website](#). In the interim, information related to Federally-assisted relocation can be found on [FEMA's webpage](#) and in the [HUD Climate Resilience Implementation Guide for Community Driven Relocation](#). Any questions about whether an activity is considered a relocation activity should be sent by email to CCGP@epa.gov prior to applying.

G. Funding Track I: Community-Driven Investments for Change

1. Track I Objectives

Track I is the primary emphasis for the Community Change Grants. These projects will be implemented through strong collaborations to achieve sustained impacts related to climate resilience, pollution reduction, community health, economic prosperity, and community strength. This approach catalyzes change by focusing on the following objectives:

- **Increase community resilience through climate action activities:** Implement comprehensive Climate Action Strategies and infrastructure that build the resilience and adaptive capacities of communities, reduce greenhouse gas (GHG) emissions, and better prepare for and reduce the impacts of climate change.
- **Reduce local pollution to improve public health:** Reduce and remediate quantifiable health-harming pollutants to improve public health.
- **Center meaningful community engagement:** Conduct robust community engagement throughout the project – from design to implementation.
- **Build community strength:** Develop strategies to increase the likelihood that benefits of the investments accrue to existing residents of disadvantaged communities, both immediately and sustainably beyond the grant period.
- **Reach priority populations:** Support people within the Project Area as described in Appendix A who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities to the impacts of environmental pollution.³
- **Maximize integration across projects:** Ensure that the projects and activities within the Project Area are integrated and complement each other to maximize benefits.

² The Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. § 4601 et seq. (URA) would apply if a construction project funded through a Community Change Grant has an incidental effect of permanently displacing residents or businesses.

³ This may include populations of concern as identified in [The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment \(2016\)](#) that “experience disproportionate, multiple, and complex risks to their health and well-being in response to climate change,” such as children and pregnant women, older adults, and those with low incomes, limited-English-proficiency, disabilities or chronic medical conditions, or other risks that may put them at greater vulnerability.

2. Track I Community Vision Description

Track I applications should be rooted in addressing specific, community-driven environmental justice challenges. Accordingly, Track I applications should begin with a Community Vision Description that, at a minimum, provides an overview of the Project Area community to benefit from the grant, a clear description of the challenges the community faces, and a vision for how the grant will respond to those challenges to advance environmental and climate justice in the community. This description should provide essential context for the rest of the application, informing how the Climate Action and Pollution Reduction Strategies were selected and the positive impact the applicant envisions the grant will have in the community. The Community Vision Description is further described in [Section IV.B: Content of Application Submission](#).

3. Track I Application Requirements

Track I applications must address the following six requirements, as further described below. Additional information about the contents of the Project Narrative for Track I applications can be found in [Section IV.B: Content of Application Submission](#) and information about how applications will be evaluated can be found in [Section V.C: Track I Application Review Process, Evaluation Criteria, and Oral Presentations](#).

Requirement 1. Climate Action Strategy: Applications must include at least one project aligned with at least one of the Climate Action Strategies as described below. The Climate Action Strategies focus on strengthening the community’s climate resilience and / or reducing GHG emissions. Climate Action Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 2. Pollution Reduction Strategy: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategy as described below. The Pollution Reduction Strategy can include monitoring, prevention, reduction, and remediation activities that support community efforts to address quantifiable and health-harming pollutants. Pollution Reduction Strategies range broadly depending on the type and pathway of pollution (e.g., indoor, or outdoor air pollution, water pollution, soil pollution). Pollution Reduction Strategies should be responsive to the community challenges described in the Community Vision Description.

Requirement 3. Community Engagement and Collaborative Governance Plan: Successful implementation of environmental and climate justice projects requires relationships among an ecosystem of community leaders and members along with partners across varied sectors. To help ensure that the community itself drives project development and implementation, applicants must submit a Community Engagement and Collaborative Governance Plan which should demonstrate how the applicant will inform, respond to, and engage community members throughout project development and implementation. This plan should include a Collaborative Governance Structure, which describes the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents in implementing the project.

Requirement 4. Community Strength Plan: Applicants must submit a Community Strength Plan that describes how their proposed projects will enhance the overall strength and economic prosperity of the community, including maximizing the benefits of the projects for existing residents and minimizing potential risks associated with investing significant resources into the Project Area. This should include strategies for how the projects will promote inclusive economic development, drive benefits of the projects to existing residents, and proactively address unintended displacement consequences. This plan should speak to how the projects will enhance the overall wellbeing of the community, ensuring existing

community members receive the benefits of these investments and can build on those benefits for future generations.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe how they will be able to initiate grant performance upon award, or generally no later than 120 days after award, so they can successfully complete the grant within the three-year period of performance.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (1) ensure compliance with the grant's terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (2) manage broader legal and compliance risks.

Details of Track I Application Requirements

Requirement 1. Climate Action Strategies: Applicants must include at least one project aligned with at least one of the Climate Action Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Climate Action Strategy(ies) and associated project(s) will address those challenges. Each Climate Action Strategy outlined below is focused on building short-term and long-term climate resilience, reducing GHGs, and providing additional co-benefits so that impacted communities can adapt to the changing climate. Applicants are also encouraged, as applicable, to integrate processes that minimize burdens to human health and the environment while maximizing benefits to the Project Area through such means as integrating nature-based solutions, utilization of low-carbon building materials, or sourcing sustainable products and materials to perform the projects. When selecting a Climate Action Strategy and designing their climate action projects, applicants may refer to the [National Climate Resilience Framework](#) released in September 2023.

Examples of project activities and guidelines associated with the strategies can be found in Appendix C. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Climate Action Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Green Infrastructure and Nature-Based Solutions

Many disadvantaged communities face complex climate challenges, such as urban heat island effects and flooding risks. Strategy 1 supports using nature-based solutions (NBS), also referred to as green infrastructure, to address such climate risks. Nature-based solutions are generally actions to protect, sustainably manage, or restore natural systems to address the impacts of climate change, while simultaneously providing benefits for people and the environment.⁴ Projects under this strategy can include planting shade trees, restoring native plants and wetlands to capture stormwater, and deploying other green infrastructure solutions that often have the co-benefit of reducing GHG emissions. Communities also may incorporate vegetation or similar natural features into traditional infrastructure.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Many disadvantaged communities lack access to affordable low- or zero-emission transportation options, leading to disproportionate difficulties in daily life, limiting access to educational and

⁴ Applicants may use the White House's [Nature-Based Solutions Resource Guide](#) as a resource for integrating nature-based solutions.

economic opportunities, and creating vulnerability to climate risks. Strategy 2 focuses on providing community members with access to low- and zero-emission technologies to improve their overall health and well-being, reduce emissions, and increase access to important community destinations such as schools, workplaces, health care centers, and community spaces. Projects funded under this strategy may include installing protected bike lanes or walking paths, supplying traditional or electric bikes to community members, and deploying other low- or zero-emission transportation solutions. The impact of such projects could include improved public health outcomes, reduced GHG emissions from the transportation sector, more equitable access to community resources, increased community connectivity and safety, and greater community resilience to extreme weather events.

Strategy 3: Energy-Efficient, Healthy, and Resilient Housing and Buildings

Residential and commercial buildings are a significant source of GHG emissions due to the large amounts of electricity consumed for heating, cooling, lighting, and other similar functions. Many disadvantaged communities also face a disproportionately high energy burden, defined as the percentage of gross household income spent on energy costs. Many factors can influence high energy burden, including higher-cost fuels, such as propane or other bottled fuels, and energy-inefficient homes due to a lack of insulation in older homes or older appliances. Strategy 3 supports investments in low- and zero-emission technologies and energy efficiency upgrades that can help decarbonize residential and commercial buildings, decrease energy burden, and increase resilience for communities. Many of these activities also contribute to positive public health outcomes by improving indoor air quality and the safety and comfort of buildings. Co-benefits associated with this strategy can be maximized by combining additional Climate Action and Pollution Reduction Strategies to improve indoor air quality and / or produce additional resiliency benefits. This strategy can support a range of residential and commercial buildings, including single-family homes, multi-family housing buildings, small businesses, community health facilities, community centers, nonprofit offices, schools, and other similar community-serving buildings.

Strategy 4: Microgrid Installation for Community Energy Resilience

Many disadvantaged communities suffer from unreliable access to electricity, a problem that is becoming more acute due to increased heating and cooling demands during extreme weather events driven by climate change. Strategy 4 supports the installation of microgrids powered by low- and zero-emission renewable energy to improve electric reliability, enhance overall energy efficiency, reduce emissions of GHG and other air pollutants, and build a community's capacity to prepare for and withstand power disruptions. The U.S. Department of Energy [defines](#) microgrids as “a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid.” A microgrid can operate autonomously when disconnected from the grid or when there is no grid to connect to, such as in some remote communities. When connected and operated with the grid, a microgrid can provide grid ancillary services.

Strategy 5: Community Resilience Hubs

Many disadvantaged communities lack the resources to evacuate in a safe and timely manner when disaster strikes or is imminent. Strategy 5 supports the creation of, or upgrades to, community-level resilience hubs, which are public-serving spaces that provide shelter and essential services during extreme weather, natural hazards, or other events causing or contributing to an emergency or disaster, such as dangerous wildfire woodsmoke, toxic releases, industrial fires, or similar hazardous chemical incidents. These community-level resilience hubs can also serve as community-convening spaces that provide educational activities and related emergency and disaster preparedness resources to community residents year-round.

Strategy 6: Brownfield Redevelopment for Emissions Reduction and Climate Resilience

Many disadvantaged communities contain brownfield sites that impede economic development. Redeveloping brownfields provides an opportunity to make investments that contribute to community revitalization, resilience, and GHG emissions reduction. Redeveloping brownfield sites also supports infill development that significantly reduces residential vehicle use and the associated GHG emissions. Strategy 6 supports the redevelopment of brownfield sites that have already been cleaned up, or where a site assessment indicates that cleanup is not necessary for reuse. These projects should seek to improve energy efficiency through investments in low- and zero-emission technologies, integrate climate resiliency, and / or mitigate climate change impacts while also promoting economic development and improving public health for residents. Examples could include construction of a public park or partnering on a LEED Certified low-income housing project on a former brownfield site.

Note: Projects funded under this Climate Action Strategy must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site.

Strategy 7: Waste Reduction and Management to Support a Circular Economy

Disadvantaged communities often bear the brunt of environmental contamination from improper disposal of physical waste, or from disposal in landfills adjacent to those communities. This strategy supports circular economy⁵ activities and promotes sustainable use of natural resources to keep materials and products in circulation for as long as possible, resulting in the reduction of GHG emissions and other pollution across a product's lifecycle. Examples of these projects may include efforts to reduce food waste (e.g., composting, anaerobic digestors), or to promote the reduction, reuse, and recycling of disaster debris, construction and demolition debris, and other materials and products. Project activities should demonstrate that they will result in materials being diverted from end-disposal facilities (e.g., landfills, incinerators) to reduce GHG emissions, toxic air pollution, and soil and water pollution.

Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants

Individuals in disadvantaged communities often lack pathways into fast-growing and well-paying job opportunities related to environmental and climate justice. This strategy allows applicants to propose workforce development programs to enable individuals in these communities to pursue career pathways in fields related to the reduction of GHG emissions and other air pollutants. Strong workforce development proposals should include all three of the following features, as detailed in Appendix C: (1) multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers that help reduce GHG emissions and other air pollutants; (2) high-quality training models, such as pre-apprenticeships or Registered Apprenticeship Programs, that are worker-centered, demand-driven, and lead to good jobs that help reduce GHG emissions and other air pollutants; and (3) strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face barriers to employment. Given that workforce development opportunities can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program as further described in [Section V.E](#). Note that it is a statutory requirement that workforce development activities funded under this program be focused specifically on reducing greenhouse gas emissions and other air pollutants.

⁵ A circular economy keeps materials, products, and services in circulation for as long possible.

Requirement 2. Pollution Reduction Strategies: Applications must include at least one project aligned with at least one of the Pollution Reduction Strategies identified below. When addressing the strategy in their application, applicants should describe relevant challenges faced in the Project Area and how the selected Pollution Reduction Strategy(ies) will address those challenges. Each Pollution Reduction Strategy outlined below is focused on pollution monitoring, prevention, and remediation of quantifiable and health-harming pollutants.

Applications that include activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.

Examples of project activities and guidelines associated with the strategies can be found in Appendix D. While applicants may select from among the examples in the Appendix, applicants may also submit other types of project activities as long as they are consistent with a Pollution Reduction Strategy described in [Section I.G](#) of the NOFO and are eligible for funding under §138(b)(2) of the CAA.

Strategy 1: Indoor Air Quality and Community Health Improvements

Disadvantaged communities often face high levels of indoor air pollution from several sources, including mold, lead paint, radon, asbestos, fossil fuel combustion, and pollution from outdoors that seeps inside. These pollutants can have a detrimental impact to human health, particularly for vulnerable populations including children, the elderly, and people with health conditions like asthma and heart disease.⁶ Activities under Strategy 1 can include education on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach strategies, public education activities) and direct assessment and remediation to reduce harmful air pollution (e.g., installation of filtration systems, building retrofits that address multiple sources of pollution, replacement of wood heaters that do not meet EPA standards, asbestos abatement in schools).

Strategy 2: Outdoor Air Quality and Community Health Improvements

Outdoor air pollution from mobile and stationary sources can compromise human health and the environment in many ways, including by triggering asthma attacks and heart attacks, exacerbating respiratory disease, and causing children and adults to miss school and work on bad air days. Activities funded under Strategy 2 could include: funding the purchase, upgrade, and / or maintenance of equipment and technology to allow for the inspection, testing, monitoring, and sampling of air pollution; purchasing equipment that limits community exposure to outdoor air pollutants; and reducing exposure to near-road pollution, pollution from airports and ports, and mobile source pollution. This could include land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas. These activities can be bolstered by educating the public on air toxins / toxics and how to monitor them (e.g., curriculum development, outreach, public education), and communication of air pollution assessment results to reduce exposure, including during environmental emergencies or events where the risk of pollution exposure is high.

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Disadvantaged communities often lack access to clean water and clean drinking water. Functional water infrastructure is essential for protecting the quality of drinking water resources as well as the safety of recreational waters communities use for subsistence fishing, swimming, and other activities everyone deserves to enjoy. Strategy 3 addresses challenges communities face in accessing clean, reliable drinking water and wastewater treatment. Projects funded under this strategy may include focused

⁶ [Indoor Air Quality \(IAQ\)](#).

infrastructure investments that can be completed within the three-year project period and within the funding amounts specified in this NOFO, as well as assessment and planning that will enable communities to better access tens of billions of dollars in federal water infrastructure funding from other sources such as EPA’s Clean Water and Drinking Water State Revolving Funds. Targeted infrastructure projects can include identification and replacement of lead pipes in homes and public spaces, improved resilience of water systems through deployment of backup power such as onsite renewable energy and storage, targeted efficiency upgrades, septic to sewer conversions, lining waste lagoons, and investments in redundancy such as backup wells. Assessment and planning efforts could include, for example, a leak detection and pipe replacement plan, or a PFAS monitoring program that informs a funding application to one of several sources of state and federal funding.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Disadvantaged communities are disproportionately exposed to solid and hazardous waste, which negatively impacts public health. This strategy supports pollution prevention, recycling, and disposal activities related to the management of solid and hazardous waste, such as discarded electronics, tires, single-use plastics, and other disposable items. Community-level responses to these challenges could include, for example, the purchase of equipment and the development of facilities to manage solid and hazardous waste to improve public health outcomes. Brownfields cleanup is not contemplated under this strategy and is not a Community Change Grants program priority.

Requirement 3. Community Engagement and Collaborative Governance Plan: Track I applications must include a Community Engagement and Collaborative Governance Plan. Successful implementation of environmental and climate justice projects requires relationships and meaningful engagement among an ecosystem of community leaders and members alongside partners across many sectors. This plan is required to help ensure that grant activities are driven and informed by the views of the Project Area community and are accomplished through collaboration among key stakeholders. The plan should describe how the applicant will engage, educate, and be responsive to community members throughout project development and / or implementation. Additionally, the plan should incorporate a Collaborative Governance Structure that demonstrates how the Lead Applicant and Collaborating Entities (as described in [Section III.A](#)) will work together to successfully implement the grant in a timely, effective, and equitable manner.

The Community Engagement and Collaborative Governance Plan cannot exceed 10 single spaced pages – excess pages will not be reviewed. It should address the following elements and any others the applicant deems relevant to their projects:

- **Past Community Outreach and Engagement Conducted:** The applicant should demonstrate what outreach and engagement methods were used to engage with the Project Area community, including any with specific neighborhoods or groups, and how this impacted the selection of the strategies and associated projects as well as the applicant’s implementation approach.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders, necessary to support overall implementation including:
 - **Clear Methods for Engagement and Transparency:** The applicant should describe the following elements:
 - Outreach methods that provide opportunities for broad and diverse community member involvement in project development and / or implementation and feedback during grant performance.
 - Transparent mechanisms that will promote meaningful accountability to the needs and preferences of residents in the Project Area.

- Mechanism(s) that will be used to continuously inform the community before and during project implementation on project status, benefits available to them through the project, and indicators being tracked, such as air quality improvements or trees planted.
- **Mitigating Barriers:** The applicant should describe measures to minimize and mitigate barriers around community engagement and participation in project development and / or implementation including but not limited to those related to linguistic differences, communication challenges, disabilities, inaccessible technology, lack of trust or awareness, transportation, childcare, and elderly / adult care.⁷
- **Government Involvement:** As applicable, the applicant should demonstrate the support and involvement of government agencies needed to facilitate successful grant performance. For example, projects that intersect with local-government authorities such as permitting, planning, and zoning are encouraged to demonstrate the involvement and cooperation of local government authorities.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application’s project activities, including how they should meet regularly to discuss project implementation. The description should include at a minimum:
 - Outreach methods to solicit community representatives and processes to choose representatives to enable a broad cross-section of community representatives to participate so different voices are heard.
 - An explanation of how the Lead Applicant and Collaborating Entities will coordinate with each other and community members to inform and engage the community on project development and progress.
 - An outline of the planned decision-making processes between the Lead Applicant and Collaborating Entities, including procedures to ensure that decisions are transparent and can be made in an expedited manner when necessary.
 - Processes for replacing a Collaborating Entity to ensure that the replacement entity has comparable skills, qualifications, expertise, community support, and experience to avoid any adverse impact on grant performance. EPA approval of the qualifications, expertise, and experience of the replacement Collaborating Entity will be required pursuant to 2 CFR 200.308I(2) and / I(c)(6).

Note: Awards may include terms and conditions requiring that subaward agreements between the Lead Applicant and Collaborating Entities (including the Statutory Partner described in [Section III.A](#)) contain provisions reflecting certain of the requirements above.

Requirement 4. Community Strength Plan: Track I applications must include a Community Strength Plan. Advancing environmental and climate justice requires bolstering the strength and economic prosperity of a community for the benefit of local residents, while also ensuring those residents can remain within the community and benefit from the investments over the long term. [Executive Order 14096](#), *Revitalizing Our Nation's Commitment to Environmental Justice for All*, states, “Advancing environmental justice will require investing in and supporting culturally vibrant, sustainable, and resilient communities in which every person has safe, clean, and affordable options for housing, energy, and transportation. It is also necessary to prioritize building an equitable, inclusive, and sustainable economy that offers economic opportunities.

⁷ Refer to the EPA Office of Grants and Debarment Guidance on Selected Items of Cost for Recipients, EPA Guidance on Participant Support Costs, and EPA Subaward Frequent Questions, including for additional information on paying for light refreshments, providing dependent care stipends or services for community meeting participants, and meeting participant transportation stipends.

Pursuing these and other objectives integral to advancing environmental justice can successfully occur only through meaningful engagement and collaboration with underserved and overburdened communities to address the adverse conditions they experience and ensure they do not face additional disproportionate burdens or underinvestment.”

In alignment with this Executive Order and to help EPA assess whether the proposed projects will benefit disadvantaged communities, as required by §138(b)(1) of the CAA, this plan should describe how the projects in the application are intended to (1) maximize the economic benefits of the projects for existing residents in the Project Area, and (2) avoid unintended consequences for existing residents in the Project Area including the displacement of residents in the Project Area.

This plan cannot exceed 5 single-spaced pages – excess pages will not be reviewed. Consistent with the above discussion, the plan should address the following elements.

1. Maximizing Economic Benefits of Projects:

The plan should describe how the projects included in the application will maximize economic benefits for individuals in the Project Area, including priority populations defined in footnote 3.

Examples of economic benefits, as described below, could include (1) opportunities for local small businesses or contractors; (2) jobs for community members; (3) financial savings for residents; and other similar benefits, in alignment with EPA grant regulations and applicable law.⁸

- **Business Opportunities:** Applicants may need to hire contractors to carry out certain project activities. Applicants may inform local businesses of open solicitations and encourage them to compete for contracts. For example, applicants may consider partnering with their local government’s small business office to broadly advertise contracting opportunities. Similarly, applicants should make a “good faith effort” to provide disadvantaged business enterprises (DBEs) with an opportunity to compete for contracts in accordance with [EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule](#).⁹
- **Job Opportunities:** Applicants may propose measures to facilitate the employment and retention of workers from disadvantaged communities on funded projects. For example, applicants may propose developing recruitment strategies in partnership with their local workforce development board; funding supportive services for workers on grant-funded projects (e.g., transportation, childcare, mental health supports), coordinating such services with local social service providers; or establishing goals for hiring individuals from disadvantaged communities on the projects and transparently tracking progress toward those goals. Applicants may propose measures to increase community awareness of these job opportunities and the associated skill requirements, such as hiring workshops or job fairs. Applicants may also describe specific measures that will ensure Project Area residents are developing skills that are necessary to take advantage of existing or future jobs in professions contributing to the reduction of GHG emissions and other air pollutants.

⁸ Note that applicants are not bound by statutory or administrative local-preference requirements, per 2 CFR 200.319(c).

⁹ Note: Please carefully review Section IV.d, “Contracts and Subawards,” of EPA’s Solicitation Clauses that are incorporated by reference in this NOFO in [Section I.J](#). EPA expects recipients of funding to comply with competitive procurement contracting requirements. The Agency does not accept justifications for sole source contracts for services or products available in the commercial marketplace based on a contractor’s role in preparing an application or a firm or individual’s “unique” qualifications. For example, applicants cannot name local contractors as part of this Community Strength Plan without adhering to these competitive procurement requirements.

Note: Jobs funded under this program should be high-quality jobs, in alignment with the U.S. Department of Labor and Commerce’s [Good Jobs Principles](#), as described in Appendix E. Applicants may propose measures to increase the likelihood that these will be good jobs for individuals from disadvantaged communities, such as training for employers / contractors on grant-funded projects to promote best practices such as equal opportunity recruitment and hiring practices, good benefits, healthy organizational culture, and opportunities for advancement. Additionally, jobs for construction activities funded under this grant will be required to pay prevailing wage rates, as required by CAA § 314 and the Davis-Bacon and Related Acts.

- **Financial Savings:** Applicants may also describe how and the extent to which Project Area residents will receive direct economic benefits from the Climate Action and Pollution Reduction projects in the applications, such as through energy bill savings or affordable zero- or low-emission transportation solutions. The plan may also discuss how the applicant plans not only to deliver these benefits for residents in the short-term but also to preserve them for the long-term. As an example, applicants working on a transportation project that will deliver immediate cost savings for residents may negotiate with a vendor / contractor to lock-in long-term cost savings for community members.

Applicants may consider using tools to align stakeholders around these benefits, such as a Community Benefits Agreement (CBA), which is a legally binding contract that defines benefits. Parties to a CBA may include CBOs, neighborhood associations, local government entities, contractors and developers, and other similar project stakeholders. Applicants are reminded of the three-year period of performance for the grant and should be prepared to expeditiously begin the negotiation of community benefits to prevent project delays.

2. Displacement Avoidance:

Benefits to disadvantaged communities can be evaluated by whether residents are able to retain the benefits of EPA-funded projects over the short and long-term. While climate action and pollution reduction can have a positive impact on a community, those benefits can also lead to unintended consequences, such as increased costs of living in a Project Area. Given that the purpose of CAA §138 is to fund activities that will benefit disadvantaged communities, applicants should describe measures to increase the likelihood that existing community members of the Project Area will benefit from investments in both the immediate and long term.

Applicants should discuss potential short-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members in the Project Area. Applicants should assess and describe the community’s vulnerability to rising costs attributable to the proposed projects and assess potential impacts to households, small businesses, and other existing groups. Based on the specific risks identified, applicants should describe measures for mitigating those risks as applicable. Some measures can mitigate these displacement vulnerabilities in the short-term, whereas other measures can have long-term impacts. For example, for projects that increase the energy efficiency of multi-family housing facilities, and that may have the unintended effect of raising rents for those facilities, the approach may focus on outreach / education to residents, such as information packets, tenant protection workshops that feature information about tenant rights under applicable state and local laws, or other educational activities. Other approaches may focus on securing commitments from landlords benefiting from EPA-funded property improvements to extend affordable housing covenants or agree not to raise rents

unnecessarily.¹⁰ Applicants can also describe how they will work with relevant entities, such as local governments, to create policies, plans, or programs to mitigate unintended impacts of the EPA-funded investments.

Applicants should describe any work already underway in the Project Area that would mitigate these risks, or existing policies, ordinances, or programs that are relevant. For example, an applicant could describe any ordinances in the Project Area designed to expedite construction or availability of additional affordable housing. Applicants can also describe any Climate Action and Pollution Reduction Strategies proposed as part of this application that might help mitigate displacement risks by providing project co-benefits. For example, a strategy that promotes increased housing density as a tool to reduce emissions could have the co-benefit of reducing housing costs by increasing housing supply.

Requirement 5. Readiness Approach: Given the statutory requirement that all Community Change Grants must be completed within three years, applicants must describe their approach for initiating grant performance upon award, or generally within 120 days after award, in compliance with the requirements in 2 CFR Parts 200 and 1500, 40 CFR Part 33 that apply to all EPA grants so they can successfully complete the grant within the three-year period.

This includes addressing the readiness considerations listed below, and any others, that are applicable to the projects and how they will be met. If any of the below considerations are not applicable, the application should explain why not.

- **Government Approvals:** If government approval at any level (e.g., construction permits) is necessary to implement or perform a project, the applicant must demonstrate that they have obtained such approval. If such approval has not been obtained, then the applicant must demonstrate how they will obtain it immediately after award, so it does not impede grant implementation.
- **Federal Requirements for Construction Projects:** Applicants must demonstrate that they have systems in place, or a plan to have such systems in place immediately after the grant award, to comply with CAA § 314 and the Davis-Bacon and Related Acts prevailing wage requirement, the Build America Buy America domestic preference requirement, and other cross-cutting statutory and Executive Order requirements that apply to Federally funded construction projects.
- **Alignment with Existing Plans:** Applicants must demonstrate that the project(s) in the Project Area as defined in Appendix A are consistent with any community development, climate resilience, or hazard mitigation plans, or other comparable government land use restrictions.
- **Site Control:** Applicants must demonstrate that they own or control the site where a project will be performed or that they will have legally binding access or permission to the site so they can perform the project(s).
- **Operations and Maintenance:** Applicants must describe their operations and maintenance plan and financing approach for their project's infrastructure investments, if relevant, which may include long-term service costs, fee structures, detailed indebtedness for all properties, and other relevant information demonstrating how operations and maintenance of the investment will be assured during and after the grant award.

¹⁰ Note that any agreements must be in alignment with local and state housing laws. For example, in some instances, state or local law may allow a landlord to raise rents to compensate for increases in property taxes attributable to the value of EPA funded improvements.

Requirement 6. Compliance Plan: Applicants must submit a Compliance Plan that describes how they will: (i) ensure compliance with the grant’s terms and conditions, including 2 CFR § 200.302(b) (financial management), 2 CFR § 200.303 (internal controls), and 2 CFR § 200.332 (requirements for pass-through entities); and (ii) manage broader legal and compliance risks.

H. Funding Track II: Meaningful Engagement for Equitable Governance

Under this track, eligible applicants may submit projects, as described in CAA § 138(b)(2)(E), for “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” EPA has interpreted “other public processes” as encompassing local, Tribal, and other governmental processes. All funded activities under this NOFO must comply with federal, state, and local laws and regulations, including but not limited to:

1. 2 CFR 200.435(b), which restricts the use of grant funds to defend a recipient that is subject to a criminal, civil or administrative proceeding against it commenced by any government for fraud or similar offenses;
2. 2 CFR 200.435(g), which precludes the use of grant funds to prosecute claims against the federal Government; and
3. 2 CFR 200.450(c), which restricts the use of federal funds by nonprofit organizations for certain lobbying or electioneering activities but does not preclude the use of federal funds to promote adoption of local ordinances, including those related to zoning.
4. 40 CFR Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age by recipients and subrecipients of federal financial assistance.

Track II Objectives

Section 138 of the CAA provides that grants may be awarded for the purpose of “facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.” Accordingly, Track II applications intend to build the capacity of communities and governments to evaluate and redress environmental and climate injustices by giving disadvantaged communities a meaningful voice in government decision-making processes. By supporting direct participation of disadvantaged communities in the development and implementation of solutions, policies, and programs, the Community Change Grants can help close equity gaps and redress environmental and climate injustices.

Track II applications should focus on breaking down systemic barriers to community participation in government processes impacting environmental and climate justice. This can be done by creating engagement and feedback mechanisms with two-way communications between community members and government decision-makers. Applications should focus on ways to provide disadvantaged communities with information about issues that directly impact them, while simultaneously creating mechanisms for the government to gather input to ensure community needs inform decision-making and are integrated into government processes and policies. Applications in this track should strive to enable communities to play a meaningful role in making and implementing decisions.

Effective projects should also involve partnerships between community organizations, governments, philanthropic organizations, the private sector, and / or third-party facilitators and evaluators who can support collaboration across sectors to facilitate the engagement of disadvantaged communities in governmental decision-making processes.

Track II Project Examples

The following are examples of activities that may be proposed under Track II. Applicants may expand or refine these examples or submit projects that are not listed below if they demonstrate how they will facilitate the engagement of disadvantaged communities in governmental processes.

Example 1. Educational and Training Programs

These projects prepare, train, and educate members of disadvantaged communities on how to engage in government processes related to environmental and climate justice activities.

Examples of activities that could be performed under this type of project include but are not limited to:

- Creating a leadership development program that trains community members to identify environmental and climate justice challenges, devise strategies to address them, and recommend actions to governmental authorities. Example topics could include how to review public sector budgets, navigate specific processes such as land-use ordinances or National Environmental Policy Act (NEPA) reviews, and participate effectively in public meetings. The [EPA EJ Academy](#) is an example of a type of project applicants may consider developing for their own community.
- Designing and implementing a training program to help members of disadvantaged communities effectively participate in advisory boards, commissions, land use authorities, or other bodies that involve community members in environmental and climate related policy making.
- Partnering with a government to develop and / or implement Equity Action Plans that identify and address barriers to equity and opportunity and discrimination that disadvantaged communities may face. Equity Action Plans should meaningfully incorporate community input and result in city-or-statewide transformational, equitable change in environmental or climate related policies. For informational purposes only, please find [here](#) a link to Equity Action Plans developed by federal agencies that may help applicants with designing and preparing these types of projects.

Example 2. Environmental Advisory Boards (EABs)

These are projects that facilitate the engagement of disadvantaged communities in environmental decision-making by establishing advisory councils, taskforces, or similar bodies to engage with government. These boards should have regular meetings to create consistent opportunities for disadvantaged communities to provide recommendations on actions government entities should take to address environmental and climate justice challenges. These bodies should include members from disadvantaged communities, may include additional representatives from other stakeholder groups that can effectively represent important and related perspectives (including Tribal, academia, youth / elderly / disability populations, government, etc.).

Examples of activities under an EAB-type project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes at different levels of government to provide input, recommendations, and advice on matters such as:

- Permitting decisions for factories or industrial sites.
- Community infrastructure upgrades to address pollution and climate concerns.
- Zoning and siting guidance for fence-line / frontline communities¹¹ such as new school placements, highway construction, and industrial and commercial uses of land.

¹¹ A fence-line community or frontline community is generally one immediately adjacent to high polluting facilities such as industrial parks, manufacturing facilities, or commercial facilities and is directly affected by the noise, odors, traffic, and chemical and pollution emissions of the operations of these entities.

- Issues and actions of municipal and public utilities related to workforce development, drinking water shutoffs, drinking water quality and affordability, and aging wastewater treatment infrastructure in / near disadvantaged communities.

Example 3. Collaborative Governance Activities

These are projects that facilitate the process of providing recommendations and implementing decisions that will benefit disadvantaged communities. Projects can focus on creating collaborative bodies with members from and / or representing the interests of disadvantaged communities, governmental entities, and other stakeholders to work on environmental and climate justice issues.

Functions these bodies may focus on include co-producing solutions with disadvantaged communities to identify and address environmental issues. This could be done through obtaining feedback from a wide range of experts and stakeholders, including but not limited to those working in public health, housing, economic development, environmental justice, and other relevant fields, to identify environmental and directly related public health issues, develop solutions, and then work towards implementing the ideas with the necessary parties.

Examples of activities under a collaborative governance project may include but are not limited to facilitating the engagement and involvement of disadvantaged communities in governmental processes on matters such as:

- Participating in the development of one or more community benefits agreements to help ensure that environmental projects funded by federal, state, and / or private entities meaningfully engage and account for community needs. For informational purposes only, the resource [here](#) from the Department of Energy provides information that may help applicants with designing and preparing these types of projects.
- Creating a governance body or “development community” for a brownfields post-cleanup redevelopment project.¹²
- Creating a source water protection plan to protect public health and reduce burdens on water systems.
- Recommending organizational changes to government entities that make them more receptive and sensitive to the environmental and climate justice concerns of disadvantaged communities.

Example 4. Participation in Governmental Funding and Budgeting Processes

These are projects that use participatory budgeting to inform public spending on environmental priorities. Participatory budgeting is an approach to making decisions about governmental spending that is focused on meaningfully and deeply engaging the community in governmental funding processes. Projects can enable community-based organizations to partner with a public entity to design and implement processes whereby members of disadvantaged communities have input into, and influence, decisions about how to allocate public budgets for environmental and climate justice priorities. An example of a project using participatory budgeting could involve designing a program where the community identifies problems, evaluates proposals, and recommends decisions for public funding of projects that implicate environmental and climate justice issues.

¹² U.S. Department of Health & Human Services. [Build a Development Community](#).

I. EPA Strategic Plan Linkage, Anticipated Outputs, Outcomes & Performance Measures

1. **Strategic Plan Linkage**

Awards made under this NOFO will support the following goals and objectives of the [FY 2022-2026 EPA Strategic Plan](#). Applications must explain how their projects will further these goals and objectives.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

- Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels which includes the strategy of Building Community Capacity and Climate Resilience and Maximizing Benefits to Overburdened and Underserved Communities: EPA will increase support for community-led action by providing unprecedented investments and benefits directly to communities with environmental justice concerns and by integrating equity throughout Agency programs.

Depending on the projects included in them, awards will also support and advance the following EPA [Strategic Plan Goals](#) as applicable:

- Goal 1: Tackle the Climate Crisis
- Goal 4: Ensure Clean and Healthy Air for All Communities
- Goal 5: Ensure Clean and Safe Water for All Communities
- Goal 6: Safeguard and Revitalize Communities; and
- Goal 7: Ensure Safety of Chemicals for People and the Environment.

2. **Environmental Results: Outputs and Outcomes**

Pursuant to [EPA Order 5700.7A1, Environmental Results under Assistance Agreements](#), applicants must describe the environmental outputs and outcomes to be achieved under the award. Applicants should specifically describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the goals and objectives of the Community Change Grants program.

The following questions may be useful to consider when developing output and outcome measures of quantitative and qualitative results:

- What measurable short- and longer-term results will the grant achieve?
- How will the Lead Applicant and Collaborating Entities measure progress in achieving the expected results (including outputs and outcomes), and how will the approach to measuring progress use resources effectively and efficiently?
- Are the projected outputs and outcomes specific and detailed? Are specific target measures included where possible? Are target measures reasonable and achievable within the project period and for the funding amount?

See Appendix F for further details on expected outputs and outcomes from Track I and II awards.

3. **Performance Measurement Plan**

The evaluation component of the Community Change Grants is essential. In their Performance Measurement Plan, applicants should describe how they plan to track and measure their project

implementation and progress towards achieving the expected outputs and outcomes, including those identified in Appendix F, throughout the performance period.

Generally, higher quality performance measurement plans include specific target metrics for both outputs and outcomes. The applicant's performance measurement plan should help gather insights, will be a mechanism to track progress toward output and outcome objectives, and may provide the basis for developing lessons learned to inform future funding recipients.

Applicants should incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting project goals. Applications may include funding in the budget for personnel with expertise in planning, designing, developing, implementing, and evaluating programs.

J. Additional Provisions for Applicants Incorporated into the NOFO

Additional provisions that apply to Sections III, IV, V, and VI of this NOFO and / or awards made under this NOFO can be found at [EPA Solicitation Clauses](#). These provisions are important for applying to this NOFO, and applicants must review them when preparing applications for this NOFO. If you are unable to access these provisions electronically at the website above, please email CCGP@epa.gov to obtain the provisions.

Section II. Federal Award Information

[\(back to the Table of Contents\)](#)

A. Number and Amount of Awards

EPA anticipates awarding approximately \$2 billion in funding through this NOFO depending on funding availability, quality of applications received, EPA priorities, and other applicable considerations. Awards under Track I are expected to be between \$10-20 million each and cannot exceed \$20 million. Awards under Track II are expected to be between \$1-3 million each and cannot exceed \$3 million. EPA expects to award approximately \$1.96 billion for about 150 Track I awards, including those under the Target Investment Areas described below in B, and approximately \$40 million for about 20 Track II awards. These amounts are estimates only, and EPA reserves the right to increase or decrease the total number of awards and funding amounts for each Track contingent on the quality of applications received, the amount of funds awarded to selected applicants, budget availability, and / or agency priorities and programmatic considerations. In addition, given that workforce development programs as described in [Section I.G](#) can be significant to achieving environmental and climate justice in many communities, EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training program(s) as further described in [Section V.E](#).

B. Target Investment Areas (TIA) for Track I Applications

Out of the \$2 billion in funding, EPA has identified five Target Investment Areas (TIA) listed below to help ensure that communities with unique circumstances, geography, and needs can equitably compete for funding. The amounts are estimates only and subject to change based on the number and quality of applications received, funding considerations, and agency priorities. Applicants interested in submitting an application for projects benefitting a TIA must identify this in their application. Consistent with the Track I evaluation process described in [Section V](#), applications for these areas will be evaluated against each other (for example, applicants for TIA C will be evaluated against other applicants for TIA C). Applications for the TIAs must address the Track I application requirements identified in [Section I.G](#).

- TIA A: Tribes in Alaska: an estimated \$150 million for projects benefitting Indian Tribes in Alaska.
- TIA B: Tribes in the Continental United States and Hawaii: an estimated \$300 million for projects benefitting Tribal communities outside Alaska. This also includes projects benefitting Tribal communities that are in the Border Area identified below in E.
- TIA C: Territories: an estimated \$50 million for projects benefitting disadvantaged communities in the United States' territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.
- TIA D: Disadvantaged Unincorporated Communities: an estimated \$50 million for projects benefitting disadvantaged unincorporated communities as defined in Appendix A.
- TIA E: United States (U.S). – Southern Border Communities: Consistent with EPA's longstanding approach to addressing transborder climate and pollution challenges, an estimated \$100 million for projects benefitting non-Tribal disadvantaged communities within 100 kilometers north of the U.S.-Mexico border.

Special Requirements for Cross-Border Projects to Benefit U.S. Disadvantaged Communities

EPA's strong preference is that the work for all projects to be performed under the awards made through this NOFO will be performed entirely within the United States. However, in limited circumstances, projects to benefit U.S. disadvantaged communities near an international border may require some international work to be performed within 100 kilometers of that border (e.g., within 100 km south of the U.S.-Mexico

border for a TIA E application, or within 100 km north of the U.S.-Canada border for any application). In those limited cases, to be eligible for funding consideration, the applicant must demonstrate in their application that:

- The project(s) will directly and predominantly benefit disadvantaged communities in the U.S., for example by monitoring and / or preventing pollution from an international source that is impacting the disadvantaged community in the U.S.
- Any work outside of the U.S. is necessary for the project(s) to be successful in benefitting the disadvantaged communities in the U.S. — e.g., the project(s) will not be effective otherwise.
- Any work outside of the U.S. will not be a substantial part of the project.
- The applicant will ensure that any work outside of the U.S. will be timely and properly completed and monitored to ensure it is effectively performed.

Failure to address how the application meets these conditions will render the application ineligible for review as stated in Section III.D. Applications involving cross-border work that are selected for award must address any cross-border work issues (e.g., site access and control) during the workplan negotiations following selection and before award. The appropriate terms and conditions will be included in the grant. Projects benefitting Project Areas along the U.S.-Mexico Border should be consistent with guidance and best practices outlined by EPA's Border Program.^{13 14}

C. Rolling Application Submittal and Review Process, Application Award Limits, and Application Resubmission Procedures

1. Applications may be submitted under this NOFO through November 21, 2024, to provide applicants, to the maximum extent practicable, flexibility on when to submit an application. Applications will be reviewed and evaluated on a rolling basis as described in [Section V](#) to facilitate and expedite the review and award process. EPA cannot guarantee that funding will be available through the end of the NOFO 12-month application period as funding availability is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the conclusion of the 12-month rolling application period.
2. Under this NOFO, Lead Applicants, as defined in [Section III.A](#), may submit a maximum of two applications and receive up to two awards if they demonstrate their capacity and capabilities to effectively perform, manage, oversee, and complete both awards within the three-year grant period of performance. The two applications may be either two Track I applications or two Track II applications, or one of each. Lead Applicants who submit more than two total applications will be asked to withdraw the excess one (s). EPA will not review more than two applications from any one Lead Applicant.
3. Lead Applicants whose initial eligible application(s) is not selected for funding may, after timely requesting and receiving a debriefing on the application (as described in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#)), resubmit a revised application one additional time while the NOFO remains open. For example, if a Lead Applicant submits two eligible applications and both are not initially selected for funding, they may resubmit each application one additional time within the 12-month NOFO open period as explained above and further below. There is no guarantee that resubmissions, even after a debriefing, will be selected

¹³ [United States – Mexico Environmental Program.](#)

¹⁴ [U.S.-Mexico Border Program – Borderwide Resources.](#)

for funding. In addition, applicants who submit applications towards the end of the 12-month rolling period may not have an opportunity to resubmit the application because the NOFO is expected to close for applications on November 21, 2024. While EPA intends to review applications and provide debriefings as expeditiously as possible, applicants should keep this in mind when determining the timing of their application submission to ensure there is sufficient time for a resubmission.

4. The resubmitted application must be clearly identified as a resubmission of a previously submitted application by providing the date of the original submission through www.grants.gov and / or the date of the EPA debriefing in the updated application package. The resubmission should take into consideration the feedback received during a debriefing and any other relevant considerations, and it cannot be a completely different application from the one initially submitted. If EPA determines, in its sole discretion, that it is a different application bearing little resemblance to the original application, it may be rejected and not reviewed.

D. Conditional Awards

EPA may make conditional awards under this NOFO, which will be subject to applicable terms and conditions in the grant award.

E. Period of Performance

The period of performance of every grant funded under this NOFO cannot by statute exceed three years. There can be no extensions. Projects must be designed to be successfully and effectively completed within three years. EPA anticipates that the first awards under this NOFO will be made in the late Spring of 2024 and will continue to be made on a rolling basis until funding is exhausted. EPA cannot predict when funding will be exhausted since it is dependent on the volume and quality of applications received, as well as other applicable programmatic and funding considerations. As such, it is possible that funding could be exhausted before the 12-month rolling application period is over.

F. Partial Funding

EPA reserves the right to partially fund applications by funding discrete portions or phases of applications. If EPA decides to partially fund an application, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process. **To facilitate consideration of an application for partial funding, if applicable, EPA recommends that applications separate costs for the proposed grant in the program budget by project category, to the extent practicable.**

G. Additional Awards

EPA reserves the right to make additional awards under this NOFO, consistent with EPA policy and guidance, if additional funding becomes available after all the selections are made under this NOFO. For this NOFO, this only applies to making additional awards for those applications considered during the final monthly review, described in [Section V](#). Any additional selections for awards will be made no later than 6 months after the final monthly review.

H. Funding Type

EPA anticipates awarding cooperative agreements under this NOFO because it is expected that there will be substantial Federal involvement through the EPA Project Officer with selected applicants in the performance of the grant and for effective EPA oversight of grantee performance. Although EPA will negotiate precise terms and conditions relating to substantial federal involvement as part of the award process with each grantee awarded a cooperative agreement, the anticipated substantial federal involvement may include:

- Closely monitoring the grantee's performance to verify the results reported by the applicant;
- Reviewing proposed procurement, in accordance with the Procurement Standards in 2 CFR Parts 200 and 1500;
- Reviewing evidence of completion of project phases (e.g., planning) before providing approval for the grantee to begin work on the next project phase (e.g., implementation);
- Reviewing the substantive terms of contracts, subawards, or other financial transactions (EPA will not select contractors, subrecipients, or program beneficiaries);
- Approving qualifications of key personnel (EPA will not select employees or contractors employed by the grantee);
- Reviewing and commenting on reports prepared under the cooperative agreement (the final decision on the content of reports will rest with the grantee); and
- Addressing compliance with Build America, Buy America requirements, in accordance with 2 CFR § 184, and providing technical assistance, if necessary, on compliance with CAA § 314 and the Davis-Bacon and Related Acts.

In addition, there may be Federal involvement with selected applicants in the performance of the grant, which may include co-sponsoring community meetings and other events and collaborating during performance of the scope of work.

Section III. Eligibility Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO can be found in the [EPA Solicitation Clauses](#).

A. Eligible Applicants

Consistent with CAA §138(b)(3) and Assistance Listing 66.616, applicants eligible to apply and receive grants under this NOFO are (1) a partnership between two community-based nonprofit organizations (CBOs) as defined below, or (2) a partnership between a CBO and one of the following: a federally recognized Tribe, a local government, or an institution of higher education. These types of partnerships for eligibility purposes are known as Statutory Partnerships. Further eligibility requirements are described below.

1. Community-Based Non-Profit Organization (CBO)

To qualify as a CBO for eligibility purposes, an organization must demonstrate that they are a “nonprofit organization” as defined at 2 CFR 200.1, which “means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.”

Applicants must include documentation in their application demonstrating that they are a nonprofit organization by one of two ways: 1) a written determination by the Internal Revenue Service that they are exempt from taxation under Section 501 of the Internal Revenue Code, or 2) based on a written determination by the state, territory, commonwealth, Tribe, or other United States governmental entity in which they are located. This can be done, for example, by submitting a letter, certificate, or articles of incorporation from the state where the organization is located that recognizes them as a nonprofit organization. Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible to apply. Foreign non-profit organizations cannot qualify as a CBO for eligibility purposes.

In addition to being considered a nonprofit organization, an organization must demonstrate that they are a public or private nonprofit organization that supports and / or represents a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders. A “community,” for these purposes, can be characterized by a particular geographic area and / or by the relationships among members with similar interests and can be characterized as part of a local, regional, or national community where organizations are focused on the needs of urban, rural, and / or Tribal areas, farmworkers, displaced workers, children with high levels of lead, people with asthma, subsistence fishers, and other similar groups. For purposes of this NOFO, the CBO must have a geographic presence or connection in, or relationship with, the specified community that the projects are intended to benefit. For example, national or statewide CBOs must demonstrate the CBO’s connection to the community that will benefit from the grants.

For the purposes of this NOFO, applicants that demonstrate that they are Alaska Native Nonprofit Organizations or Alaska Native Nonprofit Associations are considered CBOs. In addition, Inter-Tribal Consortia may be able to qualify as CBOs if they meet the above requirements. The for-profit Alaskan Native Corporations are not eligible under the CBO definition and therefore are unable to apply as CBOs.

2. Local Government (in partnership with a CBO)

The following units of government within a state, as defined by the regulations in [2 CFR 200.1](#), are eligible to enter a Statutory Partnership with a CBO:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district
- Council of governments, whether incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-State or local government.

3. Federally Recognized Tribe (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, EPA uses the definition of “Indian Tribe” in §302(r) of the CAA which provides that the term “...means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” Note that this definition does not include Alaskan Native Corporations or State-recognized Tribes.

4. Institutions of Higher Education (in partnership with a CBO)

For the purposes of eligibility for entering into a Statutory Partnership with a CBO, the grant regulations at [2 CFR 200.1](#) state that Institutions of Higher Education (IHEs) are defined at [20 U.S.C. § 1001](#).

EPA also recognizes that it is important to engage all available minds to address the environmental and climate justice challenges the nation faces. Accordingly, EPA encourages Minority Serving Institutions (MSIs) to participate in the grants under this NOFO, including by partnering with a CBO.

For purposes of this NOFO, the following are considered MSIs:

1. Historically Black Colleges and Universities, as defined by the Higher Education Act (20 U.S.C. § 1061(2)). A list of these schools can be found at [Historically Black Colleges and Universities](#).
2. Tribal Colleges and Universities (TCUs), as defined by the Higher Education Act (20 U.S.C. § 1059c(b)(3) and (d)(1)). A list of these schools can be found at [American Indian Tribally Controlled Colleges and Universities](#).
3. Hispanic-Serving Institutions (HSIs), as defined by the Higher Education Act (20 U.S.C. § 1101a(a)(5)). A list of these schools can be found at [Hispanic-Serving Institutions](#).
4. Asian American and Native American Pacific Islander-Serving Institutions; (AANAPISIs), as defined by the Higher Education Act (20 U.S.C. § 1059g(b)(2)). A list of these schools can be found at [Asian American and Native American Pacific Islander-Serving Institutions](#).

5. Predominantly Black Institutions (PBIs), as defined by the Higher Education Act of 2008, 20 U.S.C. § 1059e(b)(6). A list of these schools can be found at [Predominantly Black Institutions](#).

B. Statutory Partnership Requirements and Collaborating Entities

The Statutory Partnership application is comprised of a Lead Applicant (an eligible CBO, Federally recognized Tribe, local government, or institution of higher education) who enters into a Partnership Agreement with a Statutory Partner (which is another eligible entity – a CBO, Federally recognized Tribe, local government, or institution of higher education) to carry out the grant activities if the application is selected for funding. If the application is selected for award, the Lead Applicant will enter into a subaward with the Statutory Partner that must contain the elements of the Partnership Agreement in Appendix B. The Lead Applicant must include a copy of a written and signed Partnership Agreement with their application to be eligible for funding consideration.

To ensure effective grant performance to meet the objectives of the Community Change Grants outlined in [Section I](#), subawards from the Lead Applicant to other entities to implement and perform specific grant project activities identified in the application will be necessary. These other entities, including the Statutory Partners, are collectively referred to as Collaborating Entities in the NOFO. Given the community centered focus of the Community Change Grants, applications that do not include Collaborating Entities will likely not score well during the evaluation process. Collaborating Entities may include Statutory Partners (CBOs, Federally-recognized Tribes, local governments, and institutions of higher education) and entities that cannot legally be Statutory Partners (e.g., states, territorial governments, and international organizations). However, for-profit firms and individual consultants or other commercial service providers cannot be Collaborating Entities. Subawards made by the Lead Applicant and Collaborating Entities to implement the project strategies and activities under the application must be made consistent with the grant regulations at 2 CFR 200.331 and as permitted in [Appendix A of the EPA Subaward Policy](#).

If selected for award, the Lead Applicant will become the grantee, operating as a pass-through entity for purposes of 2 CFR Part 200 and the [EPA Subaward Policy](#), and taking responsibility for making subawards to Collaborating Entities. The Lead Applicant will also be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant (including the subawards it makes under the grant, and contracts to consultants and procurement contractors selected in accordance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 as well as EPA’s 40 CFR Part 33 Disadvantaged Business Enterprise rule). Additionally, as provided in 2 CFR § 200.332, the Collaborating Entities, and other subrecipients, will be accountable to the Lead Applicant for proper use of EPA funding. Note that pursuant to 2 CFR § 200.332(a)(2), as implemented in Items 2 and 4 of EPA’s *Establishing and Managing Subawards* [General Term and Condition](#), successful Lead Applicants in the Statutory Partnership must ensure that the terms and conditions of the grant agreement “flow down” to all subrecipients in the subawards. EPA has developed an optional template for subaward agreements, available in [Appendix D of the EPA Subaward Policy](#).

As noted above, Collaborating Entities cannot include for-profit procurement contractors or individual consultants who may be involved in project performance but who receive procurement awards made in compliance with the competitive procurement requirements in 2 CFR Parts 200 and 1500 and 40 CFR Part 33. Further information on procurement and distinguishing between subawards and procurement transactions can be found in the [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) and in [EPA Subaward Policy](#).

C. Cost-Sharing or Matching Funds

No cost-sharing or matching is required as a condition of eligibility under this NOFO.

D. Threshold Eligibility Criteria

Applications must meet the threshold eligibility criteria below to be considered for funding. **Applications that do not meet all the applicable threshold eligibility criteria will be deemed ineligible for funding consideration and will not be considered further.** If necessary, EPA may contact applicants to clarify issues relating to threshold eligibility criteria compliance prior to making an eligibility determination. In addition, applicants should contact EPA with any questions about the threshold eligibility criteria prior to submission of their applications. Applicants whose applications are deemed ineligible for funding consideration because of the threshold eligibility review will be notified within 15 calendar days of the ineligibility determination.

Applications must meet the following threshold eligibility criteria to be considered eligible for funding under this NOFO:

1. Applications must comply with the content and submission requirements listed below.
 - Applications must substantially comply with the application submission instructions and requirements set forth in [Section IV](#) of this NOFO or else they will be rejected. However, where a page limit is expressed in [Section IV](#) with respect to the application, or parts thereof, pages in excess of the page limitation will not be reviewed. Applicants are advised that readability is of paramount importance and should take precedence in application format, including selecting a legible font type and size for use in the application.
 - In addition, initial applications must be submitted through Grants.gov as stated in [Section IV](#) of this NOFO (except in the limited circumstances where another mode of submission is specifically allowed for as explained in [Section IV](#)) on or before the application submission deadline published in [Section IV](#) of this NOFO. Applicants are responsible for following the submission instructions in [Section IV](#) of this NOFO to ensure that their application is timely submitted. Please note that applicants experiencing technical issues with submitting through Grants.gov should follow the instructions provided in [Section IV](#), which include both the requirement to contact Grants.gov and email a full application to EPA prior to the deadline.
 - Applications submitted outside of Grants.gov will be deemed ineligible without further consideration unless the applicant can clearly demonstrate that it was due to EPA mishandling or technical problems associated with Grants.gov or SAM.gov. An applicant's failure to timely submit their application through Grants.gov because they did not timely or properly register in SAM.gov or Grants.gov will not be considered an acceptable reason to consider a submission outside of Grants.gov.

DO NOT WAIT! Register in SAM.gov or Grants.gov as soon as possible. Finalizing these registrations could take a month or more. You do not want a late registration to prevent you from being able to properly submit your application through [Grants.gov](#).

2. All applicants must meet the eligibility and statutory partnership requirements in III.A and include a Partnership Agreement (See Appendix B) with the application.
3. All applications must demonstrate, as required by CAA § 138(b)(1), that the projects will benefit disadvantaged communities as defined in Appendix A. While projects may have an incidental

benefit to census block groups or other areas that are not considered disadvantaged communities, the applicant must demonstrate how all the projects in the application will primarily benefit disadvantaged communities in the Project Area as defined in Appendix A.

4. Track I applications proposing to serve a geographically-defined community identified as disadvantaged in Appendix A must submit a Project Area Map that defines which specific disadvantaged community the projects and supporting activities will directly benefit.
5. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must describe how the projects in the application, including any construction projects, can be completed within three years of award.
6. All Track I applications must include projects under at least one [Climate Action Strategy](#) and at least one [Pollution Reduction Strategy](#) as described in [Section I.G](#). Track I applications also must include a [Community Engagement and Collaborative Governance Plan](#), [Community Strength Plan](#), [Readiness Approach](#), and [Compliance Plan](#) as described in [Section I.G](#).
7. All Track I applications including a workforce development project under the Climate Action Strategy must demonstrate how it will help reduce air pollutants and GHG emissions.
8. All Track I applications for projects under [Climate Action Strategy 6: Brownfield Redevelopment](#), must be performed on sites where cleanup is complete or where the site does not require any cleanup activities for the intended use or reuse of the site, as well as meet the requirements stated in Appendix C for Brownfields Redevelopment projects.
9. All Track I applications for Pollution Reduction activities to increase monitoring capabilities or raise community awareness of pollution must also include an associated remediation, implementation, or infrastructure pollution reduction project that addresses the identified pollution issue.
10. Track I applications cannot request more than \$20 million in EPA funding and Track II applications cannot request more than \$3 million in EPA funding. Applications requesting more than these amounts will be rejected. If necessary, EPA will clarify any questions about the funding amounts requested prior to application review.
11. A Track I application for a TIA defined in [Section II.B](#) can only address one TIA. An application cannot address more than one TIA.
12. Track I applications submitted for TIA A benefitting Alaskan Tribal lands that include a project(s) for the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program must meet the relevant requirements specified in Appendix H.
13. Applications submitted for TIA E for U.S.-Southern Border Communities projects, as well as any including projects that may include project activities within 100 km of a U.S. border as discussed in [Section II.B](#), must meet the special requirements identified in [Section II.B](#).
14. Written applications must be submitted in English only. Applications written in languages other than English will not be reviewed or considered for award. If you need assistance to submit the written application in English, technical assistance may be available. Please refer to [Section I.E](#).

15. Multiple Applications. Lead Applicants may submit no more than two applications under this NOFO, and receive no more than two awards, as explained in [Section II](#). Excess applications will not be reviewed. If a Lead Applicant submits more than two applications, they will be contacted by EPA to determine which one(s) to withdraw. Notwithstanding this limitation, a Lead Applicant may be a Statutory Partner or Collaborating Entity on other applications.
16. Resubmissions. As stated in [Section II.C](#), a resubmitted application must be clearly identified as a resubmission of a previously submitted eligible application through such means as providing the date of the original submission and / or date of the EPA debriefing. It cannot be a completely different application from the one originally submitted. If EPA determines, in its sole discretion, that it is a completely different application bearing little resemblance to the original application, it may be rejected and not reviewed.
17. EPA will not consider any application that includes projects that are exclusively designed to conduct scientific research. However, applications may include research components such as building blocks for outreach, training, and program implementation projects. In such cases, applications should clearly articulate this link, explain why the research is necessary for the project's success, and ensure that such research does not already exist.
18. EPA will not consider any application requesting funding for assessment, removal, or remediation of Superfund sites.

Note: If an application is submitted that includes any ineligible projects, tasks, or activities, including but not limited to ones that EPA determines cannot be funded under the statutory / regulatory authorities for the grant, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible for funding. This includes but is not limited to projects requesting funding for relocation activities as described in [Section I.F](#).

Applicants who have any questions about whether their project can be funded under the statutory / regulatory authorities for the grants and this NOFO, or whether certain costs related to the project are allowable costs, should clarify the issue with EPA prior to submitting their application. Failure to do so may result in the projects and / or costs being ineligible for funding and may impact the eligibility of the entire application.

Section IV. Application and Submission Information

(back to the Table of Contents)

Note: Additional provisions that apply to this section of the NOFO, including those related to Intergovernmental Review, can be found in the [EPA Solicitation Clauses](#).

A. Requirement to Submit through Grants.gov and Limited Exception Procedures

Applicants must apply electronically through [Grants.gov](#) under this NOFO based on the grants.gov instructions below. If your organization has no access to the internet or access is very limited, you may request an exception from applying through Grants.gov for the remainder of this calendar year by following the procedures outlined [here](#).

Issues with submissions with respect to this NOFO only are addressed in section 3: *Technical Issues with Submission* below.

1. SAM.gov (System for Award Management) Registration Instructions

Organizations applying to this funding opportunity must have an active SAM.gov registration. If you have never done business with the Federal Government, you will need to register your organization in SAM.gov. If you do not have a SAM.gov account, then you will need to create an account using [login.gov](#) to complete your SAM.gov registration.

SAM.gov registration is FREE. The process for entity registration includes obtaining a Unique Entity ID (UEI), a 12-character alphanumeric ID assigned an entity by SAM.gov, and requires assertions, representations and certifications, and other information about your organization. Please review the [Entity Registration Checklist](#) for details on this process.

If you have done business with the Federal Government previously, you can check your entity status using your government issued UEI to determine if your registration is active. SAM.gov requires you renew your registration every 365 days to keep it active.

Please note that SAM.gov registration is different than obtaining a UEI only. Obtaining an UEI only validates your organization's legal business name and address. Please review the [Frequently Asked Question](#) on the difference for additional details.

Organizations should ensure that their SAM.gov registration includes a current e-Business (EBiz) point of contact name and email address. The EBiz point of contact is critical for Grants.gov Registration and system functionality.

Contact the [Federal Service Desk](#) for help with your SAM.gov account, to resolve technical issues or chat with a help desk agent: (866) 606-8220. The Federal Service desk hours of operation are Monday – Friday 8am – 8pm ET.

2. Grants.Gov Registration Instructions

Once your SAM.gov account is active, you must register in Grants.gov. Grants.gov will electronically receive your organization information, such as e-Business (EBiz) point of contact email address and UEI. Organizations applying to this funding opportunity must have an active Grants.gov registration. Grants.gov registration is FREE. If you have never applied for a federal grant before, please review the [Grants.gov](#)

[Applicant Registration](#) instructions. As part of the Grants.gov registration process, the EBiz point of contact is the only person that can affiliate and assign applicant roles to members of an organization. In addition, at least one person must be assigned as an Authorized Organization Representative (AOR).

Only person(s) with the AOR role can submit applications in Grants.gov. Please review the [Intro to Grants.gov-Understanding User Roles](#) and [Learning Workspace – User Roles](#) and [Workspace Actions](#) for details on this important process.

Please note that **registering in grants.gov for the first time can take a month or more** for new registrants. Applicants must ensure that all registration requirements are met to apply for this opportunity through Grants.gov and should ensure that all such requirements have been met well in advance of the application submission deadline.

Contact [Grants.gov](#) for assistance at 1-800-518-4726 or support@grants.gov to resolve technical issues with Grants.gov. Applicants who are outside the U.S. at the time of submittal and are not able to access the toll-free number may reach a Grants.gov representative by calling 606-545-5035. The Grants.gov Support Center is available 24 hours a day 7 days a week, excluding federal holidays.

Application Submission Process

To begin the application process under this NOFO, go to Grants.gov and click the red “Apply” button at the top of the view grant opportunity page associated with this opportunity.

The electronic submission of your application to this NOFO must be made by an official representative of your organization who is registered with [Grants.gov](#) and is authorized to sign applications for Federal financial assistance. If the submit button is grayed out, it may be because you do not have the appropriate role to submit in your organization. Contact your organization’s EBiz point of contact or contact [Grants.gov](#) for assistance at 1-800-518- 4726 or support@grants.gov.

Applicants need to ensure that the Authorized Organization Representative (AOR) who submits the application through [Grants.gov](#) and whose UEI is listed on the application is an AOR for the applicant listed on the application. Additionally, the UEI listed on the application must be registered to the applicant organization's SAM.gov account. If not, the application may be deemed ineligible.

Application Submission Deadline

Your organization's AOR must submit your complete application package (including any resubmission as explained in Section II.C) electronically to EPA through [Grants.gov](#) no later than November 21, 2024, at 11:59 PM ET. Please allow for enough time to successfully submit your application and allow for unexpected errors that may require you to resubmit. Please see [Section II](#) and [Section V](#) describing the rolling application submittal and review process for this NOFO.

Applications submitted through Grants.gov will be time and date stamped electronically. Please note that successful submission of your application through Grants.gov does not necessarily mean your application is eligible for award. Any application submitted after the application deadline time and date deadline will be deemed ineligible and not considered.

3. Technical Issues with Submission

If applicants experience technical issues during the submission of an application that they are unable to

resolve, follow these procedures **before** the application deadline date:

- a. Contact the Grants.gov Support Center **before** the application deadline date.
- b. Document the Grants.gov ticket / case number.
- c. Send an email with EPA-R-OEJECR-OCS-23-04 in the subject line to CCGP@epa.gov before the application deadline time and include the following information:
 - i. Grants.gov ticket / case number(s)
 - ii. Description of the issue
 - iii. The entire application package in PDF format

Without this information, EPA may not be able to consider applications submitted outside of Grants.gov. Any application submitted after the application deadline will be deemed ineligible and **not** be considered.

Please note that successful submission through Grants.gov or email does not necessarily mean your application is eligible for award.

EPA will make decisions concerning acceptance of each application submitted outside of Grants.gov on a case-by-case basis. EPA will only consider accepting applications that were unable to submit through Grants.gov due to [Grants.gov](https://www.grants.gov) or relevant [SAM.gov](https://www.sam.gov) system issues or for unforeseen exigent circumstances, such as extreme weather interfering with internet access. Failure of an applicant to submit the application prior to the application submission deadline time and date because they did not properly or timely register in SAM.gov or Grants.gov is **not** an acceptable reason to justify acceptance of an application outside of Grants.gov.

4. Required Forms and Documents

The following forms and documents are required under this NOFO:

Mandatory Documents for Track I and Track II Applications

1. **Application for Federal Assistance** (SF-424)
2. **Budget Information for Non-Construction Programs** (SF-424A)
3. **EPA Key Contacts Form** 5700-54
4. **EPA Preaward Compliance Review Report Form** 4700-4 (Please see these [Useful Tips](#) for completing this form)
5. **Project Narrative Attachment Form**: Use this to prepare your Project Narrative as described in [Section IV.B](#) below.
6. **Attachments**: Use the “Other Attachments Form” in Grants.gov for the following additional documents. These attachments are not subject to the page limitation that applies to the Project Narrative identified below and some have their own page limitation as identified below:
 - **Attachments for Track I and Track II Applications:**
 - **Attachment A**: Program Budget Template (See below in [Section IV.B](#) and also optional template in Appendix G)
 - **Attachment B**: Partnership Agreement (See [Section III.A](#) and Appendix B)
 - **Attachment C**: Any other documents or information not listed above, such as an Indirect Cost Rate Agreement.
 - **Attachments for Track I Applications Only:**
 - **Attachment D**: Project Area Map as described in Appendix A.
 - **Attachment E**: Community Engagement and Collaborative Governance Plan as described in [Section I.G](#) that does not exceed 10 single spaced pages-excess

- pages will not be reviewed.
- **Attachment F:** Community Strength Plan as described in [Section I.G](#) that does not exceed 5 single spaced pages-excess pages will not be reviewed.
 - **Attachment G:** Readiness Approach Information as described in [Section I.G](#).
 - **Attachment H:** Compliance Plan as described in [Section I.G](#).

B. Content of Application Submission

Applicants should read the following sections very carefully. A complete application package includes the forms and documents listed above in [Section IV.A.4: Required Forms and Documents](#), which includes the materials further described below.

When preparing the content of their applications, and to ensure that their application materials address all the evaluation criteria for Track I and II applications, applicants should review the evaluation criteria in Section V. These criteria place increased emphasis on certain evaluation criteria that are integral to ensuring that the application will advance environmental and climate justice, CCG objectives, and maximize benefits to disadvantaged communities.

Note: Please see [Section V](#) for information on the Track I oral presentation process referenced in [Section I.D](#).

Project Narrative for Track I and II Applications

Below are the instructions for both Track I and Track II applications. There are different instructions for each track, so applicants should carefully read the instructions and contact EPA at CCGP@epa.gov with any questions.

The Project Narrative for both application tracks are comprised of Sections A and B as described below for each track and should include the information and content below. Applicants should ensure it includes information addressing the relevant evaluation criteria in [Section V](#) for Track I or II applications and any applicable threshold eligibility criteria in [Section III.D including identifying and describing the disadvantaged communities to benefit from the grants](#).

- The Project Narrative for Track I applications must not exceed twenty (20) single-spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed.
- The Project Narrative for Track II applications must not exceed fifteen (15) single spaced pages and be on letter size pages (8 ½ X 11 inches). Excess pages will not be reviewed.

Applicants are encouraged to be concise and do not need to use all the pages within the page limit. Links to external websites or content will not be reviewed or considered. Any pages beyond the page limitations will not be reviewed by the Review Panel. It is recommended that applicants use a standard font (e.g., Times New Roman, Calibri, and Arial) and a 12-point font size with 1- inch margins. While these guidelines establish the acceptable type size requirements, applicants are advised that readability is of paramount importance and should take precedence in selection of an appropriate font for use in the application. **The grant application forms and other attachments identified in [Section IV.A.4: Required Forms and Documents](#) above are not included in the Project Narrative page limits**

To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria in their Project Narratives to help identify where the criteria are being addressed as applicable. A table is included in [Section V.A](#) to show how the components relate to one another and to the evaluation criteria. Applicants should contact EPA with any questions about the application content requirements.

Track I Project Narrative

Track I applications consist of a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 20 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed three pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the Lead Applicant.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact Information:** Include a name, title, email address, and phone number for key personnel for the Lead Applicant and, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Climate Action Strategy:** Specify which Climate Action Strategy(ies) is addressed in the application.
- **Pollution Reduction Strategy:** Specify which Pollution Reduction Strategy(ies) is addressed in the application.
- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application, including any construction projects, can be completed within three years of award.
- **Amount of EPA Funding Requested:** See award sizes specified in [Section II.A](#).
- **Target Investment Area:** If the application is for a Target Investment Area as defined in Section II.A, please identify which one. If the application is not for a Target Investment Area, put N/A.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application. See [Section III.D.3](#) for more detail.
- **Other Sources of Funding:** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section V.E.
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and the date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

The Project Workplan should contain the elements below.

Part 1. Community-Driven Investments for Change

1.1 Community Vision Description.

- **Community Description:** Provide an overview of the community to benefit from the projects in the application based on the Project Area map submitted and how they will benefit from the projects. The community description should describe the community’s resources, assets, local community characteristics, and the type of benefits the grants will provide to the community.
- **Community Challenges:** Describe the needs and challenges the community in the Project Area is facing, including climate impacts, climate change risks / exposures, and / or localized pollution. Describe the impact of these challenges on the community, and particularly on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations.
- **Community Vision:** Articulate a vision for the impact and benefits the grant would have on the community in the near and long term, including the effect it will have on reducing and preventing pollution; building resilience to climate change and mitigating current and future climate risks;; creating high-quality jobs and expanding economic opportunity through workforce development; and bolstering community strength by insuring that local residents receive the benefits of investments and have the opportunity to build on them for current and future generations.

1.2 Selected Strategies: As described in [Section I.G](#), applications must address at least one Climate Action Strategy and at least one Pollution Reduction Strategy. Accordingly, applications should address the following requirements:

- **Strategy Overview** – for each selected Climate Action and Pollution Reduction Strategy:
 - Provide an overview of the strategy and associated projects and describe how they will be implemented during the grant term.
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the disadvantaged communities
 - Explain how the amount / proportion of the requested funding was determined for each strategy and associated project in the application.
- **Climate Action Strategies**
 - Describe how the project(s) associated with the Climate Action Strategy(ies) will address the climate impacts, risks, and / or challenges facing the Project Area community; will decrease GHG emissions within the Project Area and increase overall community resilience to current and anticipated climate impacts; and are responsive to the community needs and challenges identified in the Community Vision Description.
- **Pollution Reduction Strategies**
 - Describe how the project(s) associated with the Pollution Reduction Strategy(ies) will address the localized pollution challenges facing the Project Area communities; will make substantial and measurable (i.e., quantifiable) progress towards preventing, reducing, and / or mitigating existing and future sources of pollution to benefit the Project Area; and are responsive to the community needs and challenges identified in the Community Vision Description.

1.3 **Community Engagement and Collaborative Governance Plan:** Applications should address the elements of the Community Engagement and Collaborative Governance Plan as described in [Section I.G](#), the sections of which are outlined below. As described in [Section IV.A.4](#), the plan cannot exceed 10 pages (excess pages will not be reviewed) and should be uploaded to Grants.gov as a separate attachment.

- **Past Community Outreach and Engagement Conducted:** The application should demonstrate how past engagement impacted the strategy and associated project selection and implementation approach included in the application. This includes describing selected outreach and engagement methods used for the Project Area, including engagement to specific neighborhoods or groups.
- **Community Engagement Plan Implementation:** The applicant should demonstrate the specific community engagement methods, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall implementation.
- **Collaborative Governance Structure:** The applicant should provide details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation.

1.4 **Community Strength Plan:** Applications should address the elements of the Community Strength Plan as described in [Section I.G](#), the sections of which are outlined below. As described in [Section IV.A.4](#), the plan cannot exceed 5 pages (excess pages will not be reviewed) and should be uploaded to Grants.gov as a separate attachment.

- **Maximizing Economic Benefits of Projects:** The applicant should describe how the projects included in the application will strive to maximize economic benefits for individuals in the Project Area, including priority populations.
- **Displacement Avoidance:** The applicant should discuss potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members. Applicants should also assess and describe the vulnerability the community faces to rising costs attributable to their proposed project(s) and assess potential impacts to households, small businesses, and other existing groups.

Part 2. Program Management, Capability and Capacity

2.1 **Performance Management Plan, Outputs / Outcomes:** Applicants should describe the environmental results of the proposed project in terms of well-defined outputs and, to the maximum extent practicable, well-defined outcomes that will demonstrate how the project will contribute to the Community Change Grants goals and objectives. (See [Section I.I](#) and [Appendix F](#) for more detail on expected outputs and outcomes). In addition to identifying expected project outputs and outcomes, applicants should describe how they plan to track and measure their project performance, including through indicator tracking, to monitor progress towards achieving the expected outputs and outcomes throughout the performance period.

Applicants should also:

- Describe how they selected the expected outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the community members of the Project Area in the short and long term.
- Describe how the expected project outputs and outcomes are specific and include achievable and reasonable target measures within the project period.
- Describe how the recipient will use program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals.

2.2 **Project Linkages to the EPA Strategic Plan:** Applications should describe how the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels). See [Section I.I](#). In addition, applications, depending on the projects included in them, should also address how they support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities
- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

Refer to the [EPA Strategic Plan](#).

2.3 **CBO Experience and Commitment:** Applications should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:

- Their history and experience as a CBO.
- The depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

2.4 **Programmatic and Managerial Capability and Resources:** Applications should provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:

- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls to be in place for project oversight and to manage program risk. This includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse, by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections),

and risk management.

- A projected milestone schedule for the proposed projects (up to three years) with a breakout of the project activities into phases with associated tasks and timeframes for completion of tasks, including the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.

2.5 **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.

- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
- Describe the history of the Lead Applicant in meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
- Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not made, please indicate whether, and how, that was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

Part 3. Readiness to Proceed, Feasibility, and Sustainability: Provide the following information in the application:

- 3.1 **Readiness Approach:** Demonstrate, based on the Readiness Approach Requirements described in [Section I.G](#), the applicant's ability and readiness to proceed with grant performance for the projects in the application upon receiving an award, and generally no later than 120 days after award, in order to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include a description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not their plan for doing so within 120 days of award.
- 3.2 **Feasibility:** Demonstrate that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes describing how the strategies and associated projects can individually and collectively be completed within three years.

3.3 **Sustainability:** Demonstrate the extent to which the benefits and outcomes from the projects can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.

3.4 **Program Budget Description:** Provide a detailed budget description and estimated funding amounts for each project component / task similar to that on the budget found in SF-424A, which includes the EPA funding requested to be expended over the three-year period of performance. This section provides an opportunity for a narrative description of the budget or aspects of the budget found in the SF-424A. In the description, explain how the budget is reasonable to accomplish the projects, and the cost-effectiveness of the budget in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs).

Note: A template to depict the program budget description is included as Appendix G and may be used to supplement the budget description in the Project Narrative. Applicants that do not use the template will not be penalized and applicants can convey the information in other forms. While the program budget description is part of the Project Narrative page limit, the template is not part of the page limit for the Project Narrative and will not count against the 20-page Project Narrative page limit for Track I applications.

3.5 **Compliance Plan:** Applicants must submit a Compliance Plan as described in [Section I.G](#) that does not exceed 5 pages. Excess pages will not be reviewed.

Track II Application Requirements

Track II applications consist of a Project Narrative with two sections as identified below: (A) Executive Summary and (B) Project Workplan. Together these cannot exceed 15 pages as described above.

Section A. Executive Summary

The Executive Summary should contain the elements below and should not exceed two pages.

- **Application Title:** Provide a name for the application.
- **Lead Applicant:** Name of the organization applying.
- **Statutory Partner to the Lead Applicant:** Name of the Statutory Partner.
- **Contact information:** Include a name, title, email address, and phone number for key personnel for Lead Applicant, Statutory Partner.
- **Eligibility:** Describe how the Lead Applicant and Statutory Partner meet the eligibility requirements in [Section III.A](#) of the NOFO.
- **Disadvantaged Community to benefit from the projects:** Identify and describe the disadvantaged communities, as defined in Appendix A, intended to benefit from the projects in the application. See [Section III.D.3](#) for more detail.

- **Grant Award Period and Completion:** Provide estimated beginning and ending dates for the period of performance for your proposed grant. Given the requirement under CAA § 138(b)(1) that all grants must be completed within three years, all applications must state how the projects in the application can be completed within three years of award.
- **EPA Funding Requested:** See award sizes specified in [Section II.A.](#)
- **Other Sources of Funding** Briefly explain, to the extent you can, whether funding for the projects in your application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and, if so, your reasons for seeking funding for these projects under this NOFO. Please also note the Duplicate Funding clause included in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO and referenced in Section [V.E.](#)
- **Resubmission Status:** Specify if the application is for a resubmission of a previously submitted and reviewed application. If so, please identify the date of the original submission and date of EPA debriefing of the previously submitted application (See Section II.C for further information on the resubmission process).

Section B. Project Workplan

1. **Track II Program Objectives:** Applications should describe the following:
 - How the application addresses the Track II objectives identified in [Section I.H.](#)
 - What methods, tools, and trainings the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings, and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice.
 - How the application addresses the disadvantaged community’s lack of access to, or weak relationships with, governmental entities, including how the application improves those relationships, increases points of access for disadvantaged communities with government entities, and creates channels to work cooperatively to promote environmental and climate justice
 - How the application will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so government leaders and decision-makers are better prepared to proactively address concerns before issues materialize.
2. **Project Collaboration and Participation:** Applications should describe the following:
 - How meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the project and how input will continue to be obtained and considered during grant performance.
 - The facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in an authentic and meaningful way, rather than an insincere manner, on environmental and climate justice issues with governmental bodies.
 - The applicant’s and any Collaborating Entities’ history of relationships and collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues.
3. **Project linkages:** Applicants should describe how their application supports and advances [EPA Strategic Plan](#) Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights),

Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Program Budget Description:** Applicants should describe:
 - The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation.
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable).

5. **Environmental Results:** Applicants should describe the following:
 - Their plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications. See [Section I.I and Appendix F](#) for more detail on expected outputs and outcomes.
 - Whether and how the projects and their outcomes are sustainable beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, should also be addressed.

6. **CBO Experience and Commitment:** Applicants should describe the following for the Lead Applicant and / or Statutory Partner for the proposed grant:
 - Their history and experience as a CBO.
 - The depth of their commitment, historical connections, and relationships with the disadvantaged community the application is intended to benefit.

7. **Programmatic and Managerial Capability and Resources:** Provide information demonstrating the Lead Applicant's and Statutory Partner's ability to successfully complete, oversee, and manage the award including:
 - Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application).
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period.
 - Their milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable.
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections).

8. **Past Performance:** Describe federally funded and / or non-federally funded assistance agreements (assistance agreements include grants and cooperative agreements but not contracts) that the Lead Applicant performed within the last three years (no more than three agreements in total) and provide the information below for them. EPA agreements are preferred to be included.
- Describe whether, and how, the Lead Applicant was able to successfully complete and manage the agreements.
 - Describe the Lead Applicant's history of meeting the reporting requirements under the agreements including submitting acceptable final technical reports.
 - Describe how the Lead Applicant documented and / or reported on whether progress towards achieving the expected results (i.e., outputs and outcomes) under those agreements was being made. If progress was not being made, please indicate whether, and how, this was documented.

Note: In evaluating the Lead Applicant's past performance, the Agency will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and / or from current and prior federal agency grantors (e.g., to verify and / or supplement the information provided by the applicant). If there is no relevant or available past performance information, please indicate this in the application, and you will receive a neutral score for these factors under Section V. Failure to provide any past performance information, or to include a statement that you do not have any relevant or available past performance or reporting information, may result in a zero score for these factors (see also Section V).

C. Informational Webinars and Application Assistance

Applicants are encouraged to participate in webinars with EPA to address questions about this NOFO as well as to facilitate forming partnerships to apply under this NOFO. EPA will host a series of webinars about this NOFO while this NOFO remains open for application submission. EPA will post information about the webinars, schedule for webinars, as well as additional information about this NOFO (e.g., frequently asked questions, technical assistance), on [Inflation Reduction Act Community Change Grants Program](#) page. A recording of each webinar will be posted at the link above along with presented materials. EPA expects to host an informational webinar on December 7, 2023—please check the website listed above for further information.

In addition, for the partnership facilitation webinars, there will be break out group discussions on establishing partnerships with other organizations eligible to apply for EPA funding or to participate as Collaborating Entities in the projects. Please note that the EPA does not intend that the partnership forums to be used by individual consultants, consulting firms or other for-profit vendors to market their services to potential applicants as partners or otherwise.

Please note that in accordance with [EPA's Policy for Competition of Assistance Agreements](#), EPA Order 5700.5A1, EPA staff will not meet with individual applicants to discuss draft applications, provide informal comments on draft applications, or provide advice to applicants on how to respond to evaluation criteria. Please note, however, that as stated in Section I, technical assistance will be available to eligible applicants for help with this NOFO.

Applicants are responsible for the contents of their applications. However, consistent with the provisions in the NOFO, EPA will respond to questions from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission of the application, and requests for clarification about this NOFO.

Section V. Application Review Information

(back to the [Table of Contents](#))

Note: Additional provisions that apply to this section can be found at [EPA Solicitation Clauses](#).

A. Threshold Eligibility Review Process

All applications will be evaluated for threshold eligibility purposes based on the threshold eligibility criteria described in [Section III.D](#).

B. Review Panel and Evaluation Process

All applications that pass the threshold eligibility review process will be evaluated and scored by review panels using the track-specific evaluation criteria and processes described below. Review panels will be comprised of EPA staff and / or external reviewers. Track I applications will be reviewed by separate review panels for the written application and oral presentation. Track II applications will undergo only a written application review. See below for additional detail about the evaluation criteria and processes for each track.

C. Track I Application Review Process, Evaluation Criteria, and Oral Presentations

All eligible Track I applications (including those for the TIAs described in [Section II.B](#)) will be evaluated on a 200-point scale as follows—155 points for the written application review and 45 points for the oral presentation review:

- The maximum points available for an application are 200 points—155 points for the written application based on the criteria specified below for Track I written applications, and 45 points for the oral presentation based on the criteria below.
- Applicants whose written application scores at least 110 points will then proceed to an oral presentation. Oral presentations will be conducted consistent with the procedures described below. Applicants who proceed to an oral presentation will be provided further information about the process following the evaluation of the written application.
- Applicants who do not proceed to an oral presentation will receive notification of non-selection from EPA and may request a debriefing as explained in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#) incorporated by reference in the NOFO. Applicants may resubmit an application in certain circumstances as noted in [Section II.C](#).
- The oral presentation will be worth 45 points and be evaluated based on the oral presentation criteria below.
- Applications that receive a total score of 170 or more (based on the written application and oral presentation) will be referred to the Selection Official for final selection consideration as described in [Section V.E](#) below.
- Applications that receive a total score between 110-169 (based on the written application and oral presentation) will be ranked and referred to the Selection Official, on an approximately monthly basis, for final selection consideration as described in [Section V.E](#) below.
- Applications not selected for award based on the monthly review will receive notification from EPA and may request a debriefing as explained in the Section VI Debriefings and Disputes clauses included in the [EPA Solicitation Clauses](#) incorporated by reference in the NOFO. Applicants may resubmit an application in certain circumstances as noted in Section II.C.

The evaluation criteria summarized in the table below correspond to the Track I Application Project Narrative components described in [Section IV.B. Applicants](#) should reference the index number and title of these components in their Project Narrative to facilitate the evaluation process.

Track I Written Application Criterion

Section	Possible Points
Part 1. Community Driven Investments for Change	80 total
1.1 Community Overview	10
1.2 Selected Strategies	45
1.3 Community Engagement and Collaborative Governance Plan	15
1.4 Community Strength Plan	10
Part 2. Program Management, Capability, and Capacity	35 total
2.1 Performance Management Plan, Outputs / Outcomes	6
2.2 Project Linkages to the EPA Strategic Plan	4
2.3 CBO Experience and Commitment	5
2.4 Programmatic and Managerial Capability and Resources	15
2.5 Past Performance	5
Part 3. Readiness to Proceed, Feasibility, and Sustainability	40 total
3.1 Readiness Approach	8
3.2 Feasibility	9
3.3 Sustainability	5
3.4 Program Budget Description	8
3.5 Compliance Plan	10
TOTAL	155

Evaluation Criteria for Track I Written Applications (155 points total)

Part 1. Community Driven Investments for Change (80 points total)

1.1 Community Vision Description (10 points):

- **Community Description:** Applicants will be evaluated based on their description of the community to benefit from the projects in the application, consistent with the Project Area map submitted, and the quality and extent to which they describe the community's resources, assets, and local characteristics, and the type of benefits the grants will provide to the community. (3 points)
- **Community Challenges:** Applications will be evaluated based on how well they describe the challenges and needs the community are facing, including climate impacts, climate change risks / exposures, and / or localized pollution, and the impact these challenges have on priority populations within the Project Area who are acutely exposed to and impacted by climate, pollution, and weather-related threats, and / or who exhibit acute vulnerabilities or susceptibilities to the impacts of environmental pollution. See footnote 3 for more information on priority populations. (4 points)
- **Community Vision:** Applications will be evaluated based on the quality and extent to which they articulate a clear vision for the impacts and benefits this grant would have on the community in the near and long term, as described further in [Section IV.B.](#) (3 points)

1.2 Selected Strategies (45 points)

- **Strategy Overview (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Provide an overview of the strategies and associated projects and describe how they will be implemented during the grant term. (6 points)
 - Describe how the strategies and associated projects in the application are integrated and / or designed to complement each other to benefit the disadvantaged communities, (6 points)
 - Explain how the amount / proportion of the requested funding was determined for each strategy and aligned project in the application. (3 points)
- **Climate Action Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Describe how the associated projects will address the identified climate impacts and / or climate change risk(s) / exposure(s) within the Project Area and explain how the project(s) will decrease GHG emissions within the Project Area and / or increase overall Project Area resilience to current and anticipated climate impacts. (8 points)
 - Describe how the selected Climate Action Strategies and associated projects help meet the needs and challenges of the community as articulated in the Community Vision. (7 points)
- **Pollution Reduction Strategies (15 points).** Applications will be evaluated based on the quality and extent to which they:
 - Describe how the associated project(s) will address the identified localized pollution challenges and will make substantial and measurable (e.g., quantifiable) progress towards preventing, reducing, and / or mitigating future sources of pollution to benefit the Project Area. (8 points)
 - Describe how the selected Pollution Reduction Strategies help meet the needs and challenges of the community as articulated in the Community Vision. (7 points)

1.3 **Community Engagement and Collaborative Governance Plan (15 points):** The Community Engagement and Collaborative Governance Plan described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Past Community Outreach and Engagement Conducted:** How the applicant's past engagement with the Project Area community impacted the Strategy and associated project selection and implementation approach included in the application, including the outreach and engagement methods used for the Project Area and specific neighborhoods or groups within the Project Area. (4 points)
- **Community Engagement Plan Implementation:** The specific community engagement methods used by the applicant, as well as how they will mitigate barriers and involve relevant governmental stakeholders necessary to support overall project implementation. (6 points)
- **Collaborative Governance Structure:** The details regarding the roles and responsibilities of the Lead Applicant, Collaborating Entities, and community residents and / or

community-selected representatives for implementing, managing, and overseeing the application's project activities, including how regularly they will meet to discuss project implementation. (5 points)

1.4 **Community Strength Plan (10 points):** The Community Strength Plan as described in [Section I.G will be evaluated based on the quality and extent to which it demonstrates:](#)

- **Maximizing Economic Benefits of Projects:** How the projects included in the application are intended to provide economic benefits for individuals in the Project Area, including priority populations as defined in footnote 3. (5 points)
- **Displacement Avoidance:** The measures for mitigating potential near-term and long-term risks associated with the proposed projects to residents, small businesses, nonprofits, and other community members, the vulnerability the community faces to rising costs attributable to their proposed project, and the potential project impacts to households, small businesses, and other existing groups. (5 points)

Part 2. Program Management, Capability, and Capacity (35 points total)

2.1 **Performance Management Plan and Outputs / Outcomes (6 points):** Applications will be evaluated based on:

- Whether the application describes an effective plan, with associated timeframes, for tracking and measuring progress in achieving the expected project outcomes and outputs including those identified in Appendix F, as appropriate, and any additional ones identified in the application. (2 points)
- The quality and specificity of the proposed outputs and outcomes and how they will lead to improvements to the environmental conditions and public health of the disadvantaged communities in the short and long term. (2 points)
- Whether, and how, the applicant has incorporated program evaluation activities (e.g., utilizing proper evaluation tools and personnel / organizations with experience in evaluating program and project progress / success) from project initiation through project completion to meaningfully document and measure their progress towards achieving project goals and how they will use the results of the evaluations to meet the project goals within the required timeframes. (2 points)

2.2 **Project Linkages to the EPA Strategic Plan (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

In addition, applications, depending on the projects included in them, will also be evaluated based on the quality and extent to which they also support and advance the following EPA Strategic Plan Goals as applicable:

- Goal 1 - Tackle the Climate Crisis
- Goal 4 - Ensure Clean and Healthy Air for All Communities
- Goal 5 - Ensure Clean and Safe Water for All Communities

- Goal 6 - Safeguard and Revitalize Communities; and
- Goal 7 - Ensure Safety of Chemicals for People and the Environment

2.3 **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the proposed grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.

2.4 **Programmatic and Managerial Capability and Resources (15 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:

- Their organizational experience and capacity related to performing the proposed project(s) or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
- Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period (4 points)
- The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
- Their financial stability, controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (4 points)

2.5 **Past Performance (5 points):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:

- Past performance in successfully completing and managing the assistance agreements identified in response to [Section IV.B](#). (3 points)
- History of meeting the reporting requirements under the assistance agreements identified in response to [Section IV.B](#) including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (2 points)

Note: The focus of this criterion is on the Lead Applicant's past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the award. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If the Lead Applicant does not have any relevant or available past performance related to federal or non-federal grants, this should be stated explicitly in the application (e.g., our organizations have no relevant

past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

Part 3. Readiness to Perform, Feasibility, and Sustainability (25 points total):

- 3.1 Readiness Approach (8 points):** Applications will be evaluated based on the applicant's ability and readiness to proceed with grant performance for the projects in the application, based on the Readiness Approach Requirements described in [Section I.G](#), upon receiving an award, or generally no later than 120 days after award, to ensure that the projects can be completed within the statutory three-year grant period. As appropriate, this may include evaluating the description of the completed project planning and design phases related to the project(s) as well as demonstrating that the applicant has obtained and / or complied with the necessary approvals, permits, permissions, and any other applicable requirements, to commence project performance upon award, and if not generally within 120 days of award.
- 3.2 Feasibility (9 points):** Applications will be evaluated based on whether it is demonstrated that all the projects in the application can be successfully and effectively performed within the three-year grant period of performance, and the degree of risk that they cannot be. This includes also evaluating how the strategies and associated projects can individually and collectively be completed within three years.
- 3.3 Sustainability (5 points):** Applications will be evaluated based on whether it is demonstrated that the benefits and outcomes from the projects in the application can be sustained after the three-year grant period of performance based on factors including but not limited to whether (i) the Applicant will leverage funding and / or resources from other sources to ensure the sustainability of the projects beyond the three-year grant term and (ii) the description of an operations and maintenance approach including the plans and commitments to ensure there is continued funding available for operation and maintenance activities of infrastructure activities for the projects after the grant term is over (e.g., are there demonstrated commitments for continuing operation and maintenance funding / resources from the appropriate parties after the three year grant term is over) including coordination with appropriate responsible parties.
- 3.4 Program Budget Description (8 points):** The program budget will be evaluated based on:
- The reasonableness of the budget and allowability of the costs for each component / activity of the projects in the application. This includes evaluating whether funding is well balanced and equitably distributed to project partners, including sub-awardees, commensurate with their role in the project, and whether funding is categorized into the proper budget categories providing clarity, accuracy, and granularity on the applicant's planned use of the grant funds during the project period. (4 points)
 - The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)
- 3.5 Compliance Plan (10 points):** Applications will be evaluated based on the quality and extent to which the Compliance Plan addresses the elements for the Compliance Plan described in [Section I.G](#).

Track I Oral Presentation (45 points total)

The oral presentation is intended to supplement the written application, and provide an opportunity for applicants to further explain their projects. The oral presentations will be conducted through video teleconferencing; however, requests for a telephone-only conference will be considered, provided the applicant describes why video teleconferencing is a barrier that cannot be overcome with technical assistance provided through EPA as noted in Section I.E. Pre-recorded presentations that lack real-time interaction will not be allowed. EPA will also provide interpretive services for the oral presentation upon request.

Further instructions and details about the oral presentation (e.g., date, time, requirements, limitations and / or prohibitions on the use of written material or other media to supplement the oral presentations, the time permitted for each oral presentation) will be provided to those applicants selected to participate in an oral presentation. EPA will maintain a record of the oral presentation (e.g., transcription) and relevant information from the oral presentation may be incorporated into the grant award terms and conditions as appropriate.

Applicants are responsible for determining who will represent them at the oral presentation, but it must include a representative(s) of the Lead Applicant and should include Collaborating Entity and community representatives as necessary. Contractors, including consultants, cannot attend the oral presentation for the applicant.

The oral presentation will be approximately 45 minutes including an introduction and closing. It is expected it will be conducted by two EPA and / or external reviewers who will evaluate the oral presentation based on the criteria below. The reviewers may ask clarifying questions during the presentation to enhance their understanding of the application, but they will be limited to clarifying issues related only to the areas listed below. The oral presentation cannot be used to change the scope of the applicant's written application, make any substantive changes to it, cure material omissions in the written applications, and / or otherwise revise the written application. The oral presentation will be evaluated on the below criteria.

Oral Presentation Criteria (45 points total)

- **Community Overview:** How was the Project Area, as defined in Appendix A, chosen to be the beneficiary of the projects in the application? What are the greatest needs for the communities within the Project Area, and, if your application is not selected for funding what would be the adverse consequence to those communities? (9 points)
- **Strategy Rationale:** Why did you select the strategies and projects within the application, and how will they (collectively and individually) transform the Project Area to address environmental and climate justice challenges now and in the future (beyond the three-year grant term)? Also, when the three-year grant term is complete, how will you assess whether the grant was successful in achieving its objectives to benefit the Project Area and what will success look like? (9 points)
- **Community Engagement and Collaborative Governance:** Describe your commitment, as well as that of the Collaborating Entities as described in Section III.A of the NOFO, to efficiently and effectively perform the projects in the application within three years and describe how all entities will work together to achieve the project objectives within the three-year grant performance period. (9 points)
- **Management Capacity:** Explain how you have the programmatic, technical, administrative, and managerial capability, experience, and resources to properly manage the grant consistent with grant regulations and requirements including those in 2 CFR §200 (9 points)

- **Performance Challenges:** What do you anticipate are the greatest challenges to completing the projects in the application within the three-year time frame, and what are your plans for overcoming them? (9 points)

D. Track II Application Review Process and Evaluation Criteria

All eligible Track II application will be evaluated on a 100-point scale using the criteria specified below. **There will be no oral presentation component for the Track II applications.**

Track II applications that score at least 85 points will be referred to the Selection Official for final selection consideration as described in [Section V.E](#) below. Those Track II applications whose total score is below 85 will be ranked by EPA staff and reviewed on an approximately monthly basis by the Selection Official. Those not selected for award during the monthly review will receive notification from EPA and may request a debriefing as explained in the Section VI: Debriefings and Disputes clauses are included in the [EPA Solicitation Clauses](#) incorporated by reference in the NOFO. Applicants may resubmit an application in certain circumstances as noted in [Section II.C](#).

Evaluation Criteria for Track II Applications

Track II applications will be evaluated using the criteria below on a 100-point scale. The evaluation criteria summarized in the table below correspond to the Track II Application Project Narrative components described in [Section IV.B](#). To assist EPA reviewers, applicants should reference the numbers and titles of the evaluation criteria in their Project Narratives to help identify where the criteria are being addressed as applicable.

Track II Evaluation Criteria

Section	Possible Points
1. Program Objectives	35
2. Project Collaboration and Participation	20
3. Project Linkages	4
4. Budget	8
5. Environmental Results	6
6. CBO Experience & Commitment	5
7. Programmatic and Managerial Capability and Resources	16
8. Past Performance	6
TOTAL	100

1. **Track II Program Objectives (35 points):** Applications will be evaluated based on the quality and extent to which they demonstrate:
 - How the project(s) in the application address the Track II objectives identified in [Section I.H](#). (10 points)
 - The methods, tools, and trainings, the applicant will use to facilitate the engagement of disadvantaged communities in state and Federal advisory groups, workshops, rulemakings,

and / or other public processes, including local, Tribal, and other governmental processes, related to environmental and climate justice. (10 points)

- How the project(s) in the application address and improve the disadvantaged community's lack of access to, or weak relationships with, governmental entities and changes those relationships to increase points of access for disadvantaged communities with government to work cooperatively to promote environmental and climate justice. (8 points)
- Will result in governmental entities better understanding the root causes of environmental and climate justice issues that impact disadvantaged communities, so the communities are better prepared to proactively address them before the issues materialize. (7 points)

2. **Project Collaboration and Participation (20 points):** Under this criterion, applications will be evaluated based on the quality and extent to which they:

- Demonstrate that meaningful input and feedback was considered from the disadvantaged community and other stakeholders in designing and developing the applications and how feedback / input will continue to be obtained and considered during grant performance. (10 points)
- Describe the facilitation and accountability measures to establish and maintain trust between the disadvantaged community and government officials to ensure the community can collaborate in a meaningful manner on environmental and climate justice issues with governmental bodies. (5 points)
- Demonstrate the applicant's and Collaborating Entities relationships and history of collaborations with disadvantaged communities, governmental bodies, and other stakeholders to address environmental and environmental / climate justice issues. (5 points)

3. **Project linkages (4 points):** Applications will be evaluated based on the extent and quality to which the proposed project activities support and advance EPA Strategic Plan Goal 2 (Take Decisive Action to Advance Environmental Justice and Civil Rights), Objective 2.1, (Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels).

4. **Budget (8 points):** Under this criterion, applicants will be evaluated based on:

- The reasonableness of the budget and allowability of the costs for each component / activity of the project and their approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner to comply with the statutory 3-year project period limitation. (4 points)
- The cost effectiveness of the budget / project in terms of maximizing the share of funds used for the delivery of benefits to disadvantaged communities (both the direct costs of funds passed through for financial assistance as well as associated indirect costs to the greatest extent practicable). (4 points)

5. **Environmental Results (6 points):** Applications will be evaluated based on the quality and extent to which:

- They describe an effective plan, with associated timeframes, for tracking and measuring their progress in achieving the expected project outcomes and outputs for Track II applications including those identified in Appendix F. (3 points)
 - They demonstrate that the project can ensure sustainability of outcomes beyond the three-year grant period, and how they will leverage resources, community support, etc. to facilitate this. (3 points)
 - The quality and specificity of the proposed outputs and outcomes, and how they will lead to the success of the grants, are described. (3 points)
6. **CBO Experience and Commitment (5 points):** The CBO(s) that are either the Lead Applicant and / or Statutory Partner for the grant will be evaluated based on their history and experience as a CBO and the depth of their commitment, connections, and relationships with the disadvantaged communities the application is intended to benefit.
7. **Programmatic and Managerial Capability and Resources (16 points):** The Lead Applicant and Statutory Partner will be evaluated based on their ability to successfully complete, oversee, and manage the award considering:
- Their organizational experience and capacity related to performing the proposed projects or similar activities (e.g., experience in managing projects and activities like those in the application). (4 points)
 - Their resources, capacity, capabilities, staff (e.g., project manager and other key personnel), expertise, and skills to perform and manage the award activities effectively during the three-year award period. For Lead Applicants submitting two applications under this NOFO, this includes how they demonstrate they have the above attributes to perform, manage, and oversee two awards effectively within the three-year award period. (4 points)
 - The milestone schedule for the proposed projects (up to three years) including the breakout of the project activities into phases and timeframes for completion of tasks, and the approach, procedures, and controls for ensuring that the award funds will be expended in a timely and efficient manner while ensuring that costs are eligible, reasonable, and allowable. (3 points)
 - Their legal and financial controls in place, and capacity to manage taxpayer dollars ethically and efficiently as well as the policies and controls for project oversight and program risk. This includes the extent and quality to which the application includes controls to identify waste, fraud, and abuse, and reduce the potential for waste, fraud, and abuse by including plans and policies for program oversight, including confidential reporting (e.g., whistleblower protections). (5 points)
8. **Past Performance (6 points total):** The Lead Applicant will be evaluated based on their ability to successfully complete and manage the proposed projects considering their:
- Past performance in successfully completing and managing the assistance agreements identified in response to Section IV. (3 points)

- History of meeting the reporting requirements under the assistance agreements identified in response to Section IV including whether the applicant submitted acceptable final technical reports under those agreements and the extent to which the applicant adequately and timely reported on their progress towards achieving the expected outputs and outcomes under those agreements and if such progress was not being made whether the applicant adequately reported why not. (3 points)

The focus of this criterion is on the Lead Applicant’s past performance and not that of any other Collaborating Entities or contractors / consultants who may be assisting the applicant with performance of the project. In evaluating the Lead Applicant under these factors, EPA will consider the information provided in the application and may also consider relevant information from other sources, including information from EPA files and from current / prior grantors. If you do not have any relevant or available past performance related to federal or non-federal grants, you should state this explicitly in your application (e.g., our organization has no relevant past grants experience). Including this statement will ensure you receive a neutral score for these factors (a neutral score is half of the total points available in a subset of possible points). Failure to include this statement may result in your receiving a score of 0 for these factors.

E. Final Selection Process and Other Factors

The Selection Official will make the final selection recommendations for Track I and II applications based on the evaluation criteria and process described above. In addition, in making the final selection recommendations for award, the Selection Official may also consider any of the “other” factors below, and as noted in [Section I](#) and [Section II](#) EPA anticipates making a minimum of fifteen awards for high-ranking applications that include a workforce training project(s) as described in [Section I.G](#).

In making the final selection recommendations for award, the Selection Official may consider any of the following “other factors”:

1. Geographic diversity to promote a mix of high-scoring applications benefitting disadvantaged communities located in urban, rural, or remote areas, different regions of the country, territories, as well as the geographical nature or impact of the project(s).
2. Program priorities- how the application supports and advances EPA and OEJEER’s goals and priorities, including those in EPA’s Strategic Plan that focus on environmental climate and justice issues. This may also include considering how the application promotes Community Change Grant program objectives, the depth and extent of community involvement in project development and implementation, as well as the priority that the grants must be able to be successfully completed within three years to meet CAA § 138 statutory requirements.
3. Organizational diversity in terms of applicant type and size to ensure a broad representation of applicants receiving awards to improve program effectiveness and equity.
4. Whether the applicant is participating in a federal capacity building program as part of the Thriving Communities Network (please see complete list at [Federal Interagency Thriving Communities Network](#) or the [Rural Partners Network](#)).
5. Whether the projects support, advance, or complement funding related to [Community Disaster Resilience Zones \(CDRZs\)](#) as designated by FEMA.
6. The capacity and capabilities of Lead Applicants, who are selected for two awards under this NOFO, to successfully perform, manage, and oversee both grants within the three-year grant term and the risks posed by multiple awards to successful grant performance.
7. The extent to which the EPA funding may complement or be coordinated with other EPA funding or other Federal and / or non-Federal sources of funds / resources to leverage additional resources

to contribute to the performance and success of the grant. This includes but is not limited to funds and other resources leveraged from businesses, labor organizations, non-profit organizations, education and training providers, and / or Federal, state, Tribal, and local governments, as appropriate.

8. Duplicate funding considerations as stated in Section IV of [the EPA Solicitation Clauses](#) incorporated by reference in this NOFO. This includes considering whether funding for the projects in the application is available under the Infrastructure Investments and Jobs Act (IIJA), other IRA programs, or other funding streams and if so the applicant's reasons for seeking funding for these projects under this NOFO.
9. Availability of funds.

In addition, because the objectives of this NOFO are part of a government-wide effort to address environmental and climate justice concerns and challenges, information pertaining to proposed selection recommendations may be shared by EPA with other Federal, state, local, territorial, or Tribal governmental departments or agencies before final selections are made in order to determine whether potential selections under this NOFO: (1) are expected to be funded by another department or agency to minimize the possibility of duplicate funding, (2) could be affected by permitting, regulatory or other issues involving another department or agency, and / or (3) will complement or can be used to leverage funding and capacity-building by another department or agency to maximize value. Note that this process is separate from the Intergovernmental Review requirements in 40 CFR Part 29.

F. Anticipated Announcement and Federal Award Date

As stated in [Section II.C](#), applications will be reviewed and selected on a rolling basis and may be submitted through November 21, 2024. EPA anticipates it will announce initial selection decisions for awards under this NOFO by March 2024 with the initial awards being made in May / June 2024.

Section VI. Award Administration Information

[\(back to the Table of Contents\)](#)

Note: Additional provisions that apply to this section of the NOFO, including those related to responsibilities under civil rights laws, can be found in the [EPA Solicitation Clauses](#).

A. Award Notification and Disputes

EPA anticipates that the first notification of selected applicants will be made via electronic mail in March 2024 and will continue to be done on a rolling basis. The notification will be sent to the original signer of the application, or the contact listed in the application. This notification, which informs the applicant that its application has been selected, is not an authorization to begin work. The official notification of an award will be made by the EPA Award Official. Applicants are cautioned that only a grants officer is authorized to bind the Government to the expenditure of funds; selection does not guarantee an award will be made. For example, statutory authorization, funding, readiness to perform projects, or other issues discovered during the award process may affect the ability of EPA to make an award to an applicant. The award notice, signed by a grants officer, is the authorizing document and will be provided through electronic mail. The successful applicant may be requested to prepare and submit additional documents and forms that must be approved by EPA before the grant can officially be awarded. The time between notification of selection and finalization of the award agreement can take up to 90 days or longer.

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005), which can be found at [Grant Competition Dispute Resolution Procedures](#). Copies of these procedures may also be requested by contacting the person listed in [Section VII](#) of the announcement. Note, the FR notice references regulations at 40 CFR Parts 30 and 31 that have been superseded by regulations in 2 CFR Parts 200 and 1500. Notwithstanding the regulatory changes, the procedures for competition-related disputes remain unchanged from the procedures described at 70 FR 3629, 3630, as indicated in 2 CFR Part 1500, Subpart E.

Non-profit applicants that are recommended for funding under this announcement are subject to pre-award administrative capability reviews consistent with Section 8b, 8c, and 9d of [EPA Order 5700.8: EPA's Policy on Assessing Capabilities of Non-Profit Applicants for Managing Assistance Awards](#). In addition, non-profit applicants selected for awards over \$200,000 may be required to fill out and submit to the grants management office EPA Form 6600.09, United States Environmental Protection Agency Administrative Capability Questionnaire with supporting documents as required in EPA Order 5700.8.

Depending on the projects in the grant award, EPA will impose programmatic terms and conditions to ensure successful and timely grant performance. In addition, if applicants have any questions about whether a proposed project cost is eligible or allowable, they should contact EPA for clarification prior to application submittal.

B. Administrative and National Policy Requirements

Grantees will be subject to administrative and national policy requirements. Note that EPA plans to establish programmatic requirements in the terms and conditions of each grant agreement to implement these administrative and national policy, and other relevant, requirements, which will include but not be limited to: this award is subject to the requirements of the Uniform Administrative Requirements, Cost

Principles and Audit Requirements for Federal Awards; Title 2 CFR, Parts 200 and 1500. EPA also has programmatic regulations located in 40 CFR Chapter 1 Subchapter B.

A listing and description of general EPA regulations applicable to the award of assistance agreements is available on the [EPA Policies and Guidance for Grants](#) page.

Readiness to Perform Requirements: Following selection and before award, EPA may work with selected applicants to ensure that all approvals, requirements, permits, and permissions that are needed to begin performance will, if not already obtained or complied with, be resolved by the time of award, and if not generally within 120 days of award (unless extended by EPA). A term and condition may also state that EPA may terminate the award for the recipients' failure to meet these requirements.

State / Territories Operation and Maintenance: Because of their unique roles, State and territorial governments may receive subawards to help implement specific project activities such as an infrastructure project in which they own the land or where they have governmental technical expertise and staffing necessary to effectively implement activities of an infrastructure or other type of project. The terms of the EPA award will also require, if applicable, that state and territorial subrecipients commit to operation and maintenance funding for any infrastructure constructed or improved on land they own with funding available under the NOFO.

Build America, Buy America Act (BABA): Certain projects under this NOFO may be subject to the Buy America domestic content sourcing requirements under the Build America, Buy America (BABA) provisions of the Infrastructure Investment and Jobs Act (IIJA) (P.L. 117-58, §§ 70911-70917). These provisions apply when using Federal funds for the purchase of goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States. BABA requires that all iron, steel, manufactured products, and construction materials consumed in, incorporated into, or affixed to federally funded infrastructure projects must be produced in the United States. Please consider this information when preparing budget information and your application. The award recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For more information, consult EPA's Build America, Buy America [website](#). When supported by rationale provided in the Infrastructure Investments and Jobs Act (IIJA) §70914, the recipient may submit a BABA waiver request to EPA. The recipient should request guidance on the submission instructions of an EPA waiver request from their EPA Project Officer. A list of approved EPA waivers is available on the BABA website. In addition to BABA requirements, all procurements under grants may be subject to the domestic preference provisions of 2 CFR §200.322.

Davis-Bacon and Related Acts (DBRA): The Davis-Bacon and Related Acts (42 U.S.C. §§ 3141-3144) set labor standards, including prevailing wages and fringe benefits, and apply to most federally funded contracts for construction of public works. The DBRA labor standards and reporting requirements apply to construction projects assisted with grants authorized by the CAA, including this program, as provided in CAA § 314 (42 U.S.C. § 7614).¹⁵ A term and condition specifying DBRA compliance requirements will be included in the grant agreement.

Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA): The URA applies to acquisitions of property and displacements of individuals and businesses that result from federally

¹⁵ EPA will use the definition of *Construction* in 40 CFR 33.103 to determine whether funding will be for a construction project. That definition defines *Construction* as “. . . erection, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other improvements to real property, and activities in response to a release or a threat of a release of a hazardous substance into the environment, or activities to prevent the introduction of a hazardous substance into a water supply.”

assisted programs. The URA and Federal Highway Administration's implementing regulations at 49 CFR Part 24 require grantees to follow certain procedures for acquiring property for grant purposes, such as notice, negotiation, and appraisal requirements. The statute and regulations also contain requirements for carrying out relocations of displaced persons and businesses, such as reimbursement requirements for moving expenses and standards for replacement housing. A term and condition specifying URA compliance requirements will be included in the grant agreement.

National Historic Preservation Act (NHPA): Section 106 of the NHPA requires all federal agencies to consider the effects of their undertakings, including the act of awarding a grant agreement, on historic properties. If NHPA compliance is required, necessary Section 106 consultation activities, such as historic or architectural surveys, structural engineering analysis of buildings, public meetings, and archival photographs, can be considered allowable and allocable grant costs. A term and condition specifying NHPA compliance requirements will be included in the grant agreement.

Note that Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. § 793(c)(1)) exempts all actions under the CAA from the requirements of NEPA (National Environmental Policy Act). This Section states: "No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969." Therefore, as a grant program authorized under the CAA, NEPA will not apply to projects funded under the Community Change Grants.

Justice40 Reporting: The activities to be performed under the awards are expected to contribute to the President's goal that 40% of overall benefits of certain federal investments flow to disadvantaged communities (the Justice40 Initiative. See Section I.A). Recipients, therefore, will be expected to report on certain metrics to demonstrate to what extent the activities contribute to the 40% goal. A term and condition specifying reporting of metrics demonstrating the extent to which the grant's activities advance this 40% goal will be included in each grant agreement.

Signage: The activities to be performed under the awards are expected to publicize that they were funded by the U.S. Environmental Protection Agency and the Inflation Reduction Act (e.g., via signs at the place(s) of performance. The award will include appropriate terms and conditions about signage requirements.

Environmental Justice Grant Applicant Database: The Community Change Grants program strives to support as many CBOs that apply regardless of their ultimate success in receiving a grant, by, as appropriate 1) familiarizing applicants with federal grant application requirements, 2) sharing expectations and responsibilities of managing federal grants, 3) providing constructive feedback and recommendations on ways to strengthen unselected applications, 4) helping organizations build sustainability into projects so they continue to grow and develop after the project period is over, and 5) facilitating connections with other potential resources that can help organizations address community needs. To facilitate the achievement of these, all applicants who apply under this NOFO will be added to our Environmental Justice Grant Applicant Database.

Reporting Requirements: Grantees will be subject to both program performance as well as financial and administrative reporting requirements, as described below. Note that EPA will only collect reporting information from the Lead Applicant (rather than from any subrecipients), but each Lead Applicant may need to collect reporting information from subrecipients (e.g., Collaborating Entities, Statutory Partners) to meet these reporting requirements.

Program Performance Reporting: In accordance with 2 CFR § 200.329, each grantee will be subject to program performance reporting requirements. Reporting requirements effective during the period of

performance will be established in the grant agreement's terms and conditions, and reporting requirements effective after the period of performance will be established in a closeout agreement.

During the period of performance, EPA will require each grantee to submit quarterly performance reports within 30 days after the end of each reporting period (and with additional requirements every fourth quarterly report i.e., annually) as well as a final performance report within 90 days after the end of the period of performance. EPA will require that each grantees chief executive officer or equivalent review and submit each of these reports. EPA will use information from these reports as part of program-wide public reporting, except to the extent such information includes confidential business information (CBI) or personally identifiable information (PII) pursuant to 2 CFR § 200.338.¹⁶ Included below is information that EPA may require in these reports.

Financial and Administrative Reporting Requirements: Each grantee will be subject to financial and administrative reporting requirements, which will be included in the grant agreement's terms and conditions ([EPA's General Terms and Conditions](#)). These requirements will include, but not be limited to:

- **Federal Financial Report:** In accordance with 2 CFR § 200.328 and 2 CFR § 200.344, each grantee must submit the Federal Financial Report ([SF-425](#)) at least annually and no more frequently than quarterly. The frequency of reporting and report submission instructions will be specified in the terms and conditions.
- **Financial Records Retention:** In accordance with 2 CFR § 200.334, each grantee will be required to retain financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to the grant award for a period of three years from the date of submission of the final expenditure report. Additional record retention requirements on program income used after the end of the period of performance will be specified in close-out agreements.
- **MBE / WBE Utilization:** When required, each grantee must complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report ([EPA Form 5700-52A](#)) on an annual basis.
- **Real Property Status Report:** In accordance with 2 CFR § 200.329, each grantee must submit a "Real Property Status Report" ([SF-429](#)) to report real property status or request agency instructions on real property that was / will be provided as Government Furnished Property (GFP) or acquired (i.e., purchased or constructed) in whole or in part under a federal financial assistance award.

C. Audit Requirements

In accordance with 2 CFR § 200.501(a), each grantee will be required to obtain a single audit from an independent auditor, if the grantee expends \$750,000 or more in total federal funds in the grantee's fiscal year. Audits will be made public in accordance with the process described in 2 CFR § 200.512. The grantee must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the grantee's fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the [Federal Audit Clearinghouse's Internet Data Entry System](#). In addition, each grantee may be subject to additional audit requirements, including but not limited to compliance requirements as part of any compliance supplement to the single audit.

D. Remedies for Non-Compliance

¹⁶ Information claimed as CBI in accordance with this Notice will be disclosed only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B.

In accordance with 2 CFR § 200.208, 2 CFR § 200.339, and 2 CFR § 200.340, EPA is provided authority for multiple potential responses if a grantee violates the terms of the grant agreement.

E. Program Administration Activities

Under 2 CFR § 200.403 and other applicable provisions of 2 CFR Part 200, Subpart E, costs are allowable under federal awards so long as they are necessary and reasonable for the performance of the grant award. Under this NOFO, consistent with these regulations, program administration activities are allowable costs, with such activities supporting administration of the grant program. Program administration activities include (but are not limited to) conducting due diligence and underwriting financial transactions; establishing and convening advisory councils; conducting program performance and other reporting activities (e.g., expenditures for personnel and equipment to procure technology infrastructure and expertise for data analysis, performance, and evaluation); and supporting, monitoring, overseeing, and auditing subrecipients, contractors, and program beneficiaries.

F. Fraud, Waste, and Abuse Awareness

Recipients of awards under this NOFO need to be alert and sensitive to indicators of fraud, waste, and abuse regarding the use of federal funds under the award. Fraud generally is a false representation about a material fact and can be any intentional deception designed to unlawfully deprive the United States or the EPA of something of value or to secure for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Waste generally involves the taxpayers not receiving a reasonable value for money in connection with any government-funded activities due to an inappropriate act or omission. Most waste does not involve a violation of law; rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Abuse generally involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse may also include misuse of authority or position for personal financial interests of those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud or violation of laws, regulations or grant provisions. Indicators of fraud, waste, and abuse can be found on the EPA Office of Inspector General [website](#). Recipients should report any suspected fraud, waste, and / or abuse to the EPA Project Officer for the award or the EPA Office of Inspector General. Note that EPA Project Officers will refer matters to the EPA Office of Inspector General as appropriate.

G. Quality Management Plans (QMPs) & Quality Assurance Project Plans (QAPPs)

Quality assurance documentation is required for awards that involve environmental information operations. EPA Project Officers will work with all selected recipients on quality assurance (QA) requirements. Once the award is made, if a QMP and / or QAPP is required for the project, the applicant will develop the document and submit for EPA's approval. Selected applicants cannot begin environmental information operations until EPA approves the QMP and / or QAPP.

Environmental Information Operations: A collective term that encompasses the collection, production, evaluation, or use of environmental information and the design, construction, operation, or application of environmental technology. Environmental information includes data and information that describe environmental processes or conditions. Examples include but are not limited to: direct measurements of environmental parameters or processes, analytical testing results of environmental conditions (e.g., geophysical, or hydrological conditions), information on physical parameters or processes collected using environmental technologies, calculations or analyses of environmental information, information provided by models, information compiled or obtained from databases, software applications, decision support tools,

websites, existing literature, and other sources, and development of environmental software, tools, models, methods, and applications.

Quality Management Plan (QMP): The recipient may need to develop a QMP. The QMP describes an organization's Quality Program. Requirements for QMPs are found in the most recent version of EPA's [Quality Management Standard](#). A QMP documents the technical activities to be performed and how the program will integrate QA, quality control, QAPPs, training, etc., into all its environmental information operations.

Quality Assurance Project Plans (QAPP): The recipient may need to develop a QAPP(s). A QAPP describes how environmental information operations are planned, implemented, documented, and assessed during the life cycle of a project. Requirements for QAPPs are found in the most recent version of [EPA's Quality Assurance Project Plan Requirements / Standard Quality Assurance Project Plans \(QAPP\)](#). Quality assurance is sometimes applicable to assistance projects (see 2 CFR 1500.12). Quality assurance requirements apply to the collection of environmental data. Environmental (data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources, such as databases or literature. Once the award is made, if a Quality Assurance Project Plan is required for the project, the applicant will have to draft a QAPP prior to beginning work on the project. You must reserve time and financial resources in the beginning of your project to prepare your QAPP and include the cost for developing your QAPP in your Detailed Budget. Selected applicants cannot begin data collection until EPA approves the QAPP.

Section VII. Contact Information

[\(back to the Table of Contents\)](#)

For information or questions about this NOFO, please email: CCGP@epa.gov

Appendix A. Definition of Disadvantaged Communities and Mapping Requirements

(back to the Table of Contents)

Applicants must demonstrate that the projects in their application would benefit a disadvantaged community. EPA is defining disadvantaged community as one that meets at least one of the following criteria:

1. A geographically-defined community identified as disadvantaged on the [EPA IRA Disadvantaged Communities Map](#). The map combines multiple datasets (including [CEJST](#) and [EJScreen](#)) that determine whether a community is disadvantaged for the purposes of implementing programs under the IRA. All datasets are assigned values at the Census block group level.¹⁷ Instructions for how to use the map to identify disadvantaged community eligibility are below under the section titled “EPA’s IRA Disadvantaged Community Layer Availability.”
2. A community that falls into one of the following two categories¹⁸:
 - a. A farmworker community comprised of individuals with no fixed work address, who travel from their permanent residence to work in agriculture on a temporary or seasonal basis, and may relocate several times throughout the year. Applicants can demonstrate that a farmworker community is comprised of such individuals by submitting verification documentation from an authorizing governmental entity or through comparable means.
 - b. A Disadvantaged Unincorporated Community (DUC). For purposes of this NOFO, DUCs are generally defined as Census Designated Places¹⁹ that lack fixed legally determined geographic boundaries and have certain common characteristics and conditions (e.g., the absence of adequate permanent water, sewer services, or acceptable housing). This includes all areas defined as Colonias by the U.S. Department of Housing and Urban Development (HUD).²⁰ Colonias that are not defined by HUD but are identifiable on the “Colonias” layer in EJScreen are also considered DUCs. DUC status can also be demonstrated through submitting localized data that represent similar characteristics. Applicants who seek funding for projects in a DUC Targeted Investment Area should demonstrate eligibility using the DUC criteria listed above. Applicants should direct questions to CCGP@epa.gov regarding verification.

¹⁷ The EPA IRA Disadvantaged Community User Layer Guide includes: 1) All census tracts that are identified as disadvantaged in the [Climate & Economic Justice Screening Tool \(CEJST\)](#); 2) Any census block group that is at or above the 90th percentile for any of EJScreen’s Supplemental Indexes when compared to the nation or state, and / or 3) any geographic area within Tribal lands (including Alaska Native Allotments, Alaska Native Villages, American Indian Reservations, American Indian Off-reservation Trust Lands, & Oklahoma Tribal Statistical Areas), as included in EJScreen. Note: CEJST is a tool used to identify disadvantaged communities in furtherance of the Justice40 Initiative from EO 14008. EPA’s [EJScreen](#) is an environmental justice mapping and screening tool that provides demographic and environmental information at a fine geographic resolution across the United States. The data described above from these tools are used to help ensure that projects benefit disadvantaged communities.

¹⁸ Applicants are encouraged to acknowledge when communities identified in the following two categories overlap with the disadvantaged communities described above.

¹⁹ [Census Designated Places](#) (CDPs) are statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.

²⁰ [Colonias History – HUD Exchange](#).

Project Area and Project Area Map for Track I Applications

Track I Applications

For Track I applications, applicants must define the specific disadvantaged community that the projects and supporting activities will directly benefit by submitting to EPA one contiguous Project Area Map with an outlined boundary as instructed below.

The Project Area Map should also reflect where each project submitted under the application is located within the Project Area. The Project Area may include multiple census block groups (or the equivalent) that are designated as a disadvantaged community by EPA as defined above. All projects and activities should be located within the Project Area, except in cases where the project must be located outside of the Project Area to address the localized pollution issue at the source, or where otherwise necessary to ensure that the disadvantaged community will benefit from the project. One such example is if the project addresses water quality issues upstream to benefit a downstream community. While projects and activities may have an incidental benefit to census block groups (or other areas) that are not considered disadvantaged communities, the applicant must demonstrate that the projects' primary benefits will flow to disadvantaged communities in the Project Area.

Applicants may submit a map generated in EPA's EJScreen tool. Applicants also have the option to submit a map in another geospatial format such as a shapefile (.shp), geodatabase (.gdb), or map service if census data is not available for the community.

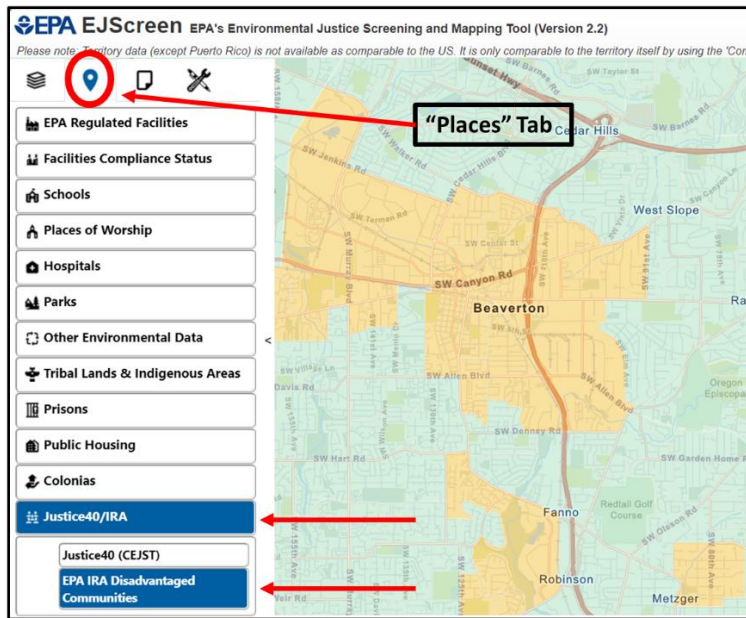
The submitted map should include the following:

- a. The Project Area with an outlined boundary.
- b. Main streets, landmarks, or both.
- c. Community assets (e.g., parks or play areas, schools, community center).
- d. Jurisdictional boundaries, including incorporated and unincorporated areas.
- e. Any other attributes that may provide important context about the Project Area.

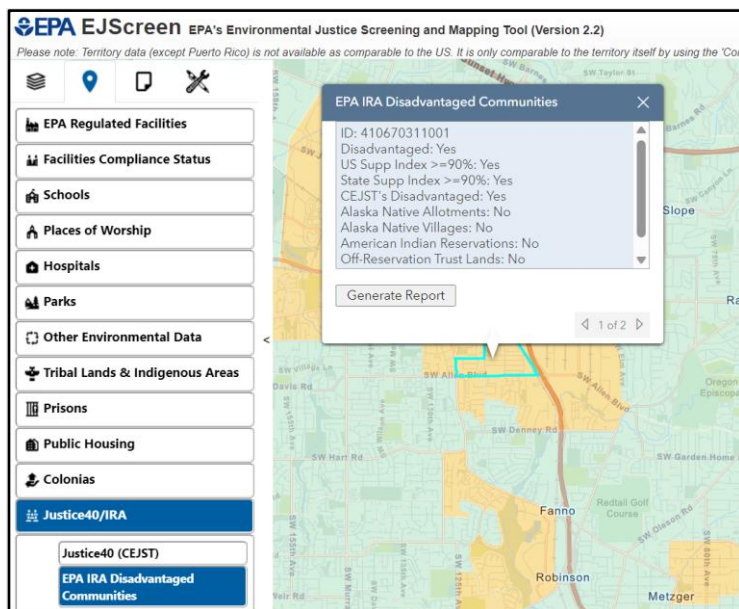
Note: While Track II applications are not required to submit a Project Area Map, as stated in Section III.D and IV.B they must describe and identify the disadvantaged communities that will benefit from the projects.

EPA's IRA Disadvantaged Community Layer Availability

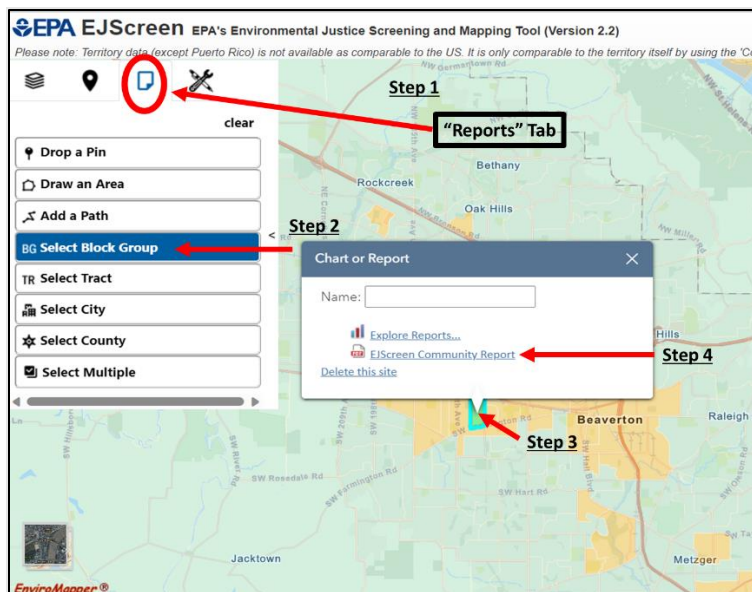
Within EJScreen, EPA's IRA Disadvantaged Community layer can be found in the "Places" tab by clicking the "Justice40 / IRA" category, and then selecting "EPA IRA Disadvantaged Communities." Census tracts designated as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST) are also available in the same category. See screenshots below.



Users can click on the individual block groups to generate a pop-up indicating the criteria that led to the designation. Please see below:



To generate an EJScreen community report, click the "Reports" tab and then "Select Block Group" or "Select Multiple." Click on the disadvantaged community, and when the pop-up appears, select "EJScreen Community Report."



For disadvantaged communities that cannot be identified using the “EPA IRA Disadvantaged Communities” layer, applicants must describe the communities and indicate how the project will benefit them. Applicants may use other layers featured in EJScreen to help identify these communities.

If you would like the data products and technical document associated with this map layer, please visit: [Inflation Reduction Act Environmental and Climate Justice Program](#).

Appendix B. Partnership Agreement between the Lead Applicant and Statutory Partner

(back to the Table of Contents)

To be eligible for funding, the Lead Applicant must include in the application a copy of a written and signed Partnership Agreement with the Statutory Partner that is legally binding. At a minimum, the Partnership Agreement must specify the following:

- Who will be the Lead Applicant and the Statutory Partner.
- The Lead Applicant is responsible for the overall management, performance, oversight, and reporting responsibilities under the grant, and for making subawards to Collaborating Entities.
- The Lead Applicant will be responsible for the receipt of federal funds from EPA and the proper expenditure of these funds and will bear liability for unallowable costs.
- The roles and responsibilities of the Lead and Statutory Partner for project activities and how disputes between them will be handled and resolved. Please note that EPA is not a party to the Partnership Agreement, and any disputes between the parties must be resolved under the law applicable to the Partnership Agreement.
- The Lead Applicant is responsible for compliance and legal issues, and managing risks associated with the project. It must also describe the procedures for replacing a Statutory Partner with another Statutory Partner, and for ensuring the replacement has the comparable expertise, experience, knowledge, and qualifications of the replaced Statutory Partner to ensure successful grant completion within 3 years. Replacement may be necessary for various reasons including performance issues. Note that replacement requires prior approval by an authorized EPA official pursuant to 2 CFR 200.308(c)6).
- The Lead Applicant and Statutory Partner's agreement, if the proposed application is selected for award, to enter a subaward that complies with the subaward requirements in the grant regulations at 2 CFR 200.331 and in EPA's Subaward Policy and related guidance and that contains terms and conditions including those above.

[Appendix C. Climate Action Strategies and Associated Project Activities](#)

([back to the Table of Contents](#))

Eligible project activities associated with each Climate Action Strategy identified in Section I.G. of the NOFO could include but are not limited to the following examples. Applicants may propose different activities as long as they are consistent with the applicable Climate Action Strategy as described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Green Infrastructure and Nature-based Solutions

Examples:

- **Building climate resilience and carbon sequestration through tree planting**
 - Mitigate urban heat islands through reflective surfaces and shade trees or other vegetation, including preparing planting sites and establishing and caring for trees and other vegetation.
 - Plant trees in public spaces.
 - Plant trees in sites that are strategically selected to shade buildings (i.e., planted within 60 feet of a building).
- **Multi-benefit stormwater projects**
 - Construct permeable surfaces, collection basins, rain gardens, bioswales and other green infrastructure.
 - Restore and / or protect wetlands.
 - Improve urban forest site(s) to create new or more functional planting locations for trees and other vegetation, such as bioswales, which contribute to:
 - Greening to protect and conserve community lands and water;
 - Watershed protection that supports sensitive wildlife habitat and enhances water access.; and / or
 - Replacement of concrete or pavement and restoring spaces to more natural conditions to restore water to the community, reduce flooding, and improve public greenspace.
- **Public parks and open spaces**
 - Create new parks or enhance / expand existing parks to provide climate resilience benefits like heat island reduction and flood mitigation or other demonstrable environmental benefits.
 - Green existing schoolyards to protect vulnerable populations by adding nature-based solutions.

Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience

Examples:

- Construct new, expanded, or enhanced bikeways, walkways, or non-motorized urban trails that reduce vehicle miles traveled and related air pollution by providing safe routes for zero-emission travel between residences, workplaces, commercial and community centers, and schools.
- Implement “[Complete Streets](#)” projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities. projects to improve walkability, bike-ability, and transit use, including improved access for people with disabilities that reduce vehicle miles traveled and related air pollution.

- Implement climate resilience measures on bikeways or trailways such as raising the elevation or installing permeable pavers to reduce flooding or increasing shade coverage to mitigate extreme heat.
- Conduct the measurement, analysis, design, planning and engineering work necessary to submit a competitive application for state and / or federal funding that will fund large-scale improvements (larger than this competition is able to fund) to significantly reduce a community’s Greenhouse Gas (GHG) emissions and / or improve climate resilience.
- Purchase, lease, or contract for the use of zero-emission vehicles for community car sharing, vanpooling, ride-sharing, and related mobility options.
- Purchase, construct, and / or install infrastructure, equipment, or facilities to create and / or support low or zero-emission transportation options.

Guidelines:

- Transportation projects that involve public transit or improvements to public property should include a governmental agency as a Collaborating Entity that will help perform and oversee the project.

Strategy 3: Energy-Efficient, Healthy, Resilient Housing and Buildings

Examples:

- Install energy efficiency measures such as insulation, double or triple glazed windows, “cool roofs” that reflect sunlight, and energy management systems in public buildings.
- Install ventilation systems to help improve indoor air quality during pollution-related events such as wildfires.
- Install or retrofit homes or multi-family housing with higher-efficiency electric heating, cooling, and cooking systems (e.g., heat pumps, heat pump water heaters, electric and induction stoves, electric clothes dryers).
- Reduce heat island effects by installing cool roofs on homes, multi-family housing, or public buildings.
- Implement other similar projects qualified under [HUD’s Green and Resilient Retrofit Program \(GRRP\)](#). Note that applicants who have received or will receive HUD funding under this program must have internal controls in place to ensure that the same costs are not charged to more than one Federal grant.²¹

Guidelines:

- In their Project Narrative, applicants should describe how low-income residents will directly benefit from the project through lower costs and how residents will be trained on how to operate and maintain new technology and equipment, where applicable.
- For projects that will fund home or multi-family housing improvements, applicants should include details of their target tenants or homeowners, such as with those incomes at or below the greater of:
 - For Metropolitan Areas: (1) 80% Area Median Income (AMI) and (2) 200% of the Federal Poverty Level

²¹ Refer to 2 CFR 200.403(f).

- For Non-Metropolitan Areas: (1) 80% AMI; (2) 80% Statewide Nonmetropolitan Area AMI; and (3) 200% of the Federal Poverty Level
- Applicants may also target community housing (e.g., land bank, housing conservancy, cooperative, or other community-based nonprofit) or public housing for this strategy.
- Applicants should refer to the description of the Community Strength Plan in the NOFO, particularly the need to minimize the risks associated with displacing current residents due to EPA-funded investments for this strategy.

Strategy 4: Microgrid Installation for Community Energy Resilience

Examples:

- Construct microgrid infrastructure.
- Install microgrids with onsite renewable energy generation and storage.
- Install ancillary energy infrastructure necessary to support microgrids.
- Install other energy infrastructure for microgrid operations.

Guidelines:

- The application should include details that demonstrate the extent to which the microgrid will serve the target community, such as: that the microgrid will be used to ensure that reliable power is provided for any community-serving buildings or critical facilities during extreme weather emergencies or any weather-related outages; that the community lacks an external grid, and the microgrid will be used to meet local energy consumption needs during normal or “blue sky” conditions; or where an external grid is available, that the microgrid will be capable of interconnecting with that grid to meet peak energy consumption demands and increase grid reliability.

Strategy 5: Community Resilience Hubs

Examples:

- Assess the most acute climate risks facing a community (e.g., extreme heat, flooding, wildfire), identify where the community has gaps in its resilience strategy, then design a plan to mitigate specific risks by creating or upgrading community facilities to serve as resilience hubs that remain operable during an emergency.
- Purchase and install backup power equipment such as generators or onsite solar and storage at one or more resilience hubs.
- Implement structural and non-structural retrofits to enhance the resilience of the hub (e.g., raise the building elevation to reduce flood risk, improve cooling systems and / or insulation to reduce extreme heat risk).
- Implement wildfire mitigation measures such as retrofitting the hub to reduce flammability, creating a defensible space between the hub and its surrounding environment, and installing air filtration equipment to reduce the risks of smoke inhalation.
- Purchase and install communications devices that can operate even with loss of local power and telecommunications systems.

Guidelines:

- The resilience hubs should be operable during an emergency. Applicants are encouraged to develop plans that will help ensure the facility is operable, including an emergency communications plan, plan for backup power during emergencies, and agreements and processes for activating the facility in the event of an emergency.
- The community resilience hub should be a community-convening space that provides climate resilience and related resources and services to community residents.
- Applicants should demonstrate how they will work with relevant emergency response organizations to maximize the efficacy and use of the resilience hub.

Strategy 6: Brownfields Redevelopment

Examples:

- Build and / or upgrade existing structures and sites to improve community use while reducing GHG emissions and / or improving climate resilience.
- Implement greening efforts (tree-planting, park construction or renovations, community garden developments, etc.) that mitigate GHG emissions and / or improve climate resilience.
- Install low or zero emission energy infrastructure such as solar and storage.
- Conduct deconstruction and green demolition activities to support adaptive reuse or new construction. Applicants can refer to EPA’s Climate Smart Brownfields Manual for information about green demolition activities.
- Acquire land to enable a brownfield redevelopment that has emissions mitigation and / or climate resilience benefits.

Guidelines:

- Redevelopment sites eligible for funding must be consistent with the federal definition of a Brownfield site in 42 U.S.C. 9601(39) as follows: a brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.
- Projects for adaptive reuse should explore and can leverage national and state historic preservation tax credits to maximize funding streams.²²
- Applicants must demonstrate that no cleanup activities will be performed at the site, and / or that cleanup activities are not necessary at the site. This can be demonstrated by one of the following:
 - A completed Phase I Environmental Site Assessment with no recognized environmental conditions (RECs) at actionable levels;
 - A completed Phase II Environmental Site Assessment with sampling result levels below actionable levels;
 - Lead or asbestos building survey or equivalent environmental or building investigation to determine no likely sources of contamination or hazardous materials will be encountered on site that pose risks to the adjacent community or occupational health and safety risks to workers; or
 - No Further Action letter from the state or Tribal Brownfields response program.

²² See guidelines for [Tax Incentives for Preserving Historic Properties](#).

Strategy 7: Waste Reduction and Management to Support a Circular Economy²³

Examples:

- Implement a community-scale composting program to reduce emissions from food waste that includes an educational campaign to inform Project Area residents about climate benefits of reducing food waste.
- Implement a community-scale recycling program.
- Reduce emissions from food waste by implementing programs that distribute unused food to project area residents.

Guidelines:

- Where relevant, applicants should demonstrate that all inedible food scraps derived from projects are composted, and that other materials are diverted from landfills and support a circular economy.
- Where relevant, project activities should demonstrate how they are using EPA best practices related to the circular economy or other sources of guidance.²⁴ Resources include the [Planning for Natural Disaster Debris](#) guidance and [Sustainable and Resilient Communities Through Solid Waste Investments and Best Practices After Disasters](#).
- Applicants should consider EPA's ranking of [wasted food management pathways](#) and [EPA Waste Management hierarchy](#) for sustainable materials management.

Strategy 8: Workforce Development Programs for Occupations that Reduce GHG Emissions and Air Pollutants

This strategy allows applicants to propose workforce development programs that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities.

This strategy allows applicants to propose workforce development programs for employment in fields that will help reduce GHG emissions and other air pollutants to benefit disadvantaged communities. A wide range of occupations support the reduction of GHG emissions and air pollutants. Because EPA cannot provide an exhaustive list of such occupations, applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Examples of career pathways that may be part of a workforce development program include but are not limited to: electricians, steamfitters, pipefitters, laborers, and other skilled trades occupations that support building electrification, renewable energy projects, and other similar activities; occupations related to the manufacturing of low- and zero-emission technologies; careers in low- and zero-emissions transportation such as vehicle mechanics supporting electric vehicle technologies; community health and outreach workers that assist households in reducing their emissions and addressing sources of pollution; and other careers related to emissions reduction, such as methane mitigation or agricultural carbon mitigation. Applicants should describe how their workforce development program will support the reduction of GHG emissions or other air pollutants.

Guidelines:

²³ A circular economy is generally described as a model of production and consumption, which involves sharing, leasing, reusing, repairing, refurbishing, and recycling materials and products as long as possible and based on three main principles: eliminate waste and pollution, circulate products and materials, and regenerate nature.

²⁴ Refer to EPA's guidance on the [Circular Economy | US EPA](#)

As noted in Section I.G of the NOFO, strong workforce development programs should include the following three features at a minimum:

1. Multi-sectoral partnerships that bring together workforce expertise and enable pathways into high-quality careers.

The foundation of a strong workforce development initiative is a set of partners that represent diverse expertise, community and worker voice, and employer needs. For these programs, applicants may collaborate with organizations with workforce development expertise, such as labor unions, tradeswomen organizations, local workforce development boards (locate yours using this U.S. Department of Labor [search tool](#)), career and technical schools, community colleges, workforce development nonprofits, and other similar organizations.

Examples of the types of expertise and experience that are important for a successful workforce development program include, but are not limited to:

- Technical skills and experience to lead classroom and on-the-job training, including equipping students and individuals with the skills needed to succeed and be safe on the job, including knowledge of new and emerging greenhouse gas and other air emissions-reduction technologies;
- Knowledge of the local, State, and regional labor market and relevant relationships to have a deep understanding of employer hiring, staffing, and skilling needs, emerging trends especially related to the clean energy transition, and considerations for local job quality and worker voice;
- Strong awareness of the barriers individuals in the community face to training and employment, including an understanding of unique barriers specific populations face, and clear strategies for how to address those barriers; and
- Established relationships of trust within the community, including knowledge of relevant history and community dynamics, in addition to meaningful, long-lasting relationships in the community that will support trainee recruitment and participation.

2. High-quality training models that are worker-centered, demand-driven, and lead to good jobs.

Workforce development projects should be focused on training individuals for high-quality, long-term career pathways in family-sustaining jobs, rather than short-term or temporary, low-wage jobs. Applications should demonstrate that the workforce development project fulfills an industry demand in the Project Area and surrounding region, is informed and supported by employers, and has a clear pathway to long-term employment with family-sustaining wages. This will be key to delivering programs that enable true economic mobility for individuals in disadvantaged communities and bolster the capacity of communities to respond to environmental justice concerns in a sustained fashion.

Examples of high-quality, evidence-backed training models are: Apprenticeship readiness programs (or “pre-apprenticeships”) with a connection to one or more Registered Apprenticeship Programs; Registered Apprenticeship Programs (registered via the U.S. Department of Labor (DOL) Office of Apprenticeship or State Apprenticeship Agency); Joint Labor-Management Training Programs; paid internships; partnerships with community colleges or vocational schools that award an industry-recognized credential; and similar models that combine on-the-job learning, classroom learning, and mentorship. DOL has a resource on “high-road training programs” that applicants are invited to review [here](#).

Workforce development programs can serve adult or youth populations. Applicants may consider high-quality youth-serving training models, including: pre-apprenticeship programs that prepare young people to enter Registered Apprenticeship Programs; career and technical education programs (as described by the

[U.S. Department of Education](#)); and other similar models. Please note that applicants may propose programs to be included in the [American Climate Corps](#) (ACC), which is a federal government initiative focused on training young people for high-demand skills for jobs in the clean energy economy. To qualify as an ACC program, the program must provide youth with at least 300 hours of paid skills-based training and / or service. Applicants submitting a workforce development project to be considered for the ACC should note that in their application.

3. Strategies for recruiting and retaining individuals from disadvantaged communities, especially for populations that face disproportionate barriers to employment.

It is a statutory requirement (section 138(b)(1) of the Clean Air Act) for this program to benefit disadvantaged communities. These benefits may include providing opportunities to individuals with barriers to training and / or employment, so they can find long-term employment and economic opportunity in fields associated with air pollutants and GHG reduction. Projects should be designed with comprehensive research and evidence-based strategies for addressing barriers to recruitment, training, employment, and retention. Examples include supportive services to meet the needs of the disadvantaged community, such as childcare and transportation assistance; life skills and basic skills training, such as financial literacy and job readiness, to prepare for a career related to GHG and air pollutant reduction; career services, such as developing individualized employment plans; peer-to-peer mentorship programs to connect experienced workers with new workers to help them learn the job and find a sense of belonging in the workplace; reasonable accommodations consistent with federal equal employment opportunity laws; coaching to support work-based learning; and case workers to support workers with barriers to employment.

Applicants proposing a workforce development project are encouraged to describe the following elements and any additional details identified by the applicant:

- Design of the program, including if the applicant is proposing a high-quality, evidence-backed training model as described above, and a description of the credential(s) the participants will earn.
- Duration of the program and program components, such as time spent in classroom and on-the-job training. Applicants are encouraged to also describe ongoing support participants will receive once they exit the training program and connect to full-time employment to support retention.
- How applicants will engage employers and how the program will connect to high-quality jobs. Applicants can review the federal Good Jobs Principles [here](#).
- Estimated number of participants that will be trained in the program.
- Plan for how the program will recruit participants and how the program will build visibility and trust among residents of the Project Area.
- Curriculum the program will use and how it is informed by industry standards and employer demand.
- Wages or stipends for the duration of the program. Applicants are strongly encouraged to provide reasonable compensation for time spent in training to increase participation and retention.
- Strategies the program will use to meet the needs of populations that experience barriers to training and employment.
- Applicant's approach to administering supportive services to mitigate barriers to training and employment.
- Indicators the program will use to evaluate success as well as the methodology the program will use to track the progress of participants during and after the program. Applicants may review the Six Primary Indicators of Performance used by the public workforce system, as described by the Department of Labor [here](#).

Appendix D. Pollution Reduction Strategies and Associated Project Activities

(back to the Table of Contents)

Eligible project activities associated with each Pollution Reduction Strategy could include but are not limited to the following examples. Applicants may propose different activities as long as the activities are consistent with the applicable Pollution Reduction Strategy described in Section I.G of the NOFO and are eligible for funding under section 138(b)(2) of the Clean Air Act.

Strategy 1: Indoor Air Quality and Community Health Improvements

Examples:

- Remediate or mitigate harmful substances in buildings, including lead, mercury, pesticides, radon, mold, PCBs (caulk, flooring, etc.), lead-based paint, asbestos, and other toxic substances.²⁵
- Install, upgrade, or replace HVAC and / or filtration systems that improve indoor quality in schools, community-serving buildings, and single-and-multifamily homes. These upgrades may be done in conjunction with climate strategies that reduce building GHG emissions.
- Equip community centers and community buildings in agricultural worker communities with decontamination stations (e.g., publicly available shower and laundry stations) to eliminate take-home pesticide exposures.
- Purchase equipment that can enable “do-it-yourself” upgrades using research-based methods, to distribute within communities impacted by smoke.
- Replace wood heaters that do not meet EPA’s New Source Performance Standards with more efficient, cleaner heaters certified by EPA, and independently verified to meet (or to have emissions below) the most stringent Step 2 emission reduction standards described in Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces heaters.

Strategy 2: Outdoor Air Quality and Community Health Improvements

Examples:

- Reduce exposure from mobile and stationary sources by:
 - developing or expanding vegetative barriers.
 - creating alternate truck route programs to decrease impacts to sensitive communities.
 - providing grants, rebates, or subsidies for households, small businesses, public partners, and community organizations to replace portable diesel equipment such as leaf blowers and lawn mowers with zero-emission alternatives.
 - retrofitting spray booths in local small businesses to reduce VOC contamination from auto body painters.
 - providing grants, rebates, or subsidies for backup battery systems to replace diesel backup generators in homes, public facilities, or small businesses.
- Create clean air zones or low-emission zones such as:

²⁵ The prohibition on using Community Change Grant funding to remediate Brownfields sites does not apply to this activity.

- Encouraging “last-mile” delivery through electric delivery vehicles (e.g., trucks, vans, cargo bikes).
- Electrifying local government-owned fleets providing services to communities (e.g., sanitation trucks, public buses).
- Implementing urban designs that promote air flow and reduce the concentration of pollution along street corridors (e.g., remove or reduce costly parking mandates, reduce idling of diesel vehicles).
- Implement sustainable construction practices such as minimizing dust and emissions during building projects (e.g., electrify equipment, cover construction sites, utilize water sprays, properly manage waste).
- Replace toxic play surfaces that emit harmful pollutants (e.g., tire crumb and certain turfs at schools, community playgrounds, and fields) with non-toxic, permeable options to provide safe places for children to play.
- Develop other policies that promote reductions in air pollution from transportation such as land use and zoning policies that enable households to live in affordable, dense, and vibrant communities within urban and rural areas.

Guidelines:

- Communities seeking funding for zero-emission school buses should encourage their local school district apply to EPA’s \$5 billion [Clean School Bus program](#).

Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience

Examples:

- Perform targeted infrastructure upgrades such as:
 - Replacing private-side lead lines in a home, childcare facility, school, or other community-serving building during full lead service line replacement²⁶
 - Septic to sewer conversions that connect homes to nearby community water systems.
 - Installing working water fountains at schools and parks where there are no fountains or they are inoperable, malfunctioning, or contaminated.
 - Installing water conservation and efficiency technologies that will allow utilities to better monitor and reduce energy consumption onsite.
 - Installing water reuse technologies that allow for system decreases in both energy and water use efficiencies through water capture, loss prevention, and closed loop approaches.
- Prepare and apply for state and / or federal water infrastructure funding to address larger community needs (e.g., a leak detection and pipe replacement plan, a PFAS action plan, or upgrades to water and wastewater treatment facilities that reduce pollution) by:
 - Assessing the problem through water sampling and monitoring.
 - Developing a plan, which could include the necessary design and engineering work.
 - Preparing an application for federal funding to one of several sources such as to EPA’s State Revolving Loan funds.
- Provide emergency interventions such as:

²⁶ [EPA’s Drinking Water Regulations for Lead. Lead Service Lines. Strategies to Achieve Full Lead Service Line Replacement.](#)

- providing recurring point-of-use filters while communities await lead service line replacement.
- providing alternate water supplies for communities and buildings that have contaminated water (PFAS, lead, PCBs, arsenic, nitrates, etc.) in communities with contaminated water systems.
- adopting facility procedures or system upgrades that allow for service flexibilities, mobility, and continuity in the event of an emergency due to climate-related disaster events.

Guidelines:

- The projects should also include a public outreach / education campaign on safe drinking water and / or wastewater, working with the public water system where possible.^{27 28}
- Activities should be coordinated with the EPA funded [Environmental Finance Centers](#) to minimize duplication of effort.

Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste

Examples:

- Purchase equipment for hazardous waste sampling to determine classification.
- Collect, process, recycle, or otherwise dispose of household hazardous waste and electronics programs and infrastructure.
- Conduct compliance oversight for the collection, processing, recycling, storage and disposition of household hazardous waste and electronics.
- Develop or expand hazardous waste collection, recycling, and safe recycling programs and infrastructure.
- Develop or expand safe disposal technologies for hazardous waste.
- Reduce demand for single-use plastic products (by installing public water bottle refill stations and water fountains or implementing community and city-scale water reuse and refill systems), and phasing out single-use products that may be unnecessary.

²⁷ [EPA on Reducing Lead in Drinking Water](#). [EPA Communication Plan 3Ts](#). [Basic Information about Your Drinking Water](#).

²⁸ [Drinking Water Analytical Methods](#).

Appendix E. Job Quality & Equitable Employment Opportunities

([back to the Table of Contents](#))

It is a priority of the EPA that this grant program supports high-quality, family-sustaining, community-strengthening jobs with the free and fair choice to join a union, consistent with [Executive Order 14082, Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022](#). As such, EPA is interested in funding proposals that have a commitment to creating good jobs and utilizing a diverse, highly skilled workforce, including an emphasis on creating employment opportunities for populations living in communities that are disadvantaged.

This supports the broader goals of environmental justice by making sure federal funds are spent on Climate Action and Pollution Reduction projects that have a commitment to strong labor standards, creating stronger communities where worker, employer, and community needs are collectively met. Characteristics of a good job include strong wages and family-sustaining benefits; worker empowerment and neutrality with respect to union organizing and collective bargaining; work environments that promote worker health and safety; job security; equitable workforce development pathways and opportunities for career advancement; and supportive services, such as childcare and transportation, to support individuals that face barriers to employment; among others. When considering how to support job quality, EPA encourages applicants to review the eight [Good Jobs Principles](#) developed by the U.S. Department of Labor and Department of Commerce. The Department of Labor has produced several resources that help potential applicants understand the Good Jobs Principles and implement them through federal funding programs including: [Good Jobs in Federal Investments: A Toolkit for Employers, Workers, and Government](#); [Good Jobs Initiative Job Quality Check List](#); [Good Jobs in Federal Investments: Data and Reporting Appendix](#).

Grant funding for construction projects under this program is subject to Davis Bacon and Related Acts prevailing wage laws as provided in Section 314 of the Clean Air Act. Beyond this requirement, applicants are encouraged to articulate additional strategies they will use to deliver on the goals outlined above, including ensuring high labor standards and a diverse workforce to benefit the local community where the EPA funded work is taking place. These commitments should be concrete, specific, and measurable rather than vague statements, and may be integrated into EPA's agreement with the recipient through programmatic terms and conditions.

Appendix F. Track I and II Outputs and Outcomes

[\(back to the Table of Contents\)](#)

The term “output” means an environmental activity, effort, and / or associated work product related to an environmental / public health goal and objective that will be produced or provided over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the assistance agreement funding period.

The term “outcome” means the result, effect, or consequence that will occur from carrying out an environmental / public health program or activity that is related to an environmental / public health programmatic goal or objective. Outcomes may be environmental, behavioral, health-related, or programmatic in nature, but must be quantitative. They may not necessarily be achievable within the assistance agreement funding period.

Examples of expected outputs and outcomes for the Track I and II awards under this NOFO include but are not limited to the following as applicable depending on the strategies and projects in the application. Applicants may identify additional outputs and outcomes as relevant to their specific strategies and projects in their application.

Track I Output and Outcome Examples

Strategy	Output Examples	Outcome Examples
Climate Action Strategies		
Strategy 1: Green Infrastructure and Nature-based Solutions	<ul style="list-style-type: none"> ▪ Coastal green infrastructure projects, including blue-green trails (#) ▪ Green / complete streets, sidewalks, bus stops (#) ▪ Green / cool roofs (#) ▪ Area of impermeable surfaces replaced with vegetation (acres) ▪ New parks and / or public green space developed (acres) ▪ New shade tree canopy (square footage, # of shade trees planted) ▪ Area under implementation of low tillage / composting practices (acres) ▪ New community gardens and greenhouses (#) 	<ul style="list-style-type: none"> ▪ Increased green space as measured by square footage of added greenspace ▪ Increased resilience to extreme weather and climate conditions as measured by reduction in flash flooding events, improved groundwater recharge, and cooler ambient temperatures during heat waves ▪ Increased community resilience as measured by reduced damage and recovery costs for infrastructure, property, and cultural resources
Strategy 2: Mobility and Transportation Options for Preventing Air Pollution and Improving Public Health and Climate Resilience	<ul style="list-style-type: none"> ▪ New EVs, bikes / electric bikes, and other low-and-zero emissions vehicles that are available via carsharing / bike sharing programs (#) 	<ul style="list-style-type: none"> ▪ Reduced air pollution from transportation (e.g., GHG reductions, reduced number of days with unsafe air quality for vulnerable populations) ▪ Increased use of public transportation services and

	<ul style="list-style-type: none"> ▪ Streets improved to encourage walkability, bike-ability, and transit use (#, miles) ▪ EVs that can be used as backup power in lieu of diesel generators (#) 	<p>programs that promote electric vehicles, car sharing, and bike sharing</p>
Strategy 3: Energy-efficient, Healthy, Resilient Housing and Buildings	<ul style="list-style-type: none"> ▪ Home energy audits performed (#) ▪ Air sealings completed (#) ▪ Homes insulated (#) ▪ Natural gas appliances replaced with electric equivalents (#) ▪ Mobile homes retrofitted with solar panels and storage (#) ▪ Electrification, weatherization, and HVAC upgrades / replacements of low-income houses, apartments, small businesses, and other community buildings (#) ▪ Energy efficient home-heating appliances installed (#) ▪ Homes or units converted to electric heating (#) 	<ul style="list-style-type: none"> ▪ Lower consumption of home heating fuels (propane, heating oil, natural gas, and wood) and reduction in associated climate pollutants (e.g., black carbon, methane, CO₂), as well as ambient and indoor emissions of Hazardous Air Pollutants and PM_{2.5}. ▪ Decreased incidence of asthma
Strategy 4: Microgrid Installation for Community Energy Resilience	<ul style="list-style-type: none"> ▪ Renewable energy capacity installed (MW) ▪ Battery storage installations (MWh) ▪ GHG emissions reductions (ton CO₂) 	<ul style="list-style-type: none"> ▪ Enhanced resilience during extreme weather events as measured by fewer power disruptions ▪ Increased number of homes connected to a resilient power source
Strategy 5: Community Resilience Hubs	<ul style="list-style-type: none"> ▪ Space built or converted into a community resilient hub (square ft) ▪ Disaster preparedness trainings delivered (#) ▪ Stormwater management flood preparedness training delivered (#) 	<ul style="list-style-type: none"> ▪ Enhanced physical safety during natural disasters as measured by the number of hospitalizations and lives lost among vulnerable populations ▪ Increased community awareness of emergency preparedness
Strategy 6: Brownfield Redevelopment	<ul style="list-style-type: none"> ▪ Impervious surface reduced (square footage) ▪ Community meetings to involve impacted residents (#) ▪ Green demolition activities to support adaptive reuse or new construction (#) ▪ Shade trees planted (#) and new vegetation (square footage) 	<ul style="list-style-type: none"> ▪ Square footage of space redeveloped for resilience purposes, such as heat-reducing shade ▪ New economic opportunities created through the redevelopment of previously polluted land (e.g., number of business or low-income housing units)

<p>Strategy 7: Waste Reduction and Management to Support a Circular Economy</p>	<ul style="list-style-type: none"> ▪ Waste diverted from landfills (pounds / tons) ▪ Waste recycled (pounds / tons) ▪ Food waste composted (pounds / tons) 	<ul style="list-style-type: none"> ▪ Cleaner communities with less trash / waste on land and in waterbodies as measured by litter surveys ▪ Reduced food waste and associated emissions as measured by weight of compost diverted from landfills
<p>Strategy 8: Workforce Development Programs for Occupations that Reduce Greenhouse Gas Emissions and Air Pollutants</p>	<ul style="list-style-type: none"> ▪ Individuals in disadvantaged communities that participate in workforce training in sectors related to GHG emissions and air pollution reduction who are currently unemployed, under-employed, or face employment barriers (#) ▪ People in disadvantaged communities hired and retained into high-quality jobs to reduce air pollution and GHG emissions based on participation in a workforce training program (#) ▪ Individuals who receive wages / stipends and supportive services delivered to enable community members' participation in workforce training programs (# individuals receiving such wages / stipends) 	<ul style="list-style-type: none"> ▪ Increased literacy among community members about environmental sectors and skills required to pursue these jobs ▪ Increased number of high-quality workforce training programs, such as pre-apprenticeship and Registered Apprenticeship, in disadvantaged communities ▪ Increased wages, benefits, job quality, and job security for participants in workforce training programs
<p>Alaskan-specific Climate Action Strategies</p>	<ul style="list-style-type: none"> ▪ Renewable generation capacity installed (MW) ▪ Fuel storage facilities repaired (#) ▪ Greenhouses constructed (#) ▪ Portable micro-water treatment systems installed (#) 	<ul style="list-style-type: none"> ▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses ▪ Increased access to energy sources with low air pollution and carbon emissions ▪ Protection of cultural resources including environmental habitats
<p>Pollution Reduction Strategies</p>		
<p>Strategy 1: Indoor Air Quality and Community Health Improvements</p>	<ul style="list-style-type: none"> ▪ [Type of] trainings implemented (#) ▪ Classrooms with air cleaners (#) ▪ Houses / schools with upgraded / improved HVAC systems (#) ▪ Homes in which moisture issues have been addressed (#) ▪ Wood appliance upgraded or replaced (#) 	<ul style="list-style-type: none"> ▪ Increased public and environmental health literacy ▪ Decreased incidence of asthma symptoms as measured by doctor visits or school nurse visits for asthma symptoms ▪ Reduced exposure to radon and risk of developing radon-induced lung cancer
<p>Strategy 2: Outdoor Air Quality and Community Health Improvements</p>	<ul style="list-style-type: none"> ▪ Clean air zones or low-emission zones created (#) 	<ul style="list-style-type: none"> ▪ Increased public and environmental health literacy

	<ul style="list-style-type: none"> ▪ Abandoned oil / gas wells plugged (#) ▪ Toxic play surfaces replaced (#) ▪ Community monitoring and alert systems installed to alert households to increasing pollution levels (#) ▪ Wildfire smoke preparedness trainings delivered (#) 	<ul style="list-style-type: none"> ▪ Reduced exposure to PM, carbon dioxide, VOCs, ozone, nitrogen dioxides, and toxics. ▪ Increased skill development and improvements in community capacity to independently assess air pollution reduction options
Strategy 3: Clean Water Infrastructure to Reduce Pollution Exposure and Increase Overall System Resilience	<ul style="list-style-type: none"> ▪ Clean water fountains installed in schools / parks (#) ▪ Full lead service lines replaced for low-income homes (miles) ▪ Private wells tested for PFAS (#) ▪ Stormwater management / flood preparedness trainings delivered (#) ▪ Water efficiency systems installed (e.g., drought mitigation systems, rain capture installations) (#) 	<ul style="list-style-type: none"> ▪ Decreased levels of water contamination and pollution as measured by boil water advisories, lead poisoning, or water quality monitoring results ▪ Increased availability of clean, safe drinking water
Strategy 4: Safe Management and Disposal of Solid and Hazardous Waste	<ul style="list-style-type: none"> ▪ Lead paint remediations completed (#) ▪ Tires diverted from landfills / the environment to disposal facilities (#, weight) ▪ Neighborhoods / cities / residents served through residential waste composting / chipping program (#) ▪ Waste transfer, material reuse, and / or recycling stations installed in underserved communities (#) 	<ul style="list-style-type: none"> ▪ Decreased exposure to toxics and hazardous chemicals ▪ Reduced odors and pathogens ▪ Increased residential waste composting
Strategy 5: Eliminate Harmful Chemicals through Product Replacements	<ul style="list-style-type: none"> ▪ Conventional products replaced with Safer Choice-certified or other EPA recommended products (#, volume, customers impacted) ▪ Units of PFAS food contact materials replaced (#) 	<ul style="list-style-type: none"> ▪ Reduced exposure to hazardous chemicals for those who live and work in and near places with chemical use and application
ANCSA-Specific Pollution Reduction Strategies	<ul style="list-style-type: none"> ▪ Homes served with micro-water treatment systems (#) ▪ Planning documents and Environmental Information Document created (#) ▪ Site assessments and initial cleanups completed (#) 	<ul style="list-style-type: none"> ▪ Improved water and soil quality so water / land can be used for Alaskan Native traditional uses ▪ Protection and preservation of cultural resources including environmental habitats

	<ul style="list-style-type: none"> ▪ Reduced exposure to harmful chemicals and pollutants on Alaskan Native lands through remediation of contaminated lands and buildings (acres of land, # buildings) 	
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Track II Output and Outcome Examples

Outputs

- New policies developed and implemented in response to community recommendations (e.g., through a new advisory council, participatory budgeting) (#)
- Community benefits agreements or memoranda of understanding signed (#)
- Number of community residents who complete a training that builds their capacity to participate in government processes (#)
- Amount of new funding allocated to benefit disadvantaged communities (dollars)
- Number of residents who participate in a community-based participatory research initiative that informs a government process and / or priority (#)
- Research products published with data reflecting community opinions and preferences (#)
- Number of educational forums and / or meetings held between governmental officials and community members (#)

Outcomes

- Increased involvement of individuals from disadvantaged communities in local, state, federal and other governmental environmental public processes
- Expanded knowledge of local, state, federal and other governmental environmental public processes among disadvantaged communities
- Stronger relationships and trust between disadvantaged communities and government entities on matters relating to environmental protection
- More transparent processes for governmental decision-making on environmental protection policies and greater governmental focus on inclusivity
- Increased accountability and community input into governmental decision-making on environmental protection policies
- More informed decisions made, and environmental actions taken, by government bodies to benefit disadvantaged communities
- Enhanced capacity in disadvantaged communities to be involved in local, state, federal, and other governmental environmental public processes
- Increased funding to enable disadvantaged communities to address environmental and climate justice issues
- New environmental or climate policies developed to be responsive to community needs

Appendix G. Budget Template

[\(back to the Table of Contents\)](#)

(This template is optional, and applicants may use a different format for the template).

Category	Description	Total
Personnel		
Fringe Benefits		
Travel		
Equipment		
Supplies		
Contractual		
Construction		
Other (separate by participant support costs, subawards, and other costs)		
Total Direct Costs (sum of the above categories)		
Indirect Costs		
Total Project Costs (sum of direct and indirect costs)		

Guidance for Budget Template

The budget template is an attachment to the application and does not count toward the Project Narrative's page limit as described in Section IV of the NOFO. Applicants should include applicable rows of costs for each budget category in their budget template to accurately reflect the proposed application budget for each year of the grant. EPA provides detailed guidance on budget development in the [Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#), but applicants may use other forms instead of this template as long as total costs per category (and specific descriptions of costs) are included.

Applicants must itemize costs related to personnel, fringe benefits, travel, equipment, supplies, contractual costs (including acquisitions of intangible property), construction, and other costs (including subawards and participant support costs) as direct costs. Direct costs plus the indirect costs equal the total project costs. Descriptions of these cost categories are below. Applicants should be aware that if their projects include using federal funds to purchase goods, products, and materials on any form of construction, alteration, maintenance, or repair of infrastructure in the United States, they must comply with the Build America, Buy America Term and Condition if they are selected for an award.

To facilitate consideration of an application for partial funding, EPA recommends that applicants separate costs for financial assistance in the program budget by project category, to the extent practicable.

- **Personnel - List all staff positions by title. Give annual salary, percentage of time assigned to the project, and total cost for the budget period.** This category includes only direct costs for the salaries of those individuals who will perform work directly for the program (paid employees of the applicant organization as reflected in payroll tax records). Personnel costs do not include: (1) costs for services of contractors (including individual consultants), which are included in the "Contractual" category; (2) costs for employees of subrecipients under subawards or non-employee program participants (e.g., interns or volunteers), which are included in the "Other" category; or (3) effort that is not directly in support of the proposed program, which may be covered by the organization's negotiated indirect cost rate. The budget table must identify the personnel category type by Full Time Equivalent (FTE), including percentage of FTE for part-time employees, number of personnel proposed for each category, and the estimated funding amounts.
- **Fringe Benefits - Identify the percentage used, the basis for its computation, and the types of benefits included.** Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages. Fringe benefits may include, but are not limited to, the cost of leave, employee insurance, pensions, and unemployment benefit plans. If the applicant's fringe rate does not include the cost of leave, and the applicant intends to charge leave to the agreement, it must provide supplemental information describing its proposed method(s) for determining and equitably distributing these costs.
- **Travel - Specify the mileage, per diem, estimated number of trips in-state and out-of-state, number of travelers, and other costs for each type of travel.** Travel may be integral to the purpose of the proposed program (e.g., site visits); related to proposed program activities (e.g., attendance at community engagement meetings); or for a technical training or workshop that supports effective implementation of the program activities (e.g., consumer awareness activities). Only include travel costs for employees in the travel category. Travel costs do not include: (1) costs for travel of contractors (including consultants), which are included in the "Contractual" category; or (2) travel costs for employees of subrecipients under subawards and non-employee program participants (e.g., trainees), which are included in the "Other" category. Further, travel does not

include bus rentals for group trips, which would be covered under the “Contractual” category. Finally, if the applicant intends to use any funds for travel outside the United States, it must be specifically identified. All proposed foreign travel must be approved by EPA’s Office of International and Tribal Affairs prior to being taken.

- **Equipment - Identify each item to be purchased that has an estimated acquisition cost of \$5,000 or more per unit and a useful life of more than one year.** Equipment also includes accessories necessary to make the equipment operational. Equipment does not include: (1) equipment planned to be leased / rented, including lease / purchase agreement; or (2) equipment service or maintenance contracts that are not included in the purchase price for the equipment. These types of proposed costs must be included in the “Other” category. Items with a unit cost of less than \$5,000 must be categorized as supplies, pursuant to 2 CFR § 200.1. The budget table must include an itemized listing of all equipment proposed under the program. If installation costs are included in the equipment costs, labor expenses shall be itemized with the detailed number of hours charged and the hourly wage. If the applicant has written procurement procedures that define a threshold for equipment costs that is lower than \$5,000, then that threshold takes precedence.
- **Supplies - “Supplies” means all tangible personal property other than “equipment.” The budget detail should identify categories of supplies to be procured (e.g., laboratory supplies or office supplies).** Non-tangible goods and services associated with supplies, such as printing services, photocopy services, and rental costs must be included in the “Other” category.
- **Contractual - Identify proposed contracts, specifying the purpose and estimated cost for typical contractual services and disaggregating any costs for acquisitions of intangible property.** Contractual services (including consultant services) are those services to be carried out by an individual or organization, other than the applicant, in the form of a procurement relationship. The [EPA Subaward Policy](#) and supplemental frequently asked questions have detailed guidance available for differentiating between contractors and subrecipients. Leased or rented goods (equipment or supplies) must be included in the “Other” category. EPA does not require applicants to identify specific contractors, but if an applicant does so they must demonstrate that the contractor was selected in compliance with competitive procurement requirements in 2 CFR Parts 200 and 1500. Subcontracts are not subawards and belong in the “Contractual” category.

In the budget description, the applicant should list the proposed contract activities along with a brief description of the anticipated scope of work or services to be provided, proposed duration, and proposed procurement method (competitive or non-competitive), if known. Any proposed non-competed / sole-source contracts more than the applicant’s 2 CFR § 200.320(a) micro-purchase threshold (generally \$10,000) must include a justification. Note that EPA rarely accepts proposed sole source contracts for goods and services (e.g., consulting) that are widely available in the commercial market absent a copyright, patent, or equipment warranty requirement or similar restriction that establishes that only one source can provide the necessary good or service; unique qualifications or long-standing relationships with a grantee do not provide an adequate basis for a sole source contract. Applicants must provide the aggregate amount they propose to issue as acquisitions of intangible property as a separate line item in the “Contractual” category. Refer to the [EPA Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) for EPA’s policies on competitive procurements and encouraging the use of small and disadvantaged business enterprises.

- **Other - List each item in sufficient detail for EPA to determine the reasonableness and allowability of the cost.** This category should include only those types of direct costs that do not

fit in any of the other budget categories including subawards, participant support costs, and additional costs (e.g., insurance, costs for acquiring or improving real property, rental / lease of equipment or supplies, equipment service or maintenance contracts, and printing or photocopying).

- **Subawards** - 2 CFR § 200.1 defines a subaward as “an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity.” 2 CFR § 200.1 defines a Pass-through entity as “a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program” and a Subrecipient as “an entity...that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award.” Identify each major subaward including those with the Collaborating Entities. Applicants must show the individual and aggregate amounts they propose to issue as subawards. Additional guidance is available in the EPA Subaward Policy and below.
- **Participant Support Costs** - 2 CFR § 200.1 defines participant support costs as “direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.” EPA regulations at 2 CFR § 1500.1(a)(1) expands the definition of participant support costs to include “[S]ubsidies, rebates, and other payments to program beneficiaries to encourage participation in statutorily authorized environmental stewardship programs.” Additional guidance is available in the [EPA Guidance on Participant Support Costs](#).

Indirect Costs

If indirect costs are budgeted, indicate the approved rate and distribution base. Indirect costs are those incurred by the grantee for a common or joint purpose that benefit more than one cost objective or project and are not readily assignable to specific cost objectives or projects as a direct cost. Indirect costs must be based on a rate approved by the applicant’s cognizant federal agency, or the 10% de-minimus rate authorized by 2 CFR § 200.414(f). Additional indirect cost guidance is available in [Indirect Cost Guidance for Recipients of EPA Assistance Agreements](#) and in Section VI.u, “IDC Competition Clause,” of the [EPA Solicitation Clauses](#).

Notwithstanding this, indirect costs have been capped as described below based on a deviation approved per 2 CFR 200.414:

Limitation on indirect costs for grants and cooperative agreements

- a. In general: Except as otherwise provided by statute, indirect costs charged against any grant and / or cooperative agreement awarded under this NOFO shall not exceed 20 percent of the total amount of the federal award.
- b. Exception: Subsections (a) and (c) shall not apply to Indian Tribes as defined in section 302(r) of the Clean Air Act who serve in the role of direct recipient and / or subrecipient under the program or to Intertribal consortia that meet the requirements of 40 CFR 35.504(a) and (c) even if the Intertribal consortia is eligible for funding as a Community Based Nonprofit Organization.
- c. Treatment of subawards: In the case of a grant and / or cooperative agreement described in subsection (a), the limitation on indirect costs specified in such subsection shall be applied to both the initial direct assistance award amount and any subaward of the federal funds provided under the initial assistance award so that the total of all indirect costs charged to each of the federal awards (i.e., both the initial direct assistance award amount and any subawards) funded under the initial assistance award does not exceed such limitation. As provided in 2 CFR 200.332(a)(2) pass-through

entities are responsible for ensuring compliance with the indirect cost limitation by their subrecipients.

Note: This limit does not extend to indirect costs on procurement contracts.

[Appendix H. Alaska Tribal Lands Target Investment Area](#)

[\(back to the Table of Contents\)](#)

As noted in Section II.B, this NOFO includes a Target Investment Area for projects benefitting Alaska Tribal lands that are defined as disadvantaged communities in Appendix A. Under this Target Investment Area, EPA is accepting applications that include projects focusing on the clean-up of contaminated lands conveyed through the Alaska Native Claims Settlement Act (ANCSA).

Applications submitted by eligible applicants including Alaska Native Villages (ANVs), Alaska Native Nonprofit Organizations, and Alaska Native Nonprofit Associations for the Alaskan Target Investment Area must include, like all other Track I applications, at least one Climate Action Strategy and at least one Pollution Reduction Strategy and meet the other Track I application requirements in Section I.G of the NOFO, to be eligible for funding. Applicants are not limited to a single project activity under a strategy and may select several project activities associated with a strategy. Note that the for-profit Alaska Native Corporations are not eligible to be Lead Applicants or Statutory Partners for this NOFO. The Climate Action and Pollution Reduction Strategies addressed in applications for the Alaskan Target Investment Area can address either the Climate Action and Pollution Reduction Strategies (and project activities referenced in Appendices C and D) in Section I.G, or any specific Alaskan ones described below under paragraphs 1 and 3. EPA strongly encourages applications that include Pollution Reduction strategy projects to clean up contaminated lands such as those conveyed through ANCSA as addressed in Section 1 below.

1. ANCSA-Specific Pollution Reduction Strategy and Associated Project Activities

This section describes project activities specific to the assessment and cleanup of sites covered by the Contaminated ANCSA Lands Assistance Program. The specific requirements that apply to ANCSA cleanup projects are below.

ANCSA was enacted in 1971 to settle aboriginal claims to public lands through the conveyance of 46 million acres of land to Alaska Native regional and village corporations and the transfer of one billion dollars from the state and federal governments as compensation for lands which could not be returned to Alaska Native ownership. Many of the lands promised and conveyed to corporations pursuant to the settlement in ANCSA were contaminated. The contaminants on some of these lands—which include arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls, and petroleum products—pose health and other concerns to Indigenous Alaskans and communities and are present in quantities above state and federal clean-up levels, negatively impacting subsistence resources and hampering cultural, social, and economic activities.

In 2023, EPA initiated a new [Contaminated ANCSA Lands Assistance Program](#) (ANCSA Program) to assist with addressing contamination on lands conveyed pursuant to ANCSA and provide funding to (1) characterize, assess, and conduct planning and community involvement activities related to these lands and (2) to carry out cleanup activities at ANCSA sites contaminated at the time of conveyance. The statutory authority for the ANCSA Program (Public Law 117-328) states that recipients of grants awarded under the ANCSA Program may use the funding to “. . . supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements.”

Eligible ANCSA project activities:

- Conducting Planning and Developing Site Plans:
 - Planning and site plan development for individual contaminated sites.

- Where multiple sites are connected through location, infrastructure, or economic, social, and environmental conditions, planning and site plan development can take an area-wide approach for multiple sites. Applicants must demonstrate how work conducted at several sites will benefit the primary site selected for investment. Project Area requirements are outlined in I.D of the NOFO but may be waived for purposes of coordinated cleanup.
- Conducting Site Assessments and Related Activities:
 - Conducting site assessment and sampling activities
 - Developing a Health and Safety Plan, Quality Assurance Project Plan and / or Sampling Plan prior to conducting any environmental sampling and analysis (a requirement for any projects conducting sampling).
 - Submitting samples for analysis to an EPA accredited laboratory. Analytical costs from evaluating site samples.
 - Developing a report of the sample results and conclusions based on analysis (i.e., Conceptual Site Model, Assessment report, Site Inspection or Sampling Summary Report).
 - Supporting planning for future cleanup activities such as analysis of cleanup alternatives.
- Conducting Initial Cleanup Activities:
 - Developing a site cleanup approach and documenting the approach in a Site Cleanup Plan to include agreed upon cleanup endpoints, aligned with Alaska Department of Environmental Conservation (ADEC) cleanup process.
 - If necessary, procuring contract services to conduct cleanup activities such as contaminated material removal, sampling, or health and safety monitoring.
 - Conducting environmental confirmation sampling post-cleanup activities to determine if further action is required. If necessary, planning for next phase of site cleanup.
 - Developing a report documenting removal and / or cleanup activities.
- Conducting Community Engagement Activities:
 - As noted in Section I of the NOFO, all applicants are required to develop a Community Engagement Plan. Effective community engagement is vital to working effectively with Alaska Native communities. Therefore, for ANCSA-related cleanup projects, Community Engagement Plans should include community engagement activities and / or development of culturally sensitive protocols for project implementation of cleanup activities.
 - Costs of conducting community engagement activities, including training for workforce development, youth engagement, elder engagement in documentation of Traditional Knowledge, and other costs associated with meaningfully engaging the community in the project can be included in the proposal budget.
- Compiling Information to Use to Comply with NEPA
 - The projects funded under this NOFO do not require Environmental Information Documents (EID) because EPA awards under this NOFO are not subject to the National Environmental Policy Act (NEPA), under Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)). However, applicants may seek funding to prepare EIDs as needed to comply with NEPA in connection with other federal grant-funded projects in Alaska. EPA awards under the ANCSA program, for example, are subject to NEPA, as are programs funded by other federal agencies.

Additional Eligibility Requirements for ANCSA-related projects and activities:

Applicants proposing ANCSA-related cleanup projects must provide the following documentation of eligibility in their application. Failure to do so may render the application ineligible for funding. Specifically, applicants must provide the following site-specific information for where the cleanup activities will be performed, demonstrating that the site:

- was conveyed pursuant to ANCSA;
- was contaminated by hazardous substances, pollutants, contaminants, or petroleum at the time of conveyance; and
- is listed on the interim EPA inventory of Contaminated ANCSA Lands (for more information on EPA’s interim inventory and program related to cleaning up contaminated lands conveyed pursuant to ANCSA, visit EPA Region 10’s [website](#)).
- If the applicant is not the owner of the contaminated site(s) to be addressed, EPA will require proof that the landowner will provide access to the site and supports taking action to address contamination.

2. **General Alaskan Pollution Reduction Strategies**

In addition to the ANCSA land contamination projects identified above, applicants for the Alaskan Tribal Lands Target Investment Area may include Pollution Reduction Strategies as identified in Section I.G of the NOFO.

3. **Alaska-Specific Climate Action Strategies**

Below are examples of additional Alaska-specific Climate Action Strategies and project activities that may be included in applications for the Alaskan Tribal Lands Target Investment Area, which are in addition to the Climate Action Strategies described in Section I.G of the NOFO.

- Community energy resilience, which may include activities such as:
 - Multi-energy systems including renewable (solar, wind, etc.) and traditional (bulk fuel) sources to increase resilience during extreme events and support a clean energy transition.
 - Power system projects, including renewable energy projects, and the construction, repair, and maintenance of fuel storage facilities in rural areas.
- Improving human health and climate resilience, which may include activities such as:
 - Construction of greenhouses that enable sustainable food growth that can promote healthy foods, food accessibility, and food availability.
 - Food storage facilities to enable sustainable access to traditional foods to support places where permafrost degradation is destroying traditional ice cellars. New food storage facilities may be constructed to support the access and availability of traditional foods. Selection of this project component must include a permafrost mitigation strategy.
 - Projects to support new and improved access points to traditional food resources, such as construction of new fishing docks or river / lake boat ramps to allow for improved fishing opportunities in places that have a high reliance on traditional foods, where climate change has degraded access and availability of food sources.
- Permafrost degradation management strategies that may include strategies such as:
 - Source water protection (impacts from landfills, thawing of permafrost, and potential impacts to traditional drinking water sources as well as established drinking water systems).
 - Portable micro-water treatment systems applicable to those impacted by emergencies which impact drinking water systems, with the ability to treat water until system repairs are complete or new systems built.

- Manage and monitor contamination impacting land, food, and water backhaul / removal of waste materials not suitable for disposition in permitted landfills in Alaska.
- Climate emergency management and response strategies that may include activities such as:
 - Purchase of emergency response cargo containers with materials ready to deploy, including four-wheeler, snowmachine, communications, temporary office location, boat, oil spill response materials, smoke management equipment, etc.
 - Development of emergency alert and warning systems for wildfires, flooding and other emergencies stemming from climate change.
- Nature-based resilience strategies that may include activities such as:
 - Restoration of natural systems to help protect coastal communities from the impacts of storms, floods, and other natural hazards.
 - Storm damage prevention and reduction, coastal erosion, and ice and glacial damage stemming from climate change.

**Agenda Sheet for City Council:****Committee:** Finance & Administration **Date:** 01/22/2024**Committee Agenda type:** Consent**Council Meeting Date:** 01/29/2024

		Date Rec'd	1/10/2024
		Clerk's File #	OPR 2024-0050
		Renews #	
		Cross Ref #	OPR 2023-0829
Submitting Dept	NEIGHBORHOOD SERVICES	Project #	
Contact Name/Phone	PATRICK 6263	Bid #	
Contact E-Mail	PSTRIKER@SPOKANECITY.ORG	Requisition #	PENDING
Agenda Item Type	Contract Item		
Council Sponsor(s)	BWILKERSON PDILLON		
Agenda Item Name	0550- EAST CENTRAL COMMUNITY CENTER ROOF RESTORATION CONTRACT		

Agenda Wording

Contract for the repair of the roof at the East Central Community Center/MLK, contractor switch from Weatherproofing Technologies to Kreuger Sheet Metal.

Summary (Background)

The roof on the center is in need of repair, Facilities briefed the specifics of the roof requirements in Study Session on 3/9/2023. This contract will authorize the supplier to restore the roof with a new warranty. Contract total - 797,830.00 (plus applicable sales tax). Originally approved as OPR 2023-0829 in 8/21/2023 legislative session. Through the Contractor Network Delivery model identified in Omnia contract R180903 tab 4, contract is changing from Weatherproofing Tech to Kreuger.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 797,830.00

Current Year Cost \$ 797,830.00

Subsequent Year(s) Cost \$ 0

Narrative

This amount is before sales tax. Funding Source: Dept of Commerce Grant S22115

Amount	Budget Account
Expense \$ 797,830.00	# 1360-94175-94750-56203-20252
Select \$	#
Select \$	#
Select \$	#
\$	#
\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	STRIKER, PATRICK
<u>Division Director</u>	FINCH, ERIC
<u>Accounting Manager</u>	BUSTOS, KIM
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	JONES, GARRETT

Additional Approvals

<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

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Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	Office of Neighborhood Services
Contact Name	Jason Nechanicky (Jeffrey Teal, Patrick Striker)
Contact Email & Phone	jnechanicky@spokanecity.org , jteal@spokanecity.org , pstriker@spokanecity.org
Council Sponsor(s)	CM Wilkerson
Committee Date	10/16/2023
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	East Central Community Center Roof Restoration Contract with Krueger
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The roof on the center is in need of repair, the Facilities briefed the specifics of the roof requirements in Study Session on March 9th 2023. This contract will authorize the supplier to restore the roof with a new warranty.</p> <p>Contract total – 797,830.00 (plus applicable sales tax)</p> <p>Originally approved as OPR 2023-0829 in 8/21/2023 legislative session. Through the Contractor Network Delivery model identified in Omnia contract R180903 tab 4, the contract is changing from Weatherproofing Technologies Inc. to Kreuger Sheet Metal</p>
Proposed Council Action	Approve
Fiscal Impact Total Cost: <small>Click or tap here to enter text.</small> Approved in current year budget? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Dept of Commerce Grant S22115 Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
The MLK center provides various services to the neighborhood and will ensure the building is properly maintained to continue to serve it community needs.	
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?	
No data will be collected resulting from this action.	
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?	

No data will be collected resulting from this action.

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 action aligns with City Facility building plans to ensure that buildings are properly maintained.



City of Spokane

PUBLIC WORKS CONTRACT

Title: **MARTIN LUTHER KING COMMUNITY CENTER 2023 ROOF IMPROVEMENTS**

This Contract is made and entered into by and between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **KRUEGER SHEET METAL CO.**, whose address is 18420 E. Garland Avenue, Spokane Valley, Washington 99027 as ("Contractor"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

1. **PERFORMANCE/SCOPE OF WORK.** The Contractor will do all work, furnish all labor, materials, tools, construction equipment, transportation, supplies, supervision, organization and other items of work and costs necessary for the proper execution and completion of the work described in the specifications entitled **MARTIN LUTHER KING COMMUNITY CENTER 2023 ROOF IMPROVEMENTS**, selected through Omnia contract R180903.
2. **CONTRACT DOCUMENTS.** The Contract Documents are this Contract, the Contractor's completed Proposal No. WA-R-180903-318729 (Exhibit B), the contract provisions, contract plans, standard specifications, standard plans, addenda, various certifications and affidavits, supplemental agreements, change orders and subsurface boring logs (if any).. These contract documents are on file in the Office of Neighborhood Services and are incorporated into this Contract by reference as if they were set forth at length. In the event of a conflict, or to resolve an ambiguity or dispute, federal and state requirements supersede this Contract, and this Contract supersedes the other contract documents.
3. **TERM.** The term of this Contract begins on August 21, 2023, and ends on December 31, 2024, unless amended by written agreement or terminated earlier under the provisions.
4. **TERMINATION.** Either party may terminate this Contract by ten (10) days written notice to the other party. In the event of such termination, the City shall pay the Contractor for all work previously authorized and performed prior to the termination date.
5. **COMPENSATION/PAYMENT.**
 - A. **COMPENSATION.** Total compensation for Contractor's services under this Contract shall be a maximum amount not to exceed **SEVEN HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED THIRTY AND NO/100 DOLLARS (\$797,830.00)**, plus sales tax if applicable, unless modified by a written amendment to this Contract. This is the maximum amount to be paid under this Contract for the work described in Section 1 above, and shall not be exceeded

without the prior written authorization of the City in the form of an executed amendment to this Contract.

- B. PAYMENT. The Contractor will send its applications for payment to the City of Spokane Office of Neighborhood Services, Sixth Floor, 808 West Spokane Falls Boulevard, Spokane, Washington 99201.. All invoices should include the City Clerk File No. "OPR XXXX-XXXX" and an approved L & I Intent to Pay Prevailing Wage number. The final invoice should include an approved Affidavit of Wages Paid number. Payment will not be made without this documentation included on the invoice. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company's application except as provided by state law. Five percent (5%) of the Contract price may be retained by the City, in accord with RCW 60.28 for a minimum of forty five (45) days after final acceptance, as a trust fund for the protection and payment of: the claims of any person arising under the Contract; and the State with respect to taxes imposed pursuant to Titles 50, 51 and 82 RCW which may be due from the Contractor.

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

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

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

9. PUBLIC WORKS REQUIREMENTS. The Contractor and each subcontractor are required to fulfill the Department of Labor and Industries Public Works and Prevailing Wage Training Requirement under RCW 39.04.350. The contractor must verify responsibility criteria for each first tier subcontractor, and a subcontractor of any tier that hires other subcontractors must verify the responsibility criteria listed in RCW 39.04.350(1) for each of its subcontractors. Verification shall include that each subcontractor, at the time of subcontract execution, meets the responsibility criteria. This verification requirement, as well as responsibility criteria, must be included in every public works contract and subcontract of every tier.

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

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers and Employer's Liability Insurance in the amount of \$1,000,000;
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Contractor's services to be provided under this Contract;
 - i. Acceptable supplementary Umbrella insurance coverage combined with Company's General Liability insurance policy must be a minimum of \$1,000,000, in order to meet the insurance coverage limits required in this Contract; and
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles; and
- D. Property Insurance if materials and supplies are furnished by the Contractor. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the Consultant or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Consultant shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Agreement. **The certificate shall specify the City of Spokane as "Additional Insured"** specifically for Contractor's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the thirty (30) day cancellation clause, and the deduction or retention level. The Consultant shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

11. **INDEMNIFICATION.** The Contractor 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 Contractor's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Contractor 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 Contractor'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 Contractor, its agents or employees. The Contractor specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Contractor's own employees against the City and, solely for the purpose of this indemnification

and defense, the Contractor specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Contractor recognizes that this waiver was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. The 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. CONTRACTOR'S WARRANTY. The Contractor's warranty for all work, labor and materials shall be in accordance with the contract documents.

13. SUBCONTRACTOR RESPONSIBILITY.

A. The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. Upon request of the City, the Contractor shall promptly provide documentation to the City demonstrating that the subcontractor meets the subcontractor responsibility criteria below. The requirements of this section apply to all subcontractors regardless of tier.

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

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

C. On Public Works construction projects, as defined in RCW 39.04.010, with an estimated cost of six hundred thousand dollars (\$600,000) or more, at least fifteen (15) percent of the labor hours on each project shall be performed by apprentices enrolled in a State-approved apprenticeship program; and for each contract in the project fifteen (15) percent of the labor hours

for each craft that has an available state-approved apprenticeship program for Spokane County and utilizes more than one hundred sixty (160) hours in each contract shall be performed by apprentices enrolled in a state-approved apprenticeship program.

1. Subcontracting Requirements. The utilization percentages for apprenticeship labor for Public Works construction contracts shall also apply to all subcontracts of one hundred thousand dollars (\$100,000) or more within those contracts, and at least fifteen percent (15%) of the labor hours for each such subcontract shall be performed by apprentices in a state-approved apprenticeship program. For each craft that has an available apprenticeship program for Spokane county and performs more than one hundred sixty (160) hours on each project, fifteen (15) percent of the labor hours shall be performed by apprentices enrolled in a State-approved apprenticeship program
2. Each subcontractor which this chapter applies is required to execute a form, provided by the city, acknowledging that the requirements of Article X 07.06 SMC are applicable to the labor hours for the project.

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

15. EXECUTIVE ORDER 11246.

- A. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include but not be limited to the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Contractor will send each labor union, or representative of workers with which it has a collective bargaining contract or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

- E. The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- F. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations or orders, this Contract may be canceled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Contractor will include the provisions of paragraphs A through G in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, HOWEVER, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as the result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

17. LIQUIDATED DAMAGES. Liquidated damages shall be in accordance with the contract documents.

18. ASSIGNMENTS. The Contractor may not assign, transfer or sublet any part of the work under this Contract, or assign any monies due, without the written approval of the City, except as may be required by law. In the event of assignment of accounts or monies due under this Contract, the Contractor specifically agrees to give immediate written notice to the City Administrator, no later than five (5) business days after the assignment.

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

20. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations that are incorporated herein by reference.

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

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

23. AUDIT / RECORDS. The Contractor and its subcontractors shall maintain for a minimum of three (3) years following final payment all records related to its performance of the Contract. The Contractor and its subcontractors shall provide access to authorized City representatives, 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.

24. BUSINESS REGISTRATION REQUIREMENT. Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Contractor shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Contractor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

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

26. MODIFICATIONS. The City may modify this Contract and order changes in the work whenever necessary or advisable. The Contractor will accept modifications when ordered in writing by the Director of Engineering Services, and the Contract time and compensation will be adjusted accordingly.

27. INTEGRATION. This Contract, including any and all exhibits and schedules referred to herein or therein set forth the entire Agreement and understanding between the parties pertaining to the subject matter and merges all prior agreements, negotiations and discussions between them on the same subject matter.

28. FORCE MAJEURE. Neither party shall be liable to the other for any failure or delay in performing its obligations hereunder, or for any loss or damage resulting therefrom, due to: (1) acts of God or public enemy, acts of government, riots, terrorism, fires, floods, strikes, lock outs, epidemics, act or failure to act by the other party, or unusually severe weather affecting City, Contractor or its subcontractors, or (2) causes beyond their reasonable control and which are not foreseeable (each a "Force Majeure Event"). In the event of any such Force Majeure Event, the date of delivery or performance shall be extended for a period equal to the time lost by reason of the delay.

29. KEY PERSONS. The Contractor shall not transfer or reassign any individual designated in this Contract as essential to the Work, nor shall those key persons, or employees of Contractor identified as to be involved in the Project Work be replaced, removed or withdrawn from the Work without the express written consent of the City, which shall not be unreasonably withheld. If any such individual leaves the Contractor's employment, the Contractor shall present to the City one or more individuals with greater or equal qualifications as a replacement, subject to the City's approval, which shall not be unreasonably withheld. The City's approval does not release the

Contractor from its obligations under this Contract.

KRUEGER SHEET METAL CO.

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 Contract:

Exhibit A - Certification Regarding Debarment

Exhibit B – Contractor’s Proposal No. WA-R-180903-318729

Exhibit C - Certification of Compliance with Wage Payment Statutes

Payment Bond

Performance Bond

23-168

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 certifies, 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.

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

EXHIBIT B



Certification of Compliance with Wage Payment Statutes and Washington Department of Labor and Industries Training Requirement

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date (_____), the bidder is not a “willful” violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction. As of July 1, 2019, have fulfilled the Department of Labor and Industries’ Public Works and Prevailing Wage Training Requirement before bidding and/or performing work on public works projects under RCW 39.04.350 and RCW 39.06.020 by either of the following:

- 1) Received training on the requirements related to public works and prevailing wage under chapter RCW 39.04.350 and chapter 39.12; or
- 2) Be certified exempt by the Department of Labor and Industries by having completed three or more public work projects and have a had a valid business license in Washington for three or more years.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Bidder’s Business Name

Signature of Authorized Official*

Printed Name

Title

Date

City

State

Check One:

Sole Proprietorship Partnership Joint Venture Corporation

State of Incorporation, or if not a corporation, State where business entity was formed:

If a co-partnership, give firm name under which business is transacted:

** If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.*

PAYMENT BOND

We, **KRUEGER SHEET METAL CO.**, as principal, and _____, as surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **SEVEN HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED THIRTY AND NO/100 DOLLARS (\$797,830.00)**, plus sales tax if applicable, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a contract with the City of Spokane, Washington, to do all work and furnish all materials for the **MARTIN LUTHER KING COMMUNITY CENTER 2023 ROOF IMPROVEMENTS**. If the principal shall:

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

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

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

SIGNED AND SEALED on _____.

KRUEGER SHEET METAL CO.,
AS PRINCIPAL

By: _____

Title: _____

_____,
AS SURETY

By: _____

Its Attorney in Fact

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

STATE OF WASHINGTON)
) ss.
County of _____)

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

DATED: _____

Signature of Notary Public

My appointment expires _____

Approved as to form:

Assistant City Attorney

PERFORMANCE BOND

We, **KRUEGER SHEET METAL CO.**, as principal, and _____, as Surety, are held and firmly bound to the City of Spokane, Washington, in the sum of **SEVEN HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED THIRTY AND NO/100 DOLLARS (\$797,830.00)**, plus sales tax if applicable, for the payment of which, we bind ourselves and our legal representatives and successors, jointly and severally by this document.

The principal has entered into a Contract with the City of Spokane, Washington, to do all the work and furnish all materials for the **MARTIN LUTHER KING COMMUNITY CENTER 2023 ROOF IMPROVEMENTS**. If the principal shall:

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

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

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

SIGNED AND SEALED on _____

KRUEGER SHEET METAL CO.,
AS PRINCIPAL

By: _____
Title: _____

_____,
AS SURETY

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

By: _____
Its Attorney in Fact

STATE OF WASHINGTON)
) ss.
County of _____)

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

DATED on _____.

Signature of Notary

My appointment expires _____

Approved as to form:

Assistant City Attorney

Expenditure Control Form



- 1. All requests being made, including those against master agreements, must be accompanied by this form.
- 2. All requests requiring City Council approval exceeding \$100,000 must be accompanied by this form.
- 3. Route **ALL** requests to the Division Director first and then the CFO for signature.
- 4. The CFO will route for signature to the City Administrator.

Today's Date: _____ **Type of expenditure:** Goods Services
Department: _____
Approving Supervisor: _____

Amount of Proposed Expenditure:
Is this against a master agreement? If yes, please provide the number:

Funding Source

Please verify correct funding sources. Indicate breakdown if more than one funding source.

Why is this expenditure necessary now?

What are the impacts if expenses are deferred?

What alternative resources have been considered?

Description of the goods or service and any additional information?

Person Submitting Form/Contact:

Division Director: _____ **CFO Signature:** _____ **City Administrator Signature:** _____

Additional Comments:

Mailing Address:
P.O. Box 2963
Spokane, WA 99220

Krueger Sheet Metal Company

Sheet Metal Fabricators Roofing Contractors
Industrial, Commercial
731 N. Superior
Spokane, WA 99220

509-489-0221
Fax 509-489-6539

SECTION 00 41 13 – QUOTATION FORM

Jeff Teal
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA. 99201

Re: Proposal for 2023 Roofing Improvements – MLK Community Center.
Omnia National IPA Customer Proposal No. R180903 WA-R180903-318729

Dear Mr. Teal,

Having carefully examined the instructions for quotations, project specifications, drawings, supporting documents and addenda issued prior to this date, we propose to furnish all labor, materials, equipment, transportation, and other services required to successfully accomplish the work in accordance with the project documents.

This proposal and any work performed related to this proposal will be provided in accordance with the project documents and the terms, conditions and criteria established by Omnia/National IPA Contract No. R180903 - Roofing Products and Services. The Proposer will be solely responsible for delivering the project in accordance with Omnia National IPA Contract No. R1809035 and the project documents.

A. Base Quotation – Roofing Improvement at MLK Community Center.


\$ 797,830.00 .00

The owner and their representatives reserve the right to waive any irregularities, to reject any or all Proposals, or to accept any Proposal.

Executed on August 15th, 2023.

Krueger Sheet Metal Co.
Contractor

Taxpayer I.D. No.: 91-0717021

By: 
(Sole Owner, or Partner, or
President of Corporation)

(If Contractor is a Corporation, complete the following)

Whose address is:
P.O. Box 2963
Spokane, WA 99220

ATTEST:

(Corporate Seal)

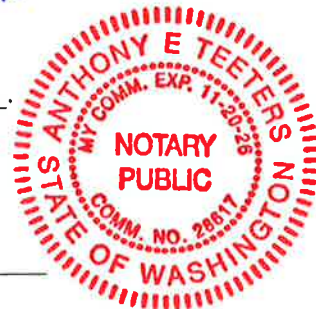


Telephone No.: 509-489-0221
Fax No.: 509-489-6539

Sworn to and subscribed before me this 15th day of August, 2023.
Notary Public in and for the State of Washington


Signature of Notary

Expiration Date of Notary Public Commission: Nov 20, 2026





Project Manual

Dr. Martin Luther King Community Center
500 Stone Street
Spokane Washington 99202

Owner

City Of Spokane
808 W. Spokane Falls Blvd.
Spokane Washington 99201

OMNIA Construction Documents

Certified Proposal Number WA-R-180903-318729



Date: 6-15-2023

RE: PROPOSAL NUMBER WA-R180903-318729.

Dear Valued OMNIA Member:

Thank you for your considering utilizing the OMNIA Cooperative Contractor Network method of delivery. Each contract in the OMNIA Partners portfolio has been competitively solicited and publicly awarded.

Tremco has implemented the Customer Proposal Number (CPN) system, a proposal registration program. This system will track transactions from the initial proposal stage to the completion of each project and provide consistency and faster service for your agency. It will also allow us to assist you with verification of contract compliance and consistency.

THE CPN PROCESS

Tremco will register your project and generate a CPN. That CPN (noted above) should be prominently displayed on all proposal related documents including Purchase Orders and invoices utilizing the OMNIA cooperative contract. The CPN will also alert our dedicated and experienced Tremco Cooperative Team, who will work to support you during the process.

Your Tremco representative may be found at <https://www.tremcoroofing.com/find-a-rep/>

Thank you for your participation with OMNIA.

Sincerely,

The Tremco Cooperative Team

SECTION 00 21 13 – INSTRUCTIONS FOR QUOTATIONS

PART 1 - GENERAL

1.1 NOTICE OF OMNIA PARTNERS CUSTOMER PROPOSAL AND SPECIFICATIONS

- A. City Of Spokane, will receive OMNIA PARTNERS CUSTOMER PROPOSALS for the following roofing improvements:
1. MLK Community Center
 2. 500 Stone Street
 3. Spokane, WA. 99202
- B. Quotations shall be sealed in a separate envelope addressed as follows:
1. Jeff Teal – Director of Facilities
 2. City Of Spokane
 3. 808 West Spokane Falls Blvd.
 4. Spokane WA 99201
- C. All correspondence shall bear the following identifications:
1. Quotation for 2023 Roofing Improvements
 2. MLK Community Center
 3. Omnia Partners CUSTOMER PROPOSAL NUMBER: WA-R-180903-318729
 4. SERVICE REQUEST NO: 5058032
- D. Contact Information:
1. Jeff Teal
City Of Spokane
808 West Spokane Blvd.
Spokane WA 99201
 2. Administration (Point of Contact for Procedural Questions):
Jeff Teal
Director of Facilities
City Of Spokane
808 West Spokane Falls Blvd.
Spokane WA 99201
Office: 509.625.6533
E-mail: jteal@spokanecity.org
 3. Technical (Point of Contact for Installation Questions):
Jared Barnes
Field Advisor
Tremco Roofing & Building Maintenance
Cell: 208.916.6203
E-mail: jbarnes@tremcoinc.com

OMNIA

NATIONAL COOPERATIVE CONTRACTOR NETWORK TERMS AND CONDITIONS TO BE INSERTED INTO SPECIFICATION TO MEET COOPERATIVE CONTRACT COMPLIANCE PROTOCOL

2.2 PROVISIONS FOR OMNIA #R180903 and #R200108

Additional Terms and Conditions

- 1. Alcohol/Tobacco/Non-Prescription Drugs.** Contractor's employees and any approved subcontractor(s) employees shall strictly adhere to Member's policies relating to alcohol, tobacco and non-prescription drugs. Smoking will only be permitted in posted designated areas off premises. In no event shall any of Contractor's employees or any approved subcontractor(s) employees use, possess, consume or sell any alcohol, tobacco or non-prescription drugs while on site. Any violation may result in the immediate termination of Contractor or any approved subcontractor(s).
- 2. Assignment.** No right or interest in this contract shall be assigned or transferred by Contractor.
- 3. Audit Rights.** Contractor shall, at its sole expense, maintain appropriate records of all projects performed through the Contract in accordance with Generally Accepted Accounting Principles ("GAAP") and good construction accounting practices. Contractor shall maintain such records for a period of no less than three (3) years after the date of final payment (five (5) years for projects in New Jersey) (the "Retention Period") and shall make such records available to Tremco, the Cooperative or Lead Agency at any reasonable time, upon request, during the Retention Period. Records of projects performed in New Jersey shall also be made available during the Retention Period to the New Jersey Office of the State Comptroller upon request.
- 4. Bonding.** The Contractor is required to be knowledgeable and current on all statutory requirements for bonding. Upon execution of a contract with a Member or upon issuance of a Purchase Order by a Member to Contractor, Contractor shall provide payment and performance bonds as required by and consistent with the applicable laws of the state in which the work is being performed. However, it is at the Member's sole discretion at the time of contract execution to require bonding at one-hundred percent of the price specified in the contract.
- 5. Buy American Requirement.** (For New Jersey, Kentucky, and all other applicable States) Contractor may only use unmanufactured construction material mined or produced in the United States, as required by the Buy American Act. Where trade agreements apply, to the extent permitted by applicable law, then unmanufactured construction material mined or produced in a designated country may also be used. Contractor is required to check state specific requirements to ensure compliance with this requirement. [NOTE: Buy American requires that 51% of the components in a finished product must be made/manufactured in the USA. It will be incumbent on the Contractor to ensure they are compliant with this provision.]

- 6. Certificates of Insurance.** Within fourteen days, but prior to commencement of work, Contractor shall provide a certificate of insurance (“COI”) showing the Cooperative or the Lead Agency named, the Member and the manufacturer of the roofing system being installed shall be named as additional insured parties. The insurance company shall be licensed in the applicable state in which work is being conducted. The Contractor shall give the Member a minimum of ten (10) days’ notice prior to any modifications or cancellation of policies. The awarded Contractor shall require all subcontractor(s) performing any work to maintain coverage as specified. At a minimum:
- (a) worker’s compensation, as required by the laws of the State of member;
 - (b) commercial general liability for bodily injury and/or property damage in an amount of not less than \$1,000,000 single limit, per occurrence;
 - (c) automobile liability for bodily injury and/or property damage in an amount of not less than \$1,000,000 single limit, per occurrence.
- In the event the Member requires higher insurance requirements, those requirements will prevail.
- 7. Change Orders.** Except for any unforeseen circumstances, or force majeure events, any Contractor-initiated change orders should be avoided. All change orders must be supported by RS Means. See Pricing. All change orders must be approved by the Member prior to commencing the additional work.
- 8. Cleanup.** Contractor shall clean up and remove all debris and rubbish resulting from their work as required or directed by the Member. Upon completion of the work, the premises shall be left in good repair and in an orderly, neat, clean and unobstructed condition.
- 9. Compliance with Trade Restrictions.** (A) Except as authorized by the Office of Foreign Assets Control (OFAC) in the Department of Treasury, the Contractor warrants that it shall not acquire, for use in the performance of any NCCN project, any supplies or services if any proclamation, Executive order, or statute administered by OFAC, or if OFAC’s implementing regulations at 31 CFR Chapter V, would prohibit such a transaction by a person subject to the jurisdiction of the United States. (B) Except as authorized by OFAC, most transactions involving Cuba, Iran and Sudan are prohibited as are most imports from Burma or North Korea, into the United States or its outlying areas. Lists of entities and individuals subject to economic sanctions are included in OFAC’s List of Specially Designated Nationals and Blocked Persons at <https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-and-blocked-persons-list-sdn-human-readable-lists>. More information about these restrictions, as well as updates, is available in the OFAC’s regulation at 31 CFR Chapter V and/or on OFAC’s website at <https://home.treasury.gov/policy-issues/financial-sanctions/additional-ofac-resources/ofac-legal-library/code-of-federal-regulations-cfr>.
- 10. Current Products.** Proposals shall be for materials in current production, within shelf life of the manufacturer, free from defects, fully tested, provided as per manufacturer’s requirements, sold or manufactured via legal and reputable channels, not misbranded and marketed to the general public and public agencies at the time the proposal is submitted.

11. **Delivery.** Contractor shall deliver materials purchased through the Contract to the Member pursuant to the terms of the Purchase Order. Conforming product shall be shipped within seven (7) days of receipt of Purchase Order. If delivery is not or cannot be made within this time period, the Contractor must receive written authorization from the Member for the delayed delivery. The Member may cancel the order if estimated shipping time is not acceptable.
12. **Disclosures.** Contractor affirms that it has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with a contract between the Contractor and a Member. Contractor should include in its NCCN application a complete description of any relationships that might be considered a conflict of interest in doing business with Members. The Contractor affirms that, to the best of its knowledge, any proposal has been arrived at independently, and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other contractors in the award of a contract.
13. **Duty to Keep Current.** Contractor and primary subcontractor(s) shall maintain in current status all federal, state and local licenses, bonds and permits required for the operation of the business conducted by Contractor and/or its primary subcontractor(s). Contractor and primary subcontractor(s) shall remain fully informed of and in compliance with all laws, ordinances, rules, code, and regulations pertaining to the lawful provision of any services it provides through the Contract.
14. **Employment Eligibility.** Where applicable, Contractor warrants that it shall be and remain in compliance with the Federal Immigration and Nationality Act (FINA) and the Immigration Reform and Control Act (IRCA), and any other federal and state immigration laws and regulations. The Contractor further warrants that it is and shall remain in compliance with the various employment state statues of the states it will operate in. The Member may request verification of compliance from any Contractor or subcontractor(s) performing work under the Contract. The Member reserves the right to confirm compliance in accordance with applicable laws. Compliance should be in accordance with the E-Verify Employee Eligibility Verification Program.
15. **Environmental Compliance.** Contractor and any approved subcontractor(s), will be trained on the handling and application of hazardous materials and chemicals, including the disturbance or dismantling of structures containing hazardous materials in compliance with 29 CFR 1910 and 1926. Contractor agrees to comply with requirements for disposal, removal or demolition of asbestos or asbestos-containing materials within the requirement of 40 CFR, Part 61, and Subpart A. Contractor agrees to comply with the OSHA standard regarding communication of first-aid treatment and location of first-aid treatment with all employees and any subcontractor(s). All waste material will be handled in compliance with OSHA 29 CFR 1926.252.
16. **Equal Opportunity and Non-Discrimination.** The Contractor and its subcontractor(s) will comply with all applicable federal and state laws, rules, regulations and executive orders governing equal employment opportunity, immigration, and non-discrimination, including but not limited to the Americans with Disabilities Act.

17. **FEMA.** If performing work for Member who is requesting reimbursement from FEMA, Contractor shall follow all FEMA requirements of Appendix II to 2 CRFR Part 200 as may be amended or changed from time to time.
18. **Fingerprint & Background Checks.** If required to provide services on school district property, Contractor shall submit a full set of fingerprints to the school district if requested of each person or employee and subcontractor(s), if any, who may provide such service. Alternately, the school district may fingerprint those persons or employees. The district shall conduct a fingerprint check in accordance with the appropriate state and federal laws of all contractors and subcontractors and their employees for which fingerprints are submitted to the district. Contractor and subcontractor(s) shall not provide services on school district properties until authorized by the district. The Contractor shall comply with fingerprinting requirements in accordance with appropriate statutes in the state in which the work is being performed unless otherwise exempted. Contractor shall comply with governing board policy in the school district in which work is being performed.

Contractor shall perform the appropriate background checks of any personnel that will be performing the services within the proximity of minors. Contractor shall notify the Member of any proposed employee who has been convicted, pled guilty or pled "no contest" to a criminal offense, and the Member reserves the right to reject the proposed employee with a criminal background. No person employed by the Contractor who has been found guilty of any criminal offenses shall be allowed into the work site without prior written approval of the Member.

19. **Indemnity.** Contractor shall defend, indemnify, and hold harmless Tremco, the Cooperative, Lead Agencies and Cooperative Members, administrators, employees and agents, and the manufacturer of the roofing system being installed, against all claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees, arising out of, resulting from or related to the actions or omissions of the Contractor, Contractor employees or Contractor subcontractor(s) in connection with execution of or performance under a contract with a Member, including any supplemental agreements with a Member. Any litigation involving either a Cooperative or its Lead Agencies, its administrators and employees and agents will be in the county requested of the Cooperative or its Lead Agencies. Any litigation involving a Member will be in the jurisdiction of the Member.
20. **Inspection & Acceptance.** Title and risk of loss shall not pass to a given Member until receipt and acceptance of the products at the point of delivery and/or installation. If defective or incorrect material is delivered, the Member may make the determination to return the material to the Contractor at no cost to the Member. The Contractor agrees to pay all shipping costs for the return shipment. Contractor shall be responsible for arranging the return of the defective or incorrect material.
21. **Interpretation, Enforcement and Forum of Laws.** For disputes between the Member and the Contractor, any agreement shall be governed by, construed, interpreted, and enforced solely in accordance with the laws of the state in which the Member resides and the venue of any action shall lie in such state.

22. **Invoices.** The awarded Contractor shall submit invoices to the Member clearly indicating the following: “Per **OMINA Contract # {insert contract number} – Contractor Network; Certified Proposal Number {insert CPN}**”.
23. **Legal Obligation to Comply with all Applicable Laws.** It is the Contractor’s responsibility to be aware of and comply with all local, state, and federal laws, statutes, rules, regulations and orders in effect. This includes laws and regulations pertaining to labor, wages, hours and other conditions of employment in effect. The laws of the state of the respective Member shall govern any resulting contract. All applicable laws and regulations must be followed even if not specifically identified herein.
24. **Liquidated Damages.** The Member may suffer financial loss if the project is not substantially complete or products or services are not delivered on the established date. The Contractor (or, if applicable, surety) shall be liable for and shall pay to the Member, not as a penalty, the sums that may be hereinafter agreed upon as liquidated damages per calendar day of delay until the work and/or delivery is determined by Member to be complete and/or delivered. Liquidated damages will be agreed upon on a project-by-project basis between the Contractor and the Member.
25. **Manufacturer Certification or Approval.** Contractor warrants and certifies that it has the necessary approval or certification from the manufacturer to install and/or maintain the manufacturer’s roofing system(s) to deliver to Members a manufacturer’s warranty, including but not limited to entering into any authorized or similar contractor agreements required by the manufacturer. Contractor will not submit a proposal to be awarded a project through the NCCN to install a roofing system for which it cannot deliver a manufacturer’s warranty to the Cooperative Member. Contractor shall do no work that would or could void any manufacturer’s warranty.
26. **Order of Precedence.** Contractor understands and acknowledges that the terms and conditions, if any, of the Cooperative Member will take precedent over any other terms and conditions. In addition, it is incumbent on Contractor to make any subcontractor(s) aware of, and to provide subcontractor(s) with, the terms and conditions of Member as well as the terms and conditions outlined herein.
27. **OSHA Compliance.** All field processes and procedures must comply with applicable OSHA general and construction industry standards and regulations. For employees of Contractor or any subcontractor(s), a minimum of 10-hours of OSHA training is required. For any supervisory personnel of Contractor or any supervisors of any subcontractor(s), a minimum of 30-hours of OSHA training is required.
28. **Payments.** The Member will make payments directly to the Contractor. Payment shall be made after satisfactory performance, in accordance with all provisions thereof, and upon receipt of a properly completed invoice.
29. **Permits.** It is the responsibility of the Contractor to obtain all necessary permits required by law.

- 30. Preparation.** Contractor shall not begin a project where Member has not prepared the site, unless Contractor does the preparation work at no cost, or until Member includes the cost of site preparation in a Purchase Order.
- 31. Prevailing Wage.** It is the responsibility of the Contractor to comply, when and where applicable, with the prevailing wage legislation in effect in the jurisdiction of the project location. It shall further be the responsibility of the Contractor to monitor the prevailing wage rates as established by the appropriate Department of Labor for any increase in rates during the term of a contract and adjust wage rates accordingly.
- 32. Pricing.** Any product or service offered must have pricing that can be audited by Member, Cooperative and any Lead Agency, if applicable, or Tremco. Pricing must follow the format outlined below:

The awarded Contractor must provide a RS Means line item estimate to validate their proposal amount, and represents a maximum allowable price. A copy of the RS Means line item estimate must be provided to your Tremco representative along with a copy of the purchase order and/or contract entered into with the Member.

Pricing under the Contractor Network is based on RS Means used to validate your proposal, upon award via an independent estimator. If the Contractor cannot perform the RS Means Estimate, contact your Tremco representative for contact information for an independent estimator. The RS Means method of pricing cannot exceed the JOC coefficients submitted by Tremco in their response. Contact your Tremco representative for a copy of the coefficients.

Multiplier/factor to be applied to the R.S. Means costs for the National Cooperative Contractor Network: **1.0.**

Price gouging is prohibited. Contractor shall not sell goods or services during a declared state of emergency at a price that is in excess of ten percent (10%) above the price that existed immediately prior to the declaration.

- 33. Prime Contractor.** Contractor acknowledges that they are the Prime Contractor when performing work under any Tremco Cooperative Contracts. The scope of work to be performed under WTI's Cooperative Contracts is limited to roofing, building envelope, air barrier, and all related work.
- 34. Product Performance.** All roof systems must meet the regulatory requirements of the International Building Code, all applicable state and local codes for public buildings, including, but not limited to, UL 790, Class A and FM Class I, 1-90 Fastening Standards, and site specific, as well as building specific, wind uplift requirements as well as stipulated manufacturer's requirements for warranty. The Contractor will comply with the latest, most stringent industry-standard construction details published by the National Roofing Contractors Association's (NRCA) Roofing and Waterproofing Manual, most recent edition, as may be updated or amended.

35. **Project Compliance.** Project will be completed in full accordance with all project specifications and drawings and shall be merchantable of good quality and workmanship and free from defect. All services to be performed in a professional and workmanlike manner in conformity with industry standards by persons reasonably suited by skill, training, and experience for the type of services they are assigned to perform. Contractor and any subcontractor(s) shall have at least three (3) years of experience in the skill being provided.
36. **Project Documents.** Contractor will deliver services to Members on projects in which it is the successful proposer under the Cooperative Contract in a good and workmanlike manner and in strict compliance with the specifications and other construction documents applicable to the project and the Contractor's scope of work.
37. **Proposals.** Contractor will contact their Tremco representative to receive a Customer Proposal Number (CPN) that must be included on any proposal(s) and invoice(s) submitted to the Cooperative Member. Each CPN will be Contract and customer specific and cannot be reused on any other proposal.
38. **Proposal Bond: MICHIGAN ONLY.** A certified or cashier's check or proposal bond payable to the order of Public Agency, City, State for not less than five (5%) percent of the greatest amount for which a contract can be awarded must accompany the proposal.
39. **Purchase Orders.** Purchase Orders will be issued by the Member to the awarded Contractor indicating on the Purchase Order "**Per OMINA Contract {insert contract number} – Contractor Network; Certified Proposal Number {insert CPN}**". Contractor must submit a copy of each purchase order to their Tremco representative at the time of order entry which allows Tremco to administer the program.
40. **Registered Sex Offender Restrictions, Felony Conviction Notice and Child and Sex Offender Notice.** Contractor and their approved subcontractor(s), if any, selected to perform projects through the NCCN will be required to complete and submit a Felony Conviction Notice and Child and Sex Offender Notice for personnel. These forms will be submitted to the Member as required. For work to be performed at schools, Contractor agrees that no employee or employee of a subcontractor who has been adjudicated to be a registered sex offender will perform work at any time when students are or are reasonably expected to be present. Contractor agrees that a violation of this condition shall be considered a material breach and may result in the cancellation of the Purchase Order at the Member's discretion. Contractor must identify any additional costs associated with compliance of this term. If no costs are specified, compliance with this term will be provided at no additional charge.
41. **Safety Measures.** Contractor shall take all reasonable precautions for the safety of employees on the worksite and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Contractor shall post warning signs against all hazards created by its operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, the general public and existing structures from injury or damage.
42. **Stored Materials.** Upon prior written agreement between the Contractor and Member, payment may be made for materials not incorporated in the work but delivered and suitably

stored at the site or some other location, for installation at a later date. An inventory of the stored materials must be provided to Member prior to payment. Such materials must be stored and protected in a secure location and be insured for their full value by the Contractor against loss and damage. Contractor agrees to provide proof of coverage and/or the addition of Member as an additional insured upon Member's request. Additionally, if stored offsite, the materials must also be clearly identified as property of buying Member and be separated from other materials. Member must be allowed reasonable opportunity to inspect and take inventory of stored materials, on or offsite, as necessary. Until final acceptance by the Member, it shall be the Contractor's responsibility to protect all materials and equipment. The Contractor warrants and guarantees that title for all work, materials and equipment shall pass to the Member upon final acceptance.

- 43. Subcontractors.** It is the responsibility of the Contractor to ensure all subcontractors are aware of and adhere to the terms and conditions outlined in this document.
- 44. Suspended or Disbarred.** The Contractor warrants that it, nor any subcontractor(s), has not been debarred, suspended or otherwise ineligible for the award of federal, state or local government contracts.
- 45. Tax Exempt Status.** It is the Contractor's responsibility to know and comply with the tax laws in the State specific locality where the Contractor is performing work for a Member. If not tax exempt, the Contractor will assume all liability for all applicable taxes to be collected and paid to the appropriate taxing authority. All applicable taxes must be listed as a separate item on all cost proposals and invoices.
- 46. Warranty Conditions.** All materials, equipment and services shall include manufacturer's minimum standard warranty and a two-year (2) labor warranty unless otherwise agreed to in writing. All designs for roof replacements shall be for systems with a life of 20 or more years.
- 47. Weapons, Explosive Devices and Fireworks.** Contractor agrees that it, its employees and subcontractor(s) shall not use, possess, display or store any weapon, explosive device or fireworks on the Member's site.



AlphaGuard™ FLUID-APPLIED ROOFING SYSTEMS

PLEASE PROVIDE THE FOLLOWING INFORMATION // TREMCO PLAIN AND SIMPLE WARRANTY

Warranty Term Years {Start Date}:

Warranty Number:

Owner:

Address:

Building Description:

Address:

Roof Area:

Roofing System:

Installation Contractor:

WARRANTY TERMS AND CONDITIONS:

WHAT WILL TREMCO DO?

If the roof leaks because the **Roofing System** fails to meet Tremco's performance specifications, Tremco will fix it. Tremco will inspect the roof every 5 years.

FOR HOW LONG?

The owner's selected warranty term, shown above. The owner may purchase extensions for the life of the building.

WHAT DOES THE OWNER HAVE TO DO?

During the Warranty Term: follow Tremco's specifications for regular maintenance between inspections. Report all leaks right away to 1.800.422.1195. Pay for repairs not caused by the failure of the **Roofing System** to meet Tremco's performance specifications. To extend the warranty term: pay for restoration recommended by Tremco at the end of the owner's selected warranty term.

ANYTHING ELSE?

This is the only warranty Tremco provides for this system because it is the only warranty you will ever need for this system. **With proper maintenance, this should be the last roofing system you ever buy!**



TREMCO

3735 Green Road, Beachwood, OH 44122
800.852.6013

50 Beth Neelson Drive, Toronto, Ontario, M4H 1M6
800.668.9879

www.tremcoinc.com

Mailing Address:
P.O. Box 2963
Spokane, WA 99220

Krueger Sheet Metal Company

Sheet Metal Fabricators Roofing Contractors
Industrial, Commercial
731 N. Superior
Spokane, WA 99220

509-489-0221
Fax 509-489-6539

August 15, 2023

To: Jared Barnes
Tremco Inc.

Re: City of Spokane – MLK Community Center Coating

Krueger Sheet Metal Co. would like to propose the following Quote:

Labor and Materials to install a Tremco AlphaGuard coating system. The following scope will be performed:

Preparation

- Wet removal/ repair at approximately 1000 SF of roof
- Spot repair of loose membrane at walls
- The entire roof will be pressure washed and allowed to dry

Coating

- AlphaGuard WB primer – applied over the at 1 gallon per 250 SF
- Tremco AlphaGuard Bio base coat – applied at 3 gallons per 100 SF
- PermaFab polyester fabric – fully embedded into the base coat
- Tremco AlphaGuard Bio top coat – applied at 2 gallons per 100 SF
- ~300' of non-skid granular walk way will be installed in specified areas
- ~300 of new edge metal will be installed at the west roof area to cover the exposed term bar

Total cost for the scope listed above:

\$797,830.00

Includes:

- All scope detailed above
- Reach fork for loading/unloading
- Permits
- Payment and performance bonds
- Contract fees

Excludes:

- WSST
- Any HVAC work
- Abatement
- Membrane repair/ replacement other than listed above
- New drains or plumbing
- Engineering
- Temporary weather protection
- Special access requirements
- Winter work
- Temporary fall protection, guardrail, or similar systems
- Additional structural framing or deck repair
- Anything not specifically included above

Feel free to call should you have any further questions.

Sincerely,
Levi Cavanah

Mailing Address:
P.O. Box 2963
Spokane, WA 99220

Krueger Sheet Metal Company

Sheet Metal Fabricators Roofing Contractors
Industrial, Commercial
731 N. Superior
Spokane, WA 99220

509-489-0221
Fax 509-489-6539

SECTION 00 41 13 – QUOTATION FORM

Jeff Teal
City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA. 99201

Re: Proposal for 2023 Roofing Improvements – MLK Community Center.
Omnia National IPA Customer Proposal No. R180903 WA-R180903-318729

Dear Mr. Teal,

Having carefully examined the instructions for quotations, project specifications, drawings, supporting documents and addenda issued prior to this date, we propose to furnish all labor, materials, equipment, transportation, and other services required to successfully accomplish the work in accordance with the project documents.

This proposal and any work performed related to this proposal will be provided in accordance with the project documents and the terms, conditions and criteria established by Omnia/National IPA Contract No. R180903 - Roofing Products and Services. The Proposer will be solely responsible for delivering the project in accordance with Omnia National IPA Contract No. R1809035 and the project documents.

A. Base Quotation – Roofing Improvement at MLK Community Center.


\$ 797,830.00 .00

The owner and their representatives reserve the right to waive any irregularities, to reject any or all Proposals, or to accept any Proposal.

Executed on August 15th, 2023.

Krueger Sheet Metal Co.
Contractor

Taxpayer I.D. No.: 91-0717021

By: 
(Sole Owner, or Partner, or
President of Corporation)

(If Contractor is a Corporation, complete the following)

Whose address is:
P.O. Box 2963
Spokane, WA 99220

ATTEST:

(Corporate Seal)



Telephone No.: 509-489-0221
Fax No.: 509-489-6539

Sworn to and subscribed before me this 15th day of August, 2023.
Notary Public in and for the State of Washington




Signature of Notary

Expiration Date of Notary Public Commission: Nov 20, 2026

Dr. Martin Luther King Community Center

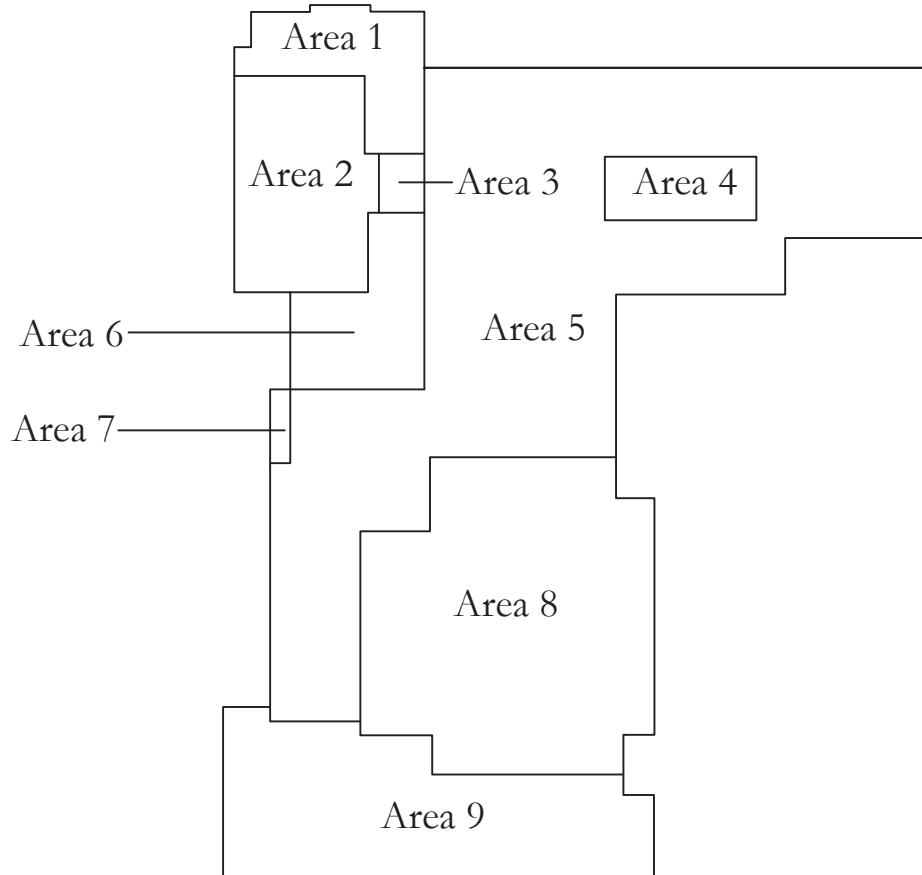
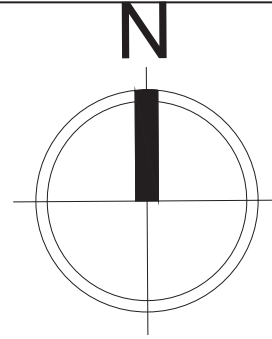
2023 Roof Improvements

Pictures

Drawings

Specification





TREMCO[®]

ROOFING & BUILDING MAINTENANCE

11719 N. Avondale Loop
Hayden, ID 83835
Tel: (208) 916.6203

Client:

East Central CC- MLK

Address:

500 S. Stone St.
Spokane, WA 99202

Drawn By:

Jared Barnes

Date:

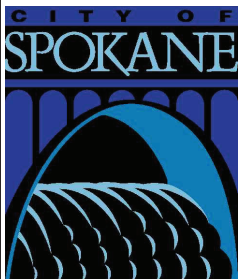
11/10/22

ROOFING NOTES:

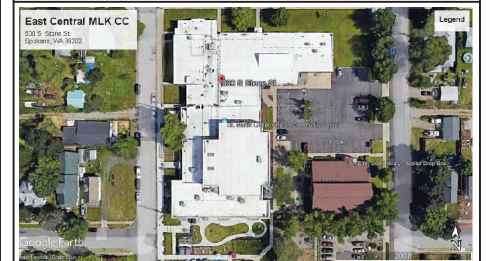
Area 1: 1,830 sq.ft.
Area 2: 3,220 sq.ft.
Area 3: 300 sq.ft.
Area 4: 1,060 sq.ft.
Area 5: 18,200 sq.ft.
Area 6: 1,920 sq.ft.
Area 7: 200 sq.ft.
Area 8: 9,050 sq.ft.
Area 9: 6,000 sq.ft.

Total Area: 41,780 sq.ft.



Total Wet Area: TBD

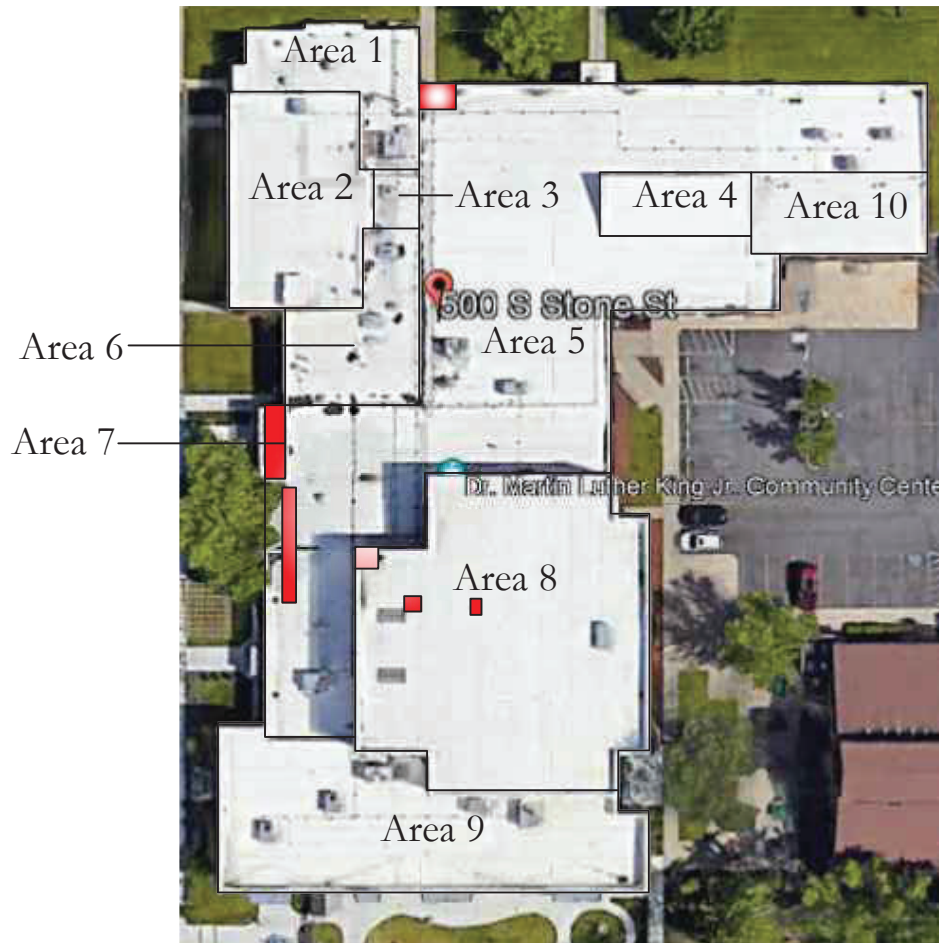
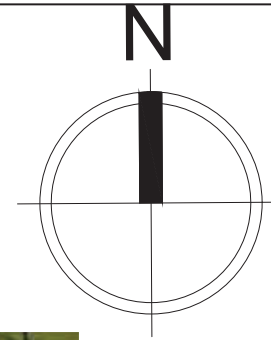


*All measurements must be confirmed by Contractor.



Wet Scan Legend

-  Wet
-  Intermittent Wet



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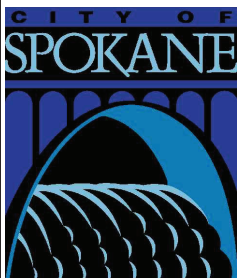
11/10/22

ROOFING NOTES:

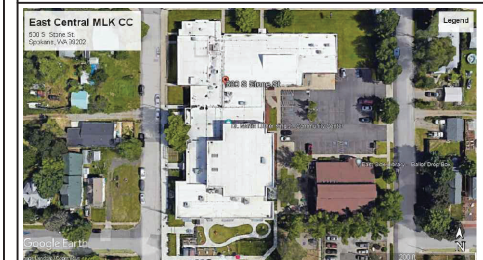
- Area 1: 1,830 sq.ft.
- Area 2: 3,220 sq.ft.
- Area 3: 300 sq.ft.
- Area 4: 1,060 sq.ft.
- Area 5: 16,744 sq.ft.
- Area 6: 1,920 sq.ft.
- Area 7: 200 sq.ft.
- Area 8: 9,050 sq.ft.
- Area 9: 6,000 sq.ft.
- Area 10: 1,456 sq.ft.

Total Area: 41,780 sq.ft.

Total Wet Area: 1,000 sq.ft.



*All measurements must be confirmed by Contractor.



SECTION 070150.74 - REHABILITATION OF SINGLE PLY ROOFING

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Roof membrane coating preparation.
2. Application of reinforced fluid-applied roof membrane and flashings over existing fully adhered TPO membrane roof.

1.2 ROOFING CONFERENCES

A. Roofing Rehabilitation Preinstallation Conference: Conduct conference at Project site to review methods and procedures related to roofing system.

1. Meet with Owner; roofing coating materials manufacturer's representative; roofing rehabilitation Installer including project manager and foreman; and installers whose work interfaces with or affects rehabilitation including installers of roof accessories and roof-mounted equipment requiring removal and replacement as part of the Work.
2. Review temporary protection requirements for existing roofing system that is to remain uncoated, during and after installation.
3. Review methods and procedures related to re-coating preparation, including coating manufacturer's written instructions.
4. Review roof drainage during each stage of coating and review roof drain plugging and plug removal procedures.
5. Review and finalize construction schedule, and verify availability of materials, Installer's personnel, equipment, and facilities needed to make progress and avoid delays.
6. Review base flashings, special roofing details, drainage, penetrations, equipment curbs, and condition of other construction that will affect coating.
7. Review HVAC shutdown and sealing of air intakes.
8. Review shutdown of fire-suppression, -protection, and -alarm and -detection systems.
9. Review procedures for asbestos removal or unexpected discovery of asbestos-containing materials.
10. Review governing regulations and requirements for insurance and certificates if applicable.

11. Review existing conditions that may require notification of Owner before proceeding.

1.3 MATERIALS OWNERSHIP

- A. Demolished materials shall become Contractor's property and shall be removed from Project site.

1.4 DEFINITIONS

- A. Roofing Terminology: Refer to ASTM D1079 "Standard Terminology Relating to Roofing and Waterproofing" and glossary in NRCA's "The NRCA Roofing Manual: Membrane Roof Systems" for definition of terms related to roofing work in this Section.
- B. Roofing Coating Preparation: Existing roofing that is to remain and be prepared to accept restorative coating application.
- C. Patching: Removal of a portion of existing membrane roofing system from deck or removal of selected components and accessories from existing membrane roofing system and replacement with similar materials.
- D. Remove: Detach items from existing construction and legally dispose of them off-site unless indicated to be removed and reinstalled.
- E. Existing to Remain: Existing items of construction that are not indicated to be removed.

1.5 CLOSEOUT SUBMITTALS

- A. Maintenance Data: To include in maintenance manuals.
- B. Warranties: Executed copies of approved warranty forms.

1.6 QUALITY ASSURANCE

- A. Installer Qualifications: An employer of workers trained and certified by manufacturer, including a full-time on-site supervisor with a minimum of three years' experience installing products similar to those specified, able to communicate verbally with Contractor, Architect, and employees, and the following:
 - 1. Qualified by the manufacturer to install manufacturer's product and furnish warranty of type specified.
- B. Manufacturer Qualifications: Primary product manufacturer that is UL listed for roofing system identical to that specified for this Project with minimum five years' experience in manufacture of comparable products in successful use in similar applications, and able to furnish warranty with provisions matching specified requirements.
- C. Roofing Inspector Qualifications: A technical representative of manufacturer not engaged in the sale of products and experienced in the installation and maintenance of the specified roofing system, qualified to perform roofing observation and inspection specified in Field Quality Control Article, to determine Installer's compliance with the requirements of this Project, and

approved by the manufacturer to issue warranty certification. The Roofing Inspector shall be one of the following:

1. An authorized full-time technical employee of the manufacturer.
2. An independent party certified as a Registered Roof Observer by the International Institute of Building Enclosure Consultants (formerly the Roof Consultants Institute) retained by the Contractor or the Manufacturer and approved by the Manufacturer.

1.7 FIELD CONDITIONS

- A. Weather Limitations: Proceed with rehabilitation work only when existing and forecasted weather conditions permit Work to proceed without water entering into existing roofing system or building.
 1. Store all materials prior to application at temperatures recommended by manufacturer.
 2. Apply coatings within range of ambient and substrate temperatures recommended by manufacturer.
 3. Do not apply roofing in snow, rain, fog, or mist.
- B. Protect building to be rehabilitated, adjacent buildings, walkways, site improvements, exterior plantings, and landscaping from damage or soiling from rehabilitation operations.
- C. Maintain access to existing walkways, corridors, and other adjacent occupied or used facilities.
- D. Daily Protection: Coordinate installation of roofing so insulation and other components of roofing system not permanently exposed are not subjected to precipitation or left uncovered at the end of the workday or when rain is forecast.
- E. Owner will occupy portions of building immediately below re-coating area. Conduct re-coating so Owner's operations will not be disrupted. Provide Owner with not less than 72 hours' notice of activities that may affect Owner's operations.

1.8 WARRANTY

- A. Manufacturer's Warranty: In which manufacturer agrees to repair or replace components of roofing system that fail in materials or workmanship within warranty period, as follows.
 1. Form of Warranty: Tremco "Plain and Simple" warranty form.
 2. Scope of Warranty: Work of this Section.
 3. Warranty Period: 20 years from date of completion.
 4. Inspections by Manufacturer: To occur every five years following completion.
- B. Installer Warranty: Installer's warranty signed by Installer, as follows.

1. Form of Warranty: Form included in Project Manual.
2. Scope of Warranty: Work of this Section.
3. Warranty Period: 2 years from date of completion.

PART 2 - PRODUCTS

2.1 MANUFACTURERS

- A. Basis of Design: The roof system specified in this Section is based upon products of Tremco CPG Inc, Beachwood, OH, (800) 562-2728, www.tremcoroofing.com that are named in other Part 2 articles. Provide specified products.
- B. Source Limitations: Obtain components for roofing system from same manufacturer as membrane roofing or manufacturer approved by membrane roofing manufacturer.

2.2 PERFORMANCE REQUIREMENTS

- A. General Performance: Rehabilitated roofing shall withstand exposure to weather without failure or leaks due to defective manufacture or installation.
 1. Accelerated Weathering: Roofing system shall withstand 5000 hours of exposure when tested according to ASTM G152, ASTM G154, or ASTM G155.
- B. Material Compatibility: Provide roofing materials that are compatible with one another under conditions of service and application required, as demonstrated by roofing manufacturer based on testing and field experience.
- C. Exterior Fire-Test Exposure: Roofing system exterior fire-test exposure performance following application of rehabilitation coating shall be not be less than that of the prerehabilitated roof performance when tested in accordance with ASTM E108, based upon manufacturer's tests of identical applications.
- D. Bio-Based Content: Provide roofing rehabilitation coating materials meeting requirements of USDA Bio-based Affirmative Procurement Program, with not less than 20 percent bio-based content.

2.3 MATERIALS, GENERAL

- A. General: Rehabilitation materials recommended by roofing system manufacturer for intended use and compatible with components of existing membrane roofing system.
- B. Infill Materials: Where required to replace test cores and to patch existing roofing, use infill materials matching existing membrane roofing system materials, unless otherwise indicated.
- C. Temporary Roof Drainage: Design and selection of materials for temporary roof drainage are responsibilities of the Contractor.

2.4 FLUID-APPLIED ROOFING MEMBRANE COATING

- A. Polyurethane Elastomeric Fluid-Applied System: Two-coat fluid-applied roofing membrane formulated for application over prepared existing roofing substrate.
1. Polyurethane Roof Coating System Base Coat: Bio-based, low-odor low-VOC two-part, for use with a compatible top coat.
 - a. Basis of design product: Tremco, AlphaGuard BIO Base Coat.
 - b. Combustion Characteristics, UL 790: Maintains combustion characteristics of existing roof system.
 - c. Volatile Organic Compounds (VOC), maximum, ASTM D3960: 1 g/L.
 - d. Accelerated Weathering, 5000 hours, ASTM G154: Pass.
 - e. Hardness, Shore A, minimum, ASTM D2240: 80.
 - f. Solids, by volume, ASTM D2697: 100 percent.
 - g. Bio-Based Content, Minimum: 70 percent.
 - h. Minimum Thickness, Base Coat reinforced over Smooth BUR, MB, Concrete, Single-Ply: 48 mils (1.22 mm) wet.
 2. Polyurethane roof coating system top coat, bio-based low-odor low-VOC two-part, for application over compatible base coat.
 - a. Basis of design product: Tremco, AlphaGuard BIO Top Coat.
 - b. Combustion Characteristics, UL790: Maintains combustion characteristics of existing roof system.
 - c. Volatile Organic Compounds (VOC), maximum, ASTM D3960: 6 g/L.
 - d. Solar Reflectance Index (SRI), ASTM E1980: For white, not less than 103.
 - e. Accelerated Weathering, 5000 hours, ASTM G 154: Pass.
 - f. Hardness, Shore A, minimum, ASTM D2240: 81.
 - g. Solids, by volume, ASTM D2697: 100 percent.
 - h. Bio-Based Content, Minimum: 60 percent.
 - i. Minimum Thickness, reinforced system: 32 mils (0.81 mm) wet.
 - j. Color: White.

B. Primers:

1. Primer for Asphaltic and Single-Ply Membranes: Water-based, polymer-modified quick-dry low odor primer.
 - a. Basis of design product: Tremco, AlphaGuard WB Primer.
 - b. Volatile Organic Compounds (VOC), maximum, ASTM D3960: 1 g/L.
 - c. Solids, by weight: 70 percent.

C. Fluid-Applied Roofing Reinforcing Fabric:

1. Polyester Reinforcing Fabric: 100 percent stitch-bonded mildew-resistant polyester fabric intended for reinforcement of compatible fluid-applied membranes and flashings and as a protection layer under pavers or stone aggregates.
 - a. Basis of design product: Tremco, Permafab.
 - b. Tensile Strength, Minimum, ASTM D5034 (2-inch): MD - 110 lbs (49.8 kg); XMD - 60 lbs (27.2 kg) avg.
 - c. Elongation, Minimum, ASTM D5034 (1-inch): MD - 25 percent; XMD - 100 percent.
 - d. Tear Strength, Minimum, ASTM D5587: MD - 20 lbs (9.0 kg) avg; XMD - 20 lbs (9.0 kg) avg.
 - e. Weight: 3 oz./sq. yd (102 g/sq. m).

2.5 AUXILIARY ROOFING REHABILITATION MATERIALS

- A. General: Auxiliary materials recommended by roofing system manufacturer for intended use and compatible with existing roofing system and roofing coating system.
- B. Joint Sealant: Elastomeric joint sealant compatible with applied coating, with movement capability appropriate for application.
 1. Joint Sealant, Polyurethane: ASTM C920, Type S, Grade NS, Class 50 single-component moisture curing sealant, formulated for compatibility and use in dynamic and static joints; paintable.
 - a. Basis of design product: Tremco, TremSEAL Pro.
 - b. Volatile Organic Compounds (VOC), maximum, ASTM D3960: 40 g/L.
 - c. Hardness, Shore A, ASTM C661: 40.
 - d. Adhesion to Concrete, ASTM C794: 35 pli.

- e. Tensile Strength, ASTM D412: 350 psi (2410 kPa).
- f. Color: White.

- C. Miscellaneous Accessories: Provide miscellaneous accessories recommended by roofing system manufacturer.

PART 3 - EXECUTION

3.1 EXAMINATION

- A. Examine existing roofing substrates, with Installer present, for compliance with requirements and for other conditions affecting application and performance of roof coatings
 - 1. For the record, prepare written report, endorsed by Installer, listing conditions detrimental to performance.
 - 2. Verify compatibility with and suitability of substrates.
 - 3. Verify that substrates are visibly dry and free of moisture.
 - 4. Verify that roofing membrane surfaces have adequately aged to enable proper bond with base coat.
 - 5. Verify that roofing membrane is free of blisters, splits, open laps, indications of shrinkage, and puncture damage or other indications of impending roof system failure.
 - 6. Commencing application of coatings indicates acceptance of surfaces and conditions.

3.2 PREPARATION

- A. Protect existing roofing system that is indicated not to be rehabilitated, and adjacent portions of building and building equipment.
 - 1. Mask surfaces to be protected. Seal joints subject to infiltration by coating materials.
 - 2. Limit traffic and material storage to areas of existing roofing membrane that have been protected.
 - 3. Maintain temporary protection and leave in place until replacement roofing has been completed.
- B. Shut down air intake equipment in the vicinity of the Work in coordination with the Owner. Cover air intake louvers before proceeding with coating work that could affect indoor air quality or activate smoke detectors in the ductwork.
 - 1. Verify that rooftop utilities and service piping affected by the Work have been shut off before commencing Work.

- C. Maintain roof drains in functioning condition to ensure roof drainage at end of each workday. Prevent debris from entering or blocking roof drains and conductors. Use roof-drain plugs specifically designed for this purpose. Remove roof-drain plugs at end of each workday, when no work is taking place, or when rain is forecast.

- 1. Do not permit water to enter into or under existing membrane roofing system components that are to remain.

3.3 ROOFING COATING PREPARATION

- A. Removal of Wet Insulation: Remove portions of roofing membrane with underlying wet insulation. Remove wet insulation, fill in tear-off areas to match existing insulation and membrane, and prepare patched membrane for application of roof coating as specified below.

- B. Repair of Ponding Areas: Repair areas indicated as ponding areas or areas of inadequate drainage by removing roof membrane, adding additional insulation as required to provide minimum slopes to drain required by roofing rehabilitation coating manufacturer, and replace membrane with material matching existing. Submit photographic report indicating compliance.

- C. Membrane Surface Preparation:

- 1. Remove walkway pads and pavers from roofing membrane. Discard damaged pavers.
 - 2. Remove blisters, ridges, buckles, roofing membrane fastener buttons projecting above the membrane, and other substrate irregularities from existing roofing membrane that would inhibit application of uniform, waterproof coating.
 - 3. Broom clean existing substrate.
 - 4. Substrate Cleaning: Clean substrate of contaminants such as dirt, debris, oil, and grease that can affect adhesion of coating by power washing at minimum 2,000 psi (13,800 kPa).
 - a. Dispose of waste water in accordance with requirements of authorities having jurisdiction.
 - 5. Verify that existing substrate is dry before proceeding with application of coating. Spot check substrates with an electrical capacitance moisture-detection meter.
 - 6. Verify adhesion of new products.

- D. Existing Flashing and Detail Preparation: Repair flashings, gravel stops, copings, and other roof-related sheet metal and trim elements. Reseal joints, replace loose or missing fasteners, and replace components where required to leave in a watertight condition.

- 1. Do not damage metal counterflashings that are to remain. Replace metal counterflashings damaged during removal with counterflashings of same metal, weight or thickness, and finish.

2. Roof Drains: Remove drain strainer and clamping ring. Grind metal surfaces down to clean, bare, metal.

E. Surface Priming: Prime surfaces to receive fluid-applied coating using coating manufacturer's recommended product for surface material. Apply at application rate recommended by manufacturer.

1. Ensure primer does not puddle and substrate has complete coverage.
2. Allow to cure completely prior to application of coating.

3.4 FLUID-APPLIED FLASHING APPLICATION

A. Fluid-Applied Flashing and Detail Base Coat Application: Complete base coat and fabric reinforcement at parapets, curbs, penetrations, and drains prior to application of field of fluid-applied membrane. Apply base coat in accordance with manufacturer's written instructions.

1. Apply base coat on prepared and primed surfaces and spread coating evenly. Extend coating minimum of 8 inches (200 mm) up vertical surfaces and 4 inches (100 mm) onto horizontal surfaces.
2. Back roll to achieve minimum coating thickness indicated on Part 2 product listing, unless greater thickness is recommended by manufacturer; verify thickness of base coat as work progresses.
3. Reinforcing Fabric: Embed fabric reinforcement into wet base coat. Lap adjacent flashing pieces of fabric minimum 3 inches (75 mm) along edges and 6 inches (150 mm) at end laps.
 - a. Roll surface of fabric reinforcing to completely embed and saturate fabric. Leave finished base coat with fabric free of pin holes, voids, or openings.
4. Roof Drains: Install base coat onto surrounding membrane surface and metal drain bowl flange. Install target piece of fabric reinforcement immediately into wet base coat and roll to fully embed and saturate fabric. Reinstall clamping ring and strainer following application of top coat. Replace broken drain ring clamping bolts.

3.5 FLUID-APPLIED MEMBRANE APPLICATION

A. Fluid-Applied Membrane Base Coat: Apply base coat to field of membrane in accordance with manufacturer's written instructions.

1. Apply base coat on prepared and primed surfaces and spread coating evenly.
2. Back roll to achieve minimum coating thickness indicated on Part 2 product listing, unless greater thickness is recommended by manufacturer; verify thickness of base coat as work progresses.

3. Fabric Reinforcement: Embed fabric reinforcement into wet base coat. Lap adjacent pieces of fabric minimum 3 inches (75 mm) along edges and 6 inches (150 mm) at end laps.
 - a. Roll surface of fabric reinforcing to completely embed and saturate fabric. Leave finished base coat with fabric free of pin holes, voids, or openings.
- B. Fluid-Applied Membrane Top Coat: Apply top coat to field of membrane and flashings uniformly in a complete, continuous installation.
 1. Allow base coat to cure prior to application of top coat.
 2. Following curing of base coat and prior to application of top coat, sand raised or exposed edges of fabric reinforcement.
 3. Prime base coat prior to application of top coat if top coat is not applied within 72 hours of the base coat application, using manufacturer's recommended primer.
 4. Apply top coat extending coating up vertical surfaces and out onto horizontal surfaces. Install top coat over field base coat and spread coating evenly.
 5. Back roll to achieve minimum coating thickness indicated on Part 2 product listing, unless greater thickness is recommended by manufacturer; verify thickness of base coat as work progresses.
 6. Avoid foot traffic on new fluid-applied membrane for a minimum of 24 hours.

3.6 FIELD QUALITY CONTROL

- A. Roof Inspection: Contractor shall engage roofing system manufacturer's technical personnel to inspect roofing installation, and submit report. Notify Owner 48 hours in advance of dates and times of inspections. Inspect work as follows:
 1. Upon completion of re-coating but prior to re-installation of other roofing components.
- B. Repair fluid-applied membrane where test inspections indicate that they do not comply with specified requirements.
- C. Arrange for additional inspections, at Contractor's expense, to verify compliance of replaced or additional work with specified requirements.

3.7 PROTECTING AND CLEANING

- A. Protect roofing system from damage and wear during remainder of construction period.
- B. Correct deficiencies in or remove coating that does not comply with requirements, repair substrates, and reapply coating.
- C. Clean overspray and spillage from adjacent construction using cleaning agents and procedures recommended by manufacturer of affected construction.

END OF SECTION 070150.74



RCC Services, LLC

Construction Consulting and Estimating

08/26/2023

Mr. Jeff Teal
Director of Facilities
808 West Spokane Falls Blvd.
Spokane, Washington 99202

RE: Independent Bid Validation
Contractor Name: Krueger Sheet Metal Company
RCC Services Estimate Number: WA318729
Project Name: WA-R180903-318729 Dr. Martin Luther King
Community Center Roof Restoration

RCC Services was retained by Krueger Sheet Metal Company to provide an independent review of their proposal for the above referenced project for pricing validation purposes. The attached Independent Cost Estimate (I.C.E.) was derived from the Material Takeoffs, Scope of Work documents, Site Inspection Documentation, and project photos provided by the contractor. The attached report will provide you with our findings.

The I.C.E. was created using RS Means on-line estimating software which utilizes the most current version of RS Means Cost Data. The construction means and methods for this I.C.E. were based upon our estimator's professional experience in line item estimating and construction standard practices.

The Cost data is based on a national average for line item pricing. The I.C.E. has been adjusted utilizing the most current RS Means Data QTR 3, 2023 and was further adjusted by the RS Means City Cost Index (CCI) for Spokane, Washington as well as the OMNIA R180903 Contract Co-Efficient for Washington State.

As a result of our efforts we have determined that the proposal from Krueger Sheet Metal Company is consistent within the industry standard of our I.C.E. If you have any questions regarding the attached documents please feel free to contact us.

Sincerely,

Jeremy Rotondo

Jeremy Rotondo
Vice President
RCC Services, LLC
jeremy@rccservices.net

Cost Estimate Report

Date: 08/26/2023

500 Stone Street
Spokane, Washington, 99202

Dr Martin Luther King Community Center Roof Restoration

Year 2023 Quarter 3

Unit Summary Report

Prepared By: Jeremy Rotondo

RCC Services, LLC.

Division	Description		Total
Division 01	General Requirements		\$101,886.06
Division 02	Existing Conditions		\$3,180.00
Division 04	Masonry		\$56,875.12
Division 07	Thermal and Moisture Protection		\$659,690.69
Subtotal			\$821,631.87
General Contractor's Markup on Subs		0.00%	\$0.00
Subtotal			\$821,631.87
General Conditions		0.00%	\$0.00
Subtotal			\$821,631.87
OMNIA R180903 Contract Co-Efficient - WASHINGTON		1.00	\$0.00
Grand Total			\$821,631.87

Cost Estimate Report

Date: 08/26/2023

Spokane, Washington, 99202

500 Stone Street

Dr Martin Luther King Community Center Roof Restoration

Year 2023 Quarter 3

Unit Detail Report

Prepared By: Jeremy Rotondo

RCC Services, LLC.

LineNumber	Description	Quantity	Unit	Total Incl. O&P	Ext. Total Incl. O&P
Division 01 General Requirements					
013113200220	Field personnel, project manager, maximum	3.00	Week	\$4,274.00	\$12,822.00
013113200280	Field personnel, superintendent, maximum	6.00	Week	\$4,225.00	\$25,350.00
014523505750	Roofing inspection technician, per day	12.00	Ea.	\$578.34	\$6,940.08
015416500100	Forklift crew, all-terrain forklift, 45' lift, 35' reach, 9000 lb. capacity, weekly use	6.00	Week	\$6,234.40	\$37,406.40
015416500100	Permits rule of thumb, most cities, minimum	1.00	Job	\$31.17	\$187.03
015416500100	Performance Bond, for buildings, maximum	1.00	Job	\$155.86	\$935.16
015433405460	Pressure Washer 7 gpm, 3000 psi, Incl. Hourly Oper. Cost.	4.00	Week	\$496.16	\$1,984.62
015433406410	Rent toilet portable chemical, Incl. Hourly Oper. Cost.	6.00	Week	\$72.48	\$434.87
015433407200	Rent truck pickup 3/4 ton 4 wheel drive, Incl. Hourly Oper. Cost.	9.00	Week	\$838.04	\$7,542.32
015436501400	Mobilization or demobilization, delivery charge for equipment, hauled on 20-ton capacity towed trailer	2.00	Ea.	\$855.55	\$1,711.10
015436501400	Permits rule of thumb, most cities, minimum	1.00	Job	\$4.28	\$8.56
015436501400	Performance Bond, for buildings, maximum	1.00	Job	\$21.39	\$42.78
015626500100	Temporary fencing, chain link, 6' high, 11 ga	500.00	L.F.	\$9.32	\$4,660.00
015626500100	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.05	\$23.30
015626500100	Performance Bond, for buildings, maximum	1.00	Job	\$0.23	\$116.50
019313072520	Moisture-thermal control facilities maintenance, single-ply or built-up roofing maintenance, walk roof, clean drain trap and pick-up trash, per inspection	41,780.00	S.F.	\$0.04	\$1,671.20
019313072520	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.00	\$8.36
019313072520	Performance Bond, for buildings, maximum	1.00	Job	\$0.00	\$41.78

LineNumber	Description	Quantity	Unit	Total Incl. O&P	Ext. Total Incl. O&P
Division 01	General Requirements Subtotal				\$101,886.06
Division 02	Existing Conditions				
024119190700	Selective demolition, rubbish handling, dumpster, 10 C.Y., 3 ton capacity, weekly rental, includes one dump per week, cost to be added to demolition cost	6.00	Week	\$530.00	\$3,180.00
Division 02	Existing Conditions Subtotal				\$3,180.00
Division 04	Masonry				
040120520420	Cleaning masonry, high pressure wash, average soil, biological staining, water only, excludes scaffolding	41,780.00	S.F.	\$1.31	\$54,731.80
040120520420	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.01	\$357.22
040120520420	Performance Bond, for buildings, maximum	1.00	Job	\$0.04	\$1,786.10
Division 04	Masonry Subtotal				\$56,875.12
Division 07	Thermal and Moisture Protection				
070505102470	Selective demolition, thermal and moisture protection, roof insulation board, over 2" thick	6,000.00	B.F.	\$0.34	\$2,040.00
070505102470	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.00	\$10.20
070505102470	Performance Bond, for buildings, maximum	1.00	Job	\$0.01	\$51.00
070505104420	Selective demolition, thermal and moisture protection, roofing, single ply membrane, fully adhered	1,000.00	Sq.	\$68.28	\$68,280.00
070505104420	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.34	\$341.40
070505104420	Performance Bond, for buildings, maximum	1.00	Job	\$1.71	\$1,707.00
072216101745	Polyisocyanurate insulation, for roof decks, 3" thick, 2#/CF density, fastening excluded	2,000.00	S.F.	\$2.77	\$5,540.00
072216101745	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.01	\$27.70
072216101745	Performance Bond, for buildings, maximum	1.00	Job	\$0.07	\$138.50
072216103120	Roof deck insulation, fastening alternatives, 6" OC beads, low-rise polyurethane	20.00	Sq.	\$243.11	\$4,862.20
072216103120	Permits rule of thumb, most cities, minimum	1.00	Job	\$1.22	\$24.31
072216103120	Performance Bond, for buildings, maximum	1.00	Job	\$6.08	\$121.56
075423100200	Thermoplastic-polyolefin roofing (TPO), 60 mils, heat welded seams, fully adhered	10.00	Sq.	\$304.72	\$3,047.20
075423100200	Permits rule of thumb, most cities, minimum	1.00	Job	\$1.52	\$15.24
075423100200	Performance Bond, for buildings, maximum	1.00	Job	\$7.62	\$76.18
075610100080	Elastomeric roofing, primer, on foam or modified bitumen, 2 coats, if required	45,000.00	S.F.	\$2.08	\$93,600.00

LineNumber	Description	Quantity	Unit	Total Incl. O&P	Ext. Total Incl. O&P
075610100080	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.01	\$468.00
075610100080	Performance Bond, for buildings, maximum	1.00	Job	\$0.05	\$2,340.00
075610100110	Elastomeric roofing, acrylic rubber, fluid applied, 20 mils thick	45,000.00	S.F.	\$5.88	\$264,600.00
075610100110	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.03	\$1,323.00
075610100110	Performance Bond, for buildings, maximum	1.00	Job	\$0.15	\$6,615.00
075610100120	Elastomeric roofing, acrylic rubber, fluid applied, reinforced, 50 mils thick	45,000.00	S.F.	\$4.24	\$190,800.00
075610100120	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.02	\$954.00
075610100120	Performance Bond, for buildings, maximum	1.00	Job	\$0.11	\$4,770.00
075610100130	Elastomeric roofing, acrylic rubber	900.00	S.F.	\$6.13	\$5,517.00
075610100130	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.03	\$27.58
075610100130	Performance Bond, for buildings, maximum	1.00	Job	\$0.15	\$137.92
077126101300	Reglet, counter flashing for galvanized steel, 26 ga., 12 wide	300.00	L.F.	\$7.30	\$2,190.00
077126101300	Permits rule of thumb, most cities, minimum	1.00	Job	\$0.04	\$10.95
077126101300	Performance Bond, for buildings, maximum	1.00	Job	\$0.18	\$54.75
Division 07 Thermal and Moisture Protection Subtotal					\$659,690.69
Subtotal					\$821,631.87
General Contractor's Markup on Subs				0.00%	\$0.00
Subtotal					\$821,631.87
General Conditions				0.00%	\$0.00
Subtotal					\$821,631.87
OMNIA R180903 Contract Co-Efficient - WASHINGTON				1.00	\$0.00
Grand Total					\$821,631.87



< **Business Lookup**

License Information:

[New search](#) [Back to results](#)

Entity name: KRUEGER SHEET METAL CO.

Business name: KRUEGER SHEET METAL CO.

Entity type: [Profit Corporation](#)

UBI #: 328-043-922

Business ID: 001

Location ID: 0001

Location: Active

Location address: 731 N SUPERIOR ST
SPOKANE WA 99202-2014

Mailing address: PO BOX 2963
SPOKANE WA 99220-2963



Excise tax and reseller permit status:

[Click here](#)

Secretary of State status:

[Click here](#)

Endorsements

Filter

Endorsements held at this lo	License #	Count	Details	Status	Expiration da	First issuance
Bothell General Business - Non-Resident				Active	Jun-30-2024	Jun-09-2023
Burien General Business - Non-Resident	06271			Active	Jul-31-2024	May-23-2007
Ellensburg General Business - Non-Resident				Active	Jul-31-2024	Mar-18-2022
Federal Way General Business - Non-Resident				Active	Jul-31-2024	Sep-23-2022
Kirkland General Business - Non-Resident				Active	Jul-31-2024	Feb-06-2023
Liberty Lake General Business - Non-Resident				Active	May-31-2024	Jun-02-2023
SeaTac General Business - Non-Resident				Active	Jul-31-2024	Jun-12-2019



Endorsements held at this lo	License #	Count	Details	Status	Expiration da	First issuance
Spokane General Business				Active	Jul-31-2024	Dec-26-2018
Spokane Valley General Business - Non-Resident				Active	Jul-31-2024	Oct-07-2020
Underground Storage Tank		1	View Tanks	On Hold		
Yelm General Business - Non-Resident	14110			Active	Jul-31-2024	Aug-03-2023

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

Governing people	Title
BRANDT, ALEXANDER E E	
BRANDT, DAVID T T	

The Business Lookup information is updated nightly. Search date and time:
12/21/2023 3:42:31 PM





Agenda Sheet for City Council Meeting of:

07/10/2023

Date Rec'd	2/15/2023
Clerk's File #	OPR 2023-0246
Renews #	
Cross Ref #	OPR 2022-0777
Project #	
Bid #	
Requisition #	

Submitting Dept	FIRE
Contact Name/Phone	TOM WILLIAMS 7002
Contact E-Mail	TMWILLIAMS@SPOKANECITY.ORG
Agenda Item Type	Contract Item
Agenda Item Name	1970 SREC SERVICE LEVEL AGREEMENT

Agenda Wording

Council to adopt the Service Level Agreement proposed by Spokane Regional Emergency Communications for the dispatch of fire related emergency services.

Summary (Background)

The City of Spokane recently contracted with Spokane Regional Emergency Communications department for the dispatch of Fire related emergency services. A standard level of services agreement was presented and has been reviewed by legal and Spokane Fire Department. City Council will need to review and affirm the contract before it can be signed by both parties.

Lease? NO Grant related? NO Public Works? NO
Fiscal Impact **Budget Account**

Expense	\$ 150,000 month	#	TBD
Select	\$	#	
Select	\$	#	
Select	\$	#	

Approvals

Dept Head	SCHAEFFER, BRIAN
Division Director	SCHAEFFER, BRIAN
Finance	SCHMITT, KEVIN
Legal	HARRINGTON, MARGARET
For the Mayor	PERKINS, JOHNNIE

Council Notifications

Study Session\Other	1/23/23 Committee Meeting
Council Sponsor	Council Members Cathcart and Bingle

Distribution List

Lori.Markham@srec911.org
tmwilliams@spokanecity.org
bschaeffer@spokanecity.org
lsmithson@spokanecity.org
kschmitt

Additional Approvals

Purchasing

**SERVICE LEVEL AGREEMENT
REGARDING EMERGENCY COMMUNICATIONS SERVICES**

THIS AGREEMENT is made and entered into as of _____, 2022 by and between the Spokane Regional Emergency Communications, a Public Development Authority created pursuant to RCW 35.21.730-759 (hereinafter, "PROVIDER") and the City of Spokane, a political subdivision of the State of Washington (hereinafter, "RECIPIENT").

RECITALS

WHEREAS, chapter RCW 39.34.080 authorizes local governments to contract with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner that provides services to meet the needs and development of local communities; and,

WHEREAS, the RECIPIENT desires to have certain fire dispatch emergency communications services performed as hereinafter set forth requiring specialized skills and other supportive capabilities; and,

WHEREAS, PROVIDER represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise and equipment where required, to perform the services set forth in this Agreement; now, therefore,

IN CONSIDERATION of the terms, conditions, covenants, and performances contained herein, the parties hereto agree as follows:

OPERATIVE PROVISIONS

1. SERVICES.

1.1 Provider Services. The PROVIDER shall perform, within the boundaries of the RECIPIENT, the fire dispatch emergency communications services described in Exhibit "A" attached hereto and by this reference incorporated and made part of this Agreement ("SERVICES").

1.2 Provider Availability. PROVIDER shall provide the SERVICES on a daily 24-hour basis during the term of this Agreement.

2. COMPENSATION, TIME OF PAYMENT.

2.1 Compensation. The RECIPIENT shall compensate the PROVIDER for the SERVICES according to the User Fee Formula as recommended by the Fire Service Communication Advisory Board and approved by the SREC Governing Board.

2.2 Time of Payment. RECIPIENT shall pay PROVIDER the total fixed fee set forth in Paragraph 2.1 in no more than two equal installments, the first of which shall be paid to PROVIDER no later than May 1 of each year of the Agreement and the second no later than November 1 of each year of the Agreement.

3. DURATION OF AGREEMENT AND FUTURE SUPPORT.

3.1 Term. The term of this Agreement and the performance of the parties shall commence January 1, 2023, and shall continue unless and until terminated by either party as provided in Section 7 hereof.

3.2 Future Support. The PROVIDER makes no commitment to future support and assumes no obligation for future support of the SERVICES contracted for herein beyond the term of this Agreement.

4. RELATIONSHIP OF PARTIES.

4.1 No agent, employee, servant, or representative of one party shall be deemed to be an employee, agent, servant, or representative of the other for any purpose under this Agreement. Each party will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors, or otherwise during the performance of this Agreement.

5. ASSIGNMENT AND SUBCONTRACTING.

5.1 Assignment. The PROVIDER shall not assign any portion of this Agreement without the written consent of the RECIPIENT, and it is further agreed that said consent must be obtained in writing by the PROVIDER not less than thirty (30) calendar days prior to the date of any proposed assignment. Consent shall not be unreasonably withheld.

5.2 Subcontracting. Any technical or professional service subcontract need not have approval by the RECIPIENT.

6. LIMITATION OF LIABILITY AND HOLD HARMLESS.

6.1 The PROVIDER shall protect, defend, indemnify, and hold harmless the RECIPIENT, its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property). The PROVIDER will not be required to indemnify, defend, or save harmless the RECIPIENT if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the RECIPIENT. Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

6.2 The RECIPIENT agrees to protect, defend, indemnify, and hold harmless the PROVIDER its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments and/or awards of damages (both to persons and/or property). The RECIPIENT will not be required to indemnify, defend, or save harmless the PROVIDER if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused

by the sole negligence of the PROVIDER. Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

- 6.3 The PROVIDER and RECIPIENT agree that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any PROVIDER or RECIPIENT employees or agents while performing work authorized under this Agreement. For this purpose, the PROVIDER and RECIPIENT, by mutual negotiation, hereby waive any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of chapter 51.12 RCW.
- 6.4 These indemnifications and waiver shall survive the termination of this Agreement.
- 6.5 No officer or employee of the RECIPIENT or the PROVIDER shall be personally liable for any act, or failure to act, in connection with this Agreement, it is understood that in such matters they are acting solely as agents of their respective agencies.

7. TERMINATION OF AGREEMENT AND CLOSE OUT.

- 7.1 Termination. Either party reserves the right to terminate this Agreement in whole or in part at any time, with or without cause, by giving at least six (6) months' notice to the other party in writing, specifying the reasons therefore, and the effective date provided such effective date shall not be prior to notification to the PROVIDER. After this effective date, no charges incurred under any terminated portions are allowable.
- 7.2 Close-Out. In the event that this Agreement is terminated in whole or in part for any reasons, the following provisions shall apply:
 - 7.2.1 Upon written request by the PROVIDER, the RECIPIENT shall make or arrange for payment to the PROVIDER for SERVICES not covered by previous payments.
 - 7.2.2 The PROVIDER shall immediately refund to the RECIPIENT any monies paid in advance for SERVICES not performed.

8. NOTICE. Whenever in this Agreement it is provided that written notice is given by one party to the other party, said notice shall be addressed as follows:

<u>PROVIDER</u>	<u>RECIPIENT</u>
Spokane Regional Emergency Communications Attn: Executive Director 1620 N. Rebecca Street Spokane, WA 99217 Phone: (509) 532-8911 Email: Lori.Markham@srec911.org	Fire Service Agency Spokane Fire Department Attn: Brian Schaeffer 44 West Riverside Ave Spokane, WA 99201 509-625-7000 bschaeffer@spokanefire.org

Delivery of said notice shall be effective in any one of the following ways:

- (1) By personal delivery to and an acknowledgement of receipt thereof signed by the receiving party.
- (2) By affidavit or personal service thereof on the receiving party.
- (3) By depositing the notice in the United States Mail, in an envelope properly addressed to the address indicated above or to the last address of the recipient known to the party giving notice, with postage fully prepaid thereon.

In the event said notice is mailed, it shall be deemed delivered three (3) working days following the posting thereof.

9. JURISDICTION.

9.1 Applicable Law. This Agreement has been and shall be construed as having been made and delivered within the state of Washington, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Washington, both as to interpretation and performance.

9.2 Venue. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in a court of competent jurisdiction in Spokane County, Washington.

10. SEVERABILITY.

10.1 It is understood and agreed by the parties hereto that if any part, term, or provision of this Agreement is held by a court to be illegal, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

10.2 If it should appear that any provision hereof is in conflict with any statute of the state of Washington, said provision which may conflict therewith shall be deemed modified to conform to such statutory provision.

11. ENTIRE AGREEMENT.

The parties agree that this Agreement, including Exhibit "A," is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute a material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provision of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

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

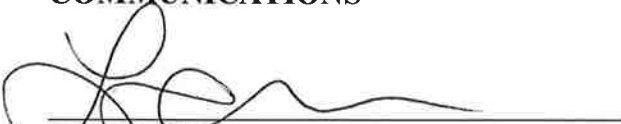
13. AUDIT / RECORDS. PROVIDER shall provide the RECIPIENT's City Administrator or designee performance statistics regarding call time, transfer to dispatch, dispatch of units for SERVICES provided to the RECIPIENT in the same substance and format as provided to any member of the PROVIDER'S Governing Board. Further, upon reasonable request by the RECIPIENT's City Attorney, PROVIDER shall provide, within thirty (30) days or longer time if reasonably necessary to respond to such request, audio recordings of calls and dispatch transmissions for SERVICES provided to the RECIPIENT.

PROVIDER:

RECIPIENT:

**SPOKANE REGIONAL EMERGENCY
COMMUNICATIONS**

CITY OF SPOKANE


By: Lori Markham, Executive Director


By:

EXHIBIT "A"

Description of Services

SERVICES by PROVIDER for RECIPIENT shall be defined as:

- (1) 911 Emergency Call Taking;
- (2) Fire/EMS Dispatching; and
- (3) Radio Network devices and system support.

DEFINITIONS

"CAD" means Computer Aided Dispatch

"CFS" means Call for Service

"EMS" means Emergency Medical Service(s)

"Incident" means when a CFS is assigned a responding unit within CAD

"PSAP" means Public Service Answering Point

SERVICES

1. 911 Emergency Call Taking

Operate as the Primary PSAP for Spokane County.

Support for the fire service during large scale events (i.e., significant brush fires, ice and snow storms, etc.)

2. Fire Dispatching (created from Baseline Level of Service Documentation and the current CCC ILA)

Perform call taking for 911 call transfers for fire, medical, rescue, and hazmat calls to include:

- Location History – add to the call narrative for the Incident address.
- Medical questioning using the approved EMD program (Medical Priority Dispatch), post-dispatch instructions (PDI's), and pre-arrival instructions (PAI's) which includes CPR instruction, Aspirin and Narcan administration, childbirth, etc. The majority of PAI's require the Dispatcher to remain on the phone until EMS units arrive on scene.
- Meet NFPA standard of receiving and dispatching priority calls (calls that require advanced life support, confirmed fires, etc.) in 64 seconds or less 90% of the time and non-priority (Basic Life Support, non-emergent calls, etc.) 106 seconds or less 90% of the time.
 - Structure Fire calls.
 - Brush Fire calls.

- Hazmat calls.
 - Rescue calls (Tech, Water, and Extrication).
 - Motor vehicle accidents.
 - MCI (Mass Casualty Incidents) and RTF (Rescue Task Force) incidents.
- For the duration of the incident add **updates via CAD, Radio, and notification and further information** related to the call.

Dispatchers will utilize calm de-escalation techniques with those in crisis and utilize superior problem solving, priority of life decision making and tactical expertise in giving direction to callers on the phone.

Dispatchers will work in tandem with field units in proper communication and message, in order to achieve appropriate objectives in the best interest of the priority of life and property.

Dispatchers will send the appropriate amount of units needed based on information in the call and pre-determined incident plans from the CAD system. If the incident information describes the need for specialized equipment or specialized units, dispatch will send the appropriate personnel. They must have knowledge of all units and their capabilities:

Dispatchers must have a working knowledge of county wide response capability and coverage.

Dispatchers must have a strong working knowledge of regional geography.

If the incident requires the need for **other services**, Dispatchers will contact and request the appropriate agencies including, but not limited to other Law Agencies, Transport Agencies, Mental Health, Street Department, Alarm Companies, Water and Parks Department, Department of Ecology, Chaplain services, FAA, Fairchild Airforce Base, State Fire Marshall, WSP, SCSO Air 1, SCSO Dive Team, DEM, STA, School Districts, Utility Providers, Train (BNSF) and company as noted by procedure.

For Radio assignment and traffic Dispatchers will:

- Check all apparatus in the City of Spokane Fire Department, Spokane Valley Fire Department, and North and South County Districts. If a unit is out of service without explanation, the dispatcher will contact the appropriate district or jurisdiction to determine status.
- Assign the appropriate Talkgroup or Channel based on incident type.
- Provide radio medical and situation reports on all incidents.
- Give all updates on calls, including resource response, ten minute timers, etc.
- Have a working knowledge of Blue Card terminology and use based on county wide protocol.

- Answer alarm lines, triage calls, and send response as appropriate.
- Document any pertinent incident information in CAD.
- Fill requests from on scene command (i.e., board up request, responsible parties, alarm companies, STA, SCRAPS, Streets Department, LE, Utility Co. etc.).
- Communicate with AMR when changes occur and update fire response.
- Make appropriate apparatus changes to include response capability, changing technology when moving to a spare apparatus, swapping, and coverage or quarters changes.
- Send requested notifications.
- Send the daily 10:00 IMT notification.
- Hospital notifications for trauma or MCI situations.
- Assist primary call receiver by answering secondary and overflow 911 calls.
- Answer all business phone lines and fill requests.
- Answer and dispatch all calls from LE Dispatch.
- Answer and dispatch all calls from AMR.
- Conduct appropriate announcements via paging system.
- Relay caution note and pertinent premise information to responders.
- Record and update local information (i.e., hydrants out of service, on call investigators, street closures, alarm systems out of service, etc.) and notify appropriate response jurisdiction.
- Interface with adjoining counties for automatic and mutual aid response.

If a Fire Units self-initiated activity creates the need for specialized equipment or specialized units, dispatch will notify and attempt to send the appropriate personnel and apparatus. They must have knowledge of these units and their capabilities as outlined above for citizen initiated (911) calls for service. Dispatch will notify command if unable to fill request.

Dispatchers are expected to be technologically sound in all facets of our Computer Aided Dispatch System.

Dispatchers contribute and coordinate the Comprehensive Emergency Management Plan.

Dispatcher must have proficiency in external software, data bases, including, but not limited to: County Assessor Site, Hiplink – Paging system, Alert Spokane (CodeRED), ACCELA.

When Staffing allows, Dispatchers will provide radio communication for drills and training in the field.

For Fire Supervision, Supervisors will:

- Be responsible for monitoring and assisting shift staff.
- Covers breaks for FCS, assist with phone calls and radio traffic as needed.
- Create and input locations into CAD.
- Provide quality oversight to include QA/QI of at least 7 EMS incidents a shift utilizing the Priority Dispatch Aqua System. They will provide feedback and assistance to the responsible Dispatcher with each review.
- Receive and process requests from the state fire marshal for state mobilizations.
- Fill the request for mobilizations by notifying the various fire districts and departments within the counties supported by Northeast Region.
- Coordinate with NEWICC dispatch to meet needs and fill resources for any Department of Natural Resources (DNR), Bureau of Land Management, Forest Service or special agency needs.
- Interact with the public regarding questions and concerns.
- Perform CAD maintenance as requested by Admin staff or Fire agencies served by the CCC.
- Provide public records requests and routine data inquiries for fire investigators, chiefs, and responders based on request for all fire agencies to include researching calls and providing detailed information on what occurred at time of call both on the phone and through CAD.
- Manage Fire Resources County wide during large events, working with administration and the Fire Area Coordinator.
- Oversee County Resource Deployment Coverage and move-up resources on a daily basis.
- Maintain necessary call back lists and call back of personnel.

- Have an intimate knowledge of the Spokane County Fire Resource Plan (SCFRP), Northeast Region, and Washington State mobilization Plans in order to be able to execute required response procedures.
- Conduct appropriate announcements via paging system.
- Monitor weather conditions and make notifications when necessary.
- Research and provide monthly statistics for all Fire Agencies.
- Coordinate with Disaster Medical Control Center (DMCC) for the tracking and transportation of patients to the appropriate facility and method during a Mass Casualty Incidents.
- Maintain the “big operational picture” for the shift to ensure resources available match the need for the safety of the responders and public.

Staffing:

Dispatchers ensure that all four main Fire Channels and Operational Talkgroups are monitored 24/7. A minimum of two Fire Dispatchers will be on the floor at all times. When staffing allows, all training and supplemental Talkgroups will be monitored.

Training/Hiring:

Dispatchers create and maintain current training documents for incoming trainees and adhere to a strict training program. Training Officers instruct and observe trainees in each phase of progression. Training phases are set up to cover all of the above tasks and requirements to become a dispatcher.

The Fire Service Communication Advisory Board (RECIPIENT):

the RECIPIENT shall provide oversight, review and direction to PROVIDER on the policies and operations of PROVIDER in regards to fire and EMS calls. PROVIDER recognizes the authority of the RECIPIENT.

Each Fire Operations Group Member (“Member”) shall have one (1) vote.

Any action requiring a *super majority* shall require the affirmative vote of at least two-thirds (67%) of all members of the RECIPIENT.

Authority, Duties and Responsibilities of RECIPIENT:

The authority, duties and responsibilities of the RECIPIENT shall be as follows:

- (a) Review the level of service provided by PROVIDER and assure that it complies.
- (b) Assure that established performance criteria are being met.

- (c) By an affirmative vote by a *two-thirds majority* of the RECIPIENT, it may, subject to the concurrence of the PROVIDER Board.
 - (1) Establish or modify performance criteria to measure the type and level of service, or;
 - (2) Alter or amend the type and level of service.
- (d) Ensure that staffing levels outlined in this Agreement are met by PROVIDER.
- (e) Review staffing levels to determine if staffing needs are appropriate.
- (f) Evaluate appeals of complaints or damages forwarded to them as provided by this Agreement or by the policies and procedures adopted by the RECIPIENT
- (g) Establish procedures for meetings, including the meeting agenda.
- (h) Provide guidance for a backup communications center to PROVIDER.
- (i) In cooperation/ coordination with the Radio shop, approve the radio and paging operational system, including all radio frequency/talk group uses, assignments, and licensing arrangements as deemed appropriate and request/make modifications or alterations consistent with the interests of all Members, as well as overall functionality of the system as a whole.

RECIPIENT may:

- (a) Develop a survey to receive feedback from the public on service delivery, provided that any such process developed shall be subject to the review and concurrence of the PROVIDER Board.
- (b) Create an operations committee or other working committees. All committees created by the RECIPIENT shall be subordinate to, and subject to the direction of the RECIPIENT.
- (c) Request staff assistance from PROVIDER.

The Fire Service Communications Advisory Board Members:

RECIPIENT will be comprised of a representative of each of the 15 fire agencies.

A quorum is comprised of at least eight (8) members to always include:

One (1) representative of each of the four (4) Members with the greatest average annual emergency incident volume over the last thirty six (36) months.

Four (4) additional votes from any of the remaining eleven (11) agencies. The four (4) Members with the greatest average volume of emergency incidents will serve three (3) year terms. The determination of the four (4) Members with the greatest average emergency incident volume will

be made by December 1 of each third (3rd) year so that representatives can be named for the next three (3) year term.

Unlimited consecutive terms may be served by a representative. If a position becomes vacant during the term, the position shall be filled as soon as possible and the remainder of the term fulfilled.

The representatives to the RECIPIENT shall be agency Fire Chiefs or their designees. Each designated representative shall name a person to act as his/her authorized designee/representative in case of absence or unavailability.

There shall be no more than one (1) representative from any one (1) Member.

Positions representing multiple Members shall be selected by those Members. The Chair of RECIPIENT shall solicit nominations for the at-large positions for sixty (60) days, and then administer their election, allowing thirty (30) days for the election process, to be completed and finalized by December 15 prior to the beginning January 1 date of the two (2)-year term for the elected representatives.

By *unanimous* consent of the RECIPIENT, the make-up of the RECIPIENT may be modified.

RECIPIENT Meetings:

RECIPIENT shall elect from among the Member agency representatives, by simple majority vote, a Chairperson. The election shall be held at the first meeting of the year, after the election of the at-large (two (2)-year term) representatives. The term of office for the chairperson shall be two (2) years.

The chair of the RECIPIENT will set the agenda for each meeting, provided that the PROVIDER Executive Director/Deputy Director may place any item on the agenda. Items may be placed on the agenda by any Member in accordance with adopted meeting procedures.

RECIPIENT shall meet regularly and will determine its own meeting schedule. The RECIPIENT may have telephonic meetings, however any action requiring a super majority affirmative vote shall require individual written/email verification of the vote by each member, to be sent to the Chair, within twenty four (24) hours of the vote.

Contracting Agency Responsibilities:

Member shall provide to PROVIDER, and regularly update as appropriate to maintain currency, the following:

- (a) A roster of command and staff personnel with telephone numbers and a list of station locations (addresses) and telephone numbers.
- (b) Individuals or groups needing unique paging codes.

- (c) Response configuration information identifying the number and sequence of units to be dispatched to incidents by geographical location. Inclusion of other agency resources shall be verified by written authorization from the other agency.
- (d) The level of response to be dispatched to various types of incidents.

Member shall, concur with, adopt, and comply with the policies and procedures established by the Fire Service Communications Advisory Board, and be subject to remedies prescribed by the Fire Service Communications Advisory Board for breach of policy or procedure.

Cooperative Development Requirements:

All Member agencies shall commit to the cooperative development, operations, and maintenance of the following as determined necessary by the RECIPIENT:

- (a) Public Safety GIS data base; and
- (b) Radio System Plan Member.

Systems or plans accepted and adopted by the RECIPIENT shall be subject to the acceptance of all Members, and shall be presented to them by the RECIPIENT for that action.

3. Radio Network devices and system support:

PROVIDER agrees to:

- Provide, manage, and support 24/7 emergency communications systems for first responders.
- Operate, maintain and upgrade communications tower sites.
- Maintain buildings, towers and antenna, radio equipment, microwave backhaul equipment, battery systems, generators, security equipment, and grounds for all facilities and systems.
- Provide, maintain, program, repair, and replace communications radios (portables and mobiles) for law enforcement and fire agencies. Approximately 4200 subscriber units in total.
- Operate, maintain and upgrade Microwave backhaul systems.
- Provide infrastructure backhaul for City of Spokane, Washington State Patrol (WSP), Kootenai County, and Stevens County emergency communications equipment.
- Provide backhaul of 911 phone circuits to the City of Cheney.

- Provide, maintain and upgrade the County Wide Paging System utilized by Spokane and Kootenai counties. This system is utilized as the primary and initial means of incident notification for all fire agencies responders.
- Provide and maintain Fire Station Alerting (FSA) system via the Motorola system to include basic trouble shooting analysis. Fire agencies are responsible for the installation and maintenance of FSA systems.
- Provide, maintain, and upgrade the radio and telephone recording system utilized by fire dispatch, law dispatch, and 911.
- Maintain communications systems, frequencies, licensing, and radio equipment in accordance with federal law under the Federal Communications Commission 47 C.F.R. Part 90.
- Provide, maintain and coordinate radio frequencies for all first responders within Spokane County.
- Facilitate and coordinate interoperability with multiple local, regional, state and federal agencies. This includes both law enforcement and fire. See exhibit A.
- Provide and maintain multi-band wide area radio systems for local, state, and national interoperability as directed by the Department of Homeland Security.
- Provide and maintain equipment for interoperability with the Department of Defense for disasters and national security.
- Operate Maintain and Upgrade 4.9GHz wireless system for city / county network backhaul.
- Provide microwave transport of Spokane City / Spokane County network to outlying Scope stations, fairgrounds, Spokane Parks, waste transfer stations, SCRAPS and Spokane County Fire District 9 fire stations.
- Provide communications equipment and support (including a technician for deployment as needed) for Department of Emergency Management Region 9. Includes Mobile Command Vehicle (MCV) and other vehicles deployed in the region.
- Provide, maintain, program, and repair dispatch consoles for the City of Spokane, Spokane County, City of Cheney, Spokane International Airport, City / County Jail, and Geiger Corrections.
- Provide, maintain, and repair regional law enforcement aircraft communications operated by the Spokane Sheriff Department. Coordinate multi-state communications.

- Provide equipment, maintain, repair, and support regional Emergency Alert System (EAS).
- Represent the region for the Federal Communications Commission National Public Safety Planning Advisory Committee (NPSPAC) Region 43.
- Provide and maintain emergency cache radios utilized for local and regional large incidents, emergencies, and planned events. This includes incidents such as large fires, ice storms, and windstorms, any other large scale natural disasters, Bloomsday, and HoopFest.
- Provide interoperability options to private agencies such as American Medical Response, hospitals, Gonzaga campus, power companies, etc.
- Provide and support communications for large events such as Bloomsday, Hoopfest, etc.
- Support the region with emergency mountain top communications equipment or staff in the event of a major communications failure.
- Coordinate with regional agencies to provide emergency communications in the event of radio system failure. This is reciprocal cooperation.
- Provide radio system and dispatch statistics.
- Adjust system and subscriber settings to maximize radio system capacity and efficiency.
- Monitor and advise on new technologies, equipment, and regulations (FirstNet, IP based radio, etc.).
- Provide guidance and technical service for interfaces to the radio system. This includes items such as CAD, Locution FSA, Geolocation, etc.
- Establish and provide for a backup communications center to PROVIDER primary center.

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 01/08/2024**Committee Agenda type:** Consent**Date Rec'd**

12/20/2023

Clerk's File #

ORD C36482

Renews #**Cross Ref #****Council Meeting Date:** 01/29/2024**Submitting Dept**

FINANCE, TREASURY & ADMIN

Project #**Contact Name/Phone**

TONYA 625-6585

Bid #**Contact E-Mail**

TWALLACE@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Emergency Ordinance

Council Sponsor(s)

MCATHCART BWILKERSON

Agenda Item Name

(12/4) - 0410-FINANCE-SHORT TERM RENTAL OCCUPANCY FEE ORD

Agenda Wording

An amendment to ORD C36392 is proposed that reflects the change in fee, its use, and includes the provision of legislative guidelines for platform business.

Summary (Background)

On July 10, 2023, City Council passed Ord. C36392 regarding the regulation of short-term rental units. Specifically, Section 08.02.090, refers to a \$4.00 per night lodging fee whereby the proceeds are directed primarily to low-income housing. The effective date was Aug. 18, 2023. The fee must have a nexus to the cost of the short-term regulation program and cannot be directed as such without legal challenges as an unlawful tax.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 0

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Total estimated cost of the program is \$173,000 and is included in the 2024 Adopted Budget. The cost of the program is offset by the per night fee of \$2.00.

Amount**Budget Account**

Select \$

#

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	F&A Division
Contact Name	Tonya Wallace
Contact Email & Phone	twallace@spokanecity.org
Council Sponsor(s)	M. Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Short-term Rental Occupancy Fee Ordinance Amendment
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>On July 10, 2023, City Council passed Ord. C36392 regarding the regulation of short-term rental units. Specifically, Section 08.02.090, refers to a \$4.00 per night lodging fee whereby the proceeds are directed primarily for low-income housing. The effective date was Aug. 18, 2023.</p> <p>However, the fee must have a nexus to the cost of the short-term regulation program and cannot be directed as such without legal challenges as an unlawful tax. The calculated fee to cover the cost of the program is estimated to be \$2.00 per night.</p> <p>Therefore, an amendment to ORD C36392 is proposed that reflects the change in fee, its use, and includes the provision of legislative guidelines for platform business.</p>
Proposed Council Action	Approve Jan. 8 as an emergency for immediate effective date following approval.
Fiscal Impact	
<p>Total Cost: <u>Total estimated cost of the program is \$173,000 and is included in the 2024 Adopted Budget. The cost of the program is offset by the per night fee of \$2.00.</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: Funding source is the per night occupancy fee of \$2.00.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
NA	
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?	
Data will be collected with each quarterly report as to the location, owner, and number of nightly rentals.	

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

Data will be collected quarterly as to the location, owner, and number of nightly

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?

ORDINANCE NO. C36482

AN ORDINANCE relating to Short-Term Rental Occupancy Fee, amending SMC section 8.02.090, adopting a new section 8.02.091 of chapter 08.02 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, on July 10, 2023, Spokane City Council adopted Ordinance C-36392 regarding Short Term Rentals operating within the City of Spokane, effective August 10, 2023; and

WHEREAS, during the adoption process, amendments were made to the Ordinance which raise legal concerns and necessitate additional revisions; and

WHEREAS, The City Council finds that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC section 08.02.090 is amended to read as follows:

08.02.090 Short-Term Rental ((License)) Occupancy Fee

There is a levied a charge on the furnishing of short-term rental lodging located in the City of Spokane, a quarterly fee based on the total number of nights booked for each short-term rental listings through a short-term rental platform (Platform).

A. For purposes of this Chapter, the term “Platform” shall have the meaning for a short-term rental platform set forth in SMC 17C.316.020.

~~((A.))~~ B. Platforms shall pay a _per night booked through the Patform and delineated in the Public Rule.

~~((B.))~~ C. The per night booking fee shall be calculated and remitted on a quarterly basis by the Platform.

~~((C.))~~ D. If a Platform fails to provide complete information the City’s Chief Financial Officer, or designee, the City may estimate the quarterly per night booking fee and issue an assessment.

~~((D. All funds collected under this section shall be spent exclusively for purposes authorized under Chapter 08.07B Sales and Use Tax for Affordable Housing. At~~

~~lease 90% of funds collected under this section shall be allocated to direct, non-administrative costs of programs serving the purposes of SMC 08.07B.020.))~~

E. The Chief Financial Officer, or designee, shall review annually any of the occupancy fees in subsection B and shall make any necessary adjustments in a Public Rule to ensure the fees achieve full cost recovery of the City's administrative, enforcement, and other regulatory costs and no more, after consideration of the following factors:

- a. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
- b. The need for increased enforcement to reduce illegal activity;
- c. The total number of nights booked in City limits across the short-term rental industry; and
- d. The administrative burden of issuing additional platform or operator permits.

Section 2. That there is adopted a new section 8.02.091 to chapter 08.02 SMC to read as follows:

08.02.091 Short-Term Rental Platform General Provisions

All Platforms operating in Spokane shall comply with the following:

- A. Possess a valid Platform permit.
- B. Prior to providing booking services, require that all operators and bed and breakfast operators using a Platform either submit an application for an operator permit or bed and breakfast operator permit through a Platform and include a permit number in any listing, or, include a permit number in any listing for a short-term rental or bed and breakfast unit on the platform.
- C. Remove any listings for short-term rentals or bed and breakfast units from the Platform upon notification by the Planning Department. The Director of Planning and Economic Development Services, or designee, shall develop, by Public Rule, processes and procedures for the removal of any listing.
- D. Provide the following information in an electronic format determined by the Chief Financial Officer, or designee, to the City on a quarterly basis:
 1. The total number of short-term rentals, and bed and breakfast units in the City listed on the Platform during the applicable reporting period; and
 2. The total number of nights all short-term rentals and bed and breakfast units were rented through the Platform during the applicable reporting period.

- E. Inform all operators, including bed and breakfast operators, who use the Platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes unless the Platform does this on the operator's behalf.
- F. When notified to do so by the Director of Planning and Economic Development, or designee, provide written notification to all short-term rental operators and bed and breakfast operators of changes to local regulations affecting their businesses. Upon request, the Platform shall provide documentation to the Director demonstrating that the required notification was provided. Platforms shall be deemed to comply with this subsection if they provide summaries of changes to local regulations as provided by the Director.
- G. Upon request by the Director of Planning and Economic Development or the Chief Financial Officer, or their respective designee(s), permit access to review records that are required to be kept under this Chapter, in a manner consistent with federal law.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Emergency Clause. The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

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 DEPARTMENT FINANCE PUBLIC RULE AND REGULATION	DEPT 0860-__ -_____ LGL 2024-_____
TITLE: FINANCE – SHORT TERM RENTAL OCCUPANCY FEE PUBLIC RULES	
EFFECTIVE DATE:	
REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 This Public Rule is promulgated and published pursuant to SMC 8.02.090 and SMC 8.02.091 and is necessary to carry out the provisions of Chapter 8.02 SMC. Appendix A, City of Spokane City Short Term Rental Public Rules is incorporated herein sets out the Spokane City Short Term Rental Public Rules.

1.2 TABLE OF CONTENTS

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

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule shall apply to all Short-Term Rental Platforms, Short-Term Rental Operators, the Taxes and Licenses Department, the Office of Finance, Treasury and Administration, and Planning and Economic Development Services for the City of Spokane.

3.0 REFERENCES

- Chapter 8.02 SMC
- SMC 8.02.090
- SMC 8.02.091

4.0 DEFINITIONS

"Bed and breakfast" means a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

"Bed and breakfast operator" means any person who is the owner or resident manager of a bed and breakfast unit.

"Bed and breakfast unit" means a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive nights.

"Booking service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a short-term rental operator and a prospective short-term rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of SMC Title 17A and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental or bed and breakfast unit.

"Household" means a housekeeping unit consisting of any number of related persons; a group or more disabled residents; adult family homes as defined under Washington State Law; or six or fewer non-related persons.

"In Spokane" or "within Spokane" means in the Spokane city limits.

"Local contact" means the operator or the operator's representative who is the point of contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

"Operate a short-term rental platform within Spokane" means that a short-term rental platform is engaged in business in Spokane, including having agreements with short-term rental operators or other customers in Spokane who provide dwelling units, or portions thereof, located in Spokane for short-term rental use, regardless of whether the short-term rental platform is physically present in Spokane.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any

building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Primary residence" means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by Public Rule. A person may have only one primary residence.

"Principal" means a principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, and/or is classified by the Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury or disease and/or their family members is not a short-term rental.

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

5.0 POLICY

The Chief Financial Officer hereby adopts rules to administer and enforce the City's Short Term Rental Occupancy Fee and carry out the provisions of Chapter 8.02.090 SMC, as contained in Attachment A.

6.0 PROCEDURES

6.1 See Appendices

7.0 RESPONSIBILITIES

The Taxes and Licenses Department through the City's Office of Finance, Treasury and Administration Department shall administer this Public Rule and Policy.

8.0 APPENDICES

8.1 Appendix A – City of Spokane Short Term Rental Rules

APPROVED BY:

City Administrator

Date

Chief Financial Officer

Date

Assistant City Attorney

Date

APPENDIX A
CITY OF SPOKANE SHORT TERM RENTAL OCCUPANCY FEE RULES

- RULE 1: Primary Residence.
- RULE 2: Monitoring Listings For Compliance.
- RULE 3: Permits and Permit Applications.
- RULE 4: Short-term Rental Platforms General Provisions.
- RULE 5: Short-term Rental Occupancy Fees.
- RULE 6: Short-term Rental Regulations and Public Disclosure.

The following rules are applicable to the Spokane City Short Term Occupancy Fee. They have been promulgated and published by the City of Spokane's Chief Financial Officer, pursuant to SMC § 8.02.090 and SMC § 8.02.091.

RULE 1: Primary Residence.

This rule defines a primary residence as the term applies to a short-term rental (STR) operator and describes evidence that may be used to document the operator's primary residence. An operator may only have one primary residence.

Overview

The STR permit is designed to limit the number of and regulate the operation of STR properties.

Definition and Application

Primary residence means a person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation, and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreement, bank statements, driver's license, valid state identification, and/or vehicle registration.

As part of the permitting or renewal process (e.g., to validate an operator meets and does not exceed restrictions on the number of allowed units), the Planning and Economic Development Services (PEDS) Director or his or her designee will require that an operator provide two supporting documents verifying the address of the primary residence. Supporting documents include, but are not limited to, the documentation described above.

In some instances, a business entity may offer a unit for short-term rental use. Each principal, as defined herein, in the business entity may have a property interest in no more than two short-term rental units, one of which is the principal's primary residence

or the primary residence of one of the business entity's other principals listed on the same short-term rental license.

RULE 2: Monitoring Listings for Compliance.

This rule describes the process for monitoring short-term rentals (STR) and bed and breakfast listings for compliance and notifying STR platforms of any noncompliant listings as specified in the Spokane Municipal Code (SMC).

Periodically, but at least monthly, the Department of Planning and Economic Development (PED) will review the listings on each STR platform for compliance with SMC 17C.315 and 17C.316. After the reviews, PED will provide the STR platforms with a spreadsheet identifying which listings are noncompliant and including the following information:

1. The STR platform's permit number (issued by the City)
 - a. For the same unit listed on multiple platforms, PED will notify each platform of the noncompliant listing.
2. The operator's permit number (issued by the City)
3. The STR listing's Uniform Resource Locator (URL)
4. The reason for listing ineligibility, which may include but is not limited to:
 - a. The operator lacks a valid STR permit;
 - b. The operator lacks a valid City of Spokane business license and/or
 - c. The operator has failed to comply with the requirements listed in SMC 17C.315 or SMC 17C.316.
 - d. The operator is claiming a zoning exemption that has not been granted by PED.
 - e. The operator is out of compliance with one or more requirements of the City Land Use Code.

PED will send this spreadsheet via electronic mail (email) at the email address provided by the STR platform or via an application programming interface (using the technology system from which PED will manage STR permitting and enforcement). PED will deliver the spreadsheet by a mutually agreed upon date or the date selected by the PED Director or his or her designee.

STR platforms will be responsible for providing PED an email address that will accept delivery of the spreadsheet. Notice that is sent via email to the designated address will be deemed effective and complete at the time it is sent.

STR platforms will inform PED within seven (7) calendar days after receipt of PED's spreadsheet whether the STR platform will act against the listings identified in PED's spreadsheet and the timeline for taking such action. The platforms will provide their responses for each ineligible listing in the spreadsheet provided by PED.

Outside of the normal notification process, PED will notify the appropriate platform(s) if PED has reason to believe the building or unit(s) presents a threat to the health or safety of potential occupants, of the occupants of neighboring buildings or of the public. Such reasons may include, but are not limited to, scenarios in which PED has received notification of:

1. Illegal activity at an STR unit;
2. A complaint indicating immediate harm to a guest from renting a unit; or
3. The condition of the building or unit(s) poses an imminent threat as determined by Spokane Code Enforcement.

In such instances, PED will actively coordinate with relevant City departments as needed before notifying the appropriate STR platform(s). The STR platform(s) will provide PED with a status update, within 24 hours, on whether the STR platform will act against the listings identified in the emergency situation report provided by PED.

Nothing in this rule prohibits or restricts PED from taking enforcement action against the platform pursuant to SMC xxxxx.

RULE 3: Permits and Permit Applications.

This rule describes the licenses required for short-term rental (STR) platforms and operators and the processes to apply for a new permit and to renew an existing permit as specified in the Spokane Municipal Code (SMC).

License Required

Both STR platforms and operators, including bed and breakfast operators using a platform to list a bed and breakfast unit, require an annual permit to legally operate a dwelling unit(s), or portion(s) thereof, within the Spokane city limits. The required permit is in addition to the standard business license requirement.

All platform and operator licenses are non-transferable. Any change of ownership will require the new owner(s) to apply for a new operator permit (should the new owner desire to continue operating the STR).

Definition of a Platform and Platform License Applications

For purposes of licensing, a platform is: a person or entity that provides the means to (1) offer (i.e., advertise) a dwelling unit for short-term rental use and to (2) book (i.e., reserve and/or pay for) such a unit and (3) financially benefits from providing these services. The definition of platform does not depend on the person's or entity's scale of operations, possible simultaneous status as short-term rental operator or condition to limit access to the platform to certain operators or properties.

To obtain a permit, a platform must complete an application form with the Department of Planning and Economic Development (PED) in a format prescribed by the PED Director or his or her designee (the Department Director). This format could include a paper

application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal **(please refer to Director's Rule STR-5 for information).**

A platform will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

Operator Permit Applications

To obtain a permit, an operator must complete an application form with PED in a format provided by the Department Director. This format could include a paper application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal.

All operators applying for a permit must declare that each dwelling unit, or portion thereof, offered for use as a short-term rental complies with the general provisions outlined in SMC 17C.315 and SMC 17C.316.

The applicant must register all units the applicant intends to use as short-term rentals on the initial or renewal permit application. Any omitted units cannot be used for short-term rental without going through the permitting approval process.

As part of the application process, all applicants will be asked to (1) self-certify that they are eligible to be an operator and possess all required documentation to establish eligibility and, if offering their primary residence for short-term rental use, (2) provide PED with two (2) supporting documents demonstrating primary residence as described herein. As applicable, an operator must always possess a physical copy of the evidence of prior short-term rental and primary residence and will present such evidence for inspection upon request of the Department Director.

An operator will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

The Department Director will require attestation of compliance for each section of SMC 17C.315 or SMC 17C.316 at the time a STR (or bed and breakfast) operator applies for and/or renews their operator's permit. Operators must maintain hard-copy proof of compliance for each section of SMC 17C.315 or SMC 17C.316 and will provide such documentation at the Department Director's request. Failure to provide proof as requested by the Department Director and within five (5) calendar days of the Director's request will be deemed noncompliant with the applicable SMC section(s).

The Department Director may choose to provide examples of best practices for compliance with applicable SMC sections and if so, will do so on a public-facing website.

Operators are obligated to keep their contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Permit Renewals

Permittees will receive multiple reminders to renew starting at least 60 calendar days prior to expiration of their annual permit. A permittee may renew the permit at any time after receiving the notification and up to 10 calendar days after the license expires without penalty. However, a permittee will be assessed a **one-time late penalty of \$10** for not renewing a license by the last day of the 10-day grace period.

The City will not renew a license unless all penalties and all past and current business, regulatory and STR permit fees are paid in full. The Department Director will take reasonable means to investigate whether a permittee has applied for a new permit to avoid paying outstanding penalties and/or license fees. An operator may apply to renew their permit if they have a pending appeal for an enforcement action.

RULE 4: Short-term Rental Platforms General Provisions.

This rule describes the general obligations of short-term rental (STR) platforms as required by the Spokane Municipal Code (SMC).

Providing Information to FAS

STR platforms will submit the following information to the Department of Finance and Administrative Services (FAS) each quarter:

1. The total number of all short-term rentals and bed and breakfast listings in the City listed on the platform during the applicable reporting period broken out by month.
2. The total number of nights all short-term rentals and bed and breakfast units rented (booked) through the platform during the applicable reporting period broken out by month.

The STR platform will provide this information to FAS fifteen (15) calendar days after the end of each quarter (i.e., January 15, April 15, July 15, and October 15). The STR platform will provide this information in a format specified by the FAS Director or his or her designee, which may be either an electronic or paper format. The FAS Director, or designee, will notify the STR platform of the format to be used.

STR platforms will submit the following to **FAS each month**:

1. All operators using the platform to list STR units during the month and the units listed by those operators:
 - A licensed operator will be identified by either their City issued permit number or by "City of Spokane permit application pending" if the operator has applied for but not yet been issued a permit number by the City.

- A listed unit will be identified by an active and working **uniform resource locator (URL)** for the listing on the platform.

The STR platform will provide this information to FAS 15 calendar days after the end of each month. The STR platform will provide this information in an electronic format specified by the Department Director. The Department Director will notify the STR platform of the format to be used.

An STR platform is obligated to keep its contact information current and must submit any changes in a manner specified by the **Department Director** within 10 calendar days of when the change occurs.

Providing Information to STR Operators

City Website

The City will maintain a public-facing website to provide up-to-date STR information and summaries of the status of SMC § 8.02.090 and SMC § 8.02.091, and all administrative rules pertaining to SMC § 8.02.090 and SMC § 8.02.091. The link to the website will be provided at the time that the STR platform applies for their STR platform permit, which will satisfy the City's responsibility to provide a summary of the rules and regulations for STR platforms and operators.

When changes are made to the ordinance or rules, the City will notify STR platforms via email to the email address provided by the STR platform that the website has been updated.

Taxes

STR platforms will provide STR operators, in writing, with notice that the STR operators are responsible for collecting and remitting all applicable local, state, and federal taxes. STR platforms may choose whether this is done electronically or via postal service. STR platforms must retain proof that they provided the notice.

Failure to provide the information as directed or failure to remit taxes, if the STR platform chooses to collect and remit taxes on operators behaves, **may result in penalties as described in SMC 6.600.110**. Nothing in this Rule exempts an STR operator's tax obligations under SMC § 8.02.090.

Summaries of Regulations

STR platforms will be responsible for providing STR operators with summaries of the City's STR regulations. To fulfill this obligation, STR platforms will refer operators to the City's website, which will provide current information about SMC § 8.02.090. STR platforms must provide the summary when an STR operator lists their property on the STR platform. STR platforms must retain proof that they provided the notice.

When City regulations change, the City will provide the STR platforms with notice within 30 calendar days of the change of regulation. The City will also update the City's

website. Within five calendar days of receiving this notice, STR platforms will provide STR operators with notice that the regulations have been updated and may refer STR operators to the City's website. STR platforms must retain proof that they provided the notice.

Records Review and Public Disclosure

STR platforms will make available all records required to be kept under SMC § 8.02.090 and these Rules. Upon the City's request, STR platforms will coordinate presentation of the applicable records to City staff at a mutually convenient time and place and in a convenient format.

RULE 5: Short-term Rental Occupancy Fees.

This rule describes the fees to be paid by short-term rental (STR) platforms and operators as a condition of permitting and as specified in the Spokane Municipal Code (SMC).

Overview

The occupancy fees imposed pay for the administrative, enforcement and regulatory costs incurred by the City to regulate the STR industry, including all platforms and operators participating within it.

Review of Permitting Fees

The Department of Planning and Economic Development (PED) Director or his or her designee (the Department Director) will review annually, or as needed, the platform and operator permitting fee amount and make any necessary adjustments to this rule to ensure the fees achieve full recovery of the City's administrative, enforcement and other regulatory costs.

In addition to the factors outlined in SMC § 8.02.090, the Department Director will consider the appropriate level of staffing needed for enforcement against illegal activity and the resources needed to issue platform and operator permits. As the actual number of platform and operator permits issued may be higher or lower than the projected numbers used to set the initial fee amounts, upon the Director's review, the permitting fee amounts may increase or decrease.

Occupancy Fees for Platforms

As a condition of permitting, each platform, as defined in **Public Rule**, will pay a quarterly fee based on the total number of nights booked for short-term rental use through the platform.

Effective January 1, 2024, the occupancy fee will be \$2 per dwelling unit for each night booked. The City bases this fee amount on its projected 2024 program revenue and expenditures costs.

The per night occupancy fees will be calculated and paid on a quarterly basis. If a platform fails to provide complete data and information as required by SMC § 8.02.090 and **Public Rule**, the Department Director may estimate, based on available data, the quarterly occupancy fee.

A platform's fee payment is due 30 calendar days after the end of each quarter. This schedule allows for a platform to submit its quarterly data report, the City to generate an invoice for the fee amount owed and the platform to remit payment. If the due date for submitting a report and payment falls upon a Saturday, Sunday or legal holiday, the filing is timely if the report is either (i) received by the City (in the City's possession), or (ii) postmarked by the United States Postal Service, on the next business day.

The occupancy fee per night booked may apply to the same dwelling unit if that unit was booked using different platforms in the same quarter. For example, if dwelling unit A is booked through platform A for five nights in the first quarter and booked through platform B for five nights in the first quarter, platforms A and B are both responsible for remitting \$10 each for dwelling unit A as part of their fee payments to the City.

The per booked night fee will apply to all dwelling units used by the operator as a short-term rental primary, secondary and any additional allowed by SMC § 8.02.090.

Occupancy fees for platforms are non-refundable and non-transferable.

Permitting Fees for Operators

As a condition of permitting and effective August 18, 2023, a short-term rental operator (or a bed and breakfast operator) will pay an initial \$200 in residential zones and \$300 in all other zone per dwelling unit, and \$100 in residential zones and \$150 for all other zones to renew annually. The fee must be paid at the time an operator submits a permit application to the City.

The City will issue an operator one permit, but the fee amount associated with that permit will be based on the number of dwelling units or portions thereof the operator chooses, and is legally permitted, to operate.

Some examples:

1. If an operator's STR consists of multiple rooms (three) in one dwelling unit in a residential zone, the initial permitting fee would be \$200, assuming the operator has no additional STRs.
2. Accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs) are dwelling units separate from the primary residence. An operator using an ADU or DADU as an STR would pay \$200 (in addition to fees for any other unit(s)), assuming in a residential zone.

3. Each unit within a duplex is a separate dwelling unit and would have an initial permitting fee of \$200 per separate unit (e.g., \$200 x 2 = \$400 for a duplex) in a residential zone. If the duplex operator can legally operate an additional STR, then the license fee would increase by \$200 for that unit if in a residential zone.

Permitting fees for operators are non-refundable and non-transferable.

RULE 6: Short-term Rental Regulations and Public Disclosure.

This rule describes public disclosure requests as they apply to the City's administration of short-term rental (STR) regulations.

Background

The Public Records Act broadly defines public records as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic. It includes records prepared at the direction of a governmental agency or records used by an agency in connection with any governmental or proprietary function regardless of whether they are in the possession of the agency at the time a public records request is made.

General Application

If the City receives a public records request for records designated as confidential by the STR operator, bed and breakfast operator and/or STR platform that submitted those records (the submitting party), the City will notify the submitting party in writing of the request and will postpone disclosure for up to ten (10) calendar days. During that time, the STR operator, bed and breakfast operator and/or STR platform will be allowed an opportunity to obtain and serve the City with a court order to enjoin the City from releasing the records.

Third-Party Data Mining Service

To help enforce short-term regulations and ensure operator compliance, the City may use the services of a third-party data mining vendor. Such a vendor would regularly provide City staff with aggregated data and information on short-term rental and bed and breakfast listings across various STR platforms.

These aggregated data and information could include the following:

- Operator's name
- Operator's contact information (email address, phone number and mailing address)
- Property owner's name
- Property owner's contact information (email address, phone number and mailing address)
- Unit's address
- Screenshot of the unit's online listing
- Parcel number

- Land use compliance status
- Meets definition of a short-term rental (i.e., unit rents for fewer than 30 consecutive nights)
- Number of nights booked
- Booking price (weekday and weekend)
- Platform(s) on which unit is listed
- City issued license number

Data and information received from a third-party vendor are subject to public disclosure.

Audit

All records required to be maintained under SMC § 8.02.090 are subject to inspection, copying and audit by the Department of Finance and Administrative Services (FAS) Director or his or her designee, with reasonable prior notice, during regular City business hours.

Short Term Rental Public Rules are hereby ADOPTED this _____ day of _____, 2024.

Chief Financial Officer

Approved as to form:

Assistant City Attorney

ORDINANCE NO. C36482

AN ORDINANCE relating to Short-Term Rental Occupancy Fee, amending SMC section 8.02.090, adopting a new section 8.02.091 of chapter 08.02 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, on July 10, 2023, Spokane City Council adopted Ordinance C-36392 regarding Short Term Rentals operating within the City of Spokane, effective August 10, 2023; and

WHEREAS, during the adoption process, amendments were made to the Ordinance which raise legal concerns and necessitate additional revisions; and

WHEREAS, The City Council finds that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC section 08.02.090 is amended to read as follows:

08.02.090 Short-Term Rental ((License)) Occupancy Fee

There is a levied a charge on the furnishing of short-term rental lodging located in the City of Spokane, a quarterly fee based on the total number of nights booked for each short-term rental listings through a short-term rental platform (Platform).

A. For purposes of this Chapter, the term "Platform" shall have the meaning for a short-term rental platform set forth in SMC 17C.316.020.

Commented [GS1]: I assume you mean "Short-term rental platform"?

~~((A-))~~ B. Platforms shall pay a per night booked through the Platform and delineated in the Public Rule.

Commented [GS2]: Wouldn't it be clearer to eliminate a specific number here and simply refer to the Public Rule? Subsection (E) refers to the Public Rule so it appears we'll end up with two numbers--one in the ordinance and another in the Public Rule.

~~((B-))~~ C. The per night booking fee shall be calculated and remitted on a quarterly basis by the Platform.

~~((C-))~~ D. If a Platform fails to provide complete information the City's Chief Financial Officer, or designee, the City may estimate the quarterly per night booking fee and issue an assessment.

~~((D. All funds collected under this section shall be spent exclusively for purposes authorized under Chapter 08.07B Sales and Use Tax for Affordable Housing. At~~

~~lease 90% of funds collected under this section shall be allocated to direct, non-administrative costs of programs serving the purposes of SMC 08.07B.020.)~~

E. The Chief Financial Officer, or designee, shall review annually any of the occupancy fees in subsection B and shall make any necessary adjustments in a Public Rule to ensure the fees achieve full cost recovery of the City's administrative, enforcement, and other regulatory costs and no more, after consideration of the following factors:

- a. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
- b. The need for increased enforcement to reduce illegal activity;
- c. The total number of nights booked in City limits across the short-term rental industry; and
- d. The administrative burden of issuing additional platform or operator permits.

Section 2. That there is adopted a new section 8.02.091 to chapter 08.02 SMC to read as follows:

08.02.091 Short-Term Rental Platform General Provisions

All Platforms operating in Spokane shall comply with the following:

- A. Possess a valid Platform permit.
- B. Prior to providing booking services, require that all operators and bed and breakfast operators using a Platform either submit an application for an operator permit or bed and breakfast operator permit through a Platform and include a permit number in any listing, or, include a permit number in any listing for a short-term rental or bed and breakfast unit on the platform.
- C. Remove any listings for short-term rentals or bed and breakfast units from the Platform upon notification by the Planning Department. The Director of Planning and Economic Development Services, or designee, shall develop, by Public Rule, processes and procedures for the removal of any listing.
- D. Provide the following information in an electronic format determined by the Chief Financial Officer, or designee, to the City on a quarterly basis:
 1. The total number of short-term rentals, and bed and breakfast units in the City listed on the Platform during the applicable reporting period; and
 2. The total number of nights all short-term rentals and bed and breakfast units were rented through the Platform during the applicable reporting period.

Commented [GS3]: Should this be called a License instead of a Permit? It might be confusing to have a permit for STR operators and also a permit for STR providers. This seems like more of a license.

Commented [WT4R4]: The Platforms must have a business license at a minimum. It seems that they should also have a permit like the operators so that we know in the permit system all of the platforms and can monitor and communicate with them. A business license is not enough to do that. I think the Public Rule will help to decide that question.

Commented [GS5]: Is it anticipated that Finance will handle issuance of a Platform permit? I don't think DSC is expecting to manage that.

Commented [WT6R6]: It seems best if DSC handles the small number of platform permits like the operator permits. I think the Public Rule will help answer this question.

Commented [GS7]: Do platforms track this? What is the purpose of separating out like this?

Commented [WT8R8]: Bed and Breakfasts are often defined differently than STR, but should still be monitored and charged the occupancy fee. Bed and Breakfast can be just a room within a dwelling unit that is not a STR.

- E. Inform all operators, including bed and breakfast operators, who use the Platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes unless the Platform does this on the operator's behalf.
- F. When notified to do so by the Director of Planning and Economic Development, or designee, provide written notification to all short-term rental operators and bed and breakfast operators of changes to local regulations affecting their businesses. Upon request, the Platform shall provide documentation to the Director demonstrating that the required notification was provided. Platforms shall be deemed to comply with this subsection if they provide summaries of changes to local regulations as provided by the Director.
- G. Upon request by the Director of Planning and Economic Development or the Chief Financial Officer, or their respective designee(s), permit access to review records that are required to be kept under this Chapter, in a manner consistent with federal law.

Commented [SE9]: To who?
 Commented [WT10R10]: To the lodging operators or owners

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Emergency Clause. The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

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 DEPARTMENT FINANCE PUBLIC RULE AND REGULATION	DEPT 0860-__-____ LGL 2024-_____
TITLE: FINANCE – SHORT TERM RENTAL OCCUPANCY FEE PUBLIC RULES	
EFFECTIVE DATE:	
REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 This Public Rule is promulgated and published pursuant to SMC 8.02.090 and SMC 8.02.091 and is necessary to carry out the provisions of Chapter 8.02 SMC. Appendix A, City of Spokane City Short Term Rental Public Rules is incorporated herein sets out the Spokane City Short Term Rental Public Rules.

1.2 TABLE OF CONTENTS

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

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule shall apply to all Short-Term Rental Platforms, Short-Term Rental Operators, the Taxes and Licenses Department, the Office of Finance, Treasury and Administration, and Planning and Economic Development Services for the City of Spokane.

3.0 REFERENCES

- Chapter 8.02 SMC
- SMC 8.02.090
- SMC 8.02.091

4.0 **DEFINITIONS**

"Bed and breakfast" means a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

Commented [TW1]: SMC 17C.315.100 - definition and use

"Bed and breakfast operator" means any person who is the owner or resident manager of a bed and breakfast unit.

"Bed and breakfast unit" means a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive nights.

"Booking service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a short-term rental operator and a prospective short-term rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of **SMC Title 17A** and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental or bed and breakfast unit.

"Household" means a housekeeping unit consisting of any number of related persons; a group or more disabled residents; adult family homes as defined under Washington State Law; or six or fewer non-related persons.

"In Spokane" or "within Spokane" means in the Spokane city limits.

"Local contact" means the operator or the operator's representative who is the point of contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

"Operate a short-term rental platform within Spokane" means that a short-term rental platform is engaged in business in Spokane, including having agreements with short-term rental operators or other customers in Spokane who provide dwelling units, or portions thereof, located in Spokane for short-term rental use, regardless of whether the short-term rental platform is physically present in Spokane.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any

building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Primary residence" means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by **Public Rule**. A person may have only one primary residence.

"Principal" means a principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, and/or is classified by the Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury or disease and/or their family members is not a short-term rental.

Commented [TW2]: We do not seem to define this in Title 17A

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

5.0 POLICY

The Chief Financial Officer hereby adopts rules to administer and enforce the City's Short Term Rental Occupancy Fee and carry out the provisions of Chapter 8.02.090 SMC, as contained in Attachment A.

6.0 PROCEDURES

6.1 See Appendices

7.0 RESPONSIBILITIES

The Taxes and Licenses Department through the City's Office of Finance, Treasury and Administration Department shall administer this Public Rule and Policy.

8.0 APPENDICES

8.1 Appendix A – City of Spokane Short Term Rental Rules

APPROVED BY:

City Administrator

Date

Chief Financial Officer

Date

Assistant City Attorney

Date

APPENDIX A
CITY OF SPOKANE SHORT TERM RENTAL OCCUPANCY FEE RULES

- RULE 1: Primary Residence.
- RULE 2: Monitoring Listings For Compliance.
- RULE 3: Permits and Permit Applications.
- RULE 4: Short-term Rental Platforms General Provisions.
- RULE 5: Short-term Rental Occupancy Fees.
- RULE 6: Short-term Rental Regulations and Public Disclosure.

The following rules are applicable to the Spokane City Short Term Occupancy Fee. They have been promulgated and published by the City of Spokane's Chief Financial Officer, pursuant to SMC § 8.02.090 and SMC § 8.02.091.

Commented [TW3]: To be amended in Jan. 2024

RULE 1: Primary Residence.

This rule defines a primary residence as the term applies to a short-term rental (STR) operator and describes evidence that may be used to document the operator's primary residence. An operator may only have one primary residence.

Overview

The STR permit is designed to limit the number of and regulate the operation of STR properties.

Definition and Application

Primary residence means a person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation, and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreement, bank statements, driver's license, valid state identification, and/or vehicle registration.

As part of the permitting or renewal process (e.g., to validate an operator meets and does not exceed restrictions on the number of allowed units), the **Planning and Economic Development Services (PEDS) Director** or his or her designee will require that an operator provide two supporting documents verifying the address of the primary residence. Supporting documents include, but are not limited to, the documentation described above.

In some instances, a business entity may offer a unit for short-term rental use. Each principal, as defined herein, in the business entity may have a property interest in no more than two short-term rental units, one of which is the principal's primary residence

or the primary residence of one of the business entity's other principals listed on the same short-term rental license.

Commented [WT4]: We should determine how many STR units a principal may have and if there are exceptions.

RULE 2: Monitoring Listings for Compliance.

This rule describes the process for monitoring short-term rentals (STR) and bed and breakfast listings for compliance and notifying STR platforms of any noncompliant listings as specified in the Spokane Municipal Code (SMC).

Periodically, but at least monthly, the **Department of Planning and Economic Development (PED)** will review the listings on each STR platform for compliance with **SMC 17C.315 and 17C.316**. After the reviews, PED will provide the STR platforms with a spreadsheet identifying which listings are noncompliant and including the following information:

1. The STR platform's **permit** number (issued by the City)
 - a. For the same unit listed on multiple platforms, PED will notify each platform of the noncompliant listing.
2. The operator's permit number (issued by the City)
3. The STR listing's **Uniform Resource Locator (URL)**
4. The reason for listing ineligibility, which may include but is not limited to:
 - a. The operator lacks a valid STR permit;
 - b. The operator lacks a valid City of Spokane business license and/or
 - c. The operator has failed to comply with the requirements listed in **SMC 17C.315 or SMC 17C.316**.
 - d. The operator is claiming a zoning exemption that has not been granted by PED.
 - e. The operator is out of compliance with one or more requirements of the City Land Use Code.

Commented [WT5]: Not sure if the platforms need to also have a permit as well as a regular business license, but I think they should.

PED will send this spreadsheet via electronic mail (email) at the email address provided by the STR platform or via an application programming interface (using the technology system from which PED will manage STR permitting and enforcement). **PED** will deliver the spreadsheet by a mutually agreed upon date or the date selected by the **PED Director** or his or her designee.

STR platforms will be responsible for providing PED an email address that will accept delivery of the spreadsheet. Notice that is sent via email to the designated address will be deemed effective and complete at the time it is sent.

STR platforms will inform PED within seven (7) calendar days after receipt of **PED's** spreadsheet whether the STR platform will act against the listings identified in **PED's** spreadsheet and the timeline for taking such action. The platforms will provide their responses for each ineligible listing in the spreadsheet provided by PED.

Outside of the normal notification process, PED will notify the appropriate platform(s) if PED has reason to believe the building or unit(s) presents a threat to the health or safety of potential occupants, of the occupants of neighboring buildings or of the public. Such reasons may include, but are not limited to, scenarios in which PED has received notification of:

1. Illegal activity at an STR unit;
2. A complaint indicating immediate harm to a guest from renting a unit; or
3. The condition of the building or unit(s) poses an imminent threat as determined by **Spokane Code Enforcement**.

In such instances, PED will actively coordinate with relevant City departments as needed before notifying the appropriate STR platform(s). The STR platform(s) will provide PED with a status update, within 24 hours, on whether the STR platform will act against the listings identified in the **emergency situation report** provided by PED.

Nothing in this rule prohibits or restricts PED from taking enforcement action against the platform pursuant to **SMC xxxxx**.

Commented [WT6]: Do we have enforcement actions in SMC?

RULE 3: Permits and Permit Applications.

This rule describes the licenses required for short-term rental (STR) platforms and operators and the processes to apply for a new permit and to renew an existing permit as specified in the Spokane Municipal Code (SMC).

License Required

Both STR platforms and operators, including bed and breakfast operators using a platform to list a bed and breakfast unit, require an annual permit to legally operate a dwelling unit(s), or portion(s) thereof, within the Spokane city limits. The required permit is in addition to the standard business license requirement.

All platform and operator licenses are non-transferable. Any change of ownership will require the new owner(s) to apply for a new operator permit (should the new owner desire to continue operating the STR).

Definition of a Platform and Platform License Applications

For purposes of licensing, a platform is: a person or entity that provides the means to (1) offer (i.e., advertise) a dwelling unit for short-term rental use and to (2) book (i.e., reserve and/or pay for) such a unit and (3) financially benefits from providing these services. The definition of platform does not depend on the person's or entity's scale of operations, possible simultaneous status as short-term rental operator or condition to limit access to the platform to certain operators or properties.

To obtain a permit, a platform must complete an application form with the Department of Planning and Economic Development (PED) in a format prescribed by the PED Director or his or her designee (the Department Director). This format could include a paper

application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal (please refer to Director's Rule STR-5 for information).

A platform will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

Operator Permit Applications

To obtain a permit, an operator must complete an application form with PED in a format provided by the Department Director. This format could include a paper application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal.

All operators applying for a permit must declare that each dwelling unit, or portion thereof, offered for use as a short-term rental complies with the general provisions outlined in SMC 17C.315 and SMC 17C.316.

The applicant must register all units the applicant intends to use as short-term rentals on the initial or renewal permit application. Any omitted units cannot be used for short-term rental without going through the permitting approval process.

As part of the application process, all applicants will be asked to (1) self-certify that they are eligible to be an operator and possess all required documentation to establish eligibility and, if offering their primary residence for short-term rental use, (2) provide PED with two (2) supporting documents demonstrating primary residence as described herein. As applicable, an operator must always possess a physical copy of the evidence of prior short-term rental and primary residence and will present such evidence for inspection upon request of the Department Director.

An operator will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

The Department Director will require attestation of compliance for each section of SMC 17C.315 or SMC 17C.316 at the time a STR (or bed and breakfast) operator applies for and/or renews their operator's permit. Operators must maintain hard-copy proof of compliance for each section of SMC 17C.315 or SMC 17C.316 and will provide such documentation at the Department Director's request. Failure to provide proof as requested by the Department Director and within five (5) calendar days of the Director's request will be deemed noncompliant with the applicable SMC section(s).

The Department Director may choose to provide examples of best practices for compliance with applicable SMC sections and if so, will do so on a public-facing website.

Operators are obligated to keep their contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Permit Renewals

Permittees will receive multiple reminders to renew starting at least 60 calendar days prior to expiration of their annual permit. A permittee may renew the permit at any time after receiving the notification and up to 10 calendar days after the license expires without penalty. However, a permittee will be assessed a **one-time late penalty of \$10** for not renewing a license by the last day of the 10-day grace period.

The City will not renew a license unless all penalties and all past and current business, regulatory and STR permit fees are paid in full. The Department Director will take reasonable means to investigate whether a permittee has applied for a new permit to avoid paying outstanding penalties and/or license fees. An operator may apply to renew their permit if they have a pending appeal for an enforcement action.

RULE 4: Short-term Rental Platforms General Provisions.

This rule describes the general obligations of short-term rental (STR) platforms as required by the Spokane Municipal Code (SMC).

Providing Information to FAS

STR platforms will submit the following information to the Department of Finance and Administrative Services (FAS) each quarter:

1. The total number of all short-term rentals and bed and breakfast listings in the City listed on the platform during the applicable reporting period broken out by month.
2. The total number of nights all short-term rentals and bed and breakfast units rented (booked) through the platform during the applicable reporting period broken out by month.

The STR platform will provide this information to FAS fifteen (15) calendar days after the end of each quarter (i.e., January 15, April 15, July 15, and October 15). The STR platform will provide this information in a format specified by the FAS Director or his or her designee, which may be either an electronic or paper format. The FAS Director, or designee, will notify the STR platform of the format to be used.

STR platforms will submit the following to **FAS each month**:

1. All operators using the platform to list STR units during the month and the units listed by those operators:
 - A licensed operator will be identified by either their City issued permit number or by "City of Spokane permit application pending" if the operator has applied for but not yet been issued a permit number by the City.

- A listed unit will be identified by an active and working uniform resource locator (URL) for the listing on the platform.

The STR platform will provide this information to FAS 15 calendar days after the end of each month. The STR platform will provide this information in an electronic format specified by the Department Director. The Department Director will notify the STR platform of the format to be used.

An STR platform is obligated to keep its contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Providing Information to STR Operators

City Website

The City will maintain a public-facing website to provide up-to-date STR information and summaries of the status of SMC § 8.02.090 and SMC § 8.02.091, and all administrative rules pertaining to SMC § 8.02.090 and SMC § 8.02.091. The link to the website will be provided at the time that the STR platform applies for their STR platform permit, which will satisfy the City's responsibility to provide a summary of the rules and regulations for STR platforms and operators.

When changes are made to the ordinance or rules, the City will notify STR platforms via email to the email address provided by the STR platform that the website has been updated.

Taxes

STR platforms will provide STR operators, in writing, with notice that the STR operators are responsible for collecting and remitting all applicable local, state, and federal taxes. STR platforms may choose whether this is done electronically or via postal service. STR platforms must retain proof that they provided the notice.

Failure to provide the information as directed or failure to remit taxes, if the STR platform chooses to collect and remit taxes on operators behaves, may result in penalties as described in SMC 6.600.110. Nothing in this Rule exempts an STR operator's tax obligations under SMC § 8.02.090.

Summaries of Regulations

STR platforms will be responsible for providing STR operators with summaries of the City's STR regulations. To fulfill this obligation, STR platforms will refer operators to the City's website, which will provide current information about SMC § 8.02.090. STR platforms must provide the summary when an STR operator lists their property on the STR platform. STR platforms must retain proof that they provided the notice.

When City regulations change, the City will provide the STR platforms with notice within 30 calendar days of the change of regulation. The City will also update the City's

website. Within five calendar days of receiving this notice, STR platforms will provide STR operators with notice that the regulations have been updated and may refer STR operators to the City's website. STR platforms must retain proof that they provided the notice.

Records Review and Public Disclosure

STR platforms will make available all records required to be kept under SMC § 8.02.090 and these Rules. Upon the City's request, STR platforms will coordinate presentation of the applicable records to City staff at a mutually convenient time and place and in a convenient format.

RULE 5: Short-term Rental Occupancy Fees.

This rule describes the fees to be paid by short-term rental (STR) platforms and operators as a condition of permitting and as specified in the Spokane Municipal Code (SMC).

Overview

The occupancy fees imposed pay for the administrative, enforcement and regulatory costs incurred by the City to regulate the STR industry, including all platforms and operators participating within it.

Review of Permitting Fees

The Department of Planning and Economic Development (PED) Director or his or her designee (the Department Director) will review annually, or as needed, the platform and operator permitting fee amount and make any necessary adjustments to this rule to ensure the fees achieve full recovery of the City's administrative, enforcement and other regulatory costs.

In addition to the factors outlined in SMC § 8.02.090, the Department Director will consider the appropriate level of staffing needed for enforcement against illegal activity and the resources needed to issue platform and operator permits. As the actual number of platform and operator permits issued may be higher or lower than the projected numbers used to set the initial fee amounts, upon the Director's review, the permitting fee amounts may increase or decrease.

Occupancy Fees for Platforms

As a condition of permitting, each platform, as defined in **Public Rule**, will pay a quarterly fee based on the total number of nights booked for short-term rental use through the platform.

Effective January 1, 2024, the occupancy fee will be \$2 per dwelling unit for each night booked. The City bases this fee amount on its projected 2024 program revenue and expenditures costs.

The per night occupancy fees will be calculated and paid on a quarterly basis. If a platform fails to provide complete data and information as required by SMC § 8.02.090 and **Public Rule**, the Department Director may estimate, based on available data, the quarterly occupancy fee.

A platform's fee payment is due 30 calendar days after the end of each quarter. This schedule allows for a platform to submit its quarterly data report, the City to generate an invoice for the fee amount owed and the platform to remit payment. If the due date for submitting a report and payment falls upon a Saturday, Sunday or legal holiday, the filing is timely if the report is either (i) received by the City (in the City's possession), or (ii) postmarked by the United States Postal Service, on the next business day.

The occupancy fee per night booked may apply to the same dwelling unit if that unit was booked using different platforms in the same quarter. For example, if dwelling unit A is booked through platform A for five nights in the first quarter and booked through platform B for five nights in the first quarter, platforms A and B are both responsible for remitting \$10 each for dwelling unit A as part of their fee payments to the City.

The per booked night fee will apply to all dwelling units used by the operator as a short-term rental primary, secondary and any additional allowed by SMC § 8.02.090.

Occupancy fees for platforms are non-refundable and non-transferable.

Permitting Fees for Operators

As a condition of permitting and effective August 18, 2023, a short-term rental operator (or a bed and breakfast operator) will pay an initial \$200 in residential zones and \$300 in all other zone per dwelling unit, and \$100 in residential zones and \$150 for all other zones to renew annually. The fee must be paid at the time an operator submits a permit application to the City.

The City will issue an operator one permit, but the fee amount associated with that permit will be based on the number of dwelling units or portions thereof the operator chooses, and is legally permitted, to operate.

Some examples:

1. If an operator's STR consists of multiple rooms (three) in one dwelling unit in a residential zone, the initial permitting fee would be \$200, assuming the operator has no additional STRs.
2. Accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs) are dwelling units separate from the primary residence. An operator using an ADU or DADU as an STR would pay \$200 (in addition to fees for any other unit(s)), assuming in a residential zone.

3. Each unit within a duplex is a separate dwelling unit and would have an initial permitting fee of \$200 per separate unit (e.g., \$200 x 2 = \$400 for a duplex) in a residential zone. If the duplex operator can legally operate an additional STR, then the license fee would increase by \$200 for that unit if in a residential zone.

Permitting fees for operators are non-refundable and non-transferable.

RULE 6: Short-term Rental Regulations and Public Disclosure.

This rule describes public disclosure requests as they apply to the City's administration of short-term rental (STR) regulations.

Background

The Public Records Act broadly defines public records as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic. It includes records prepared at the direction of a governmental agency or records used by an agency in connection with any governmental or proprietary function regardless of whether they are in the possession of the agency at the time a public records request is made.

General Application

If the City receives a public records request for records designated as confidential by the STR operator, bed and breakfast operator and/or STR platform that submitted those records (the submitting party), the City will notify the submitting party in writing of the request and will postpone disclosure for up to ten (10) calendar days. During that time, the STR operator, bed and breakfast operator and/or STR platform will be allowed an opportunity to obtain and serve the City with a court order to enjoin the City from releasing the records.

Third-Party Data Mining Service

To help enforce short-term regulations and ensure operator compliance, the City may use the services of a third-party data mining vendor. Such a vendor would regularly provide City staff with aggregated data and information on short-term rental and bed and breakfast listings across various STR platforms.

These aggregated data and information could include the following:

- Operator's name
- Operator's contact information (email address, phone number and mailing address)
- Property owner's name
- Property owner's contact information (email address, phone number and mailing address)
- Unit's address
- Screenshot of the unit's online listing
- Parcel number

- Land use compliance status
- Meets definition of a short-term rental (i.e., unit rents for fewer than 30 consecutive nights)
- Number of nights booked
- Booking price (weekday and weekend)
- Platform(s) on which unit is listed
- City issued license number

Data and information received from a third-party vendor are subject to public disclosure.

Audit

All records required to be maintained under SMC § 8.02.090 are subject to inspection, copying and audit by the Department of Finance and Administrative Services (FAS) Director or his or her designee, with reasonable prior notice, during regular City business hours.

Short Term Rental Public Rules are hereby ADOPTED this _____ day of _____, 2024.

Chief Financial Officer

Approved as to form:

Assistant City Attorney

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 01/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

12/26/2023

Clerk's File #

RES 2024-0015

Renews #**Cross Ref #****Council Meeting Date:** 01/29/2024**Submitting Dept**

PLANNING & ECONOMIC

Project #**Contact Name/Phone**

MAREN X6737

Bid #**Contact E-Mail**

MMURPHY@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Resolutions

Council Sponsor(s)

MCATHCART JBINGLE

Agenda Item Name

0650 - RESOLUTION TO RECOGNIZE FINAL SOUTH LOGAN TOD PLAN AND FEIS

Agenda Wording

A resolution recognizing the Final South Logan Transit-Oriented Development Plan and Final Environmental Impact Statement as the coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan area.

Summary (Background)

The South Logan TOD Project supports more connectivity and livability for the community, businesses, and organizations in South Logan. The Planned Action Environmental Impact Statement provides detailed analysis of the impacts of many potential projects all at once during the planning stage to help streamline permitting. The Final South Logan TOD Plan and Final EIS were published on November 30, 2023, followed by the Plan Commission public hearing on December 13, 2023.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 250,000

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

The project is funded by the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce.

Amount**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	RICHMAN, JAMES
<u>For the Mayor</u>	JONES, GARRETT

Additional Approvals

<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

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Committee Agenda Sheet

Urban Experience Committee

Committee Date	January 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	Maren Murphy
Contact Email & Phone	mmurphy@spokanecity.org , x6737
Council Sponsor(s)	<u>CM Cathcart and CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 20
Agenda Item Name	Resolution to Recognize Final South Logan TOD Plan and Final Environmental Impact Statement
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	The South Logan TOD Project supports more connectivity and livability for the community, businesses, and organizations in South Logan. The Planned Action Environmental Impact Statement provides detailed analysis of the impacts of many potential projects all at once during the planning stage to help streamline permitting. The Final South Logan TOD Plan and Final EIS were published on November 30, 2023, followed by the Plan Commission public hearing on December 13, 2023. The PC voted 6-2 to recommend approval of the Final Plan and FEIS for further consideration by the City Council for recognition by resolution, with additional work on ordinances in to begin in 2024.
Fiscal Impact	<p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Total Cost: <u>\$250,000</u></p> <p>Current year cost:</p> <p>Subsequent year(s) cost:</p> <p>Narrative: This project is funded by the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce.</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Grant</p> <p>Is this funding source sustainable for future years, months, etc? No, one-time legislative appropriation</p> <p>Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>
Operations Impacts (If N/A, please give a brief description as to why)	<p><i>What impacts would the proposal have on historically excluded communities?</i></p> <p>The project is intended to support high quality transit, increase housing capacity and diversity, and promote affordability along The City Line in the South Logan area. Reflecting the critical need for more affordable housing in the City, the project includes priorities and recommendations for housing affordability and anti-displacement strategies as development and redevelopment occurs.</p> <p><i>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?</i></p>

The project reviewed and analyzed environmental and social impacts of planned development and development alternatives as part of the process, following the guidance of the HEAL Act. An analysis of existing conditions established a baseline to inform the project with data on demographics, socioeconomics, housing and market conditions, land use and zoning, and infrastructure needs. The project also includes recommendations for anti-displacement and equitable TOD strategies.

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

Throughout the process, community engagement guided and informed the South Logan TOD Project through input from residents, businesses, institutions, agency partners, and other stakeholders.

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 South Logan TOD Project is aligned with many City policies to better connect land use and transportation, expand and increase the housing supply including middle housing and affordable housing, and promote anti-displacement and equitable outcomes. This includes the Comprehensive Plan (Housing Chapter), Housing Action Plan, Sustainability Action Plan, and Transit-Oriented Development Framework Study, and Logan Neighborhood Identity Plan.

RESOLUTION NO. 2024-0015

A resolution recognizing the *Final South Logan Transit-Oriented Development Plan* and *Final Environmental Impact Statement* as the coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan area.

WHEREAS, City of Spokane Comprehensive Plan Policy LU 7.4 provides the following framework for subarea planning: *“Use the Comprehensive Plan for overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively”*; and

WHEREAS, the Land Use Chapter of the City of Spokane Comprehensive Plan sets forth Goal LU 3 – Efficient Land Use, to *“Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems;”* and

WHEREAS, the Transit-Oriented Development Policy LU 3.4 sets forth to *“Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops;”* and

WHEREAS, the Transportation Chapter of the City of Spokane Comprehensive Plan sets forth TR Goal B: Provide Transportation Choices to *“Meet mobility needs by providing facilities for transportation options – including walking, bicycling, public transportation, private vehicles, and other choices,”* and TR Goal C – Accommodate Access to Daily Needs and Priority Destinations to *“Promote land use patterns and construct transportation facilities and other urban features that advance Spokane’s quality of life,”* and TR Goal E: Respect Natural & Community Assets to *“Protect natural, community, and neighborhood assets to create and connect places where people live their daily lives in a safe and healthy environment,”* and TR Goal F: *“Enhance Public Health & Safety to “Promote healthy communities by providing and maintaining a safe transportation system with viable active mode options that provides for the needs of all travelers, particularly the most vulnerable users;”* and

WHEREAS, the Housing Chapter of the City of Spokane Comprehensive Plan sets forth Goal H 1 – Housing Choice and Diversity to *“Provide opportunities for a variety of housing types that is safe and affordable for all income levels to meet the diverse housing needs of current and future residents;”* and

WHEREAS, the Economic Development Chapter of the City of Spokane Comprehensive Plan sets forth Goal ED 3 – Strong Diverse and Sustainable Economy to *“Foster a strong, diverse, and sustainable economy that provides a range of employment and business opportunities”*; and

WHEREAS, in 2021, the Washington State Legislature appropriated \$2.5 million for cities to facilitate transit-oriented development in areas with light rail or fixed rail systems, bus rapid transit, high frequency bus service or park and ride lots; and

WHEREAS, the City of Spokane was one of 11 communities that received the Transit-Oriented Development Implementation (TODI) grant for \$250,000 from the Washington Department of Commerce in 2021 to facilitate transit-oriented development and increase residential capacity in areas of high-capacity transit; and

WHEREAS, the City of Spokane prepared the Transit-Oriented Development (TOD) Framework Action Plan, adopted by resolution in May 2022 under RES 2022-0039, that identifies strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan; and

WHEREAS, the Spokane Transit Authority launched the City Line in July 2023, Spokane's first high performance bus rapid transit route, that completes a six-mile route between Spokane's historic Browne's Addition and Spokane Community College and connects through downtown and the University District, including Gonzaga University. Public, private, and institutional partners have leveraged this investment with millions of dollars in development of catalytic sites in and around the subarea; and

WHEREAS, the Logan Neighborhood adopted the Logan Neighborhood Identity Plan under the neighborhood planning program in 2013 that provides guidelines to establish neighborhood identity with streetscape improvements throughout the Hamilton Corridor, and adopted the Hamilton Form-Based Code in 2015 that governs the shape of the built environment and is intended to stimulate a dynamic and attractive urban environment under ORD C35212 and C35211; and

WHEREAS, the Planning & Economic Development Department secured the services of MAKERS Architecture & Urban Design, LP ("the consultant"), SCJ Alliance, Heartland LLC, and Parametrix to review zoning and regulations, and study environmental impacts of planned development through the development of the subarea plan and planned action environmental impact statement; and

WHEREAS, through community discussion and participation, the South Logan planning process identified community values and priorities for a coordinated framework and development approach for the South Logan area; and

WHEREAS, the Planning staff conducted extensive outreach with various online and in-person methods, including a project website, community events, stakeholder interviews, email updates to interested parties, online information sharing through a GIS story map, blog posts, social media, and regular project updates;

WHEREAS, Planning staff conducted a community survey for early input on the South Logan TOD Project from July to October 2022 to identify priorities, values, challenges, and opportunities in the South Logan area, and received 126 responses; and

WHEREAS, in September 2022, Planning staff and the consultant hosted a three-day community planning studio with stakeholder interviews, open houses, and two community meetings for public scoping and to gather input about future possibilities for the South Logan area; and

WHEREAS, the consultants prepared the South Logan Existing Conditions Report in November 2022 to assess existing conditions of the South Logan study area and to conduct market analysis of development potential, and the Housing & Anti-Displacement Memo in December 2022 to identify strategies to promote housing affordability and to mitigate displacement in the South Logan area; and

WHEREAS, the City hosted a virtual open house in January 2023 to gather feedback on the preliminary alternatives as part of the environmental review process to identify possible outcomes for enhancing transit-oriented development in South Logan; and

WHEREAS, the City conducted two mailings of more than 3,000 postcards each to all property owners, taxpayers, and occupants in the South Logan study area in September 2022 and May 2023; and

WHEREAS, between June 2022 and October 2023, staff and the consultants gave a combined thirty presentations on updates to the planning process and deliverables at key stages, including ten workshops with the Plan Commission, four study sessions with City Council, and numerous presentations to stakeholder groups like the Logan Neighborhood Council and the University District Development Association, in addition to various meetings with stakeholders like Gonzaga University and area organizations and businesses; and

WHEREAS, the City published the *Draft South Logan TOD Plan* and the *Draft Environmental Impact Statement (DEIS)* for a 30-day public comment period from May 9 to June 8, 2023, and hosted a public workshop on May 18, 2023 when community members were able to provide feedback on the Draft Plan and draft alternatives in the DEIS to shape the South Logan area; and

WHEREAS, the Draft Plan presented goals and policies, based on community vision, to encourage mixed-use and walkable places close to transit in South Logan, and the DEIS identified impacts of future scenarios with a mix of uses and intensities, public improvements, and other actions that meet community values;

WHEREAS, the City received 16 written comments on the Draft Plan and DEIS during the public comment period as part of the public record, and all timely and substantial

comments were reviewed and considered in the development of the preferred alternative and final plan; and

WHEREAS, the development of the preferred alternative was shaped by the public comments and full project engagement throughout the process, the environmental review in the DEIS, and the plan values that were outlined in the *Draft South Logan TOD Plan*; and the preferred alternative was composed of a combination of the different alternatives as the preferred direction for future growth and investment in South Logan; and

WHEREAS, the *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* was published on November 30, 2023 for final consideration; and

WHEREAS, the *Final South Logan TOD Plan* presents the plan values that recognize the unique aspects of South Logan, the plan concept that recommends a set of actions to encourage transit-oriented development, the land use framework that identifies changes to zoning and regulations, and goals and policies to guide future implementation and investments in South Logan including land use, housing and anti-displacement, community design, connectivity, and sustainability goals; and

WHEREAS, the Final Plan recommendations are based on the Preferred Alternative which was evaluated in the *South Logan TOD FEIS*, including impacts and mitigation measures of planned development; and

WHEREAS, additional steps are anticipated including the adoption of the Planned Action via ordinance and necessary implementation ordinances at a future date; and

WHEREAS, the Spokane Plan Commission held the public hearing on December 13, 2023 and deliberated and voted 6 to 2 to recommend approval of a resolution recognizing the *Final South Logan TOD Plan* and *FEIS*, with amendments; 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 recognizes the *Final South Logan TOD Plan* and *FEIS* as a declaration of the subarea's desired future condition, and reflecting stakeholder priorities for enhanced connectivity and livability in the South Logan area for the community, businesses, and organizations in the Logan Neighborhood; and

Passed by the City Council this _____ day of _____, 2024.

City Clerk

Approved as to form:

Assistant City Attorney

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING FINAL SOUTH LOGAN TOD PLAN AND FEIS**

A recommendation of the City of Spokane Plan Commission to the City Council to approve a resolution recognizing the Final South Logan Transit-Oriented Development Plan and Final Environmental Impact Statement as the coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan area.

FINDINGS OF FACT:

- A. The City of Spokane adopted a Comprehensive Plan in May of 2001 that complies with the requirements of the Growth Management Act (GMA) as set forth in RCW 36.70A.
- B. In 2021, the Washington State Legislature appropriated \$2.5 million for cities to facilitate transit-oriented development planning in areas with light rail or fixed rail systems, bus rapid transit, high frequency bus service or park and ride lots.
- C. The City of Spokane was one of 11 communities that received the Transit-Oriented Development Implementation (TODI) grant for \$250,000 from the Washington Department of Commerce in 2021 to facilitate planning for transit-oriented development and increase residential capacity in areas of high-capacity transit.
- D. The City of Spokane prepared the Transit-Oriented Development (TOD) Framework Action Plan, adopted by resolution in May 2022 under RES 2022-0039, that identifies strategies best suited to Spokane for supporting TOD along new High-Performance Transit lines, including a focus on South Logan.
- E. The Spokane Transit Authority launched the City Line in July 2023, Spokane's first high performance bus rapid transit route, that completes a six-mile route between Spokane's historic Browne's Addition and Spokane Community College and connects through downtown and the University District, including Gonzaga University. Public, private, and institutional partners have leveraged this investment with millions of dollars in development of catalytic sites in and around the subarea.
- F. The Logan Neighborhood adopted the Logan Neighborhood Identity Plan under the neighborhood planning program in 2013 that provides guidelines to establish neighborhood identity with streetscape improvements throughout the Hamilton Corridor and adopted the Hamilton Form-Based Code in 2015 that governs the shape of the built environment and is intended to stimulate a dynamic and attractive urban environment under ORD C35212 and C35211.
- G. The Planning & Economic Development Department secured the services of MAKERS Architecture & Urban Design, LP ("the consultant"), SCJ Alliance, Heartland LLC, and Parametrix to review zoning and regulations, and study environmental impacts of planned development through the development of the subarea plan and planned action environmental impact statement.
- H. Outreach and public communication began in June 2022 with various online and in-person methods, including a project website, community events, stakeholder interviews, email

updates to interested parties, online information sharing through a GIS story map, blog posts, social media, and regular project updates:

1. Planning staff conducted a community survey for early input on the South Logan TOD Project from July to October 2022 to identify priorities, values, challenges, and opportunities in the South Logan area, and received 126 responses.
 2. In September 2022, Planning staff and the consultant hosted a three-day community planning studio with stakeholder interviews, open houses, and two community meetings for public scoping and to gather input about future possibilities for the South Logan area.
 3. The consultants prepared the South Logan Existing Conditions Report in November 2022 to assess existing conditions of the South Logan study area and to conduct market analysis of development potential, and the Housing & Anti-Displacement Memo in December 2022 to identify strategies to promote housing affordability and to mitigate displacement in the South Logan area.
 4. The City hosted a virtual open house in January 2023 to gather feedback on the preliminary alternatives as part of the environmental review process to identify possible outcomes for enhancing transit-oriented development in South Logan.
 5. The City conducted two mailings of more than 3,000 postcards each to all property owners, taxpayers, and occupants in the South Logan study area in September 2022 and May 2023.
 6. Between June 2022 and October 2023, staff and the consultants gave a combined thirty presentations on updates to the planning process and deliverables at key stages, including ten workshops with the Plan Commission, four study sessions with City Council, and numerous presentations to stakeholder groups like the Logan Neighborhood Council and the University District Development Association, in addition to various meetings with stakeholders like Gonzaga University and area organizations and businesses.
- I. The City published the Draft South Logan TOD Plan and the Draft Environmental Impact Statement (DEIS) for a 30-day public comment period from May 9 to June 8, 2023, and hosted a public workshop on May 18, 2023 when community members were able to provide feedback on the Draft Plan and draft alternatives in the DEIS to shape the South Logan area.
 - J. The Draft Plan presented goals and policies, based on community vision, to encourage mixed-use and walkable places close to transit in South Logan, and the DEIS identified impacts of future scenarios with a mix of uses and intensities, public improvements, and other actions that meet community values.
 - K. The City received 16 written comments on the Draft Plan and DEIS during the public comment period as part of the public record, and all timely and substantial comments were reviewed and considered in the development of the preferred alternative and final plan.

- L. The development of the preferred alternative was shaped by the public comments and full project engagement throughout the process, the environmental review in the DEIS, and the plan values that were outlined in the Draft South Logan TOD Plan; and the preferred alternative was composed of a combination of the different alternatives as the preferred direction for future growth and investment in South Logan.
- M. The Final South Logan TOD Plan and Final Environmental Impact Statement (FEIS) was published on November 30, 2023 for final consideration. The Final South Logan TOD Plan presents the plan values that recognize the unique aspects of South Logan, the plan concept that recommends a set of actions to encourage transit-oriented development, the land use framework that identifies changes to zoning and regulations, and goals and policies to guide future implementation and investments in South Logan including land use, housing and anti-displacement, community design, connectivity, and sustainability goals. The Final Plan recommendations are based on the Preferred Alternative which was evaluated in the FEIS, including impacts and mitigation measures of planned development.
- N. A legal notice of public hearing was published in the *Spokesman-Review* on November 29, 2023 and December 6, 2023.
- O. On December 13, 2023, the City Plan Commission held a public hearing on the Final South Logan TOD Plan and FEIS. The Plan Commission received written comments and public testimony generally in favor of the proposal.
- P. The Plan Commission deliberated and made two amendments to the motion to address proposed changes in the Final Plan.
- Q. Except as otherwise indicated herein, the Plan Commission adopts the findings and direction of the Final Plan and FEIS with amendments.

CONCLUSIONS:

Based upon the process and analysis to develop the final plan and final environmental impact statement, agency and public comments received, and public testimony present, the Spokane Plan Commission makes the following conclusions with respect to the Final South Logan TOD Plan and FEIS:

1. The Final South Logan TOD Plan and FEIS represents the coordinated framework and community vision for encouraging mixed-use, walkable places in the South Logan area.
2. Interested agencies and the public have had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to comment.
3. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the planned action has mitigation measures for each element of the environment.

4. As prescribed in SMC 04.12.010, adoption by resolution is not an action to amend the City's Comprehensive Plan or development regulations by recommendation of the Plan Commission.
5. Additional steps are anticipated including the adoption of the Planned Action (RCW 43.21C.440) via ordinance and necessary implementation ordinances at a future date. The Planned Action is used to facilitate future growth by streamlining the environmental review for projects that are consistent with the subarea plan.
6. The Plan Commission finds that Final South Logan TOD Plan and FEIS are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Land Use Chapter of the City of Spokane Comprehensive Plan sets forth Goal LU 3 – Efficient Land Use, to *“Promote the efficient use of land by the use of incentives, density and mixed-use development in proximity to retail businesses, public services, places of work, and transportation systems;”*
 - b. Land Use Policy 7.4 provides the following framework for subarea planning: *“Use the Comprehensive Plan for overall guidance and undertake more detailed sub-area and neighborhood planning in order to provide a forum for confronting and reconciling issues and empowering neighborhoods to solve problems collectively;”*
 - c. Transit-Oriented Development Policy LU 3.4 sets forth to *“Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops;”*
 - d. Transportation Chapter of the City of Spokane Comprehensive Plan sets forth TR Goal B: Provide Transportation Choices to *“Meet mobility needs by providing facilities for transportation options – including walking, bicycling, public transportation, private vehicles, and other choices;”*
 - e. TR Goal C – Accommodate Access to Daily Needs and Priority Destinations to *“Promote land use patterns and construct transportation facilities and other urban features that advance Spokane’s quality of life;”*
 - f. TR Goal E: Respect Natural & Community Assets to *“Protect natural, community, and neighborhood assets to create and connect places where people live their daily lives in a safe and healthy environment;”*
 - g. TR Goal F: *“Enhance Public Health & Safety to “Promote healthy communities by providing and maintaining a safe transportation system with viable active mode options that provides for the needs of all travelers, particularly the most vulnerable users;”*
 - h. Housing Chapter of the City of Spokane Comprehensive Plan sets forth Goal H 1 – Housing Choice and Diversity to *“Provide opportunities for a variety of housing types that is safe and affordable for all income levels to meet the diverse housing needs of current and future residents;”*

- i. Economic Development Chapter of the City of Spokane Comprehensive Plan sets forth Goal ED 3 – Strong Diverse and Sustainable Economy to *“Foster a strong, diverse, and sustainable economy that provides a range of employment and business opportunities.”*

RECOMMENDATION:

In the matter of the South Logan TOD Project, a proposal by the City of Spokane to adopt a resolution recognizing the Final South Logan TOD Plan as the coordinated framework and vision for the South Logan area and to adopt the Final Environmental Impact Statement as the final analysis of the environmental impacts, mitigation measures, and potential impacts for the Preferred Alternative for the proposed action to implement the Final South Logan TOD Plan, and recognizing that future steps must be taken prior to the actual adoption of the planned action by ordinance, by vote of 6 to 2, the Spokane Plan Commission takes the following actions:

1. Recommends to the Spokane City Council the **APPROVAL WITH MODIFICATION:**
 - a. In Item H of the Action Plan and corresponding references, strike “within ¼ mile from BRT stations” and replace with “in the subarea.”
 - b. Strike bullet on pg. 56: “Add new façade articulation and massing standards to reduce the perceived scale of large buildings and add visual interest to new development. For Shopfront and mixed-use buildings, require two to three articulation features from a list of options every 40-50 feet, maximum. For residential buildings, require two to three articulation features from a list of options every 25-40 feet, maximum.”
2. Authorizes the President to prepare and sign on the Commission’s behalf a written decision setting forth the Plan Commission’s findings, conclusions, and recommendations on the proposal.

Greg Francis

Greg Francis (Dec 22, 2023 10:30 PST)

**Greg Francis, President
Spokane Plan Commission**

Dec 22, 2023

PC Findings and Conclusions_ South Logan Final Plan-FEIS_20231220

Final Audit Report

2023-12-22

Created:	2023-12-22
By:	AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIMUL4eX_hEY7ieKa2uOth2hAprv9d75g

"PC Findings and Conclusions_ South Logan Final Plan-FEIS_20231220" History

 Document created by AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)


2023-12-22 - 6:23:41 PM GMT

 Document emailed to gfrancis@spokanecity.org for signature

2023-12-22 - 6:24:09 PM GMT

 Email viewed by gfrancis@spokanecity.org

2023-12-22 - 6:28:23 PM GMT

 Signer gfrancis@spokanecity.org entered name at signing as Greg Francis

2023-12-22 - 6:30:16 PM GMT

 Document e-signed by Greg Francis (gfrancis@spokanecity.org)

Signature Date: 2023-12-22 - 6:30:18 PM GMT - Time Source: server

 Agreement completed.

2023-12-22 - 6:30:18 PM GMT

South Logan Transit Oriented Development (TOD)
Plan Commission Hearing December 13th 2023

Dissenting Opinion of Commissioner Clifford Winger, December 15, 2023

Spokane City Council President Wilkerson and Spokane City Council Members:

I strongly support the South Logan TOD Plan with two objections that caused me to cast a dissenting vote for the plan approved by my fellow Plan Commissioners. This is an important long range (ten to twenty-five years) planning tool for our City and hopefully what we have learned in this study can be applied to the Division Connects corridor and other bus rapid transit routes.

My two objections involve the residents in the South Logan study area and the residents who reside outside the study area.

Concerns for residents in the study area:

Commissioner Neely and I are concerned about the lack of safeguards for displacement. Gentrification (process in which wealthier, privileged, typically white individuals move into neighborhoods that are largely populated by poor and working-class residents) could displace the current south Logan Neighborhood residents residing in this study area.

It is my hope that our City Council and our City staff institute safeguards that protect current residents, and insure that the future increase in the number of living quarters in this study area are of such economic pricing that they reflect the habitation cost of occupants found in the remainder of the Logan Neighborhood and the Chief Garry Park Neighborhood further east on the City Line route.

Concerns for residents who reside outside the study area:

The Centennial Trail and the Spokane River are important resources for our entire inland empire. Public testimony indicated future improved river access to the Spokane River east of the properties adjacent to N Columbus St. and N Superior St. in the study area.

As a retired process engineer, it is my suggestion that the following section of the South Logan TOD plan be reworded:

J. Install an enhanced crosswalk at the **Hamilton St-Springfield Ave intersection**, like a High-Intensity Activated Crosswalk (known as a HAWK) signal (see figure below) or full traffic signal, to function both as the at-grade ADA-compliant Centennial Trail crossing of Hamilton St and help to facilitate desired transit-oriented development on adjacent and nearby properties. The type of enhancement would be determined by further study.

Final Draft South Logan TOD Plan; Priorities and Investments Section 'J' Page 37

Suggested change:

J. Improve access and the bridge structure across North Hamilton Street near East Springfield Avenue for pedestrians and bicycles on the Centennial Trail, for ADA-compliant Centennial Trail crossing, and to facilitate desired transit oriented development on adjacent and nearby properties. The type of pedestrian overcrossing enhancements would be determined by further study.

The reasoning for this change in the text is that N Hamilton St has a very significant taxpayer investment in the Interstate 90 exchange and the bridge over the BNSF train tracks and the Spokane River just south of E Trent Avenue. The City of Spokane measured the Hamilton traffic in 2019 at 32,000 vehicles per day; Hamilton Street has excessive traffic flow at peak times.

Additionally, the current wording in the S Logan TOD plan suggests an at grade pedestrian safety signal or a traffic stoplight at the E Springfield/Hamilton intersection. Signals in this location would impede the flow of both pedestrians and motor vehicles causing traffic to backup onto the bridge south of Trent. In Plan Commission workshops a signal at Springfield was reported to be unadvisable by the Washington State Department of Transportation. A signal at E Springfield/Hamilton would impede the free flow of pedestrians and bicyclist crossing Hamilton and create unsafe conditions should speeding traffic in this area collide with those crossing Hamilton St.

Modifications to the overcrossing in the Springfield/Hamilton area would be a win-win for all. This area is close to the Spokane Convention Center and near the University District so pedestrians and bicyclists can access the river to the east of Hamilton, as the river bank in this study area is developed, a pedestrian bridge improves the quality and quantity of visitors recreating and visiting our Spokane River in this south Logan area. Increased traffic would, in time, increase customers to businesses, restaurants etc. in the study area possibly creating an area similar to the San Antonio River Walk. Additionally the Hamilton overcrossing would encourage residents in the study area to commute by foot or bicycle to the University District and Downtown. This overcrossing also connects with the City Line's Springfield/Cincinnati station.

A pedestrian bridge would not impede traffic on N Hamilton; this is an important river and railroad crossing in our City for truck and automobile access to Northeast Spokane, north of Spokane River and an emergency backup route should other bridges need closure.

As a final note, I would encourage Council Members Bingle and Cathcart to support creating a more visually attractive entrance to our City and the Logan Neighborhood at the Hamilton/Trent/Spokane Falls intersection as part of this Transit Oriented Development Plan's adoption.

Thank you City Council Members for supporting this TOD project which improves connectivity, access to City resources, improves housing stock, supports affordable living spaces as well as benefiting our environment. Wishing you a successful 2024 as we celebrate the fiftieth anniversary of the Expo '74: Spokane World's Fair where our City did so much to improve Riverfront Park.

Respectfully Submitted,



Clifford Winger
Plan Commissioner

South Logan Transit Oriented Development (TOD) Plan Commission Hearing December 13, 2023
Dissenting Opinion of Plan Commissioner Mr. Kris Neely
December 18, 2023

To: Spokane City Council President Wilkerson and Members of the Spokane City Council,

As a member of the Plan Commission, I recognize the potential benefits of the South Logan TOD Plan as a pivotal long-range planning tool. However, with a deep sense of responsibility, I must express my dissent regarding the current version of the Plan—primarily due to its potential impact on and lack of protections for the displacement of residents and businesses within the South Logan study area.

Firstly, however, I must commend the City of Spokane Planning staff for their unwavering dedication and professionalism, consistently demonstrated throughout my two years of service on this Commission. Additionally, the leadership of Mr. Gardner, as Director of Planning Services, notably enhances our City's planning endeavors and reputation.

Primary Concerns and Recommendations:

- **Reevaluation of Funding and Policy:** The Plan **should explicitly identify specific and verifiable funding sources or policy modifications in advance**, as outlined on page 49, to support the preservation and maintenance of historic buildings. This is crucial for ensuring the Plan aligns with its stated goals and provides tangible benefits to the South Logan area.
- **Addressing Environmental and Social Impacts:** The Environmental Impact Statement (EIS) highlights the elevated risk of displacement for non-student, low-income, and elderly populations (page 3). It is imperative that any increase in housing costs does not disproportionately impact on these vulnerable sections of the South Logan area population. As a function of this Plan, it should **incorporate specific, verifiable, and actionable strategies to preserve affordable housing and support those at risk of displacement.**
- **Historical Preservation Office (HPO) Recommendations:** I echo the concerns raised in the HPO letter dated December 13, 2023 (page 4), regarding the necessity of having anti-displacement strategies in place **prior to zoning changes.** This proactive approach is essential for practical preservation and community protection.
- **Affordability Challenge:** While striving to make new developments accessible to the average resident of the South Logan neighborhood (and beyond), the reality of housing construction costs and current real estate prices in Spokane poses a significant challenge. I urge the Council to **redouble its efforts to find specific, verifiable, innovative, and feasible solutions to this affordability gap.**

In conclusion, while I maintain my dissent, I am fully committed to working collaboratively in any way I can toward an amended Plan that respects and enhances the South Logan neighborhood's needs, heritage, and potential. Such an amended Plan should preserve the essence of this historic neighborhood and lay a

foundation for sustainable and inclusive growth and long-term transportation capabilities in the South Logan area—while safeguarding its residents and businesses from displacement.

Madam President and members of the City Council, thank you for considering these concerns. I extend my best wishes for the holiday season and a prosperous 2024.

Forward, Spokane!

Respectfully Submitted,

A handwritten signature in black ink that reads "Kris Neely". The signature is written in a cursive, slightly slanted style.

Mr. Kris Neely

Plan Commissioner
(509) 999-6970

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SOUTH LOGAN TOD PLAN

FINAL DRAFT FOR CITY COUNCIL | DECEMBER 2023

South Logan TOD Plan

Acknowledgments

The South Logan Transit-Oriented Development (TOD) Plan would not be possible without the enthusiasm and support of community stakeholders, including the businesses, neighbors, and institutional partners in and around the South Logan area. A special thanks to everyone who contributed their time and effort to the development of this plan.

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This project is funded by the Washington State Department of Commerce through the Transit-Oriented Development Implementation (TODI) Grant.

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Spokane City Council 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 impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that all 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.

City Council Res 2021-0019, adopted on March 22, 2021

Table of Contents

Introduction	1
Planning Background	4
Existing Conditions	4
Past Planning and Relevant Regulations	13
Comprehensive Plan	17
Zoning and Development.....	20
Subarea Plan Process	32
Planning Framework	34
Plan Values	34
Plan Concept	35
Plan Features	37
Land Use Framework	42
Subarea Goals & Policies	45
Action Plan	53
Recommended Zoning/Code Changes	55
Appendix 1: Housing and Anti-Displacement Strategies Memo	58
Appendix 2: Community Engagement Process	74
Appendix 3: Plan Alternatives	85
Alternatives Development.....	85
Alternatives Comparison	100

Introduction

South Logan is an emerging and growing community in the Logan Neighborhood where people live, work, learn, shop, recreate, worship, and visit. It has the potential to become a vibrant and well-connected district, with three major universities and medical school programs, an accredited law school, an expanding health sciences ecosystem, newly launched Bus Rapid Transit (BRT) service, the nationally recognized Centennial Trail and multiple bikeways, Spokane River Water Trail, and a mix of housing types and affordability all in a historic, urban context along the Spokane River. The South Logan Transit-Oriented Development (TOD) Project will encourage mixed-use, walkable places in one of the most transit-rich areas of Spokane, situated in the University District and close to the heart of Spokane.

The Spokane Transit Authority (STA) City Line, Spokane's first Bus Rapid Transit route, began service in July 2023. This new all-electric transit line provides a fast, frequent, and convenient transit connection that follows a 6-mile route through South Logan, connecting downtown Spokane and neighborhoods, regional assets, and commercial centers along the route. To build on this generational investment, the South Logan TOD Plan seeks to create a focused vision to strengthen connectivity, innovation, and diversity for community members, businesses, organizations, and institutions of higher learning. The plan will leverage transit infrastructure to create new homes and business spaces in a more comfortable and walkable environment, with a lively mix of uses and easy access to businesses, amenities, and open space.

This plan was developed through a collaborative process with community members and local stakeholders and was funded by a Transit-Oriented-Development Implementation (TODI) grant from the Washington State Department of Commerce. The plan is based on a set of values derived from the project's community engagement efforts, which are developed into goals and policies, followed by recommendations for specific code changes and investments. Potential environmental impacts of new development under the plan will be assessed through a subarea-wide Environmental Impact Statement (EIS) and measures to mitigate impacts will be included in a Planned Action ordinance, passed by City Council upon project completion.

All project materials are available on the project website: my.spokanecity.org/southlogantod.

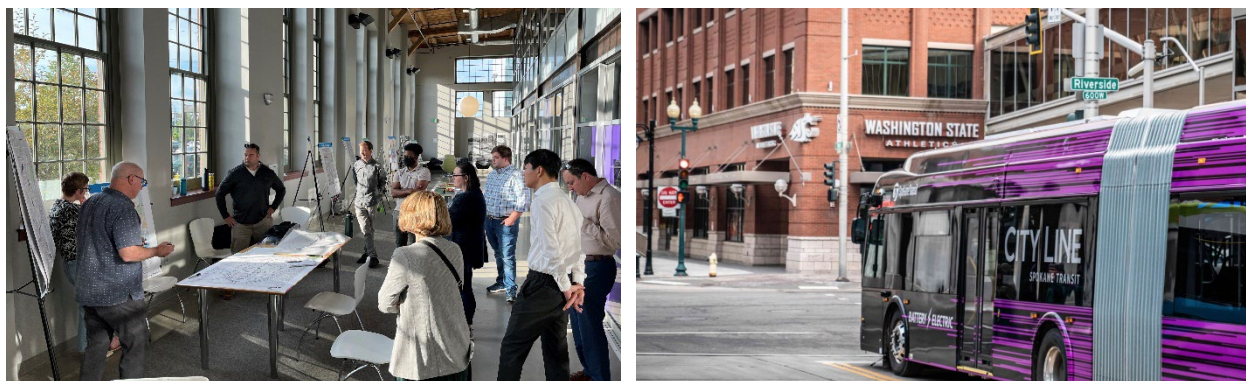
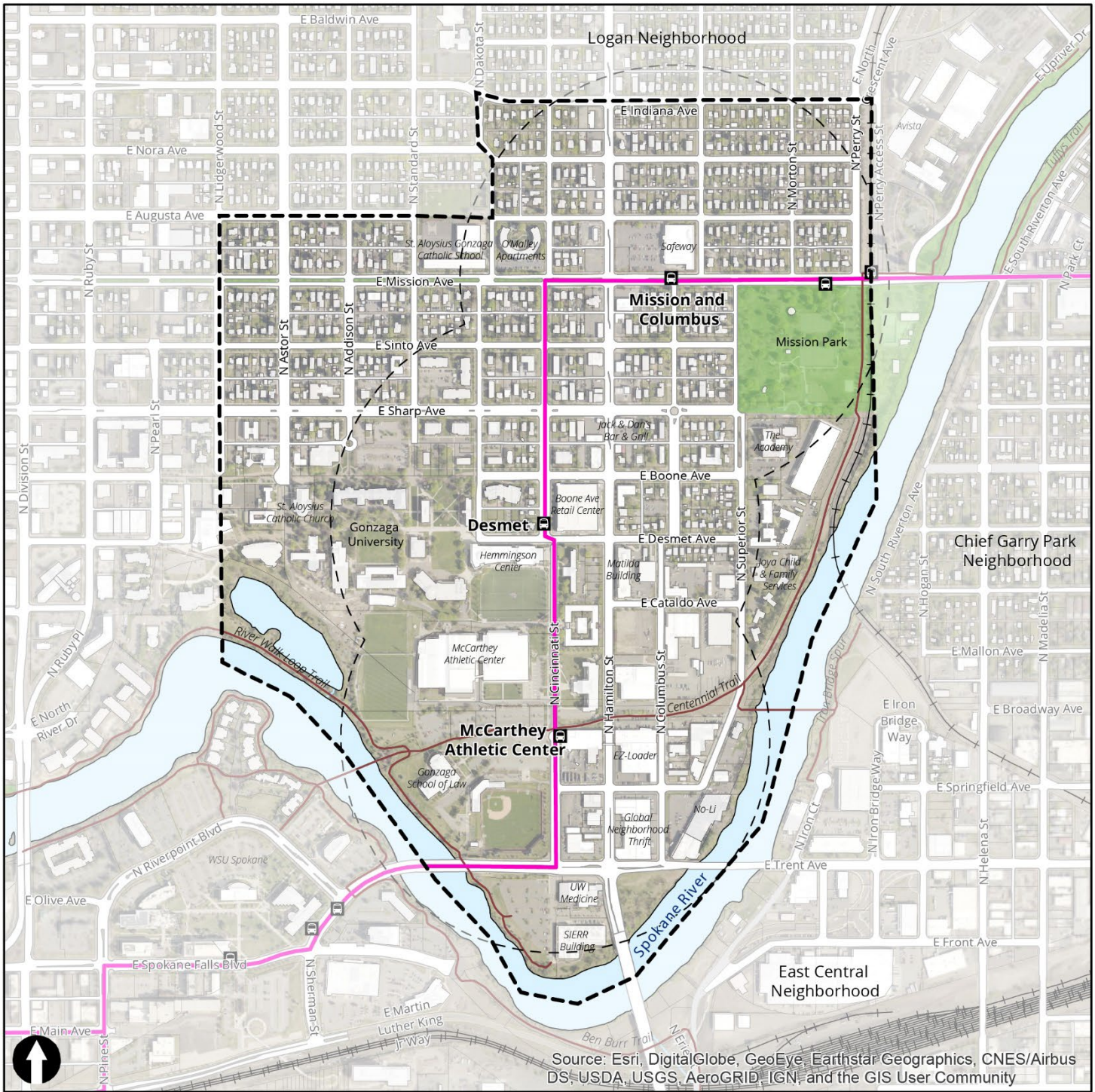


Figure 1. Left: Community Studio, September 2022. Right: City Line began service summer 2023.
Source: STA.



South Logan Context Map

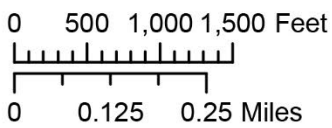








Figure 2. South Logan study area boundaries and context.

-  Study area
-  City Line route and stop
-  Parks
-  Trails
-  1/4 mile from City Line
-  Railroad

What is TOD?

Transit-oriented development is an urban planning strategy that encourages development near high-capacity transit infrastructure, like the City Line Bus Rapid Transit (BRT). When people can easily walk from their home or workplace to a transit stop, they are more likely to ride transit, making better use of public infrastructure investments and improving mobility options for travelers. Concentrating shopping destinations and services near these transit stops further improves the viability of using transit to accomplish daily needs. Routes with higher ridership tend to see frequent service and future investments, creating a positive cycle.

Some typical TOD strategies include:

- Allowing larger buildings within $\frac{1}{4}$ mile of the transit stop
- Loosening minimum parking requirements
- Creating a grid of safe, comfortable routes for walking and rolling
- Focusing and enhancing services and amenities in station areas
- Strengthening important nodes with high quality streetscape & building design
- Coordinating with business and property owners, community members and builders to create excitement and interest



Figure 3. Transit-oriented development concept diagram.

Source: Spokane TOD Framework study



Source: Google Earth; Image Landsat / Copernicus

Planning Background

This section summarizes the foundation for the planning effort, including a summary of local existing conditions, past planning efforts by the City, community, partner agencies, University District Development Association and Public Development Authority (PDA), and existing zoning and development regulations.

Existing Conditions

Neighborhood Context

South Logan is an urban area within the Logan Neighborhood and University District that has historic roots as one of the oldest neighborhoods in Spokane and which today hosts a wide range of land uses and activities. The neighborhood is located on a peninsula formed by the bending Spokane River, which forms its boundaries to the southeast and southwest. The Spokane River has drawn people to the area for thousands of years and was the reason for both the Spokane Tribe of Indians' ancestors, who were a river people, living a semi-nomadic way of life hunting, fishing, gathering along the banks of the Spokane and Columbia rivers and their tributaries.



Figure 4. Spokane River as seen from Gonzaga Law School.

With European-American settlement in the 1800s and the incorporation of the City of Spokane in 1881, the river also became an important travel corridor for industry and logging. This was soon complemented by rail lines connecting through the area to regional economic resources and intercontinental lines, including the McGoldrick Lumber Company which operated from 1906 until 1946. The convenient location of the area also attracted the Jesuit missionaries who founded Gonzaga University in 1887 along the Spokane River, purchasing land from the Northern Pacific Railroad. Over the next two decades the area grew and was platted for development as a “suburb” of downtown Spokane with a pattern of wide streets and boulevard landscaping, which accommodated horse and buggy travel and pedestrians. Streetcar routes were laid in the early 1900s on Hamilton St and Boone Ave in front of the original Gonzaga College Hall. While areas to the north of Desmet Ave developed into a mix of mansion-style and working-class residences anchored by Mission Park, the area to the south attracted industrial uses, including the Spokane & Inland Empire Railroad (SIERR) rail car facility.

More than 120 years later, the Logan Neighborhood continues to serve as a meeting place for residential, educational, and business activities. Stately historic houses of the Mission Avenue Historic District contribute to this historic remnant of the city's first residential suburbs, which includes a significant collection of late 19th and early 20th century houses located on one of the city's oldest landscaped boulevards with mature canopy of trees.

Buildings associated with Gonzaga are complemented by recent streetscape investments. Students, living both in university dorms and older houses and apartments nearby, play a major role in the life of the South Logan area. Many older and long-term residents also call the area home, with pockets of homeowners and several federally funded income-restricted apartment buildings as well as non-profit retirement and assisted living facilities.

Manufacturing and commercial activities continue in the south end of the neighborhood, where EZ Loader, No-Li Brewhouse, and other local and regional businesses provide jobs and create value for the broader community. The recent additions of the UW School of Medicine-



Figure 5. McGoldrick Lumber Co. in 1908. Source: Spokesman Review



Figure 6. SIERR Building



Figure 7. Historic house on Mission Ave, known as the George & Clara Clark House

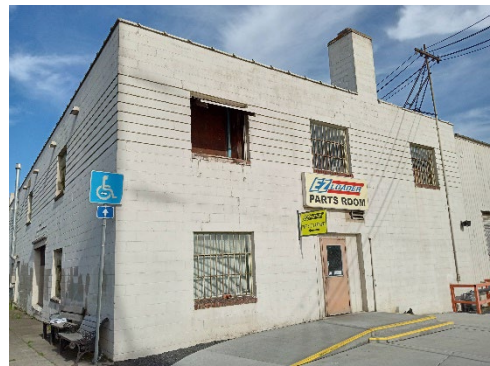


Figure 8. EZ Loader boat trailer company facility

Gonzaga University Health Partnership, the EWU Nursing Program at the SIERR Building, and the Joya Child & Family Development Center are helping to create an important hub of health sciences learning, collaboration, and innovation in South Logan. Along Hamilton St, a major north-south corridor, stores and restaurants serve local residents and workers as well as those passing through. The southern tip of the study area, south of Spokane Falls Blvd/Trent Ave to the Spokane River, is part of the East Central Neighborhood, which continues across the river.

While railroad lines once crossed the neighborhood, today major traffic arterials Hamilton St and Mission Ave bisect South Logan from south to north and east to west. These major roads move thousands of people to their destinations every day but create physical barriers within the neighborhood that deters walking. The former rail lines also created opportunities for pathways and green space. The Centennial Trail, a regional non-motorized trail for people created from the former Great Northern Railroad line, crosses through the district, providing important multimodal connections and helping to bridge the divide created by Hamilton St. In addition, the Iron Bridge (Figure 9), a former rail trestle, now provides a car-free walking, bicycling and rolling connection that will eventually link directly to the Ben Burr Trail which follows former rail lines to East Central and lower-South Hill neighborhoods. The Spokane River Water Trail offers public river access at the SIERR Building in the South Logan area, and the Upriver Park just north of the study area.



Figure 9. Iron Bridge walking/biking bridge

The Spokane Transit Authority and City of Spokane celebrated the launch of the all-electric City Line, Spokane's first rapid transit bus route, on July 18, 2023. This is the culmination of a decade of planning, design, and construction for the development of the BRT, which combines frequency and efficiency in a modern streetcar-like experience. Through local, state, and federal funds, the \$82 million project is a significant community investment into public transit that the South Logan TOD Project is leveraging to connect more people to daily services, housing, employment, school, and places to frequent in the Logan Neighborhood.



Figure 10. The City Line launch on July 18, 2023. Left: Ribbon cutting. Right: City project staff.
Source: STA and City of Spokane.



Figure 11. Buildings and businesses of South Logan.
Source: MAKERS and SCJ Alliance.

Current Uses and Built Environment

The South Logan study area has an eclectic mix of uses, including Gonzaga University and student housing, athletic facilities, university medical and health sciences programs associated with University of Washington and Eastern Washington University, manufacturing and warehouses, community organizations, retail and restaurants, services, apartments, multi-unit housing, senior living communities, and detached single-unit housing. See Figure 16 on the following page for a map of current mix of land uses as of 2020.

In the southwest, Gonzaga occupies about $\frac{1}{4}$ of the subarea, generally south of Sharp Ave and west of Hamilton St, with a range of academic, athletic, housing, and religious buildings. Manufacturing and commercial uses are found south of the Centennial Trail, which mostly consists of one- and two-story buildings as well as some vacant gravel or paved lots. South of Spokane Falls Blvd, the restored SIERRA building and recently constructed \$60-million, four-story UW-GU Health Partnership Building connect the neighborhood with the emerging health and science collaborations of the University District. In these areas General Commercial (GC) and Centers and Corridors (CC) zoning allows buildings up to 150 feet in height.

North of Boone Ave, a strip of retail businesses, restaurants, and services are located along Hamilton St, continuing well north of the subarea. A portion of this area between Desmet Ave and a half of a block north of Augusta Ave is covered by the Hamilton Form-Based Code, a model zoning code developed in 2015 in close collaboration with the Logan Neighborhood Council and community members to foster a lively, walkable, mixed-use environment along Hamilton Street. Safeway, located at the corner of Mission Ave and Hamilton St, is the primary grocery store for the neighborhood and surrounding areas. The blocks surrounding Hamilton and Mission consist of a mix of housing types, with single-unit housing, apartments, and student dorms, mostly covered by low-intensity Residential 1 (R1) zoning.



Figure 12. Gonzaga University College Hall.



Figure 13. Vacant building in the industrial area.



Figure 14. Frugals Burgers on Hamilton St



Figure 15. Recent development at Hamilton St and Indiana Ave

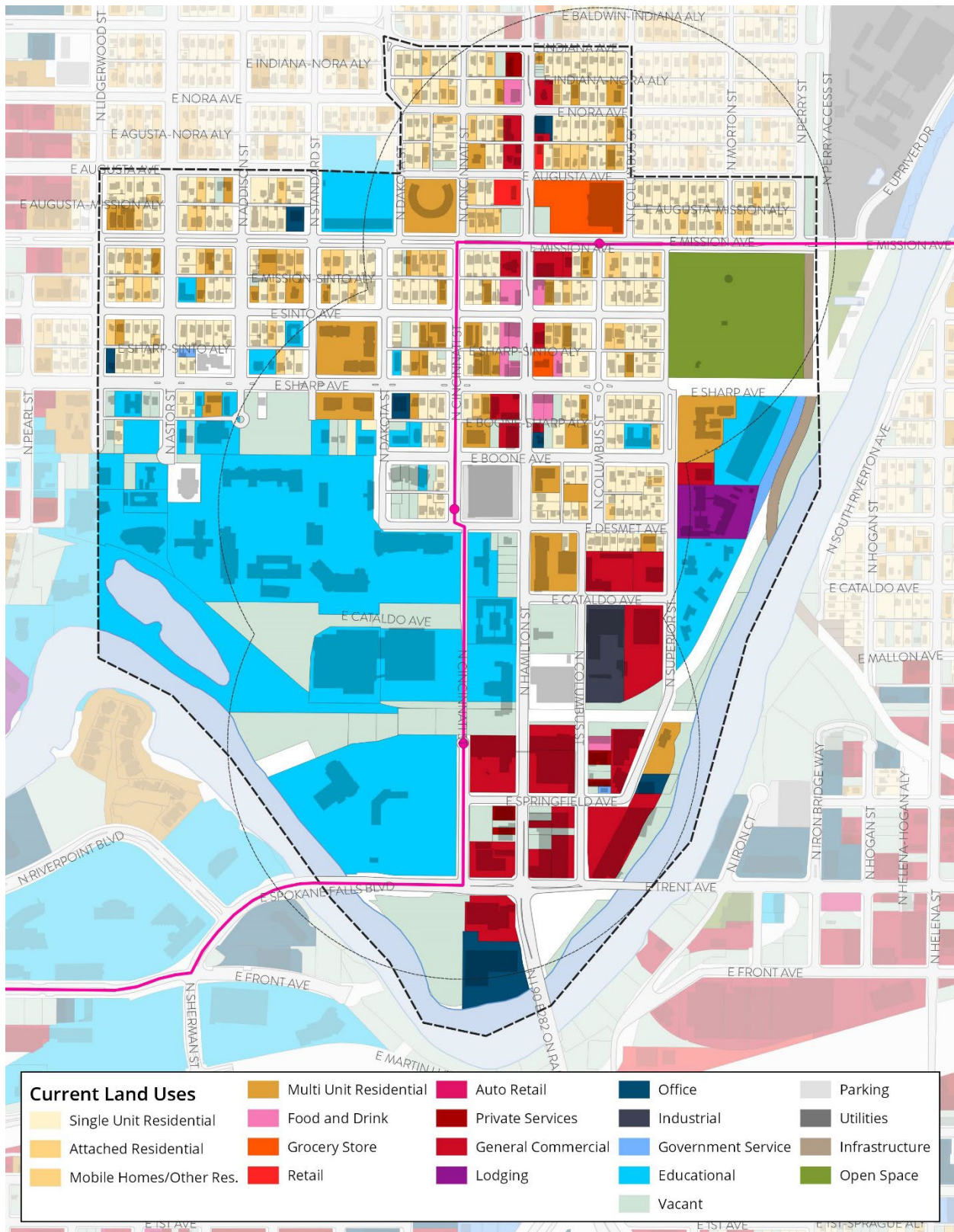


Figure 16. Map of current study area land uses
 Source: Spokane County Assessor, 2020

Assets

- Gonzaga University and medical programs from University of Washington, Eastern Washington University, and Washington State University provide an excellent source of jobs, investment, and innovative energy for the University District, including South Logan.
- Riverfront access is a valuable amenity providing connection to the Spokane River for viewing as well as water activities, including public access to the Spokane River Water Trail at the SIERR Building in South Logan.
- Well-preserved historic buildings provide attractive landmarks that help define the area's identity.
- Proximity to downtown and major transportation corridors, including I-90 and SR 290, brings visibility, connectivity, and potential for business activity.
- STA City Line and bus routes on Hamilton St create a transit-rich area with regular and reliable service to and from downtown as well as connections with neighborhoods and farther destinations.
- Mission Park is an accessible, well-designed, historic park with the capacity to provide open space to a much larger population.
- Centennial Trail and the Iron Bridge provide excellent grade-separated walking, bicycling, and rolling connections to nearby neighborhoods and beyond, as well as surrounding bikeways and paths. The rebuilt East Trent Bridge will provide a safe connection to the Ben Burr Trail, further improving connectivity.
- Well-connected network of low-traffic streets with sidewalks, mature trees, and boulevard landscaping creates a comfortable and convenient walking environment in residential and university areas.



Figure 17. Left: St. Aloysius Catholic Church on Gonzaga University campus. Center: Waterfront brewery seating at No-Li Brewhouse. Right: New UW School of Medicine-GU Health Partnership Building as part of the Health Peninsula.

Source, Left: Farwestern, released into the public domain. Right: City of Spokane.

Challenges

- Heavy traffic arterials bisecting the neighborhood impede mobility and degrade sidewalk experience.
- Relatively high displacement risk for local businesses, particularly those that lease property, and for current resident population, with relatively low incomes and relatively high share of people with a disability.
- Weak real estate market relative to other parts of the city.
- Limited vacant land available means achieving higher intensities will require redevelopment in most cases, with greater construction costs and displacement risks.
- Absence of student body during summer months leads to seasonal swings in business activity, which can make it difficult for retail businesses to maintain profitability throughout the year.
- Zoning complexities and barriers including parking mandates inhibit new construction.
- Centennial Trail bridge over Hamilton St is not ADA compliant and no safe and comfortable at-grade alternatives are available in the immediate vicinity.
- Public safety concerns from undesired uses exist along the Centennial Trail east of Hamilton Ave to Mission Ave.
- The at-grade crossing of E. Spokane Falls Boulevard/Trent Avenue at Cincinnati Street poses a challenge for people walking, bicycling, and rolling from the Cincinnati Greenway to the UW-GU Health Partnership building. This challenge will increase following the opening of the E. Trent Ave. Bridge.
- While the Spokane River is a scenic asset, it also forms a barrier to providing a connected grid network for mobility by all modes in and out of South Logan. Informal riverfront access at the Riverwalk Building lacks desired safety improvements for public access.
- Limited connections on the east side of the river impact the usefulness of the Iron Bridge as a walking, bicycling, rolling connection.



Figure 18. Left: A narrow sidewalk next to high-speed traffic on Hamilton St creates an unnerving walking environment. Right: The Centennial Trail bridge over Hamilton St is too steep to provide an ADA compliant pathway.

Opportunities

- Transit-oriented development can leverage increased public transit service, support more people living close to public transit, and create a vibrant mixed-use area.
- Improved biking and walking links to transit and existing trails would create a multi-modal hub.
- Study area riverbanks could provide space for walking, boating, socializing, and contemplation.
- Large parcels, including a handful of vacant sites in the south, provide potential for redevelopment with reduced construction costs.
- Existing underutilized rights-of-way could be transformed into amenities.
- Improved Spokane River access and crossings, particularly in the southeast riverfront area between the Mission Bridge and Trent Bridge, could increase recreational opportunities and improve mobility for people walking, bicycling, and rolling. As redevelopment occurs for buildings along the Spokane River, expanded public river access of some type would be required per SMC 17E.060 Shoreline Master Program.

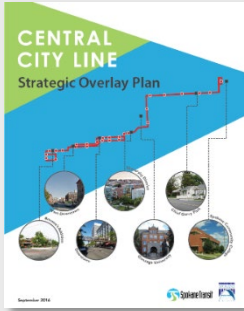


Figure 19. Left: Aging industrial buildings on large lots present redevelopment opportunities. Right: Walking, biking, and place-making improvements at BRT stops could create vibrant multi-modal hubs.

Source, left: MAKERS. Right: SCJ Alliance

Past Planning and Relevant Regulations

Year	Title	Key Contribution
2004	University District Strategic Plan (link)	<ul style="list-style-type: none"> • Prepared by City of Spokane • Established a vision for a unified University District • Creates work plan for coalition of University District stakeholders • Updated in 2019 by University District Development Association and Public Development Authority
2013	Logan Neighborhood Identity Plan (link)	<ul style="list-style-type: none"> • Prepared for Logan Neighborhood Council and City of Spokane • Established streetscape standards to improve walking conditions and strengthen neighborhood identity
2014	Economic and Land Use Impacts of the Spokane Central City Line (link)	<ul style="list-style-type: none"> • Prepared for Spokane Transit Authority (STA) • Studied potential economic and land use effects of City Line BRT service • City Line BRT may encourage denser development and increase land values • City Line will support a more walkable development that complements transit
2015	Hamilton Form-Based Code (link)	<ul style="list-style-type: none"> • Prepared by City of Spokane • Set out design and use standards for new development on the Hamilton Street Corridor to encourage a lively environment for people walking with dense, mixed-use development • Established “model” form-based code approach with strong community input



2016 Central City Line: Strategic Overlay Plan [\(link\)](#)

- Prepared for STA and City of Spokane
- Proposed high-capacity transit bus corridor through central Spokane, serving the north University District
- Recommended leveraging new transit service for economic development and housing production



2019 University District Strategic Master Plan Update [\(link\)](#)

- Prepared for University District Development Association and Public Development Authority
- Updated the original university district-wide strategic plan for the district and reaffirmed the vision
- Recommend updating zoning and development standards, improving livability, improving bike/ped transportation, preserving existing businesses, attracting new businesses, and remediating brownfield contamination
- Built on “Urban Village” scenario to envision mixed-use and industrial areas to west and east respectively.
- Provided strategic guidance to the University District Public Development Authority



2021 TOD Framework Study [\(link\)](#)

- Identify strategies best suited to Spokane for supporting TOD along high-performance transit lines, such as City Line (see below)

TOD Framework Study

The [Transit-Oriented Development \(TOD\) Framework Study](#) was prepared in 2021-2022 by the City of Spokane and Center-Based Planning + Urban Design to assess opportunities and challenges at future transit stations along the City Line route. The study mapped local assets, barriers to mobility, and displacement risks within a ¼ mile of each City Line station and created a typology of station areas to tailor development strategies to local conditions. The three stations in the South Logan study area were found to have high potential for TOD, especially the McCarthy Athletic Center station, near Cincinnati St and Springfield Ave. This station was designated a “Center Station” appropriate for, “District-scale high and medium intensity housing with street-oriented retail, commercial uses, and employment served by public space amenities such as parks, plazas and waterfronts.”



Figure 20. TOD Framework Study concept graphics for McCarthy Athletic Center station. Left: assets mapping Right: potential redevelopment massing.

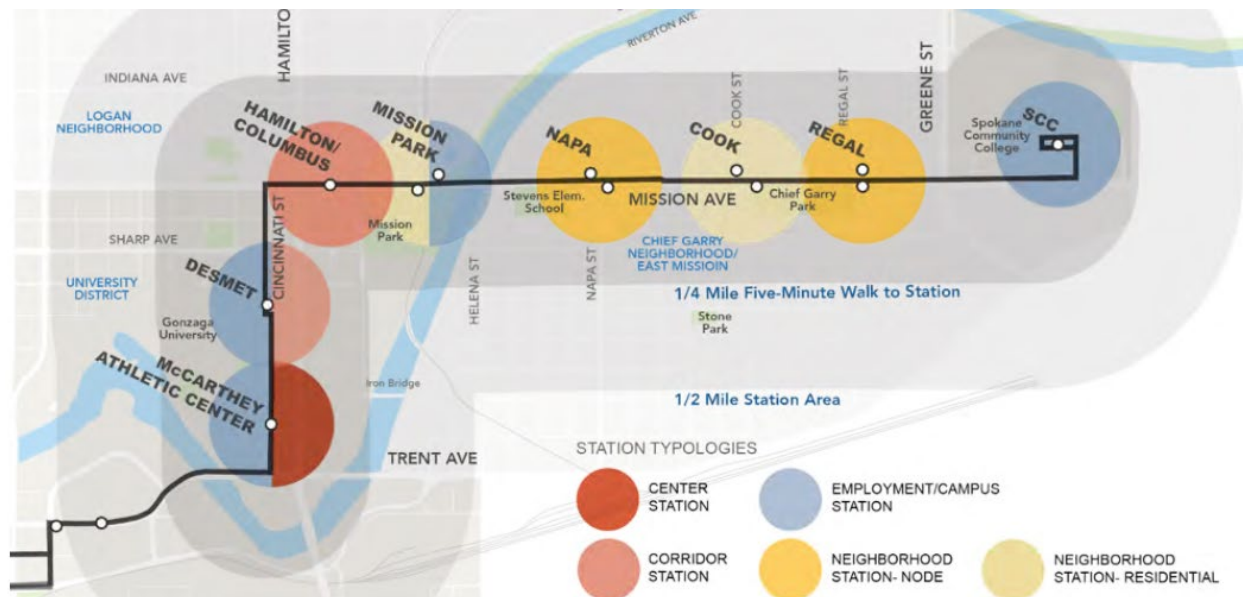


Figure 21. TOD Framework Study station area typology map.

Centers and Corridors Study

A parallel effort launched by the City of Spokane in the Spring of 2023 is assessing the effectiveness of Centers and Corridors, a focused growth land use policy and zoning approach in the City of Spokane. Due to the study's parallel timing, it has been informed by findings of the South Logan TOD Plan and vice versa. South Logan includes both the Hamilton Corridor, which runs north and south on Hamilton St, and the Trent/Hamilton Employment Center, which is centered around the Trent and Hamilton intersection including the Health Peninsula.

The Centers and Corridors project team has completed an initial review and analysis of the Centers and Corridor policy and regulatory framework, and evaluated how the individual Centers and Corridors are performing with respect to those policies. This initial work has also assessed the Centers and Corridors development regulations, including the provisions for permitted uses, dimensional standards, parking, and design standards and guidelines. Ultimately, the study will provide recommendations:

- To update or change this growth strategy during the 2026 Comprehensive Plan Periodic Update. This will include recommendations for updated policies, land use designations, and approaches to the Future Land Use Map, associated with the Centers and Corridors.
- To update the zoning and design standards for Centers and Corridors.

The study is expected to be completed by the Summer of 2024. For more details on the study and the complete analysis of the Hamilton Corridor and Trent/Hamilton Employment Center, visit the [Centers and Corridors Study project website](#).

Comprehensive Plan

Subarea Plan Land Uses Overview

The study area contains a wide range of designated land use areas, with generally higher intensities in the south and lower intensities in the north. The southern portion of the study area is a designated Employment Center (EC) with very high intensity designations in its Center and Corridor and General Commercial designations. North of the EC, a designated Corridor runs along Hamilton St with narrow Center and Corridor Core and Transition designations. Gonzaga University campus in the southwestern portion of the study area is designated Institutional. In the north part of the study area, and immediately abutting high-intensity areas in places, are low-intensity Residential Low designated areas. Two narrow areas designated Residential Moderate are located at the extreme east and west of the study area respectively. Per Comprehensive Plan amendments adopted in 2023, the land use designations are updated to reflect the current policy, which emphasizes intensity of use rather than density of dwelling units.

Centers and Corridors

The Spokane Comprehensive Plan "[Shaping Spokane](#)" designates several types of Centers and Corridors that overlay on top of land use designations and help guide zoning decisions.

Employment Center

Employment Centers are general areas that have a mix of uses that serve residents including businesses, churches, schools, services such as day care centers, and intense (non-service sector) employment and residential uses. They can include multiple different land use designations. Center and Corridor zones in Employment Centers have increased allowed heights and reduced parking requirements.

Corridor

Corridors are narrow areas of relatively intense mixed land uses, including retail businesses, services, and residential uses of a range of intensities. Designated corridors are intended to concentrate these uses around a multi-modal corridor with high-quality transit, wide sidewalks, street trees, seating, and landscaping.

Land Use Designations

Center and Corridor Core Area

This designation allows commercial, office, and residential uses and is intended to be applied in Center and Corridor areas designated in the comp plan. The type, intensity, and scale of uses allowed shall be consistent with the designated type of Center or Corridor.

Center and Corridor Transition

These areas are intended to provide a transition of mixed uses (office, small retail, and multi-family residential) between the Center and Corridor Core designations and existing residential areas. Office and retail uses are required to have residential uses on the same site.

General Commercial

The General Commercial designation includes a wide range of commercial uses. Everything from freestanding business sites or grouped businesses (shopping centers) to heavy commercial uses allowing outdoor sales and warehousing are allowed in this designation. Higher intensity residential use is also allowed. Commercial designated land is usually located at the intersection of or in strips along principal arterial streets.

Office

The Office designation usually indicates freestanding small office sites and larger sites with two or more buildings located along arterial streets or intersections or as a buffer adjacent to residential areas. Higher intensity office areas should be located around downtown Spokane.

Institutional

The Institutional designation includes uses such as middle and high schools, colleges, universities, and large governmental facilities. The designation is drawn over a large general area and is not intended to draw specific boundaries of institutional development. There is no specific implementing zone for the institutional designation, however residential zones include provisions that support institutional land use needs.

Residential High

This designation allows for the highest intensity of residential uses with an assumed density of no less than 15 units per acre.

Residential Moderate

This designation allows higher intensity residential uses like apartment complexes with an assumed density of 15 to 30 units per acre.

Residential Plus

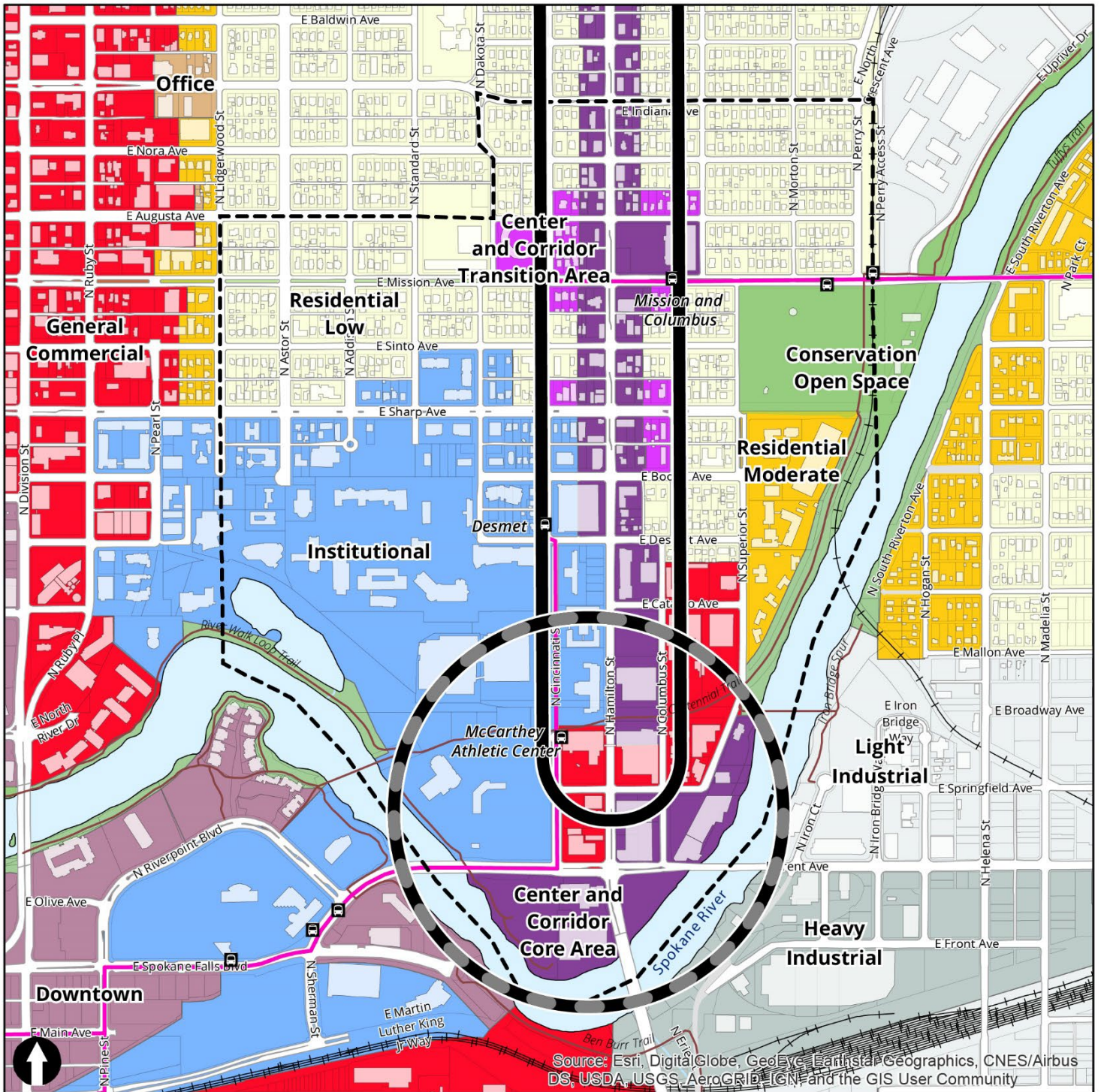
This designation allows the same uses as Residential Low but allows for the overall development scale of those uses to be slightly higher. The intent is to provide a gradual increase of intensity between Residential Low and higher intensity uses.

Residential Low

As of July 31, 2023, this designation allows middle housing types (such as townhomes, duplexes, fourplexes, and cottage housing) within low-intensity residential areas. At the start of 2024, permanent development regulations, known as Building Opportunity for Housing, that permit similar housing allowances are expected to go into effect.

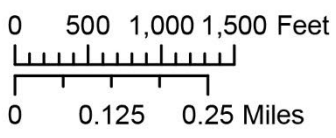
Conservation Open Space

The Conservation Open Space land use category includes areas that are publicly owned, not developed, and designated to remain in a natural state.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use Designations



- Downtown
- Office
- General Commercial
- Institutional
- Conservation Open Space
- City Line route
- Heavy Industrial
- Center and Corridor Core Area
- City Line stop
- Light Industrial
- Center and Corridor Transition Area
- Other bus stop
- Residential Low
- Corridor
- Study area
- Residential Moderate
- Employment Center
- Trails
- Railroad

Figure 22. Study area land use plan map designations. Updated with 2023 comprehensive plan land use changes.

Zoning and Development

Zoning

Zoning provisions are intended to implement the goals, policies, and land use designations of the Comprehensive Plan. The South Logan study area contains a wide range of zoning designations, with generally higher intensities in the south and lower intensities in the north. Zoning designations generally help implement the land use identified in the Comprehensive Plan, enacting regulations that help shape the built environment.

South of Desmet Ave

The southern portion of the study area includes a combination of General Commercial (GC) and Center and Corridor Type 1 zones (CC1). General Commercial zoning allows a large range of retail and service businesses, as well as limited industrial uses, and has generally been auto focused. The CC1 zones are a combination of CC1-Employment Center (EC) (which allow for up to 150-foot building heights) and CC1-District Center (DC) zones (which allow for up to 70-foot building heights). These zones promote the greatest walking orientation of the center and corridor zones, and have some limitations placed on auto-oriented activities and uses.

Hamilton Corridor

The study area also contains the City's only Form-Based Code (FBC) zone along the Hamilton corridor between Desmet Ave and the half block north of Augusta Ave. The FBC is a pilot program that was configured as a plug-in set of regulations, replacing pre-existing zoning and design guidelines. It was adopted by ordinance in 2015. As the name indicates, the FBC is intended to emphasize built form over traditional zoning classifications that are based more on permitted use lists. This includes a special mix of streetscape design, block-front, and building type standards. These are in addition to the usual use, height, and parking standards.

The FBC includes a "Regulating Plan" that includes four "Context Areas", CA1 through CA4, which are designated on the zoning map in Figure 23 below. The CA1 and CA2 zones allow up to 66-foot-tall buildings, the CA3 allows up to 54-foot-tall buildings, and the CA4 zone is limited to 35-foot building heights. In addition, there is a block and a half section of CC1-DC zoning along Hamilton St on the northern edge of the study area.

North of Desmet Ave

Other parts of the study area, including the Gonzaga campus, have a mix of low to high intensity residential designations and mixed office residential designations. The Residential 1 (R1) zone occupies most of the study area north of Sharp Ave, apart from the Hamilton Street corridor. South of E Sharp Ave are a mixture of Residential 2 (R2), Residential Multifamily (RMF), Residential High Density (RHD), and Office Retail (OR, a mixed-use zone) on the west side of Hamilton St and the RMF zone east of N Superior St.

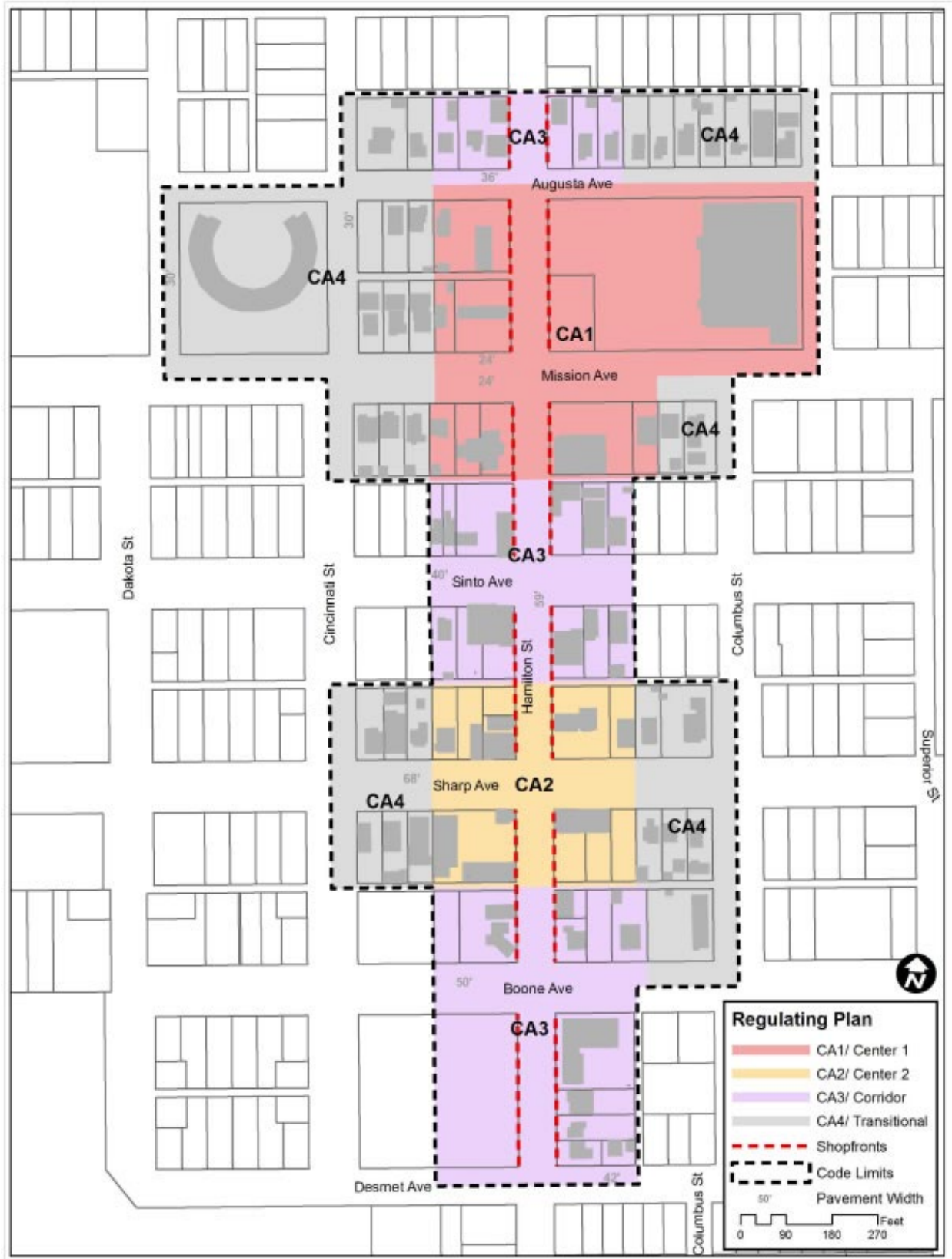


Figure 23. Current Context Areas of the Hamilton Form-Based Code as adopted in 2015.

Building Opportunity and Choices for All and Building Opportunity for Housing

In July 2022, the City Council adopted interim zoning regulations under a pilot program called [Building Opportunity and Choices for All](#) in response to the City’s declaration of a housing emergency. The interim ordinance modified residential zoning to allow for the construction of more housing types within existing neighborhoods, including allowing duplexes, triplexes, and fourplexes in all residential zones, except for the Residential Agriculture (RA) zone. In addition, the interim ordinance included changes to Centers and Corridors. This interim ordinance is set to expire December 18, 2023, while the pilot Center and Corridors regulations within the interim ordinance are expected to be extended considering continuing planning work as noted below.

Following the interim ordinance, the [Building Opportunity for Housing](#) project has developed lasting Comprehensive Plan and Municipal Code amendments that increase housing choice and diversity in the city by supporting middle housing development.

- Phase 1 – Comprehensive Plan Amendments: The first phase of the Building Opportunity for Housing project amended the Vision for housing in Spokane through the Comprehensive Plan. After a round of robust public engagement, the proposed language amendments were unanimously passed by City Council on July 31, 2023.
- Phase 2 – Municipal Code Amendments: The second phase analyzed and developed possible amendments to the Municipal Code, focusing on updating the residential development standards, such as permitted housing types, building coverage, minimum lot sizes, subdivision standards, and related administration regulations. The proposed Building Opportunity for Housing Spokane Municipal Code (SMC) text amendments were approved by City Council in November 2023, expected to go into effect in early 2024.

The permanent code changes under Building Opportunity for Housing are not expected to codify the Center and Corridor regulations approved through the interim ordinance, and a separate study on the Centers and Corridors will provide recommendations for changes. Changes to the zoning in this plan have been updated to reflect the adopted citywide changes during plan finalization.

A summary of use and density/dimensional standards by zone, as modified by the interim ordinance, are listed in tables below.

Table 1. Existing Zoning & Interim Building Opportunity and Choices for All Zoning Summary.

Note: Text in **bold** refers to modifications per the Interim Building Opportunity and Choices for All ordinance.

Zoning Category & Acreage	Zoning Parameters		
	Allowed Types & Uses	Max Height	Density/Floor Area Ratio (FAR)
Residential Zones			
Residential 1 (R1)* 97.8 acres	Low intensity residential buildings: detached house, Duplex, triplex, four-plex, or townhouses Manufactured house	35' (roof) /25' (wall); 40' (roof) /30' (wall)	0.5 max FAR No max FAR Density Max: 10 units/acre Density Max: Up to 4 units on a lot

Zoning Category & Acreage	Zoning Parameters		
	Allowed Types & Uses	Max Height	Density/Floor Area Ratio (FAR)
Residential 2 (R2)* 22.8 acres	Low intensity residential buildings: detached house, duplex, triplex, four-plex, or townhouses Manufactured house	35' (roof) /25' (wall); 40'(roof) /30' (wall)	0.5 max FAR No max FAR Density Max: 20 units/acre Density Max: Up to 4 units on a lot
Residential Multifamily RMF 26.4 acres	Multifamily buildings, SROs, low-intensity residential buildings	35' 40'	No max FAR Density Max: 30 units/acre (does not apply to low-intensity residential buildings)
Residential High Density (RHD) 49.0 acres	Multifamily buildings, SROs, low-intensity residential buildings	55' (one half block of RHD fronting on the Desmet BRT stop is 35')	No max FAR No max density
Commercial Zones			
Office retail (OR) 15.1 acres	Office, vertical mixed use, retail, institutional uses, residential uses	55'	6.0 max FAR for non-res
GC 45.9 acres	Most commercial and residential uses	150'	Max FAR for non-res No max FAR for res/mixed-use
CC1-DC 16.7 acres	Commercial and residential uses with some limitation on auto-oriented uses.	DC: 55' non-res. (corridor);	Min FAR 1.0 for res/mixed-use 0.5 max base FAR for non-res 3.0 max FAR for non-res with amenities No max FAR for res/mixed-use
CC1-EC 9.25 acres		70' res-mixed (corridor) EC: 150' (emp center)	
Hamilton Form-Based Code			
CA-1 8.6 acres; CA-2 3.68 acres	Mix of pedestrian-oriented commercial, office & multifamily residential uses	66'	No max FAR
CA-3 9.1 acres	Mix of pedestrian-oriented commercial, office & multifamily residential uses	54'	No max FAR
CA-4 10.8 acres	Mostly residential uses with some pedestrian-oriented commercial in mixed-use buildings	35' (roof) / 25' (wall)	No max FAR

*Under the Building Opportunity for Housing initiative, Residential Single-Family was changed to Residential 1 (R1) and Residential Two-Family was changed to Residential 2 (R2) in November 2023 during the development of this final plan.

Design regulations

All zones are subject to some level of design-related regulations. These are located in the Spokane Municipal Code chapters associated with Residential zones (SMC Chapter 17C.110), Commercial zones (SMC Chapter 17C.120), and Center and Corridor zones (SMC Chapter 17C.122). The Form-Based Code Zones (SMC Chapter 17C.123) have their own unique set of placement, streetscape, and architectural standards.

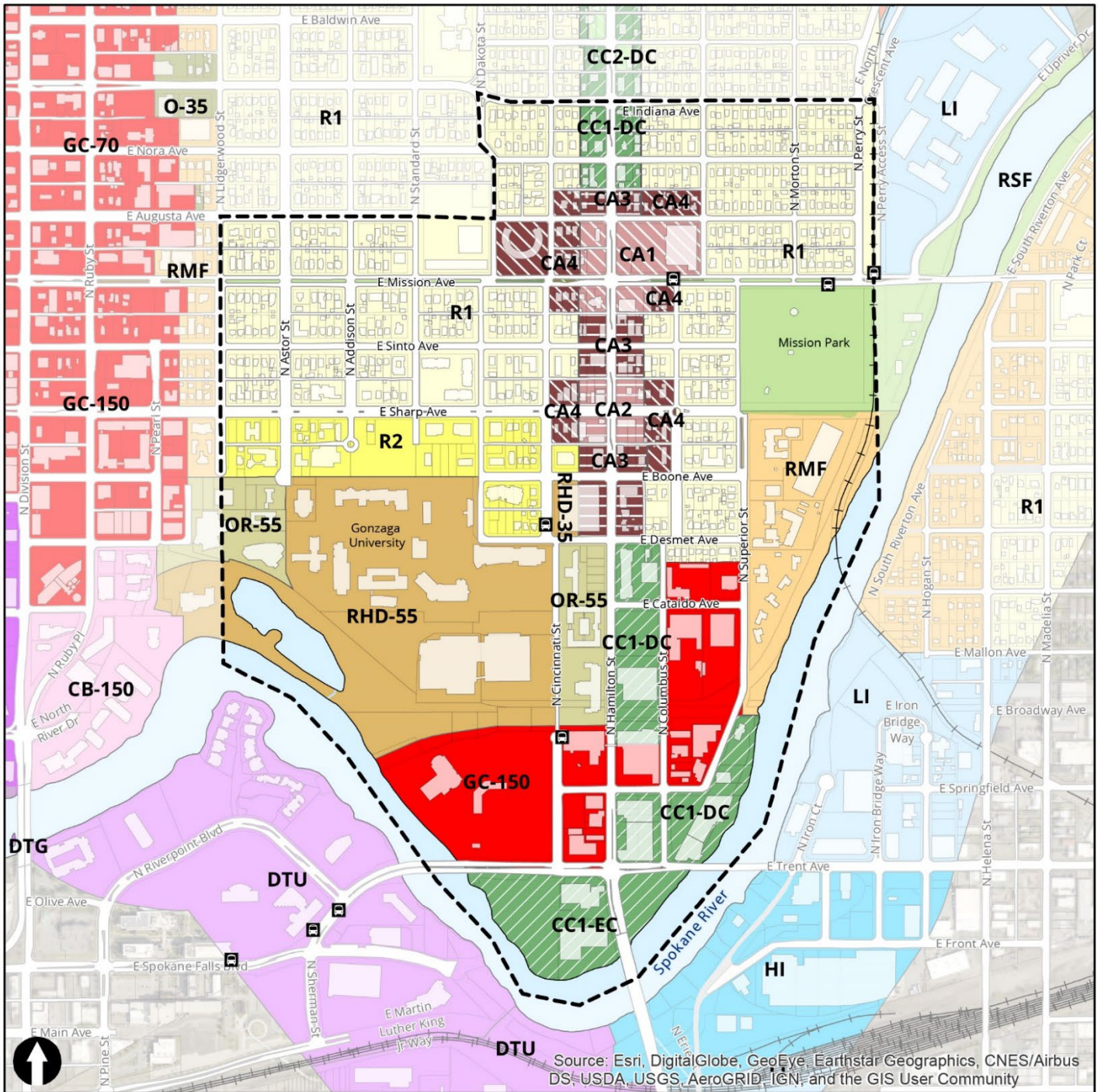
Block frontage regulations

Block frontage provisions are a critical regulatory tool in helping to shape the form, function, and character of streetscapes. Table 2 below summarizes the key standards influencing the design of block frontages (i.e., the placement, orientation, and design of building frontages along a street).

Table 2. Summary of key block frontage standards.

Zone	Sidewalk storefront form?	Ground-floor uses	Surface-level parking	Unique frontage/ design thresholds
CA-1	Required - along Hamilton (with maximum setback of 15'); optional elsewhere except along Street Type 1 (5' min setback)	Residential prohibited on Hamilton; Commercial and residential allowed elsewhere	Prohibited between street and building	SMC Chapter 17C.123 Form-based code zone/standards: Streetscape and architectural
CA-2	Required - along Hamilton (with maximum setback of 15'); optional elsewhere except along Street Type 1 (5' min setback)	Residential prohibited on Hamilton; Commercial and residential allowed elsewhere	Prohibited between street and building	SMC Chapter 17C.123 Form-based code zone/standards: Streetscape and architectural
CA-3	Required - along Hamilton (with maximum setback of 15'); allowed elsewhere except along Street Type 1 (5' min setback)	Residential prohibited on Hamilton; Commercial and residential allowed elsewhere	Prohibited between street and building	SMC Chapter 17C.123 Form-based code zone/standards: Streetscape and architectural
CA-4	Prohibited; 15' min setback	Non-residential uses must have a residential component	Prohibited between street and building	SMC Chapter 17C.123 Form-based code zone/standards: Streetscape and architectural
CC1	Optional - for non-residential buildings within 20' of an arterial, 50% of façade between 2-10' must be transparent	Commercial and residential allowed	Prohibited between street and building	Center and Corridor Design Guidelines
GC	Optional - for non-residential buildings within 20' of an arterial, 50% of façade between 2-10' must be transparent	Commercial and residential allowed	Allowed between street and building	SMC Chapter 17C.120 Commercial design standards
OR	Optional - for non-residential buildings within 20' of an arterial, 50% of façade between 2-10' must be transparent	Commercial and residential allowed	Allowed between street and building	SMC Chapter 17C.120 Commercial design standards
RHD	Prohibited; 15' min setback	Residential with limited option for office	Allowed between street and building	SMC 17C.110.400 Multifamily design standards
RMF	Prohibited; 15' min setback	Residential with limited option for office	Allowed between street and building	SMC 17C.110.400 Multifamily design standards

Zone	Sidewalk storefront form?	Ground-floor uses	Surface-level parking	Unique frontage/ design thresholds
R2	Prohibited; 15' min setback	Residential	Some limitations for small lots and duplexes	SMC 17C.110.310 Small lot and attached housing design standards
R1	Prohibited; 15' min setback	Residential	Some limitations for small lots and duplexes	SMC Chapter 17C.110, except duplexes, attached houses, and buildings with 3-4 units are subject to design standards in SMC 17C.400.030



Current Zoning

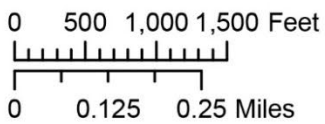


Figure 24. Current zoning map of the project and context areas. This map reflects the recent zone name changes under Building Opportunity for Housing in November 2023.

Market Conditions

Changes to zoning can help guide the direction of future development, but can't on their own create new homes, businesses, and community spaces. For that to happen, individuals and developers have to decide to invest in South Logan. While residential real estate prices in the study area are somewhat lower than Spokane as a whole, the new amenity provided by frequent, convenient transit service via the City Line, and the regulatory assistance provided by the Planned Action EIS associated with this plan, will increase interest in development.

In the short-term, market-rate apartments or student housing is likely financially feasible in the study area, while development of income-restricted housing would require outside financial support. Single unit and townhouse development is likely financially feasible in limited circumstances but is unlikely to be pursued where existing buildings bring in reliable rents.¹ At the same time, current rental rates for commercial uses are too low to justify the cost of construction for most retail, office, and manufacturing uses. Over time, with investments in streets, public spaces, infrastructure for walking, biking, and rolling, and other amenities, financial feasibility of more types of development is likely to improve.

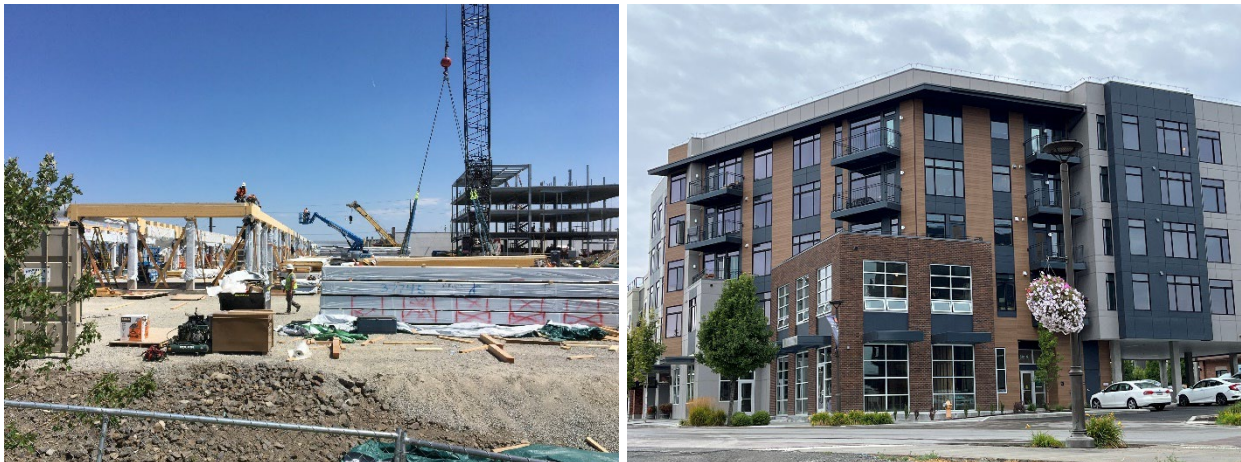


Figure 25. Left: Recent construction in the south University District, across the river from South Logan, partly spurred by city investments in infrastructure. Right: New market-rate multifamily building in Kendall Yards.

The most promising potential development sites are located between Cataldo Ave and Trent Ave in the Hamilton St corridor. This area is characterized by large, low-intensity manufacturing sites with a variety of commercial zoning designations, including General Commercial (GC), Office Retail (OR), and Centers and Corridors (CC). Sites in this area are well positioned for redevelopment with higher intensity, mixed-use buildings with a greater focus on pedestrian-orientation amenities and some limitations on auto-oriented activities. There are several parcels south of Cataldo Ave that have recently changed ownership or are transitioning away from legacy manufacturing uses, which could result in significant opportunity for redevelopment. Due to its size, dimensions, and visibility, the Safeway site at the northeast corner of E Mission Ave and Hamilton St also has significant

¹ South Logan, Existing Conditions Report, 2022

redevelopment potential for ground floor grocery with multi-story housing above, though this is dependent upon Safeway’s long-term strategy for store redevelopment.

Other areas of the study area are less likely to see redevelopment in the near future. Many educational and institutional uses, including the Gonzaga Tennis Center, the Boone Ave Retail Center, the St. Aloysius Catholic Church and associated religious facilities, the St. Aloysius Gonzaga Catholic School, the Health Peninsula, and other university-focused sites are not anticipated to have redevelopment pressure. Other recently redeveloped sites include The Academy Apartments, Joya Child Family Development, the Matilda Apartments, and The Warehouse, a private recreational facility. Much of the housing along the northern edge of Gonzaga University is owned and managed by the University as student housing, and Gonzaga has their own master housing plan.

Affordable Housing and Displacement Risks

In recent years, the City of Spokane has invested in substantial research related to zoning reform, transit-oriented development, housing policy, and anti-displacement measures which might be adopted either citywide or in specific areas, including research which focused on the South Logan area. Heartland LLC prepared a Housing and Anti-Displacement Memo (Appendix 1) to summarize research, best practices, and a range of policies to promote housing and anti-displacement strategies in the study area and beyond. Affordability and anti-displacement measures were also highlighted in public meetings and comments as a community priority for future development and redevelopment in South Logan.

Understanding Displacement

Displacement in its various forms – physical, economic, and cultural – has multiple, often interrelated causes and is often a consequence of growth and development. However, the impacts of displacement can be mitigated. It is important that policies and plans in this area leverage the relationship between transportation and development to minimize displacement and ensure that new investment benefits existing residents and businesses in addition to accommodating new ones.

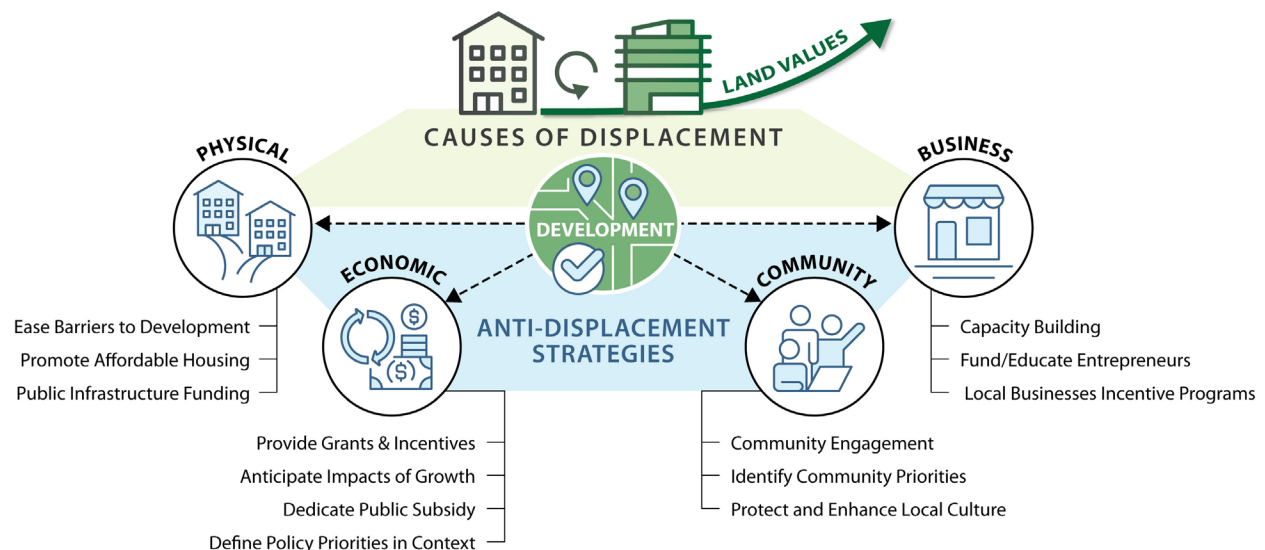


Figure 26. Causes of Displacement and Anti-Displacement Strategies, Heartland LLC.

Vulnerable Populations

Lack of housing which is affordable to low- and moderate-income residents has been identified as a critical factor driving displacement of people. Similarly, lack of affordable commercial space is a key driver affecting the displacement of businesses. In South Logan, two demographic groups have been identified as most vulnerable to the pressures of displacement:

Non-student, low-income residents, particularly elderly and/or disabled people. Residents over age 65 represent approximately 13% of the population in the study area, roughly in line with the city as a whole. At the same time, 34% of households in the study area are home to at least one person with a disability, compared to 16% of the citywide population. This is likely due to the presence of several group homes and assisted living facilities in the study area.

Locally owned businesses.

There are approximately 131 businesses in the study area, with a total of 2,751 jobs.² These include 47 retail trade and eating and drinking businesses, and 51 businesses classified as services. Roughly 80% of employees in South Logan are estimated to work at locally owned businesses.³ Some businesses, especially locally owned businesses, are located in older buildings with relatively affordable rents and long-term leases.

Affordable Housing

Household incomes in the South Logan study area are generally much lower than for the city, likely a result of the large student population who tend to have lower incomes while in school. Relatedly, a much higher proportion of the study area residents (58%) fall below the poverty line than citywide residents (13%). According to HUD, an average of 46% of households are cost-burdened, which refers to household costs that are more than 30% of the household income.⁴

The study area currently includes a range of housing types, including detached single-unit houses, student dormitories, and both market-rate and subsidized apartments. The area also includes a large proportion of detached houses that have been converted into rooming houses or de facto apartments for student housing. There are two HUD multifamily properties with a total of 141 affordable units, and at least five other properties that provide housing for low-income households, seniors, and inclusive living communities for people with disabilities. Overall, about 93% of study area residents pay some form of rent for housing, while 7% own their own home.⁵

As redevelopment occurs, maintaining and expanding housing affordability in South Logan ensures that people of all incomes can experience the benefits of dense, mixed-use, pedestrian-oriented development near transit.

Affordability and Anti-Displacement Strategies

In the early stages of neighborhood redevelopment, incentives can be a catalyst to guide the path of future development in a way that is aligned towards pre-defined policy goals, whereas requirements, however thoughtfully conceived, can wind up preventing most or all new development. There may be a role in later stages of development for thoughtful requirements along

² ESRI, 2022

³ South Logan, Existing Conditions Report, 2022

⁴ HUD Community Planning & Development Maps, <https://egis.hud.gov/cpdmaps/>

⁵ ACS 2020 5-year estimates

with better opportunities to effectively generate revenue through development without stifling it. It is important that policies and plans in this area leverage the relationship between transportation and development to prevent displacement and ensure that new investment benefits existing residents and businesses in addition to accommodating new ones.

Below are incentives that the City of Spokane already has for the development of affordable housing as of 2023, as well as other incentives that could be used to foster development meeting community objectives. The affordable housing incentives below require units to be affordable to those earning up to 115% AMI.

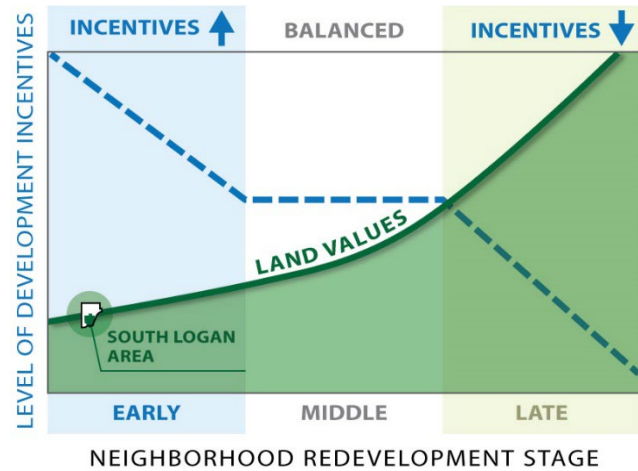


Figure 27. Impact of Incentives on Neighborhood Development, Heartland LLC.

Table 3. Existing Citywide Affordable Housing Incentives.

Qualifying Incentives	Proportion of Market Rate and Affordable Units			
	100% Market Rate Units	25-30% Affordable Units	50% Affordable Units	100% Affordable Units
Parking Reduction ¹	X	X	X	X
Density Bonus ²	X	X	X	X
GFC Fee Waiver ³	X	X	X	X
MFTE ⁴	X	X	X	X
Parking to People ⁵			X	X
HUD/Federal Incentives ⁶				X

¹Final direction dependent on City Interim Parking Ordinance C36405, which removes parking minimums for Residential Household Living Uses close to transit until July 2024, or permanent regulations under HB 1110.

²Height and capacity bonuses for development made up of at least 50% residential in Center and Corridor zones through Building Opportunity and Choices for All.

³Any development in a Public Development Authority or if also qualifying for MFTE, Parking to People, or a non-profit providing affordable housing.

⁴Multi-Family Tax Exemption. No affordability requirements for 8-year exemption in Residential Targeted Areas. Affordability requirements for 12- and 20-year exemptions in all areas.

⁵Deferral of sales and use tax on the construction of housing, if developing a site that was [previously a parking lot open to the public.

⁶Much stricter affordability requirements. Usually 60% AMI and lower.

Preserving older housing that is often affordable below market rate can also be part of the solution to maintain lower housing costs. A combination of local and state programmatic interventions and resources can support renters and owners and incentivize non-profit organizations or developers to acquire and preserve existing affordable housing. The City of Spokane's Minor Home Repair and Single-Family Rehabilitation programs, administered through the [Community Housing & Human Services Department](#), are local programs that provide grants and loans to low and moderate-income homeowners for health and safety repairs and home rehabilitation projects. These types of programs help to offset maintenance costs and help current residents to stabilize and improve their housing, which can reduce displacement risk caused by market speculation. The [Spokane Housing Action Plan](#) outlines citywide strategies that could support maintaining affordability and quality of the existing housing stock.⁶



Figure 28. Current income-restricted housing in South Logan, including the O'Malley Apartments (l) and the Hamilton House Apartments (r).

Source: Catholic Charities Eastern Washington (l) and Apartments.com (r)

⁶ Spokane Housing Action Plan, <https://my.spokanecity.org/housing/spokane-housing-action-plan/>

Subarea Plan Process

Central to this community planning effort was outreach and engagement to learn from a broad range of community members about their neighborhood, including residents, businesses, property owners, universities, organizations and institutions, and others interested in the South Logan subarea plan. Engagement for the project started in summer of 2023 and continued throughout the scope of the project through adoption. The community engagement deeply informed the South Logan plan values, outcomes, and recommendations, and feedback is integrated throughout this document.

Major engagement activities in the South Logan planning process include:

- Online Community Survey
- Community Planning Studio
- Stakeholder Interviews
- Community Tabling
- Online StoryMap
- Neighborhood Updates
- Gonzaga Student Forum
- Blog Posts
- Social Media
- Postcard Mailings
- Email Newsletter
- Plan Commission Updates
- City Council Updates
- Public workshops
- Public hearings



Figure 29. Community survey responses to “describe an ideal South Logan”

A full summary of the engagement activities is included in Appendix 2. All materials, presentations, recordings, and meeting notes are available on the City’s project website at my.spokane.org/southlogantod.

The Draft South Logan TOD Plan and Draft Environmental Impact Statement were released for public review and comment in May 2023 for a 30-day comment period with a public workshop on May 18 to discuss community priorities, concerns, and questions.

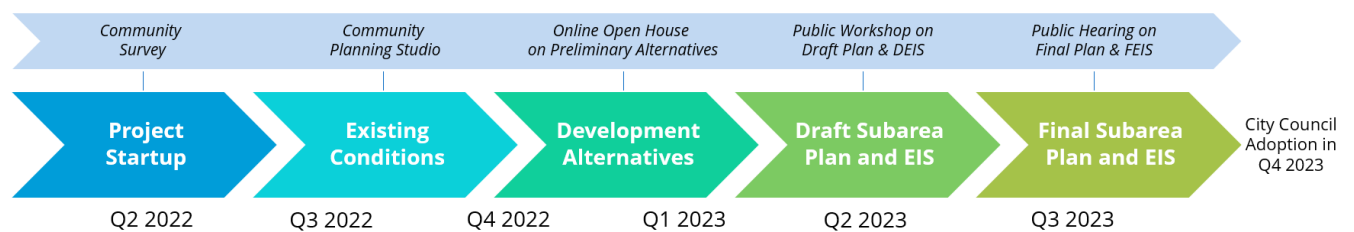


Figure 30. South Logan TOD Project Timeline

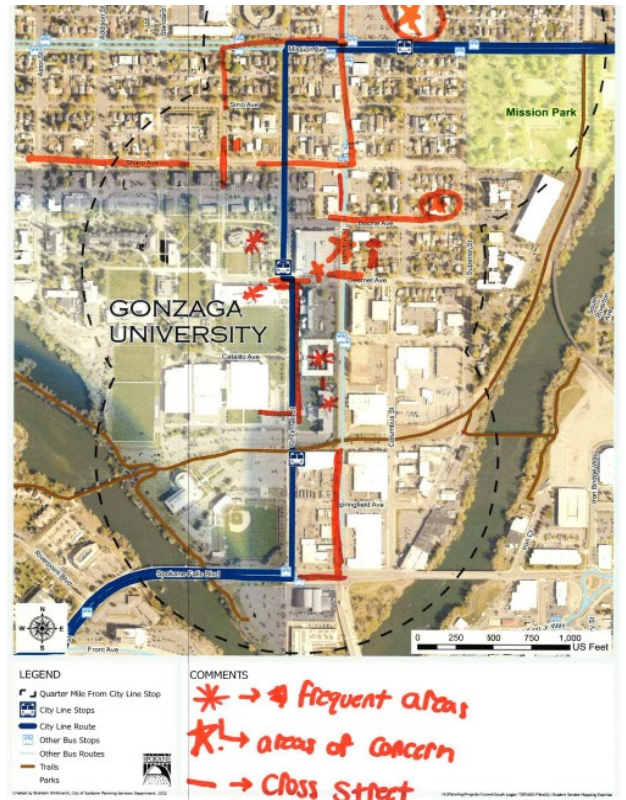
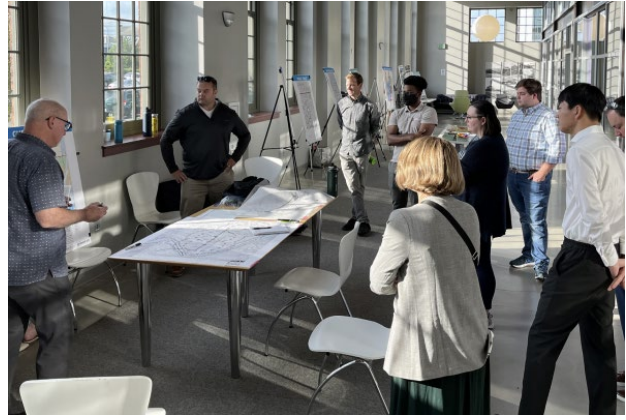


Figure 31. Images of community engagement throughout the South Logan planning process.

Planning Framework

Plan Values

The following values were produced from the plan's purpose and context combined with engagement activities with the community including stakeholder interviews and collaboration, input from an online survey, community planning studio, engagement with Gonzaga University students, and multiple meetings with the Spokane Plan Commission and City Council:

❖ **Enhance connectivity, accessibility, and mobility in South Logan and to Spokane River**



❖ **Support universities and health sciences sectors, innovation & sustainability**



❖ **Support job access, diverse industries, and employment**



❖ **Expand housing options and affordability for residents of all incomes & ages**



❖ **Minimize residential and local business displacement**



❖ **Build on South Logan's diverse urban context & history with integrity**



Plan Concept

Informed by the results of community engagement, analysis of existing assets, challenges, and opportunities, and evaluation of alternative scenarios, this plan recommends a set of actions to spur development of needed housing within easy access to high-quality mobility options. Implementation of the plan is projected to help bring 6,000 new residents to the subarea by the year 2047.

Plan recommendations are based on the Preferred Alternative which was evaluated through an Environmental Impact Statement (EIS) process along with No Action and other action alternatives. For more about the EIS and plan alternatives see Appendix 3: Plan Alternatives.

Plan recommendations include:

- Pairing investments in transit infrastructure with targeted **investments in public spaces** including streetscapes and park/plaza space to create a neighborhood rich in amenities for residents, workers, and visitors.
- Improvements to **walking, biking, and rolling connections** will make it easier and more comfortable to move throughout the neighborhood and reach BRT stations without a car.
- Strategic updates to **zoning, design standards, and other regulations** will help encourage private investment in new homes and workplaces.
- A coordinated marketing strategy will help draw more businesses and residents to the area, while **anti-displacement efforts** will help existing residents and community anchors take part in the area's growth.



Figure 32: Clockwise from top left: Cincinnati & Desmet City Line station, Cincinnati streetscape improvements, City Line station art and bike rack, community mural at Roots Coffee Kitchen.

Source: Clockwise from top left: STA, MAKERS, SCJ, City of Spokane

Concept Map

The map below illustrates the key features recommended in the subarea plan that support a cohesive transit-oriented district.

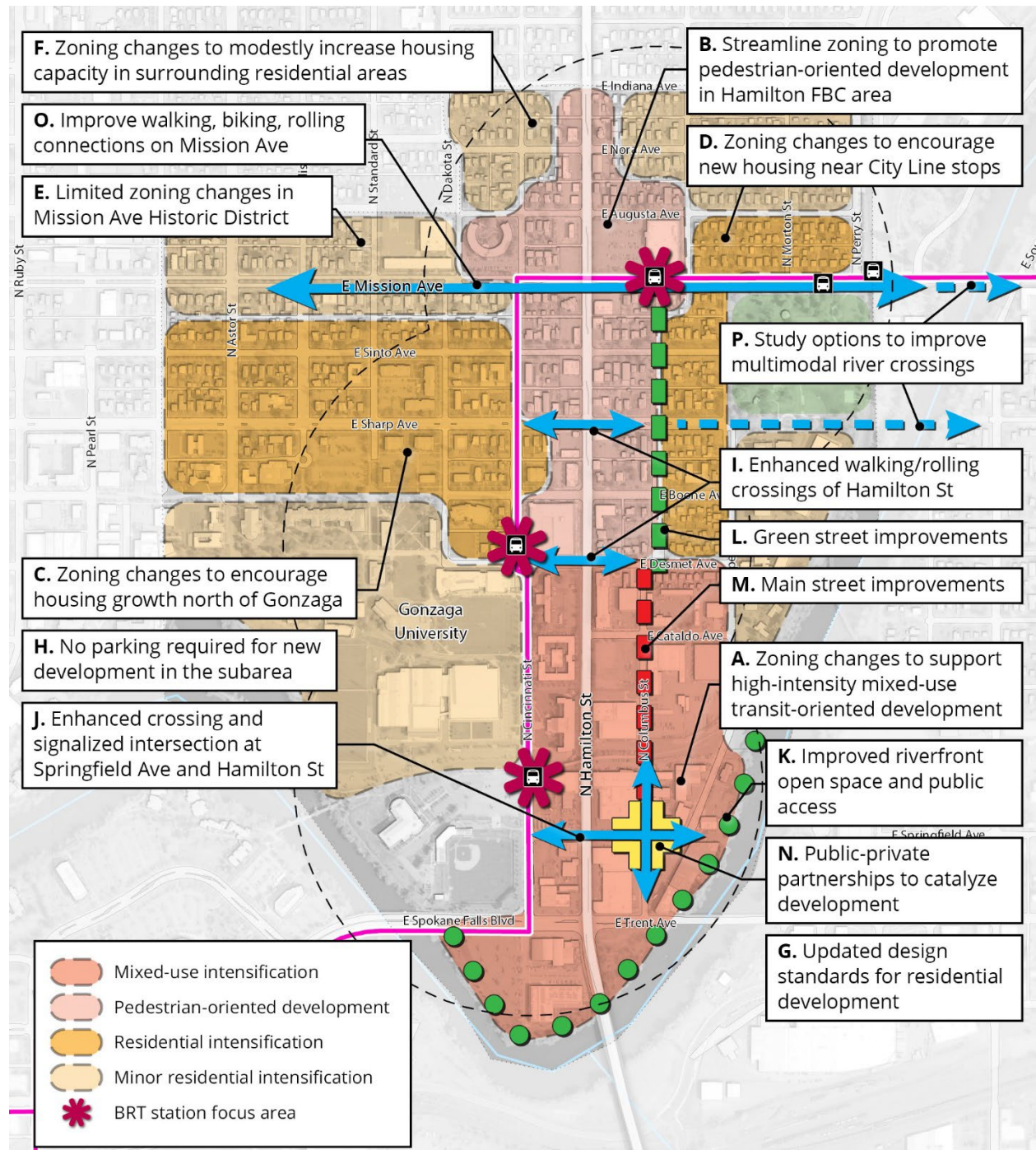


Figure 33. Summary map of plan recommendations including changes to zoning and public investments.

Plan Features

Land Use and Zoning Changes

- A. Expand **high-intensity TOD zoning** in the commercial/industrial areas south of Boone Ave to increase pedestrian-oriented redevelopment opportunities. This action largely consolidates the areas currently zoned GC-150, CC1-DC, and CC1-EC into a single zone, which would promote a more pedestrian friendly mix of uses than the GC zone. The GC and CC1-EC zones feature 150-foot height limits, with the proposed change providing a 150-foot height limit for the whole area.
- B. Integrate strategic adjustments to the **Hamilton Form-Based code (FBC)** to simplify the height limits and design standards, reduce barriers to desired redevelopment, and emphasize pedestrian-oriented development. Apply the adjusted Hamilton FBC to the envisioned pedestrian-oriented focal point at Springfield Ave and Columbia St.
- C. Rezone to considerably **increase housing capacity** north of Gonzaga University from Boone Ave to Sinto Ave and allow greater flexibility for on-campus development.
- D. Rezone to considerably **increase housing capacity near BRT stations** around Mission Park.
- E. Transition north of Sinto Ave to lower allowed heights and intensity to reduce impacts to **Mission Ave Historic District**.
- F. Rezone to modestly **increase housing capacity in residential areas** within walking distance of BRT stations.
- G. Enact revisions and adoption of **updated design standards for residential development** prior to or in conjunction with zoning changes.
- H. **Remove parking minimums** for all uses in the subarea.

See Recommended Zoning/Code Changes in the Action Plan below for more details on the above proposals.

Priorities and Investments

- I. Enhance existing **Hamilton St crossings** and update streetscape plans, including a redesign of Sharp Ave/Hamilton St intersection with bump-outs and other infrastructure. These improvements are critical to enhancing pedestrian access to BRT stations by enhancing pedestrian safety and comfort. Such improvements would also enhance the visual character of the corridor.
- J. Install an enhanced crosswalk at the **Hamilton St-Springfield Ave intersection**, like a High-Intensity Activated Crosswalk (known as a HAWK) signal (see figure below) or full traffic signal, to function both as the at-grade ADA-compliant Centennial Trail crossing of Hamilton St and help to facilitate desired transit-oriented development on adjacent and nearby properties. The type of enhancement would be determined by further study.



Figure 34. Crosswalk with a HAWK signal on Ruby Ave in Spokane.
Source: City of Spokane

- K. Maximize **riverfront connections**, open space improvements, and access. These improvements are supported by the [Spokane Parks and Natural Lands Master Plan](#). The riverside context of this area is one of the primary character-defining features and important to the livability of the area as a vibrant transit-oriented development district.

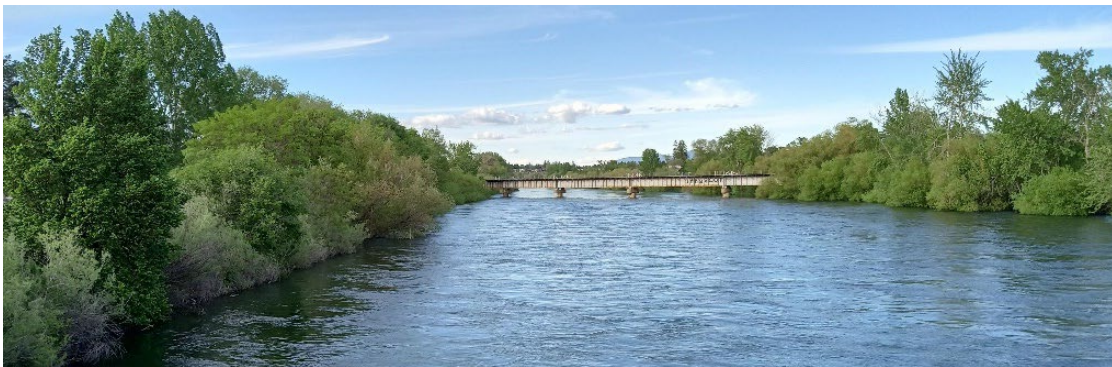


Figure 35. Spokane River as seen from the Iron Bridge.

- L. Invest in **green street improvements** on Columbus St between Mission Ave and Desmet Ave. Green street improvements place a greater emphasis on water-friendly landscaping elements, which typically include traffic diverters, crossing improvements, and Green Stormwater Infrastructure (GSI). Such improvements would enhance the environmental quality and visual character of the neighborhood plus contribute to the setting for desired transit-oriented development.



Figure 36. Examples of GSI streetscape improvements.
Source, center: Ryan Packer, used with permission. Left and right: MAKERS.

- M. Invest in **main street improvements** on Columbus St between Desmet Ave and Trent Avenue. Main street improvements may include walking-oriented streetscape design with ample sidewalks, street furniture, wayfinding, street trees, and public art or other character-defining elements. The investment could include city-initiated improvements or partnering with adjacent property owners in conjunction with new development.



Figure 37. Main street improvements in Burien, WA.

- N. **Pursue public/private partnerships** to provide neighborhood amenities to catalyze desired development. This could include a corner plaza integrated into surrounding development and/or a development-wrapped parking garage. BRT investment promotes the use of public transit and helps shift long-term transportation modes. In the short term, development in areas that are transforming from auto-oriented environments to vibrant mixed-use centers can benefit from a parking structure as a catalyst for desired mid-rise mixed-use development forms. Notable examples can be found in downtown Bozeman (MT), Kent Station, Kent (WA), and Woodin Creek Village, Woodinville (WA) (example figure below of a garage well hidden behind active building frontages). Providing structured parking can assist TOD in areas under transformation by concentrating automobile parking in a single portion of a district offset from main streets, enabling pedestrian-oriented design throughout the remainder of the street network. This allows visitors to park once and experience the area primarily by walking, rolling, or taking the bus.

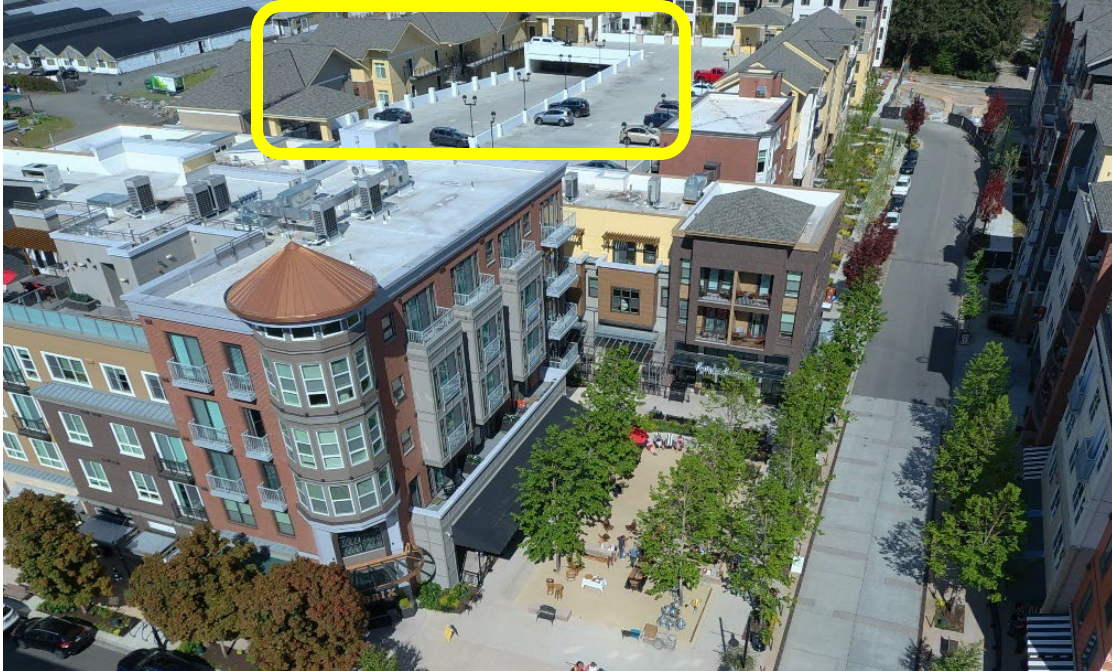


Figure 38. “Texas donut” style housing with hidden parking garage built with public/private funding in Woodinville, WA.

- O. Study options for **improved east-west connections** for people walking, bicycling, and rolling across and through the north end of the neighborhood on Mission Ave. Mission Ave is the only direct bicycle and walking connection between the study area and Chief Garry Park Neighborhood. The Iron Bridge, a half-mile to the south, provides the closest alternative route. Such improvement could include widening the current facility or constructing a separate, adjacent pedestrian connection if widening the existing facilities isn't feasible.
- P. Study options for **improving river crossings** for people walking, bicycling, and rolling in the vicinity of Mission Park, including studying a new bike/walk bridge at Sharp Ave, if related improvements on or adjacent to the Mission Ave bridge are determined to be infeasible. A new Sharp Ave crossing over the Spokane River would provide a parallel crossing for people walking, bicycling, and rolling, connecting directly with a planned shared-use pathway along Riverton Avenue and future east-west neighborhood greenways in the Chief Garry Park Neighborhood. If pursued, additional study and community discussion is needed to determine feasibility of this option.



Figure 39. Potential location for ped/bike bridge.

Source: Google Maps. Imagery ©2023 Google, Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map Data ©2023 Google

Land Use Framework

The zoning categories mapped below and described in the following pages help structure assumptions about allowed and likely development outcomes through the 2047 growth planning horizon. These categories are simplifications of existing zones and/or future zones that will be developed following plan adoption.

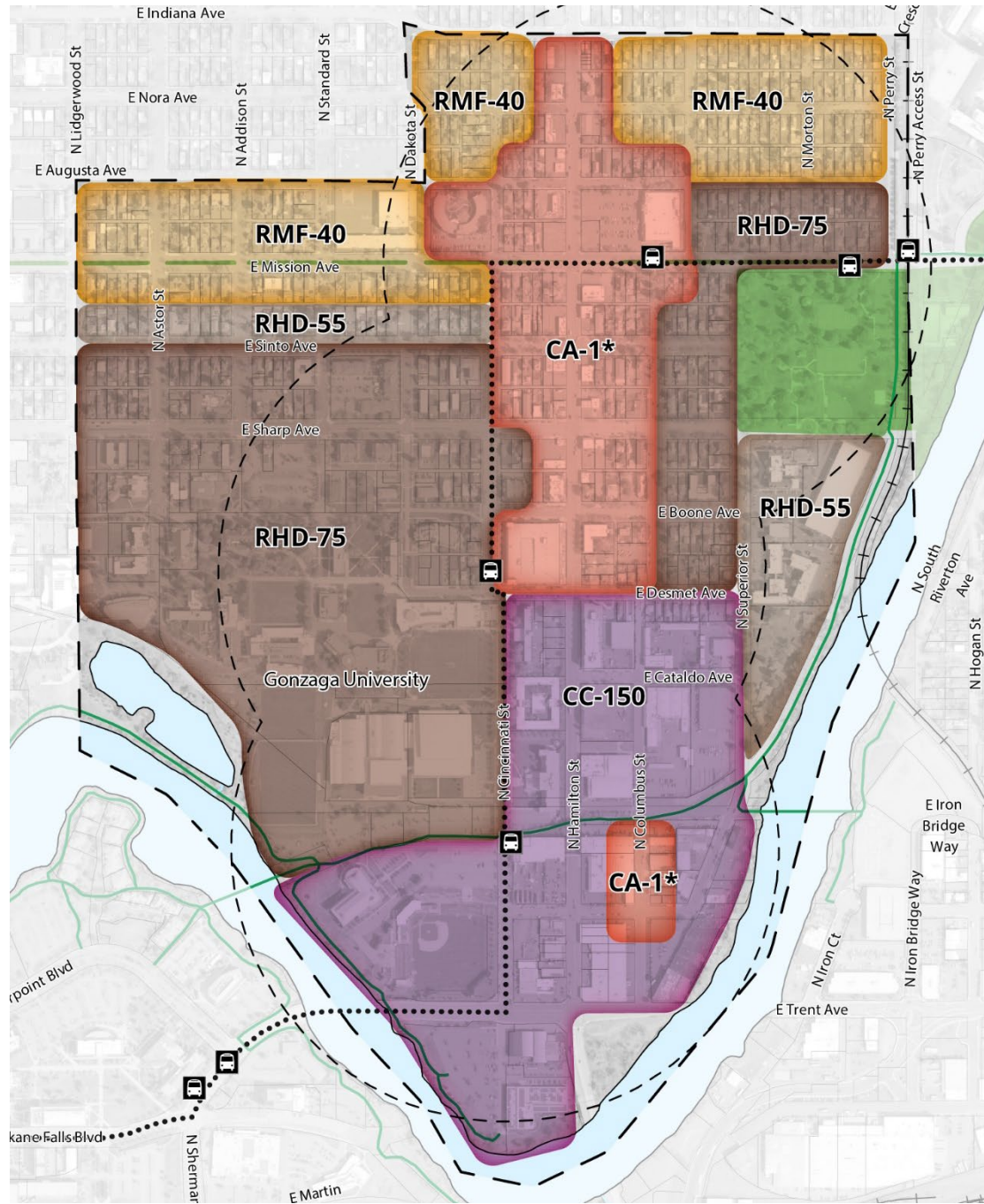


Figure 40. The proposed land use/zoning strategy recommends changes to zoning in the district, including long-term modifications of the Hamilton Form-Based Code and Center and Corridor zones.

Zoning Categories

Mixed-Use – 150’: Based on Centers and Corridors (CC) zoning for Employment Centers (CC1-EC), this category would allow residential, commercial, or mixed-use development with a height limit of 150 ft.



Figure 41. Mixed Use – 150 expected building type examples include midrise (5-7 stories) mixed-use and residential buildings, and office, biotech or academic buildings.

Mixed-Use – 75’: Based on the Hamilton Form-Based Code’s Context Area 1 (CA-1), this category would allow residential, commercial, or mixed-use development with a height limit of 75 ft. Existing similar zones in Spokane have height limits of 55 ft or 150 ft.



Figure 42. Mixed Use – 75 expected building type examples include midrise mixed-use and residential buildings.

Residential High – 55’: This category primarily allows residential uses with a height limit of 55 feet and is based on the existing Residential High Density (RHD) zone. Residential zones (including RHD) include special provisions and design standards for educational institutions.



Figure 43. Residential High - 55 expected building type examples include midrise and low-rise residential buildings.



Residential High – 75’: This category primarily allows high intensity residential uses with a height limit of 75 feet and is based on the existing Residential High Density (RHD) zone. Residential zones (including RHD) include special provisions and design standards for educational institutions.



Figure 44. Residential High - 75 expected building type examples include midrise residential buildings.



Residential Medium – 40’: This category primarily allows medium intensity residential uses with a height limit of 40 feet and is based on the existing Residential Multifamily (RMF) zone.



Figure 45. Residential Medium expected building type examples include low-rise residential buildings.

Note: The [Building Opportunity and Choices for All](#) pilot program was an interim zoning ordinance adopted by Spokane City Council in July 2022 during this planning process that modified residential zoning to allow for the construction of more housing in existing neighborhoods, with more variety in the types of housing permitted. In November 2023, City Council adopted by ordinance the permanent replacement, [Building Opportunity for Housing](#), that amended the Municipal Code to increase housing choice and diversity in the city by supporting middle housing development. The changes are reflected in this final plan ([ORD C36459](#)).

Subarea Goals & Policies

Land Use Goals

LU-1 Equitable Transit-Oriented Development

Leverage the introduction of the City Line Bus Rapid Transit service to foster new development that supports transit, biking, walking, and rolling for most daily needs, especially in the vicinity of new transit stops. Monitor and mitigate the impacts of redevelopment on existing residents and businesses to ensure all can enjoy the benefits of TOD.

LU-2 Private Investment

Build upon previous public and private investment in the district, highlighting unique resources, including proximity to education and medical services as well as employment and recreational opportunities.

LU-3 Transform the Southeast Riverfront Area

Coordinate public realm investments, update development regulations and design standards, and partner with local organizations, universities, and developers to create a lively, attractive, pedestrian-friendly regional hub in the southeast area.

Policies implementing LU-1-3:

- Update zoning to increase housing capacity, especially a quarter mile from City Line BRT stops.
- Update Hamilton Form-Based Code to increase development capacity while maintaining and expanding high-quality pedestrian-friendly environments in core station areas.
- Expand Centers and Corridors zoning, particularly around and expanding out from the south riverfront, to encourage TOD and support pedestrian-friendly street environments in broader areas served by high quality transit.
- Remove parking minimums within the study area for all uses.
- Invest in public realm improvements such as public plazas, river access, streetscapes, and catalyst parking infrastructure to encourage private development of housing and mixed uses.
- Publicly convey a unified, consistent marketing message to encourage private development in the southern portion of the study area.
- Increase flexibility for new development as it relates to ground-floor commercial requirements, building heights, and minimum parking requirements.
- Encourage growth of businesses and services to cluster in key locations to create economic relationships and places for people to mix-and-mingle, like the southeast riverfront area.

LU-4 Support Higher Education Institutions

Support Gonzaga University, programmatic centers for University of Washington and Eastern Washington University, and associated health sciences sectors.

Policies implementing LU-4:

- Consult with Gonzaga and other universities about their current needs, future development plans, and infrastructure or regulatory barriers.
- Support partnerships amongst Gonzaga, UW, EWU, WSU, and the University District PDA.
- Encourage university-led development and re-development of student housing.

LU-5 Retail & Services

Enhance neighborhood serving retail, dining, and commercial service uses and amenities, and support growth of regional destinations.

Policies implementing LU-5:

- Strategically allow retail, dining, and related services on side streets with a focus on walking, lower traffic volumes, and retail supportive land use patterns.
- Invest in public realm improvements such as sidewalk and crosswalk enhancement, streetscape updates, and public plazas to strengthen retail clusters.
- Continue pro-active engagement with the PDA, property owners, and existing businesses to promote innovative development and design within the South Logan area.
- Support the creation of formal or informal organizations of businesses in South Logan.

LU-6 Recreational Uses & Amenities

Strengthen and expand the neighborhood's park and recreational assets.

Policies implementing LU-6:

- Prioritize maintenance, activation improvements, and safety provisions for Mission Park as more people call South Logan home over time.
- Invest in public space amenities and activation on city-owned land and rights of way around Centennial Trail. Foster partnerships with surrounding property owners to facilitate trail-oriented development.
- Improve nearby crosswalks of Hamilton St and Mission Ave and add wayfinding to make more inviting pedestrian connections to Mission Park.
- Monitor public safety concerns along the Centennial Trail, Spokane River, and around Mission Park, and engage with Spokane Parks, Logan Neighborhood, and community partners in discussions.
- Support the Logan Neighborhood's focus on community events in Mission Park that activate spaces and deter unsafe activities.

LU-7 Shorelines

Improve public access and enjoyment of study area shorelines while protecting environmental health.

Policies implementing LU-7:

- Work with partners to enhance wayfinding for the Spokane River Water Trail non-motorized boat launch and fishing access near the SIERR building.
- Work with property owners to facilitate the completion of the planned North Bank Trail extension.
- Work with property owners and partners to enhance river access for the Spokane River Water Trail and viewing opportunities at the eastern end of E Springfield Ave in conjunction with future redevelopment activity. As redevelopment occurs, public access of some type would be required per SMC 17E.060 Shoreline Master Program.
- Work with Parks Department and partners to improve the west side of Iron Bridge to activate and enhance the area along the Centennial Trail.

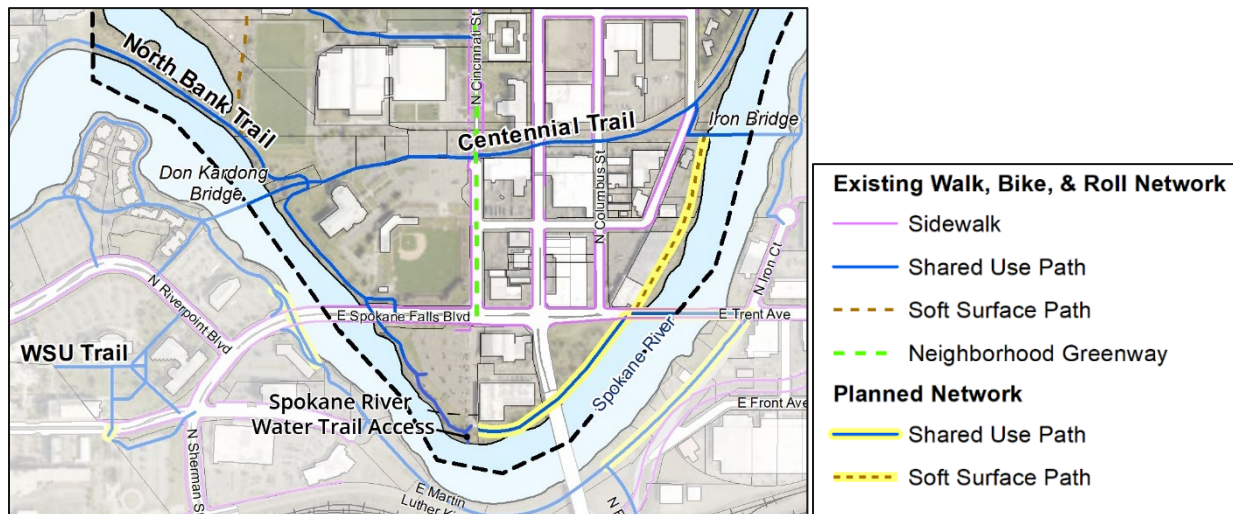


Figure 46. Map of existing and planned paths including North Bank Trail.

Housing and Anti-Displacement Goals

H&AD-1 Housing Capacity and Variety

Promote the development of higher intensity housing including a variety of housing types and prices while minimizing physical and economic displacement.

Policies implementing H&AD-1:

- Support expansion of middle housing options close to public transit in alignment with Building Opportunity for Housing to support more individuals and families at all stages of life and income levels living in South Logan.
- Promote new housing development incentives to South Logan property owners to encourage more development of affordable housing, including MFTE, parking reductions, and GFC fee waivers. Consider development standards bonuses that prioritize a wide range of housing affordability.
- Support efforts by non-profits or other entities to protect older affordable housing, particularly multi-unit housing, for preservation as an affordable resource. Investigate a pilot program to acquire affordable multifamily units in partnership with non-profit housing providers.
- Work with the University District Public Development Authority for opportunities to develop multifamily affordable housing in South Logan.

H&AD-2 Commercial and Residential Anti-Displacement

Evaluate and implement policies and strategies identified within the “South Logan Housing and Anti-Displacement Memo” to prevent, slow, and mitigate displacement of affordable commercial space and housing.

Policies implementing H&AD-2:

- Promote City programs that support affordable homeownership, including single-family rehabilitation programs and essential home repair programs to help low- and moderate-income homeowners with home maintenance for health and safety.
- Create and implement commercial anti-displacement strategies to keep and give preference to local, historic, and unique businesses in the area for business locations due to displacement as redevelopment occurs.
- Work strategically with key property owners and developers to negotiate Development Agreements for key parcels to maximize public and private benefits, especially those which are home to key community businesses vulnerable to displacement.
- Support residential anti-displacement strategies in response to changing conditions, including relocation assistance, rent stabilization, and ‘right to return’ policies that give highest preference for housing support due to displacement from new development.
- Continue to support and expand financial incentives to lower housing costs for lower-income residents.
- Continue to monitor displacement risk in South Logan with socioeconomic and market data.

Community Design Goals

CD-1 Sense of Place

Promote the thoughtful integration and design of new development that builds on South Logan's diverse urban context & history with integrity.

CD-2 Human scale

Maintain and enhance the neighborhood's human-scaled development patterns, with attractive and well-connected walking routes, activated streetscapes, preserved historic buildings and diverse architectural styles, and ample greenery, trees, and natural stormwater treatment features.

Policies implementing CD-1-2:

- Continue to support implementation of the Logan Neighborhood Identity Plan in conjunction with public or private projects.
- Review and update block frontage provisions in current design regulations to ensure high-quality ground-floor building design that helps to activate streetscapes in core station areas.
- Work with property owners to identify funding for the preservation and maintenance of historic buildings on the Spokane Register of Historic Places, including promotion of existing historic preservation incentives like Special Tax Valuation, Façade Improvement Grant, and Federal Investment Tax Credit.
- Support the Office of Historic Preservation and Logan Neighborhood in sharing stories of the area's history and unique attributes when making public realm improvements.
- Review and revise residential zoning codes to optimize outcomes for compatible infill development. Consider reductions in off-street parking requirements, greater flexibility on density limits, and encouraging single-stair multifamily residential buildings.
- Enact revisions and adoption of updated design standards for residential development prior to or in conjunction with zoning changes to provide basic design requirements to maintain and enhance the neighborhood's human-scaled development pattern.
- Increase the presence of street trees to improve livability, reduce urban heat islands, and reduce stormwater runoff, especially in the southeast area.
- Work with PDA, property owners, and existing businesses to integrate murals and public art into the station areas and southeast riverfront area that promotes the neighborhood identity and feel with gateway features.

CD-3 Friendlier Streets

In conjunction with crosswalk and Centennial Trail improvements, create a safer, more welcoming walking environment in the subarea, especially along and across Hamilton St at key points through a range of techniques.

Policies implementing CD-3:

- Implement right of way improvements to increase walking and rolling connectivity across Hamilton St (see Connectivity goals and policies).
- Leverage redevelopment to obtain wider sidewalks and pedestrian-friendly building design along Hamilton St.
- Employ plantings, lighting, art, or other techniques to create a more engaging and human-scaled walking environment on Hamilton St.

- Use signage and wayfinding to help people walking and rolling find safe crossings and comfortable routes to nearby destinations.
- Repurpose excess road space for angled parking on low-traffic local streets.

CD-4 Community Space

Increase the presence of accessible indoor public community spaces for meetings, events, and social gatherings.

Policies implementing CD-4:

- Work with property owners and developers to incorporate new indoor community space with redevelopment.
- Work with public universities and agencies to fund investments in indoor community space.

Connectivity Goals

CT-1 Transit Connections

Promote mobility hubs around transit stations that are designed to make public transportation safe, easy, and comfortable to use.

Policies implementing CT-1:

- Improve access for people walking, biking, and rolling to transit stops, including wayfinding and signage, for people of all ages and abilities.
- Promote equitable transit-oriented development with access to transit for people of all backgrounds.
- Encourage new development and human-scale infrastructure that is physically oriented towards transit to maximize exposure and encourage ridership.

CT-2 Improved Circulation along N Hamilton St

Enhance opportunities to cross N Hamilton St to reduce its impact as a barrier within the subarea, and enhance connectivity for people walking, bicycling, and rolling within the neighborhood.

Policies implementing CT-2:

- Promote new crossing opportunities of N Hamilton St for people walking, bicycling, and rolling to minimize distance between crossings, particularly south of E Desmet Ave.
- Enhance north-south connections on routes parallel to N Hamilton St for people walking, biking, or rolling.
- Enhance streetscape features and the pedestrian environment behind the curb line along N Hamilton St to improve connections between proposed crossing improvements.

CT-3 Connectivity for People Walking, Biking, or Rolling

Provide connections throughout the Logan neighborhood with designated facilities for people walking, biking, or rolling.

Policies implementing CT-3:

- Support the land use vision by encouraging compact residential and mixed-use areas with pedestrian-oriented streetscapes that enhance safety and mobility for people walking, bicycling, and rolling.

- Implement traffic calming measures to reduce cut-through traffic in residential areas, prioritizing people walking, biking, and rolling along local streets with lower speeds and volumes.
- Support safe and comfortable walking, biking, and rolling through roadway design, with designated biking and walking facilities along arterials and roadways with higher vehicular volumes and speeds.
- Enhance east-west connections for people walking, biking, and rolling across the river to provide an alternative route to E Mission Ave.
- Consider connections to local destinations when planning and designing routes for people walking, biking, and rolling in the Logan neighborhood.
- Evaluate and improve pedestrian connections across Spokane Falls Boulevard/E Trent St at the intersection with N Cincinnati St to facilitate better connectivity between the Health Peninsula and Gonzaga.

CT-4 Accessibility of Existing Facilities

Retrofit existing facilities for people who walk, bike, and roll to improve accessibility for all users through new capital investments.

Policies implementing CT-4:

- Improve current at-grade crossings throughout Logan to be more accessible for people of all ages and abilities.
- Encourage the implementation of a new at-grade crossing and wayfinding of Hamilton St for the Centennial Trail as a more direct alternative to the Centennial Trail overpass than existing Shape Ave crosswalk.

Sustainability Goals

SUS-1 Shoreline Protection

Protect and enhance the environmental health of the Spokane River shoreline and waterway in the subarea.

Policies implementing SUS-1:

- Carefully monitor redevelopment activity near the shoreline for disruption of habitats, excess erosion, or other impacts to river and shore ecology.
- Work with community based-organizations, universities, and developers to implement green stormwater treatment infrastructure in conjunction with property redevelopment or street/public space improvement projects.
- Encourage property owners to replace or reduce ground cover like grass lawns and pavement that can increase harmful pollutants and runoff in the immediate vicinity of the shoreline with native and/or drought tolerant plantings.

SUS-2 Environmental Innovation

Continue to emphasize and support the South Logan area and the greater University District as an innovation-focused community.

Policies implementing SUS-2:

- Promote energy efficiency in new construction and rehabilitation of historic buildings.
- Encourage efforts to develop district-scale energy systems within the subarea.

SUS-3 Natural Systems

Leverage the benefits of natural systems to reduce urban heat effect, protect water quality, and enhance quality of life, especially in areas transitioning from industrial to residential and mixed use.

Policies implementing SUS-3:

- Include street trees with large redevelopment projects.
- Integrate Green Stormwater Infrastructure (GSI) into public street and building projects and encourage green stormwater strategies to retain and treat runoff on-site as part of private development.
- Encourage the installation of green roofs in large redevelopment projects.
- Prioritize investments in public open space (see LU-6 above).

SUS-4 Decarbonization

Reduce the dependence on oil and gas as power sources to reduce the carbon dioxide emissions that raise global temperatures.

Policies implementing SUS-3:

- Promote TOD by creating a walkable environment throughout the subarea.
- Encourage deconstruction of any redevelopment instead of demolition.
- Incentivize environmentally sustainable housing production.
- Encourage rehabilitation as an environmentally sustainable housing practice.
- Encourage installation of electric vehicle charging infrastructure in new development that includes parking.
- Study options to provide electric vehicle charging infrastructure on public streets.

Action Plan

Table 4 below summarizes the recommended actions, timing, priority level, cost estimate, and other notes involving implementation. The City of Spokane is the responsible party for all actions unless otherwise noted. Below is the legend for the timing, priority, and cost columns:

Timing (S, M, L, O)

- S Short term (prioritize by approximately 2027)
- M Mid term (prioritize by approximately 2034)
- L Long term (prioritize by approximately 2044)
- O Opportunistic (as funding/partnering is available)

Priority (H, M, L)

- H High
- M Medium
- L Low

Cost (Staff time, \$, \$\$, \$\$\$, \$\$\$)

- Staff time Internal task on work plan
- \$ Less than \$500,000
- \$\$ \$500,000 - \$5,000,000
- \$\$\$ \$5,000,000 - \$15,000,000
- \$\$\$\$ Greater than \$15,000,000

Table 4. Implementation chart.

Action	Timing	Priority	Cost	Implementation Notes	
LAND USE AND ZONING CHANGES					
A	Expand high-intensity TOD zoning in commercial/ industrial south of Boone Ave	S	H	Staff time	Action coordinated with adjustments to Centers and Corridor provisions
B	Integrate strategic adjustments to the Hamilton Form-Based Code (FBC)	S	H	Staff time	Action coordinated with adjustments to Centers and Corridor provisions
C	Rezone to increase housing capacity north of Gonzaga	S	H	Staff time	
D	Significantly increase housing capacity near BRT stations around Mission Park	S	H	Staff time	
E	Step down allowed heights north of Sinto Ave to reduce impacts to Mission Ave Historic District	S	H	Staff time	
F	Rezone to increase housing capacity in residential areas	S	H	Staff time	

Action		Timing	Priority	Cost	Implementation Notes
	within walking distance of BRT stations.				
G	Enact revisions and adoption of updated design standards for residential development.	S	H	Staff time	Prior to or in conjunction with zoning changes.
H	Remove parking minimums within the subarea.	S	H	Staff time	Interim parking regulations that become effective August 31, 2023, impact residential parking. This action would impact all uses.
PRIORITIES AND INVESTMENTS					
I	Enhance existing Hamilton St crossings and update streetscape plans, including redesign of Sharp Ave/Hamilton St intersection.	M-O	H	\$\$\$\$	Updating streetscape plans is the first/immediate action. Hamilton/Sharp intersection improvements are the top priority for physical improvements.
J	Install an enhanced crosswalk at the Hamilton St-Springfield Ave intersection	M-O	H	\$\$	Improvements likely need to wait for the completion of the North Spokane Corridor.
K	Maximize riverfront connections, open space improvements, and access	O	M	\$\$	Some improvements could occur in conjunction with redevelopment, while others could be in partnership with development, including the Spokane River Forum and other organizations.
L	Invest in green street improvements on Columbus St between Mission Ave and Desmet Ave.	O	M	\$	Timing is best coordinated with applicable property owners and development activity. Tax Increment Financing may be a good implementation tool.
M	Invest in main street improvements on Columbus St between Desmet Ave and Trent Ave.	O	M	\$	Timing is best coordinated with applicable property owners and development activity. Tax Increment Financing may be a good implementation tool.
N	Pursue public/private partnerships to deliver shared neighborhood amenities to catalyzing desired development.	O	M	\$\$-\$\$\$	There should be ongoing discussions with property owners. Tax Increment Financing may be a good implementation tool.
O	Study options for improved east-west connections for people walking, bicycling, and rolling across and through the north end of the neighborhood on Mission Ave.	S	M	\$\$\$\$	Partnership opportunities with community groups, including Friends of the Centennial Trail.
P	Study options for improving river crossings for people walking, bicycling, and rolling, including a bike/walk bridge at Sharp Ave.	M-L	L	\$\$\$\$	Partnership opportunities with community groups, including Friends of the Centennial Trail.

Recommended Zoning/Code Changes

The subarea plan calls for the following changes to meet the plan’s land use and design goals and policies:

- Making strategic capacity increases within the residential areas, including zone changes.
- Rezoning existing General Commercial (GC) zone to the Center and Corridor (CC-1) zone and updating the Center and Corridor zoning provisions.
- Strategically refining and expanding the provisions of the Hamilton Form-Based Code.

Residential Zones

The City has adopted permanent zoning provisions under the Building Opportunity for Housing project ([ORD C36459](#), effective January 1, 2024). The action alternatives already integrated the provisions within the R1 and R2 zones of the subarea. The subarea plan also recommends refining and updating the RMF and RHD zones to accommodate proposed height limits set forth herein and to provide a level of consistency with ongoing updates underway for the R1 and R2 zones. This includes changes to provide basic design requirements to maintain and enhance the neighborhood’s human-scaled development pattern.

Center and Corridor Zones

The City is now examining provisions for the Center and Corridor zones in a separate project that is outside the scope of the South Logan TOD Project, which is expected to be completed in 2024. This subarea plan will be informing some issues and opportunities associated with that effort, called the [Center and Corridor Update Study](#). The Study is examining:

- Adjustments to allowed building heights and other dimensional standards that fit within current construction practices for desirable building types. For example, ensuring the permitted heights accommodate best practice floor to floor heights for applicable land uses.
- A new approach to block frontage standards (setback and building orientation based on the type of street it fronts).
- Zone edge treatments that balance infill development goals with compatibility to lower intensity zones.
- Updating provisions of Center and Corridor Design Standards and Guidelines to meet design and development objectives and increase predictability.
- Creating a special Center and Corridor zone that prioritizes transit-supportive, pedestrian-oriented development and limit auto-focused development like drive-thru businesses.

Hamilton Form-Based Code Adjustments

The subarea plan calls for strategic adjustments to the form-based code to enhance transit-oriented development opportunities, while retaining design measures to ensure that development is pedestrian-oriented and contributes to the neighborhood. Below are suggested adjustments to the form-based code to accomplish those objectives. However, with the Center and Corridor Update Study now under way, the City should hold off on implementing the form-based code updates until

the study is completed in case it's determined that the updated Center and Corridor zoning and design provisions in these areas can better meet subarea plan goals and policies.

- Update the context area map to consolidate the entire existing form-based code area as Context 1. This allows for consistent heights envisioned in this area for each of the action alternatives.
- Create a unique “context area” for the Springfield/Columbus satellite form-based code area that will allow for the 150-foot building heights that exist in current GC zoned areas and proposed for the CC-1 zoned areas on the south side of E Springfield Ave. Also designate the four corners of the Columbia St/Springfield Ave a “Shopfront block” and extend the Shopfront block along Columbia St for approximately one-half block north of Springfield Ave.
- Adjust the designated “Shopfront blocks” to just apply to the half blocks of Hamilton St adjacent to signalized intersections as shown in Figure 47 below. Also extend those designations one property deep on the crossing streets at those signalized intersections. This allows for greater flexibility for uses between those signalized intersections. Correspondingly, provide standards to require stoops in some form for any uses containing ground floor residential uses along Hamilton St.
- Increase the building height for the proposed consolidated Context area 1 from 66-feet to 75-feet to allow more development capacity and efficient building forms.
- Since the recommendation is to consolidate the Context areas, this eliminates the need for an internal height transition line between CA-1, 2, and 3 and CA-4.
- Apply Type I Streetscape Requirements to Springfield Ave and Columbus St, except require a 10-foot wide Clear Pedestrian Zone for Columbus St.
- Eliminate the required off-street parking for the FBC area.
- Retain existing minimum 60-percent ground floor transparency requirements for designated Shopfront blocks. For all other ground level building frontages within 10 feet of the sidewalk designed for non-residential use, require 40-percent minimum transparency. For all residential building frontages, require a minimum façade transparency of 15-percent.
- Refine block frontage standards, most notably for ground floor residential uses in close proximity to the street. Require that the ground floor residential uses within 10 feet of the sidewalk be elevated at least 30 inches to increase the privacy of residents and provide an effective transition between the public and private realm. Key features include providing a porch, deck, or stoop between the entry and the sidewalk, providing a covered area over the entry, and integrating landscaping into the transitional area to add visual interest and help to define the space.
- Consider adding “trail-oriented development standards” for the Columbus/Springfield area along the Centennial Trail. This includes ensuring development orients towards the trail, which can be accomplished by having patios and decks that look out over the trail, including a minimum façade transparency level to provide more “eyes on the trail” for safety and to provide visual interest, and avoiding tall fences and blank walls facing the trail.

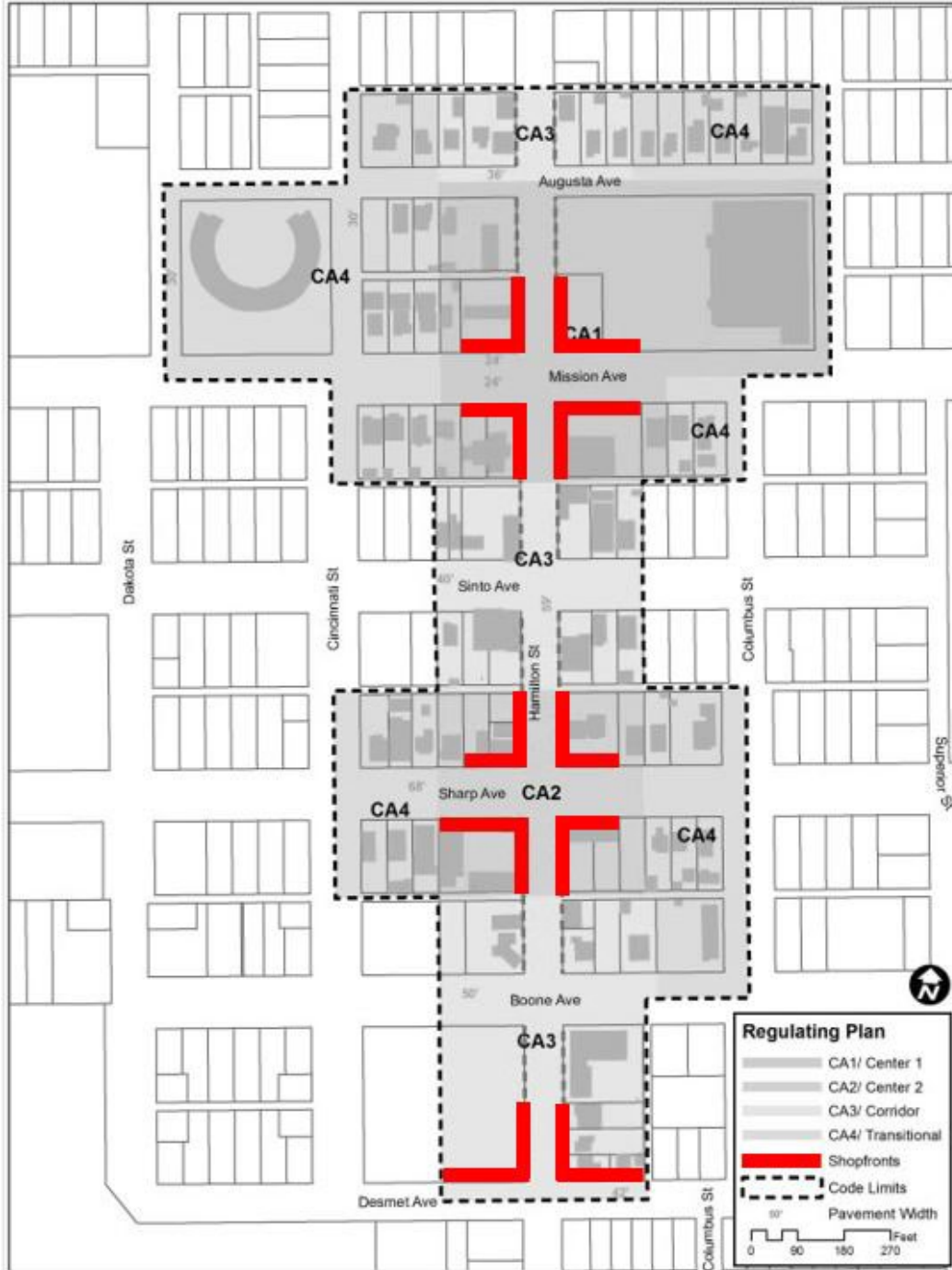


Figure 47. Proposed updated shopfront designations are emphasized in red and focused on signalized Hamilton St intersections rather than running the entire length of the street. The proposed designations would also apply to the Mission, Sharp, and Desmet Ave's frontages one property from the intersection (or as shown).

Appendix 1: Housing and Anti-Displacement Strategies Memo

Heartland LLC prepared the Housing and Anti-Displacement Memo to summarize research, best practices, and a range of policies to promote housing and anti-displacement strategies in the study area and beyond. See the memo as provided by the consultants in this appendix.

HEARTLAND

801 2nd Avenue, Suite 614 Seattle, Washington 98104 TEL 206 682-2500 WEB WWW.HEARTLANDLLC.COM

TO: Maren Murphy, City of Spokane
Tirrell Black, City of Spokane
Spencer Gardner, City of Spokane

CC: Bob Bengford, Makers
Ian Crozier, Makers

FROM: Ben Wharton, Heartland
Eric Kang, Heartland
Lee Striar, Heartland

RE: Heartland South Logan Strategies Memorandum – Housing & Anti-Displacement

DATE: September 2023

I. Project Background

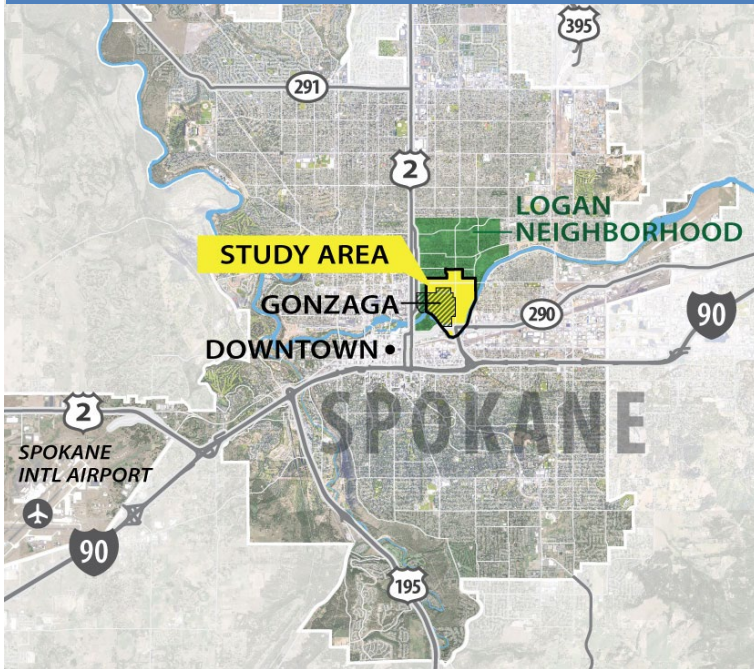
In the summer of 2022, Heartland, as part of a consulting team including Makers Architecture, SCJ Alliance, and Parametrix, supported by a grant from the Department of Commerce, collaborated with the City of Spokane Planning Department in studying the South Logan area in Spokane, Washington.

The South Logan study area (“South Logan”) represents a substantial portion of the Logan Neighborhood and is bounded roughly by Mission Avenue to the north, Lidgerwood Avenue to the west, and the Spokane River to the south and east, as depicted below (see “Exhibit 1 – South Logan Area Map”). As part of our scope of work, we have analyzed the real estate context, conducted market research, toured the study area during a site visit, and participated in public engagement sessions in Fall 2022 as part of a broader South Logan Transit-Oriented Development (“SLTOD”) study. The intent of the project is to ensure that future development in South Logan supports the investment by the City of Spokane (the “City”) in the new City Line Bus Rapid Transit (“BRT”) line which will feature three stations in South Logan.

South Logan benefits from multiple unique community assets, including Gonzaga University and Mission Park, as well as from proximity to the Spokane River and adjacency to downtown Spokane. Residents of South Logan have access to the connectivity provided by the Centennial Trail multi-use path which threads through the southern boundary of the study area along the Spokane River. The area is well-positioned to build upon these existing community assets with thoughtful planning and we are honored to contribute to the area’s continued growth and vitality.

In recent years, the City of Spokane has invested in substantial research related to zoning reform, transit-oriented development, housing policy, and anti-displacement measures which might be adopted either citywide or in particular districts, including research which focused on the South Logan area. The analysis in this memo benefits from and expands upon this past work. In addition, there is substantial literature produced by other cities in the state of Washington and nationally which outline transit-oriented development, housing, and anti-displacement strategies and policies which might be applied and tested in South Logan. Several of the policies identified and described in this memo have been implemented in other cities in Washington. These similar initiatives should be monitored closely, with any measurable outcomes helping to shape and guide future decision-making which may result from this study.

Exhibit 1 – South Logan Area Map



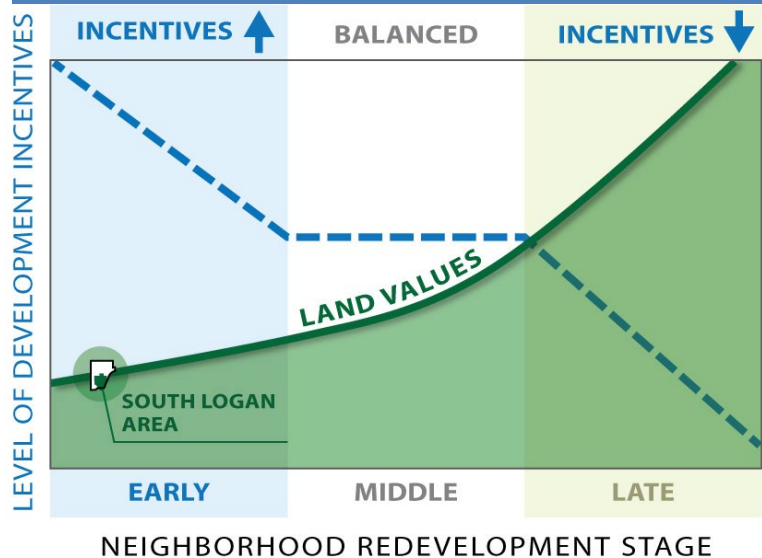
Our recommendations are informed by a guiding philosophy of “pairing” (a) contributions from landowners and real estate developers in the form of public benefits – with (b) concessions which can serve to incentivize economic behavior in support of pre-identified policy priorities. One example might be to offer an increase in allowable height for a particular parcel or zone of parcels in return for a developer setting aside a certain percentage of affordable housing in a new housing development.

Our recommended stance is towards *optional* or voluntary programs structured as incentives rather than requirements. In the early stages of neighborhood redevelopment, as is currently the case in South Logan, incentives can be a catalyst to guide the path of future development in a way

that is aligned towards pre-defined policy goals. Requirements, by contrast, however carefully conceived, can risk challenging or preventing new development altogether, especially during periods of rapid growth and change. Exhibit 2 illustrates the stages of neighborhood redevelopment and the way in which government incentives can play a role as a neighborhood matures and evolves. There may be a role in later stages of development for more exacting requirements along with better opportunities to effectively generate revenue through development without stifling it.

To create maximum flexibility, we recommend that the City consider utilizing a “menu” of options for developers to create the possibility for multiple policy goals to be advanced simultaneously. This work is intended to augment and enhance work already done following investment by the Spokane Transit Authority and City of Spokane in the City Line Bus Rapid Transit (“BRT”) line, which is projected to serve more than one million riders per year. Transit-oriented development lends itself to more equitable development in that it focuses on directing private investment towards uses which are well-served by transit, and ensuring the benefits of a walkable, vibrant and affordable community are experienced by all. It is important that policies and plans in this area leverage the relationship

Exhibit 2 – Incentives and Neighborhood Redevelopment



between transportation and development to prevent displacement and ensure that new investment benefits existing residents and businesses in addition to accommodating new ones.

The goal of this memorandum is to provide a guiding framework for selecting policies which have been introduced in previous studies, contextualize some of the more appropriate policies for South Logan, and finally to introduce new policies which may not yet have been considered. Throughout, we will endeavor to address the following identified planning priorities:

1. **Housing** – Analyze tools and suggest dedicated policies to promote housing at a range of income levels in the area. Identify development incentives which support outcomes that lead to the production of additional low- and moderate-income housing. This memorandum outlines strategies which might be implemented following the City Council adoption of the Housing Action Plan in July 2021. The Action Plan laid out four goals which are to be addressed citywide:⁷
 - Increase housing supply, options, and affordability for all incomes
 - Preserve housing affordability and quality to help people thrive where they live
 - Enhance equitable access to housing and homeownership
 - Leverage and grow partnerships to support housing initiatives across the region
2. **Anti-Displacement** – Involuntary displacement, both physical and economic, accompanies growth and development in any context. South Logan as it continues to grow and change is no exception. The City conducted a displacement risk assessment as part of the Housing Action Plan, and identified that the Logan Neighborhood is at moderate-to-high risk of displacement based on socioeconomic and housing factors.⁸ To the extent any zoning changes or policies are enacted subsequent to the completion of this memorandum which would expand development capacity in South Logan, avoiding or mitigating the impact of displacement on existing residents and businesses will become a priority. We will discuss anti-displacement and “equitable TOD” strategies, which are strategies intended to channel growth and development around a substantial transit investment, in this case the City Line BRT line, such that it benefits all stakeholders and community members irrespective of socioeconomic status. Such policies might be used to preserve and expand affordable housing, protect residents from rising costs, connect people to jobs and economic opportunities, and support local businesses.
3. **Equity** – Identify social equity considerations, and the most important benefits and burdens to analyze. Incorporate equity indicators in how data is collected, analyzed, and reported by assessing and measuring existing disparities, whether along racial, ethnic, gender identity, national origin, income level, disability, or other dimensions. Local and minority-owned businesses along with seniors and the disabled have been identified as particularly vulnerable populations in South Logan.

This memorandum (the “Heartland South Logan Strategies Memorandum”), will incorporate use of up-to-date local, regional, state and national data as available. It will culminate in a “Strategies Matrix,” included hereto as Exhibit 7. The matrix summarizes potential planning tools, economic incentives, business and resident anti-displacement measures, along with equitable strategies in TOD for the study area. We will consider and document best practices for the City to integrate into future planning efforts.

⁷ [“Housing Action Plan,”](#) City of Spokane, July 2021.

⁸ [“Displacement Risk Assessment,”](#) Housing Action Plan, May 2021.

Our overall guiding principles informing these policy recommendations are as follows:

- Pair policies which encourage targeted policy outcomes with mitigants for unintended but predictable consequences.
- Create optional inducements instead of fixed requirements.
- Utilize a “menu” of options whenever possible to enable maximum flexibility for the community in achieving multiple policy goals.

II. South Logan Background

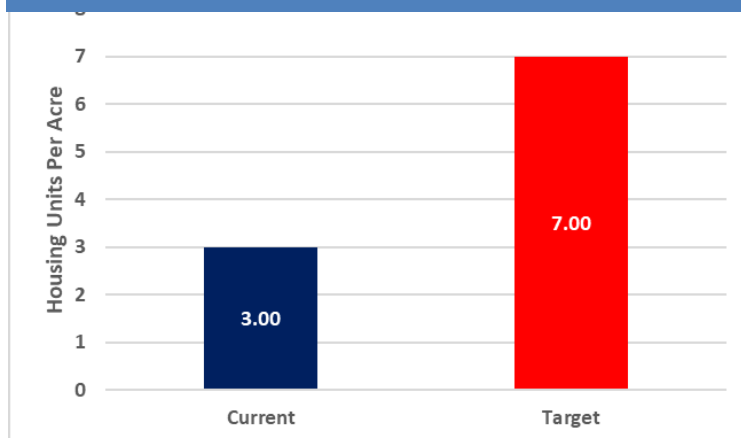
The South Logan area is home to key community assets – including proximity and access to the Spokane River, connection to the Centennial Trail, and Mission Park. To the extent these assets can be highlighted or accentuated by changes made to the planning process in service of the public realm, so much the better for the neighborhood and its future growth and prosperity.

Currently, Hamilton Avenue experiences a high volume of through traffic, at over 30,000 vehicles per day (“VPD”) as described in further detail in the Existing Conditions Report. Certain freeway enhancements, specifically the US 395 extension, which expands the North Spokane Corridor project, extend south from its current end location at Columbia Avenue through to the Spokane River. This extension, when complete, should relieve congestion along Hamilton Avenue in the coming years.¹¹ Nevertheless, the presence of continuous, high-speed traffic through the study area has led over time to a challenged pedestrian environment along Hamilton Avenue. Improved walkability, stronger multi-modal transportation options and connections, especially with the investment in BRT, should enhance access to South Logan, benefiting residents and businesses.

Exhibit 3 – South Logan Housing Stock

Total Housing Units ⁹	1,025
Total Acres ¹⁰	342
Housing Units Per Acre	3.0

Exhibit 4 – South Logan Housing Density



Excluding the Gonzaga University campus, the South Logan area comprises 342 acres and 1,025 existing housing units, representing a density of 3.0 units per gross acre, inclusive in this case of all land in the study area, including streets, sidewalks, and parks (see Exhibit 3 – South Logan Housing Stock). According to the literature, investment in BRT should be supported by a target of at least 7.0 units per acre of

⁹ “[Address Count Listing Database](#)”, 2020 U.S. Census, U.S. Census Bureau.

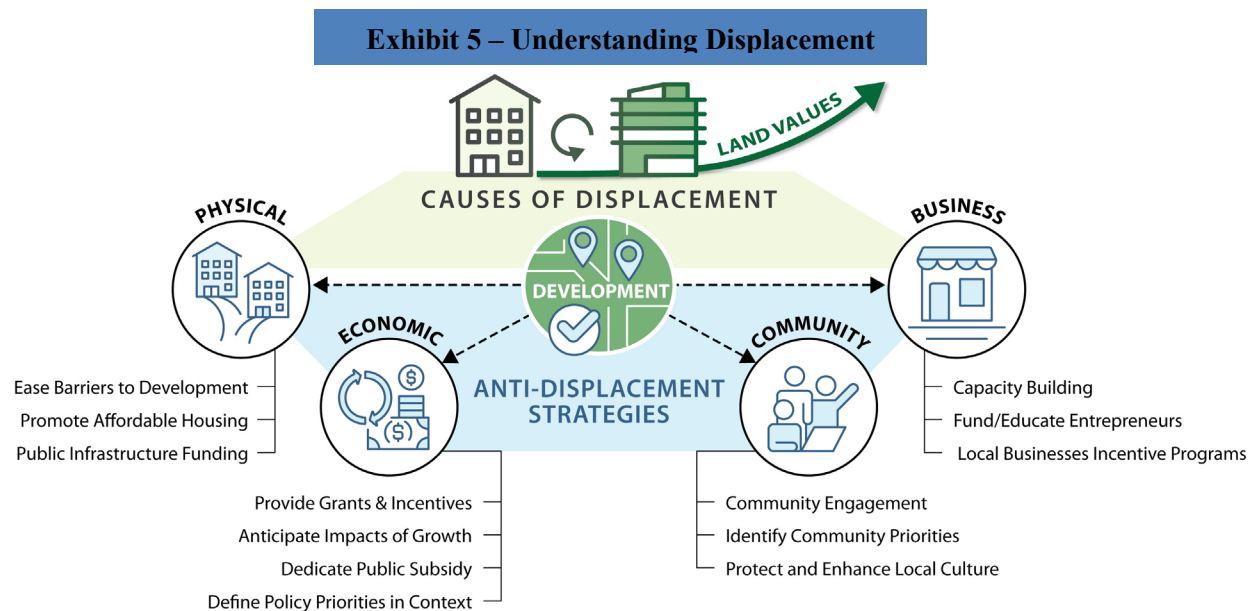
¹⁰ “South Logan TOD Existing Conditions Report,” MAKERS, et al., November 2022.

¹¹ “[US 395 - NSC Spokane River to Columbia - New Segment](#),” Washington State Department of Transportation (WSDOT)

housing.¹² This suggests that the housing density in the South Logan area must more than double relative to today’s levels, increasing from 3.0 units per acre to 7.0 units per acre, to appropriately leverage the investment in BRT (see Exhibit 4 – South Logan Housing Density).

III. Understanding Displacement

What is displacement? Displacement in its various forms – physical, economic, and cultural – has multiple, often interrelated causes and is an inevitable consequence of growth and development. However, the impacts of displacement can be mitigated. The focus of our analysis is on mitigation measures related to involuntary displacement of the most vulnerable residents and businesses of the South Logan community. Given the South Logan context – certain demographic groups have been identified as most vulnerable to the pressures of displacement (1) non-student, low-income residents, particularly the elderly and/or the disabled, and (2) locally owned businesses and therefore these groups and related policies are the focus of our analysis. Residents over age 65 represent approximately 13% of the population in the study area while 34% of households in the South Logan area are home to at least one disabled person.¹³ This is likely due to the presence of several group homes and assisted living facilities in the study area.



Lack of housing which is affordable to low- and moderate-income residents has been identified as a critical factor driving displacement of people. Similarly, lack of affordable commercial space is a key driver affecting the

In South Logan, the two demographics which have been identified as most vulnerable to the pressures of displacement are (1) non-student, low-income residents, particularly the elderly and/or the disabled and (2) locally owned businesses.

¹² “[Transit-Supportive Densities and Land Uses](#),” Puget Sound Regional Council, February 2015.

¹³ ESRI, 2022.

displacement of businesses. ¹⁴ Displacement has risen to the forefront of the public consciousness in Washington and its impacts are worth understanding more fully in an effort to preserve and enhance communities statewide. Displacement can be understood and its impacts mitigated along physical, economic, community and business dimensions (see “Exhibit 5 – Understanding Displacement”). Accommodating and encouraging growth and investment while mitigating the impacts of displacement is a challenging and worthy objective and one we will endeavor to support with this memorandum. The City of Spokane has begun to study displacement as part of other reports and we will attempt to parse those studies, interpret their findings in the context of South Logan, and hopefully add new concepts to the conversation. ^{15 16}

The following is a “menu” of options the City could consider to address housing and anti-displacement in South Logan, with consideration for Citywide implementation.

IV. Housing Strategies

Housing cost and availability was highlighted as the single most important social & political issue facing real estate markets nationally in the Urban Land Institute 2023 Emerging Trends in Real Estate report. ¹⁷

Increasing density is the key driver in adding housing to support investment in transit, enabling people to live closer to where they work. As a reminder, research suggests targeting a density of at least 7.0 units per acre to support investment in Bus Rapid Transit. Target density can vary depending on the cost of the transit investment, with larger investments suggesting the need for higher density levels.

We have identified the following strategies which can directly or indirectly support the creation of new housing and are worthy of consideration for the South Logan context.

Use of Development Agreements.

For development sites of key strategic importance, development agreements can be a useful tool to document an agreement between the City and the property owner to guide development towards certain policy goals, including the creation of housing. A development agreement is a contract between a city and a property owner which summarizes responsibilities associated with redevelopment of land. Development agreements are highly customized and specific to a particular site. While development agreements allow for a high degree of flexibility in how a trade-off might be structured between a landowner and the community, such agreements can be challenging to negotiate on a one-off basis. To reduce administrative burden and complexity, we suggest creating and using a template agreement, perhaps borrowed from a previous transaction in the City of Spokane, and adding to this template as an exhibit a checklist of priorities specific to South Logan which might be addressed during future negotiation. This checklist document could be revisited as needed from time to time but would be of great benefit to City staff in focusing negotiations with developers related to a particular site. A checklist of this kind would also be appreciated by the development community in offering some predictability to the negotiation. The counties of King, Snohomish, Clark, and Pierce, in the state of Washington have

¹⁴ [“Rethinking Local Affordable Housing Strategies: Lessons from 70 Years of Policy and Practice,”](#) The Brookings Institution.

¹⁵ [“Understanding Housing Displacement Risk in Spokane,”](#) City of Spokane Planning Department.

¹⁶ [“Appendix E – Displacement Risk Assessment,”](#) City of Spokane Housing Action Plan, July 2021.

¹⁷ [“2023 Emerging Trends in Real Estate,”](#) Urban Land Institute.

codified a process for using development agreements. Clark County, Washington has published a sample application form and standard form development agreement which may be useful to planning staff. ¹⁸

One example of how a development agreement might be used in the South Logan context is to offer (a) meaningful amendments to code requirements for a particular site, such as an increase to allowed building heights, waiver of ground-floor retail requirements, or reduction in parking requirements (b) in exchange for a corresponding and related concession, for example a contribution either directly or a payment in lieu for affordable housing, a contribution to a business improvement district, or an investment in streetscape improvements or to public transit.

Not all sites in South Logan would need to be governed by a development agreement. Given the complexity involved in negotiating development agreements, we suggest limiting their use to sites which meet certain thresholds, for example size (ex: ½ acre minimum), potential density (ex: 100 units or more), or strategic importance to the neighborhood due to location or visibility or some other metric as determined by the Planning Department.

Use of Development Agreements	
Opportunities	<i>Development agreements offer a high degree of control and the ability to tailor policies to time and context.</i>
Challenges	<i>Development agreements can be challenging to negotiate and enforce and so should be used selectively,</i>
Risks	<i>Without clear guidance on how development agreements will be used, the perceived cost and time associated with such agreements could deter development.</i>

Public-Private Partnerships (“PPP”).

South Logan benefits from the unique presence of Gonzaga University as a hub of economic activity and vibrancy. Cultivate partnerships with institutional stakeholders like Gonzaga, but also with other institutions like the University District Partnership, Eastern Washington University and the University of Washington, along with key private sector stakeholders, in support of business and economic development in South Logan.

Explore partnerships with Community Development Financial Institutions (CDFIs), for example, Local Initiatives Support Corporation, Impact Capital, or Enterprise Community Development Fund. These organizations provide capital in support of affordable housing. They tend to be focused on large cities and rural areas and may need proactive outreach in order to be encouraged to venture into a smaller city like Spokane.

Explore private sector partnerships with dominant employers in the area, for example – Avista or Providence Health. One recent example of a successful partnership between an employer and the community in support of affordable housing was the Orenda mixed-use development project in Seattle, Washington, where Seattle Children’s Hospital invested equity to double the number of units from 20% to 40% of the total project available to residents earning less than 80% of AMI. ¹⁹

¹⁸ “[Development Agreements in Clark County](#),” Clark County, February 2019.

¹⁹ “[South Seattle development named one of world's best affordable projects](#),” Puget Sound Business Journal, July 2023.

Facilitate Public-Private Partnerships (“PPP”)	
Opportunities	<i>South Logan benefits from concentrated ownership of land, particularly by Gonzaga University, who is a motivated constituent. Strengthening ties between the University, businesses, and families who have significant presence in South Logan is more easily coordinated when there are fewer decisionmakers.</i>
Challenges	<i>How to bring the community in to the conversation?</i>
Risks	<i>Siloed efforts result in inward-facing projects which serve a small number of constituents rather than the community more broadly. The City can play a key role as facilitator and connector.</i>

Dedicate subsidy to less-common home ownership models.

Uncommon forms of real estate ownership including Community Land Trusts (“CLTs”) and co-operatives suffer from lack of capital and would benefit from dedicated efforts from the community towards capacity-building, in order to generate the legal and structural knowledge required to make these forms of ownership more common, as well as education and outreach to local lenders, investors, and community members. A land bank, like the one recently created by the Spokane Low Income Housing Consortium, is a powerful way for the City to participate directly in facilitating these less common ownership models.²⁰

Dedicate subsidy to uncommon ownership models.	
Opportunities	<i>Land trusts, limited-equity cooperatives, and co-housing are relatively rare in the United States, but can be powerful models for long-term affordability and might be implemented in South Logan as powerful anti-displacement strategies.</i>
Challenges	<i>Lack of technical expertise among lenders, attorneys, and developers limits widespread adoption.</i>
Risks	<i>Funds are set aside which might have been better dedicated to other uses if there is not a meaningful amount of new development which is spurred by the public commitment. They may be too “niche” and unfamiliar to real estate developers and land use professionals to practically be adopted on even a reasonably broad scale.</i>

Credit support.

An underappreciated factor which constrains significantly the production of housing is the requirement for unlimited personal guaranties for construction loans from most bank lenders. For those relying on financing from the private sector, the requirement for an unlimited personal guaranty represents a substantial hurdle to developing a new real estate project. To the extent that the City of Spokane could either (a) set aside a loan guaranty fund dedicated to projects which pursue targeted levels of affordability or (b) support the creation of a Community Development Financial Institution (CDFI), new housing dedicated to below-market rates could see more volume. The Bay Area Transit-Oriented Affordable Housing program came into being with \$10 million in first-loss seed capital which led to an additional \$40 million in private investment into the program.²¹ The CDFI Bond Guarantee program is one of the more well-known programs of this kind nationally.²² In Washington, see also the Affordable Housing

²⁰ [“Innovative ‘Land Bank’ Could Bring More Affordable Housing to WA”](#), Public News Service, August 10th, 2022.

²¹ [“TOAH,”](#) Bay Area Transit-Oriented Affordable Housing.

²² [“CDFI Bond Guarantee Program – A Gateway to Capital,”](#) CDFI Fund.

Land Acquisition Revolving Loan Fund Program.²³ C-PACER is a new financing tool which can support investment in property retro-fits, in this context relevant for the recapitalization and renovation of pre-existing but aging affordable housing properties.²⁴

Provide credit support to small-scale housing developers.	
Opportunities	<i>Lack of sufficient financial capacity is typically the primary barrier to financing of small projects and stands in the way of a citizen-developer corps who can do the hard but valuable work of locally-led, tactical, small-scale development.</i>
Challenges	<i>Education and capacity-building – for those interested in building a small project but who are not professional real estate developers, they may face too steep a learning curve in what is a complex and risky process. The cost-benefit analysis of such a program would be worthwhile to study on a small scale.</i>
Risks	<i>Less sophistication amongst small-scale developers may shift too much risk and potential for loss onto the taxpayer to be worth the benefit of the incremental amount of development such a policy would encourage.</i>

Building Heights.

Support increasing allowable building heights along transit corridors, in South Logan particularly along Hamilton Avenue and Mission Avenue. Consider pairing with neighborhood Design Standards, especially in critical, high visibility areas.

Building Opportunities and Choices for All (“BOCA”).

The Building Opportunities and Choices for All (“BOCA”) pilot zoning program, passed in July 2021, allows for construction of townhomes, duplexes, triplexes, and quadplexes in single family zones citywide, and is one of the most broad-based zoning reform measures we have observed nationally. The state of Oregon passed a similar measure in 2019, HB 2001, to address housing choice and affordability in the state of Oregon but it allows for some discretion in how it is administered city by city. At the city level, Spokane should be recognized as a leader in liberalizing its code with respect to single family zoning and sets an admirable example for others to follow. We hope and believe that BOCA will be a success, recognizing that it is a bold step towards reversing historical inequities inherent to single family zoning while encouraging development of more diverse housing types.²⁵ Change will likely be fairly slow and incremental under BOCA but we support a patient, committed, long-term approach to evaluating this bold zoning reform measure.

V. Anti-Displacement Strategies

The following strategies address anti-displacement in a direct way and are relatively low-cost to implement. We evaluated anti-displacement strategies which address both (a) resident and (b) business displacement with priority for those which directly target equitable outcomes.

a. Equity

²³ [“RCW 43.185A.110,”](#) Washington State Legislature.

²⁴ [“Spokane County’s C-PACER Program,”](#) City of Spokane Economic Development.

²⁵ [“Single-family zoning: Can history be reversed?”](#) Joint Center for Housing Studies, Harvard University, October 2021.

Evaluate the potential for a “Community Preference” program.

Consider a “community preference” policy which establishes preference for existing residents of the community in applications for affordable housing units.²⁶ Community preference provides a mechanism for disadvantaged residents of high displacement areas to access priority to new affordable housing units which could directly address displacement. The intent of a community preference policy is to ensure new development is inclusive of those who, without such a policy, may be at high risk of displacement.

Create a Rental Assistance Fund.

A Rental Assistance Fund is a relatively low-cost way to minimize the impacts of displacement on the most economically vulnerable populations. The Fund could be capitalized through development-related fees or through government or grant subsidy. The Fund would be available to those residents needing relocation cost assistance or to cover security deposit requirements or moving expenses.

Community Engagement.

Engage early and often with neighborhood stakeholders to ensure all voices are heard. Maintain multiple formats for communication (ex: website, mail, periodic community meetings) to ensure the broadest possible participation. Engaging with a broad swath of the South Logan community will be essential in working towards a goal of equitable transit-oriented development.

b. Business Displacement

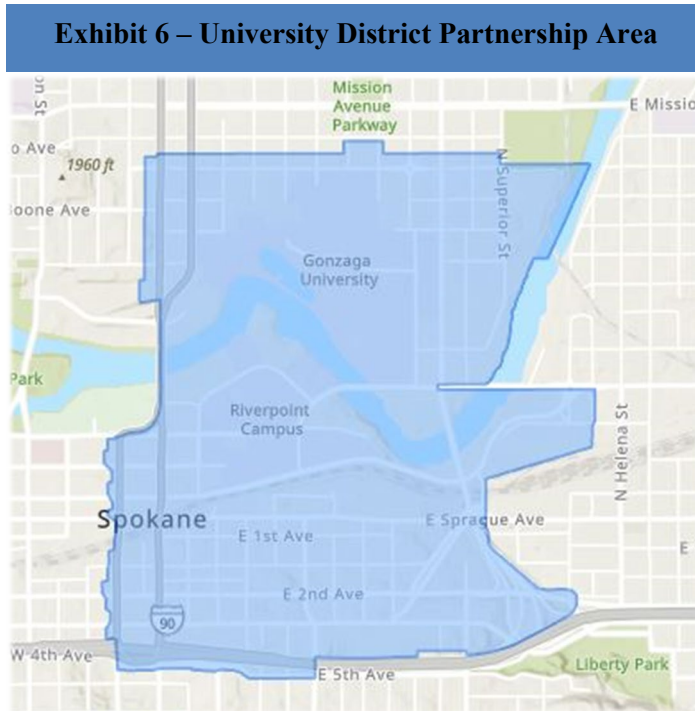
Business Improvement District (BID).

Explore the possibility of forming a South Logan Business Improvement District (BID), a governmental agency which has the power to collect revenues and directly support initiatives which mitigate displacement of local businesses. Such a district could have as a guiding philosophy the support of new and preservation of existing local businesses, along with provision of funding programs, advisory services, and political advocacy. Business Improvement Districts do not impact other property tax-based funding programs and can be layered with TIF and Revenue Districts. All new organizations which have the ability to generate revenue in service of pre-defined policy goals must be coordinated carefully – lest they cannibalize one another to the extent they draw from the same revenue sources.

²⁶ “[Community Preference](#),” Seattle Office of Housing.

c. Resident Displacement

Public Development Authority (PDA).



Ensure South Logan is in continuous dialogue with the University District Partnership (“UDPDA”) and is engaged on any significant new development projects. Since the UDPDA already encompasses most of the South Logan area, perhaps all that is needed is renewed engagement with leadership to focus on the South Logan area and work to identify near-, mid-, and long-term initiatives which might be done collaboratively which are specific to South Logan.

Tax Increment Financing (TIF).

In 2021, the Washington State Legislature passed RCW 39.114, authorizing tax increment financing (TIF), a public financing tool enabling municipalities to sell bonds to finance broadly defined “public improvements” in targeted areas to catalyze and influence future development.²⁷ “Public improvements” as a definition includes many kinds of public infrastructure as well as “Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing.”

TIF is most commonly used as a public financing tool to unlock development sites constrained by upfront infrastructure costs. TIF can be used to amortize the cost of otherwise prohibitively expensive upfront infrastructure over the long-term, though it does require initial capital from some source. In Washington, given the broad definition of “public improvements,” including contributions in support of the creation or preservation of affordable housing, the power of this mechanism cannot be understated.

Tax Increment Financing (TIF) can be used for the “purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing,” RCW.39.114.

If successful, surplus cash generated within a TIF district can be used to reinvest in other civic priorities, including to fund the creation of affordable housing, as in the “TIF Set-Aside” program in Portland,

²⁷ Washington State Legislature, [RCW 39.114](#)

Oregon. ²⁸ Notwithstanding the potential benefits of TIF, new TIF districts need to be underwritten conservatively. If a district reaches the end of its life with a deficit, the risk and cost of that deficit ultimately is borne by taxpayers. However, given the typically very long life of TIF districts, risk can more easily be managed over a long period of time.

Why dedicate TIF funds to South Logan? The rationale for TIF in South Logan is due to the outsized investment, over \$175 million, the area has received in recent years – but which has not yet translated into broad-based property redevelopment. To the extent TIF can serve as a tool to unlock key sites which might be constrained by upfront infrastructure costs or other factors but which can follow upon and amplify these substantial investments outlined below, so much the better. South Logan is an employment hub, particularly to a valuable concentration of locally owned businesses, so to the extent that TIF can be used in exchange for developer-led commitments to preserving high-quality, affordable space for South Logan businesses, the investments outlined below will prove to have been well-considered and worthwhile.

- City Line – \$92 million
- UW/GU Regional Health Partnership Building – \$60 million
- WSDOT Trent Bridge – \$25 million

Land Banking.

One more powerful tool is the creation of a “land bank,” a publicly funded and managed entity which acquires property in service of the public good. ²⁹ Land banks are most commonly used in other states to revitalize properties which are trapped in cycles of neglect and abandonment. However, land banks can also be used in service of other forms of public benefit, which might include in this context both the creation of affordable housing and the development of properties which offer below-market commercial space, both of which contribute directly to anti-displacement goals.

While there is currently a “land bank” statute in existence in the state of Washington, it is specific to a program related to natural resource land. ³⁰ The state of Washington will need to pass enabling legislation before land banks become a possibility for use outside of this specific purpose. Land banks are more common in other states, notably in Michigan, Ohio, New York, Pennsylvania, and Georgia, which have the highest number of land banks nationally. ³¹ A land bank can be funded through a variety of mechanisms, including but not limited to bonds, state or federal grants, fees related to new development, or sale of surplus property. ³²

Land banks can be created in partnership with specific organizations which are aligned with the stated public benefit which gives rise to the land bank. One such potential partnership in South Logan might be between faith-based groups with significant land holdings. Recent legislation in Washington lends

²⁸ [“History of TIF Set-Aside Policy,”](#) Portland Housing Bureau.

²⁹ [“Report: A land bank could increase affordable housing in Spokane, but there are some major hurdles,”](#) The Spokesman-Review, September 13th, 2021.

³⁰ [Chapter 79.19 RCW](#)

³¹ [“Preliminary Analysis of Land Banking and other tools to Address Vacant and Abandoned Properties and Create a Pipeline for Affordable Housing,”](#) Center for Community Progress, September 2021.

³² [“Sound Investments, Sound Communities: An Action Guide to Securing Land for Affordable Homes Near Transit in the Puget Sound Region,”](#) Sound Communities Steering Committee, Maul Foster & Alongi, Inc., ECONorthwest, 2022.

credence to this sort of partnership in service of the creation of affordable housing (see HB 1377, RCW 35A.63.300, and RCW 36.70A.545).^{33 34}

Reducing or Eliminating Minimum Parking Requirements.

Consider offering to reduce or eliminate parking requirements, in exchange for a contribution in lieu which furthers the public benefit, as determined by the Planning Department, through, for example, the provision of affordable housing or the provision of below-market rate commercial space. One example currently in use in Spokane in the Centers and Corridors zone is actually part of existing Multifamily Tax Exemption (“MFTE”) program language – it allows developers in the Centers and Corridors zone to eliminate parking requirements provided they opt in to the MFTE program.

Reduce or eliminate minimum parking requirements.	
Opportunities	<i>Reducing or eliminating parking significantly reduces the cost of development and should encourage construction of additional housing. In South Logan, developers would likely continue to provide parking for the foreseeable future, given prevailing dependence upon cars. Eliminating the requirement provides developers with the flexibility and discretion to reduce or eliminate parking for sites which are especially well-served by transit or for smaller projects which may not have as great a need or for projects where the primary tenant demographic may use transit or walk to work or school.</i>
Challenges	<i>To the extent developers provide fewer parking spaces than are demanded by the market as part of a new development, access to and mobility through the neighborhood could be hampered by the resulting increase in congestion or through reduced parking availability. This issue is of particular concern in South Logan due to high variability in parking demand driven by events hosted by Gonzaga University and by athletic training facilities which are located in the neighborhood.</i>
Risks	<i>Projects delivered with parking counts which with the benefit of hindsight turn out to be too low can increase congestion.</i>

Minimum Density Requirements.

As suggested in a previous study, the City may wish to consider requiring a minimum residential density, at least for identified key parcels in South Logan, particularly those which are in close proximity to the BRT line.³⁵ Critically, such a minimum density threshold ought to be structured as an incentive rather than as a requirement. If the density requirement is set at too high a level, a level which is not yet realistic given the prevailing economic environment, development could be discouraged in the near- and medium-term, a counterproductive and unintended consequence. If the requirement is too low, opportunities to add density in strategic locations could be squandered. Setting a right-sized minimum density requirement is a challenging exercise which would require further study, but in any case should be an “opt in” provision.

³³ [HB 1377](#): Concerning affordable housing development on religious organization property.

³⁴ [RCW 35A.63.300](#): Increased density bonus for affordable housing located on property owned by a religious organization (see also [RCW 36.70A.545](#)).

³⁵ “TOD Framework Study, [Appendix A-1: Code Evaluation](#),” Angelo Planning Group, March 8th, 2022.

Ground Floor Retail Requirements

Ground floor retail requirements challenge developers in all markets. E-commerce has challenged traditional “bricks and mortar” retailers and while there are many examples of successful retailers who have adapted to and are thriving in the current environment, demand for retail space is difficult to predict and highly dependent upon context. South Logan is particularly challenged as it relates to retail as it relies heavily upon a transient student population, a significant segment of which leaves the area for part of the year.

Developers today do not typically attribute much if any value to ground-floor retail and must budget for periods of sustained vacancy, particularly in situations where retail is required but where market demand for retail space is minimal. For example, consider a large site which is located in the middle of a block without pedestrian-friendly streetscape improvements, but which has a requirement for retail on the entire ground floor. Flexible ground floor standards that permit but do not require retail, or require a smaller portion of the ground floor (e.g. corner space of buildings at intersections), would allow opportunities for retail to flourish in the right locations without also creating an impediment to new housing construction. Certain ground floor design or construction standards such as minimum floor heights can be employed to ensure flexibility to convert residential or “flex” space to convert to retail over time should demand for retail space increase in a particular location.

Similarly, consider designating retail as an allowed use in areas which are currently predominantly residential, especially if located along a high-visibility or well-trafficked thoroughfare. Many thriving business districts in Washington state exist in areas where homes formerly occupied as a residential use have been converted to small-scale retail operations.

Expand upon anti-displacement research.

Continue to research displacement to better understand and manage its impacts, while monitoring progress of ongoing studies in other cities in Washington and across the country. Awareness of the impacts of displacement on communities has risen to the forefront of the public consciousness relatively recently and emerged as a policy priority. As a result, the body of research and educational materials related to displacement is expanding rapidly so regular updates may be prudent. A displacement risk mapping tool, similar to the one created by the Puget Sound Regional Council, specific to Spokane, could be a valuable tool for the City to fund and develop, and will help identify and monitor the highest-risk areas in Spokane.³⁶

Address displacement in Comprehensive Plan update.

In the upcoming periodic comprehensive plan update in 2026, consider identifying anti-displacement research and policymaking as a priority for the next planning cycle.

³⁶ [Displacement Risk Mapping Tool](#), Puget Sound Regional Council.

Exhibit 7 – Housing & Anti-Displacement Strategies Matrix

#	Policy Strategy	Policy Category	Implementation	Priority Level
1	Expand upon anti-displacement research	AD	Easy	High
2	Address displacement in Comprehensive Plan	AD	Easy	High
3	Community Engagement	AD	Easy	High
4	Public Development Authority (“PDA”)	H, AD	Easy	High
5	Flexibility for Ground Floor Retail Requirement	H	Medium	High
6	Tax Increment Financing (“TIF”)	H, AD	Medium	High
7	Reduce or Eliminate Minimum Parking Requirements	H, AD	Medium	High
8	Facilitate Public-Private Partnerships (“PPP”)	H, AD	Hard	High
9	Building Heights	H	Easy	Medium
10	Community Preference	AD	Easy	Medium
11	Rental Assistance Fund	AD	Medium	Medium
12	Business Improvement District (“BID”)	AD	Medium	Medium
13	Create Land Bank	H, AD	Hard	High
14	Development Agreements	H, AD	Hard	Medium
15	Minimum Density Requirements	H, AD	Hard	Medium
16	Credit support for small-scale developers.	H, AD	Hard	Medium
17	Subsidy for less common ownership models	H, AD	Easy	Low
18	Building Opportunities and Choices for All (“BOCA”)	H, AD	N/A*	N/A*

AD = Anti-Displacement

H = Housing

*Not applicable, implemented in July 2021.

Appendix 2: Community Engagement Process

The results of early engagement efforts for the planning process, including an online survey, community planning studio, stakeholder meetings, and engagement with Gonzaga University students are summarized here. In addition to these engagement opportunities, the City has shared regular updates via an email newsletter, as well as blog posts, social media outreach, postcard mailings, and presentations to the Plan Commission, City Council, Logan Neighborhood Council, and other stakeholder groups. All materials are available on the City's project website at my.spokanecity.org/southlogantod.

Community Planning Studio

September 20-22, 2022 | SIERR Building (850 East Spokane Falls Boulevard)

The consultant team and City of Spokane staff hosted a community planning studio which consisted of drop-in hours, stakeholder interviews, and community workshops. The first day of the studio concluded with a community workshop. The team presented background information on the plan and existing conditions, followed by a visioning exercise asking participants what they loved about the South Logan neighborhood, their biggest concerns, and what their dreams were for what the area could become in 10-20 years. Participants then broke up into groups to map neighborhood opportunities, concerns, and dreams.

WHAT PEOPLE LOVE TODAY

- Lively mix of uses, with housing, university, retail, and jobs
- Affordable rents, diversity of housing
- Lush tree canopy in neighborhood areas
- Ease of access to other parts of the city via trails or roads
- Mission Park

CONCERNS FOR THE FUTURE

- Rising rents, redevelopment, or student housing displacing existing residents
- High-speed arterial through the heart of the neighborhood puts more people at risk as the population rises

DREAMS FOR THE FUTURE

- Successful implementation of Bus Rapid Transit, with high ridership and new development that makes it easy to use the bus
- Gonzaga alumni remain in neighborhood to contribute to community stability and prosperity
- Safer crossings of Hamilton St to help stitch the neighborhood back together
- Improved access to riverfront to create a new community asset



Figure 48. Workshop participants shared local knowledge, mapping assets and opportunities in the neighborhood.

VISION COMPONENTS

- New development should contribute to the neighborhood with quality design and affordable housing.
- New housing should be within a stress-free, short walk to businesses, parks, schools, transit, and employment.
- Improvements to walking, bicycling, and rolling connectivity should help the neighborhood feel more cohesive and safer.
- Maintain and improve the park and street tree canopy to reduce urban warming and protect habitat.
- Enhance the neighborhood’s physical and visual access to the Spokane River.

Scenarios Workshop

Based on input from the visioning workshop and stakeholder interviews, team members drafted rough preliminary development scenarios for the neighborhood. The team presented these scenarios along with a series of individual strategies included in one or more of the scenarios into two group exercises. In the first exercise, participants evaluated how each scenario met six different policy priorities related to the plan. This ranged from potential to maximize the benefits of Bus Rapid Transit, neighborhood compatibility, places to meet/things to do, connections to the river, neighborhood automobile movement, and bicycle and walking movement. Second, they reviewed fourteen individual strategies that made up one or more of the development scenarios.

STRONG SUPPORT

- Add flexibility to Hamilton FBC to facilitate development in the northern core of the neighborhood.
- Encourage development in underutilized areas in the southeast by rezoning from General Commercial to Center and Corridor zone.
- Create a pedestrian-friendly Columbus St with retail.
- Extend the Riverside trail along the southern edge of the peninsula.

GENERAL SUPPORT

- Modest upzone in NW of neighborhood to promote incremental redevelopment.

- Streetscape improvements and ground floor design standards to improve walkability on Cincinnati St.
- Design standards for new development along multi-use trails for “trail-oriented development”.

SOME SUPPORT

- Work with University District Public Development Authority to build a shared parking garage in the SE area.
- Convert an eastbound general-purpose lane on Mission Ave to a two-way protected bike lane.
- Springfield Ave intersection crossing and walking-oriented retail.
- Allow greater intensity mixed-use development in the northwest neighborhood.

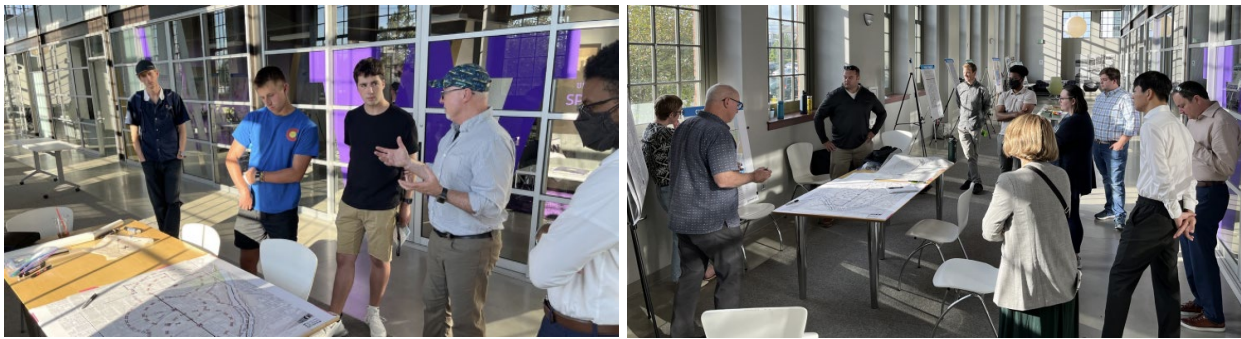


Figure 49. Workshop participants weighed the pros and cons of different future scenarios.

Stakeholder Interviews

Throughout the three-day studio, the project team conducted group interviews with project stakeholders with different areas of interest and expertise.

NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Good connectivity for biking and walking through Logan and to downtown will maximize the potential of the City Line Bus Rapid Transit (BRT).
- The Mission Ave/Perry St/Upriver Dr intersection area with freight tracks crossing is a difficult area to navigate safely.
- Camping in Mission Park has been a noticeable problem.
- Strong support for better riverfront access and recreation opportunities.
- Mixed support for housing development and co-working office development.
- Kendall Yards is a good example of denser redevelopment here in Spokane. Flexible leases there accommodate different sizes of commercial space for different business types.

NON-PROFIT/AFFORDABLE HOUSING

- Ground-floor retail requirements make it harder for affordable housing providers to build.
- One organization typically builds 3-story apartments, but these would be too low-intensity for South Logan TOD. Gonzaga Family Haven in the Logan Neighborhood is a good example project.



Figure 50. Conversations with stakeholders during the studio reveals priorities and potential obstacles for successful future transit-oriented development.

DEVELOPERS/PROPERTY OWNERS

- Missing link between entrepreneurs starting small businesses and property owners with space to rent.
- Housing prices have become a barrier to staff recruitment and retention at Gonzaga.
- Gonzaga is focusing on building student housing for underclassmen.
- Hamilton Form-Based code (FBC) is limiting development.
- Visible unhoused population makes visitors feel unsafe here.
- A central parking garage on Hamilton St could relieve pressure and allow redevelopment of surface lots.

Online Survey

June 19 – October 19, 2022

Survey Summary

Community members shared their daily experiences, hopes for the future, and challenges in the South Logan neighborhood through an online survey. The survey received 126 responses.

How often do you visit?

Survey respondents spend a lot of time in the South Logan area. Over 75% of respondents visit South Logan daily or at least a few times a week.

How do you get around South Logan?

Most survey respondents get around South Logan by private vehicle, half walk in the area, and around 1/3 ride bikes there at least some of the time. Among those who live in South Logan, the vast majority both walk and drive (or ride) a private vehicle. Close to half of respondents who live in the area also get around by bus.

MOBILITY THEMES

- Easy to get around at times, particularly within smaller sections of the study area
- Rush hour and other peak periods decrease ease and safety for people walking, driving, and riding bikes
- Hamilton and Mission create physical barriers within the study area

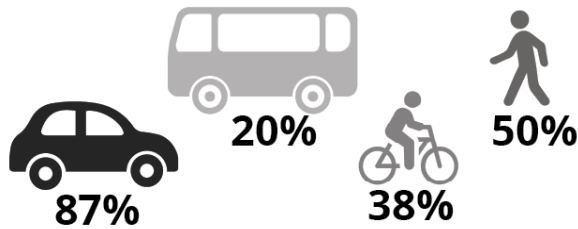


Figure 51. Mobility mode of survey respondents.

What do you like about this area?

- The lively mix of uses, local businesses, demographic diversity, and convenient access to nearby areas make this place an exciting and fulfilling place to be a part of.
- Quiet streets, Mission Park, Centennial Trail, the nearby river, and lovely mature street trees make South Logan a beautiful and relaxing place to spend time.
- The mix of Gonzaga University, historic buildings, and relative affordability give it a unique character allits own.

How would you describe the ideal South Logan?



Figure 52. Responses to “describe an ideal South Logan”

What else should we know about the South Logan area or the project?

- “Logan is in the **heart of the city** and can be a more vibrant, lively and welcoming place.”
- “I think **the City Line is great** and excited to see how it helps the area grow!”

- **“Incorporate past neighborhood planning work** that has already occurred for the Hamilton corridor.”
- “Keep the **innovation mentality** alive when advancing the TOD plan for the South Logan area.”
- “The City Line bus stop should be surrounded by commercial establishments and central communal areas promoting usage and **welcoming riders to South Logan.**”
- “What makes the neighborhood great are the **quiet side streets with lots of trees** and elegant old houses.”
- **“Affordable housing** should absolutely be prioritized ... to **avoid gentrification and displacement** among the lower-income areas of the community.”



Figure 53. City Planning Staff tabling at the Logan Neighborhood Block Party in April and September 2022.

Gonzaga Student Body Association Senate

October 17, 2022 | Gonzaga University

City of Spokane staff presented project goals and initial findings to the Gonzaga Student Body Association (GSBA) Senate. Staff led a mapping exercise to better understand desires, concerns, and opportunities for the area from a student perspective.

General comments

- Students mentioned going downtown frequently for the safe, walkable, retail/recreational experience there. There is strong interest in the idea of having a closer, more accessible, “mini downtown”.
- It’s important to continue to highlight anti-displacement throughout the plan.
- There are a high proportion of people with disabilities in this area; it’s important to involve people with disabilities directly.
- Campus, Safeway, No-Li, the Centennial Trail, and the local businesses on Hamilton, especially at Sharp, are common destinations for students.

Transportation

- Crossings of Hamilton are a top concern. Existing signalized crossings are helpful, but additional crossings are needed, especially near student housing and businesses like at Boone and Springfield.
- It's scary to walk or bike along Hamilton or Mission. Students would love to feel the safety of downtown walking, bicycling, and rolling. Students tend to cross arterials where easiest then head for quieter streets.
- Traffic signals at the Mission Ave and Hamilton St intersection have long wait times for people walking - this is a heavily traveled route between campus and Safeway.
- Neighborhood streets need stop signs or other traffic calming to reduce speeds.
- It's hard to make turns at uncontrolled intersections on Hamilton St.

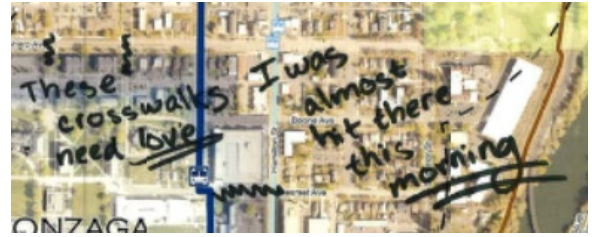


Figure 54. Gonzaga students mapped common destinations, barriers, walking routes, and important crossings and shared their experiences living in and moving about the neighborhood.

Land Use & Housing

- Moderate 3-4 story apartment buildings and mixed-use buildings in that scale are desirable.
- There's a desire for more local businesses like No-Li in the SE industrial area.
- There should be considerations for affordable student housing and anti-displacement of current residents.



Figure 55. Gonzaga students working together in the student forum.

South Logan Story Map

October 13, 2022 – Present | Online

The South Logan TOD StoryMap was launched online on October 13, 2022, with frequent updates as needed, and has been viewed over 1,100 times. The StoryMap allows residents to learn about the South Logan study area and project proposals through a variety of maps, videos, images, and narration to provide readers with a new experience on their own time. Readers can explore the history of the Logan Neighborhood and its story of historic industry and education in Spokane, STA's City Line route, stops, and station art, as well as the timeline of planning work that led to the South Logan TOD project. Readers also have the opportunity to learn more about current planning efforts throughout this project, existing conditions in the study area, the ongoing community engagement efforts, and identified opportunities for feedback.

Online Open House

January 19, 2023 | Online

Project staff and consultants hosted a Virtual Open House on Preliminary Alternatives on Thursday, January 19, 2023. The Preliminary Alternatives are part of the environmental review process to identify possible outcomes for enhancing transit-oriented development in South Logan. At the virtual open house, the project team provided an overview of the project, shared more on the preliminary alternatives, and gathered feedback. The meeting was recorded and posted on the project page for on-demand viewing.



Figure 56. Screenshot from Online Open House

What values are most important to guide the plan?



Figure 57. Online Open House survey response word cloud.

Draft Plan and DEIS Public Comment Period and Workshop

May 9 – June 8, 2023

The City of Spokane published the Draft South Logan TOD Plan and the Draft Environmental Impact Statement (DEIS) for public review. The public was invited to submit written comments during the 30-day public comment period from May 9 – June 8, 2023. These draft documents are the result of working with community stakeholders to create a coordinated framework and development approach for the future of the South Logan area. The Draft Plan presents goals and policies, based on community input, to encourage mixed-use and walkable places close to transit in South Logan. The DEIS identifies impacts of future scenarios with a mix of uses and intensities, public improvements, and other actions that meet community values.

During the public comment period, the project team hosted a public workshop on May 18, 2023, at Gonzaga University. Planning staff and project consultants shared about the project and community members were able to provide real time feedback on the draft plan and draft alternatives to shape the South Logan area.

AREAS OF AGREEMENT

- Limit impacts to historic buildings in the neighborhood
- Good quality design for new buildings is important
- The southeast is the best opportunity for new development

AREAS OF DISAGREEMENT

- Future study of Sharp Ave pedestrian bridge
- Development north of Gonzaga (protecting character, scale, and form of new development)
- Role of detached housing/internal conversations for student housing vs. apartment buildings

Written comments submitted during this time are part of the public record and are reviewed and considered in the development of the preferred alternative, Final Plan, and Final EIS. In total, 16 written comments were received during the public comment period.

Summaries of the public workshop and public comment themes are available for download on the project website:

- [Draft Plan Public Workshop Summary – May 2023](#)
- [South Logan Public Comment Themes – July 2023](#)



Figure 58. Participants at the Draft Plan Public Workshop, May 18, 2023

Preferred Alternative Development

City staff and project consultants hosted three workshops on the preferred alternative development: Plan Commission workshop on June 14, 2023; Community workshop on June 22, 2023; and Plan Commission workshop #2 on July 12, 2023. The plan values, which were developed through public input and reflect the guiding principles for South Logan, are used along with the results of the environmental analysis and public comments to develop a preferred alternative. The preferred alternative may be composed of some combination of the three different alternatives, based on feedback. Ultimately, the preferred alternative shapes the Final Plan and Final EIS as the preferred direction for future growth and investment in South Logan. Recordings and presentations of the workshops are available on the project website.

Updates and Presentations

In addition to the various outreach activities, project staff and consultants provided regular updates to the Plan Commission, City Council, and stakeholder groups like the Logan Neighborhood Council and the University District PDA. Below is a list of presentations from March 2022 to December 2023. A majority of these presentations and materials are available on the project website at my.spokanecity.org/southlogantod.

2022

March 28	City Council - PIES Committee Briefing
April 18	City Council Meeting - Subarea Resolution
April 29	Vendor booth at Logan Block Party
June 14	University District Development Committee
August 10	Plan Commission Workshop - Planned Action EIS
September 13	Logan Neighborhood Council Meeting
September 16	Logan Block Party
September 20	Community Planning Studio Meeting 1
September 21	Community Planning Studio
September 22	Community Planning Studio Meeting 2
October 12	Plan Commission Workshop - Existing Conditions Report
November 3	City Council Study Session - Existing Conditions Report
November 8	Logan Neighborhood Council Meeting
November 9	Plan Commission Workshop - Market Research
December 14	Plan Commission Workshop - Market Research
November 10	Plan Commission Workshop - Preliminary Alternatives

2023

January 10	Plan Commission Workshop - Preliminary Alternatives
January 12	University District Development Committee
January 19	City Council Study Session - Anti-Displacement Strategies
January 26	Virtual Community Open House on Preliminary Alternatives
March 8	Plan Commission Workshop - City Line Mobile Tour
March 14	Logan Neighborhood Council Meeting
March 22	Plan Commission/City Council Joint Meeting - Draft Subarea Goals
April 11	Logan Neighborhood Council Meeting
May 9	Logan Neighborhood Council Meeting

May 10	Plan Commission Workshop – Draft Plan and DEIS Public Release
May 18	Draft Plan and Draft EIS Public Workshop
June 7	University District Board Meeting
June 14	Plan Commission Workshop – Preferred Alternative
June 22	Preferred Alternative Community Workshop
July 6	City Council Study Session – Draft Plan and DEIS, Preferred Alternative
July 12	Plan Commission Workshop – Revised Preferred Alternative
Oct 25	Plan Commission Workshop – Final Plan and FEIS
Dec 13	Plan Commission Public Hearing – Final Plan and FEIS

2024

January TBD

City Council Adoption Process



Figure 59. Mobile tour of the City Line with the Spokane Plan Commission, City Council, and stakeholders discussing the South Logan TOD Project at the Cincinnati & Desmet Station.
Source: STA.

Appendix 3: Plan Alternatives

Note: This appendix is consistent with the DEIS, which was released in May 2023. Since then, land use and zoning changes have been enacted citywide with the Building Opportunity and Choices for All interim ordinance and Building Opportunity for Housing permanent changes, which were adopted in November 2023. As a record of the alternatives in the DEIS, this appendix not been updated for the final plan.

Alternatives Development

What Are Alternatives?

In order to analyze potential future outcomes in the study area, the project team developed alternatives which envision changes to land use regulations and investments in public infrastructure through the year 2047. The alternatives were informed by the plan values and community engagement and seek to explore different approaches to achieving the goals of transit-oriented development and improved outcomes for existing residents, businesses, and educational institutions. The potential environmental impacts of development under each scenario have been studied and documented in the Draft Environmental Impact Statement (DEIS) released with this draft plan. The project team will use the findings of the DEIS to develop a Planned Action ordinance, final subarea plan, and associated development regulations.

Zoning Categories

The following zoning categories structure assumptions about allowed and likely development outcomes through 2047. These categories are simplifications of existing zones and/or future zones that will be developed following plan adoption.



Mixed-Use – 150’: Based on Centers and Corridors (CC) zoning for Employment Centers (CC1-EC), this category would allow residential, commercial, or mixed-use development with a height limit of 150 ft and modest parking requirements. Action alternatives assume temporary reduced parking minimums implemented through Building Opportunity and Choices for All are made permanent.



Figure 60. Mixed Use – 150 expected building type examples include midrise (5-7 stories) mixed-use and residential buildings, and office, biotech or academic buildings.



Mixed-Use – 75’: This category would allow residential, commercial, or mixed-use development with a height limit of 75 ft and modest parking requirements. Existing similar zones in Spokane have height limits of 55 ft or 150 ft.



Figure 61. Mixed Use – 75 expected building type examples include midrise mixed-use and residential buildings.



Mixed-Use – 45’: This category would allow residential or mixed-use development with a height limit of 45 ft. Zoning would be similar to the existing Neighborhood Mixed Use (NMU) zone, with some modifications. Existing zones OR-55, CA-3 and CA-4 are shown in this category on the Alternative 1 No Action land use concepts map.



Figure 62. Mixed Use – 45 expected building type examples include low-rise (2-4 stories) mixed-use and residential buildings.



Residential High – 55’: This category primarily allows residential uses with a height limit of 55 feet and is based on the existing Residential High Density (RHD) zone. Residential zones (including RHD) include special provisions and design standards for educational institutions



Residential High – 70’: This category primarily allows residential uses with a height limit of 70 feet and is based on the existing Residential High Density (RHD) zone. Residential zones (including RHD) include special provisions and design standards for educational institutions.



Figure 63. Residential High expected building type examples include midrise and low-rise residential buildings.



Residential Medium – 40’: This category primarily allows residential uses with a height limit of 40 feet and is based on the existing Residential Multifamily (RMF) zone. Alternative 1 assumes pre-Building Opportunity and Choices for All height limit of 30 feet.



Figure 64. Residential Medium expected building type examples include low-rise residential buildings.



Residential Low: This category is based on the existing Residential Single Family (RSF) and Residential Two Family (RTF) zones, with the Building Opportunity and Choices for All changes allowing greater building heights and some types of middle housing (duplexes, triplexes, fourplexes, and townhouses). Alternative 1 assumes pre-Building Opportunity and Choices for All height limit and no middle housing types.



Figure 65. Residential Low expected building type examples include detached houses, townhouses, and middle housing types.

Note: The [Building Opportunity and Choices for All](#) pilot program is a one-year interim zoning program adopted by Spokane City Council in July 2022 that modifies residential zoning to allow for the construction of more housing in existing neighborhoods, with more variety in the types of housing permitted. As a pilot program and not permanent, Alternative 1 assumed the zoning pre-interim ordinance. Action alternatives (Alternatives 2, 3, 4) assume the interim ordinance changes are incorporated in future zoning districts.

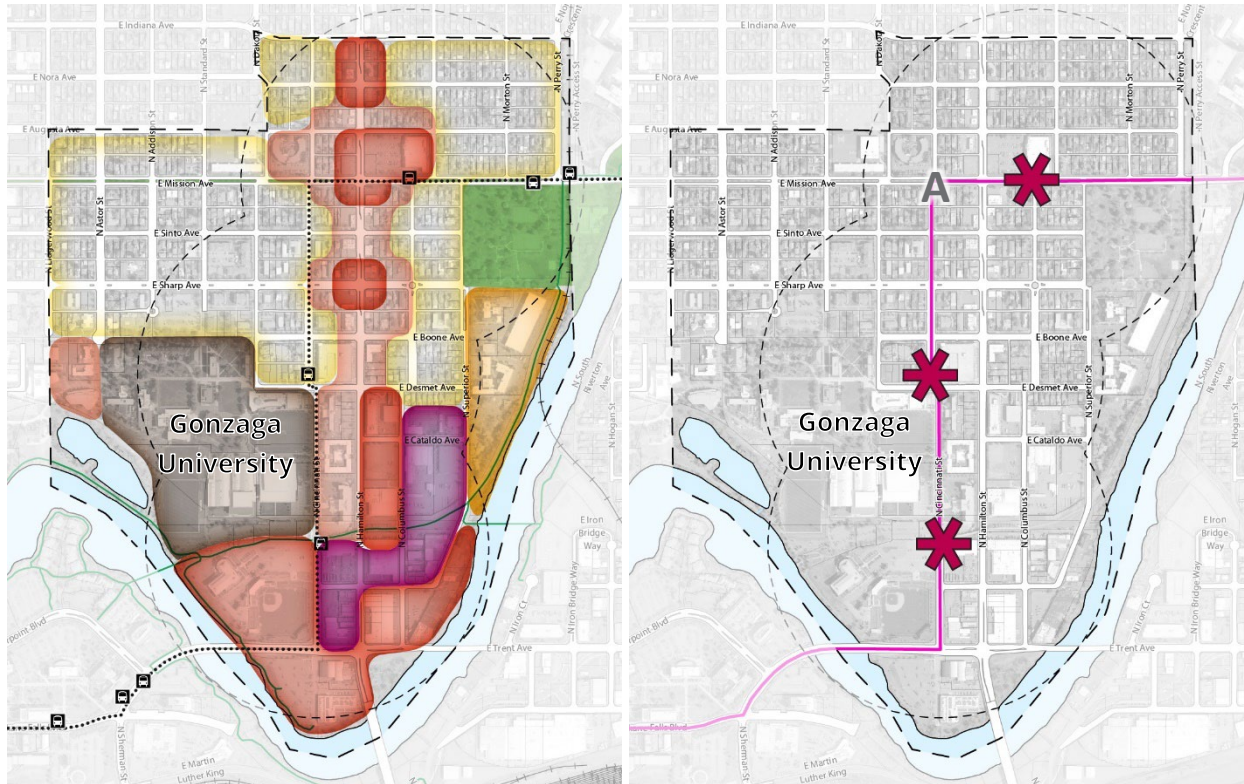
Alternative 1: No Action

The No Action Alternative is designed to compare the other alternatives against a baseline representing the status quo. This alternative assumes no changes to existing zoning and that the [Building Opportunity and Choices for All](#) interim zoning ordinance expires with no permanent replacement.

While the Plan Commission and City Council have expressed intent to adopt a permanent change to the Comprehensive Plan and development standards, it is important for this alternative to highlight what the community might expect if no changes are made. Since permanent changes are not anticipated to occur before the adoption of the South Logan subarea plan and Environmental Impact Statement, this alternative focuses on the long-term outlook with no further interventions by the City. In consultation with the WA Department of Ecology, the project team found that considering the zoning pre-Building Opportunity and Choices for All would provide the most transparent and consistent baseline for the No Action Alternative, which serves as a comparison for the rest of the action alternatives.

This alternative also assumes that no significant transportation projects are undertaken in the subarea except for STA's City Line Bus Rapid Transit (BRT) route beginning service in July 2023 on Cincinnati St and Mission Ave and long-term investment in a Centennial Trail underpass at Mission Ave to connect Mission Park and Upriver Park with a grade-separated street crossing.

Alternative 1 Concept Maps



- | | | | | | |
|--|--------------------------|--|--------------------------------------|--|-------------------------|
| | Mixed-Use - 150' | | Mixed-use intensification | | Study area |
| | Mixed-Use - 75' | | Residential moderate intensification | | City Line route & stop |
| | Mixed-Use - 45' | | Residential light intensification | | Parks |
| | Residential High - 55' | | City Line station focus | | Trails |
| | Residential High - 70' | | Main street | | 1/4 mile from City Line |
| | Residential Med - 40' | | Green street | | Railroad |
| | Residential Low - 30/40' | | | | |

Figure 66. Generalized existing zoning (left) and Alternative 1 change areas (right).

Notable features

- A. City Line BRT begins service in summer 2023.

Action Alternatives

The action alternatives were developed based on a collective set of values drawn from the Comprehensive Plan, the TOD Framework Plan Policies, and preliminary engagement findings from this effort:

- Enhance connectivity, accessibility, and mobility in South Logan and to the river.
- Support universities and health sciences sectors, innovation, and sustainability.
- Support job access, diverse industries, and employment.
- Expand housing options and affordability for residents of all incomes, abilities, and ages.
- Minimize residential and local business displacement.
- Build on South Logan's unique urban context and history with integrity and diversity.

Features common to all action alternatives

- Adjust the provisions of **Hamilton Form-Based Code** to reduce barriers to development while meeting community design objectives.
- Enhance existing **Hamilton St crossings** and update streetscape plans, including redesign of Sharp Ave/Hamilton St intersection.
- Install an enhanced crosswalk **at the Hamilton St-Springfield Ave** intersection, like a High-Intensity Activated Crosswalk (HAWK) signal (see image below) or full traffic signal, to function both as the at-grade ADA-compliant Centennial Trail crossing of Hamilton St and help to facilitate desired transit-oriented development on adjacent and nearby properties.
- **Rezone General Commercial** in southeast to Centers and Corridors, while retaining current height limit.



Figure 67. Crosswalk with a HAWK signal on Ruby Ave in Spokane.

Source City of Spokane

Alternative 2: Hamilton Crossing

This alternative is focused on enhancing multi-modal crossings of Hamilton St to improve neighborhood connections and livability. It includes strategic increases to allowed building heights and intensity and investments to improve walking and riding connections throughout the neighborhood, especially across Hamilton St.

Alternative 2 Concept Maps

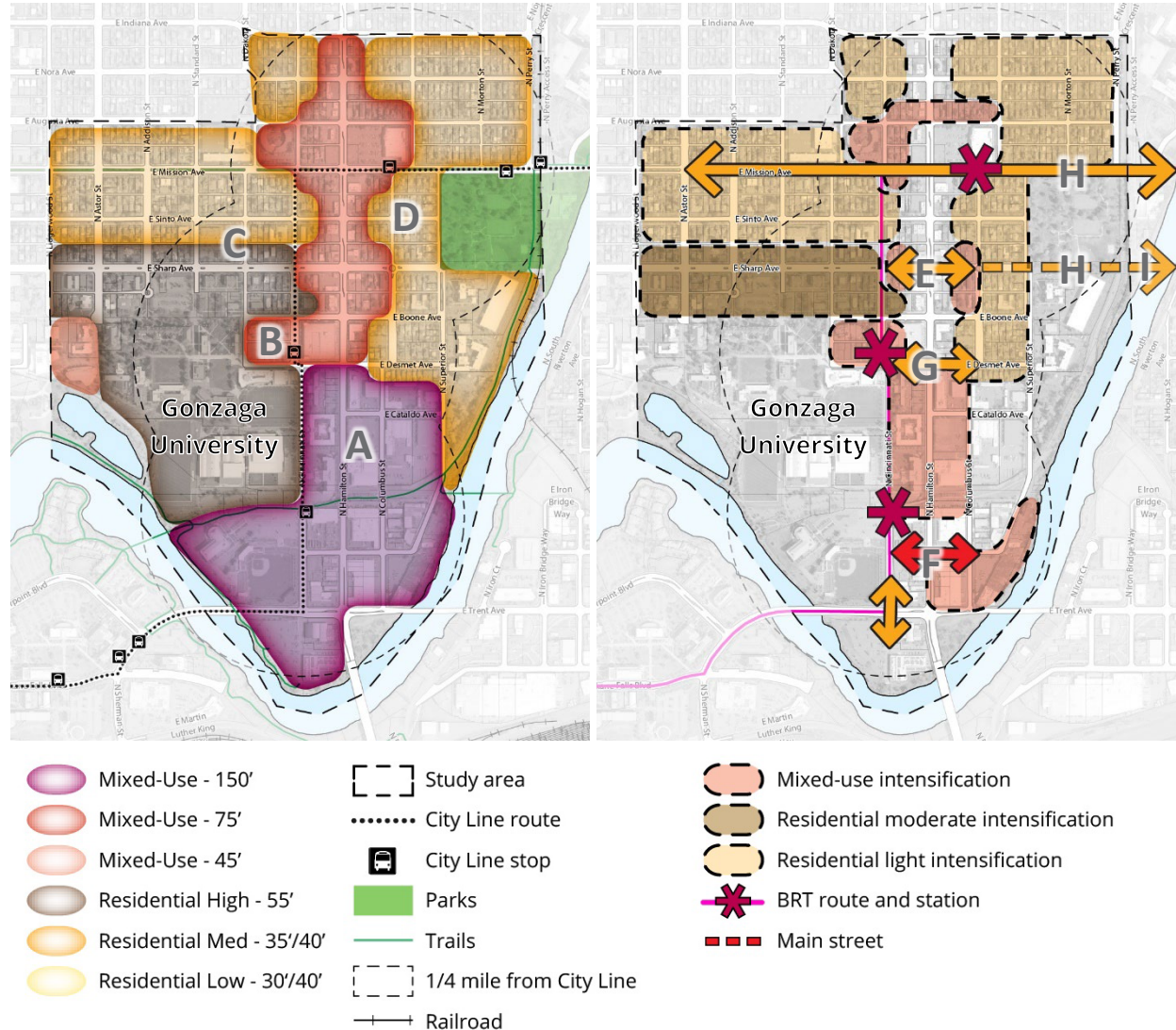


Figure 68. Alternative 2 land use concept (left) and change areas (right).

Notable features

LAND USE/ZONING CHANGES

- Expand Centers and Corridors Employment Center (CC-EC) zoning in commercial/industrial areas south of Desmet Ave.
- Expand zoning for mid-rise (5-7 stories) development around Desmet Station.
- Increase housing capacity north of Gonzaga University.

- D. Increase housing capacity around Mission Park.

PRIORITIES AND INVESTMENTS

Prioritize Sharp Ave-Hamilton St intersection with walking & streetscape improvements.



Figure 69. Streetscape improvements in Beaverton, OR and Ellensburg, WA.

- E. Emphasize Springfield Ave as a pedestrian-oriented “main street” and add traffic signal at Hamilton St intersection.



Figure 70. Main street café seating in Bellevue WA. Source: MAKERS

- F. Explore short- & long-term traffic calming opportunities along Hamilton St.
- G. Study options for improved east-west bicycle and walking connections across and through north end of neighborhood on Mission Ave. Mission Ave is the only direct bicycle and walking connection between the study area and Chief Garry Park Neighborhood. The Iron Bridge, a half-mile to the south, provides the closest alternative route.
- H. Study options for improving river crossings for people walking, bicycling, and rolling in the vicinity of Mission Park, including a new bike/walk bridge at Sharp Ave (in the event that improvements on Mission Ave, particularly across the river, are not feasible). The current condition of the Mission Ave bridge makes near-term improvements for walking and bicycling unlikely within the next twenty years. A new Sharp Ave river crossing would provide a close, parallel crossing for people walking, bicycling, and rolling, connecting directly with a

planned shared-use pathway along Riverton Avenue and future east-west neighborhood greenways in the Chief Garry Park Neighborhood.



Figure 71. Potential location for ped/bike bridge.

Source: Google Maps. Imagery ©2023 Google, Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map Data ©2023 Google

Alternative 3: Southeast Riverfront

This alternative is focused on investment and zoning changes in the southeast riverfront area to catalyze development towards the creation of a vibrant mixed-use transit-oriented hub.

Alternative 3 Concept Maps

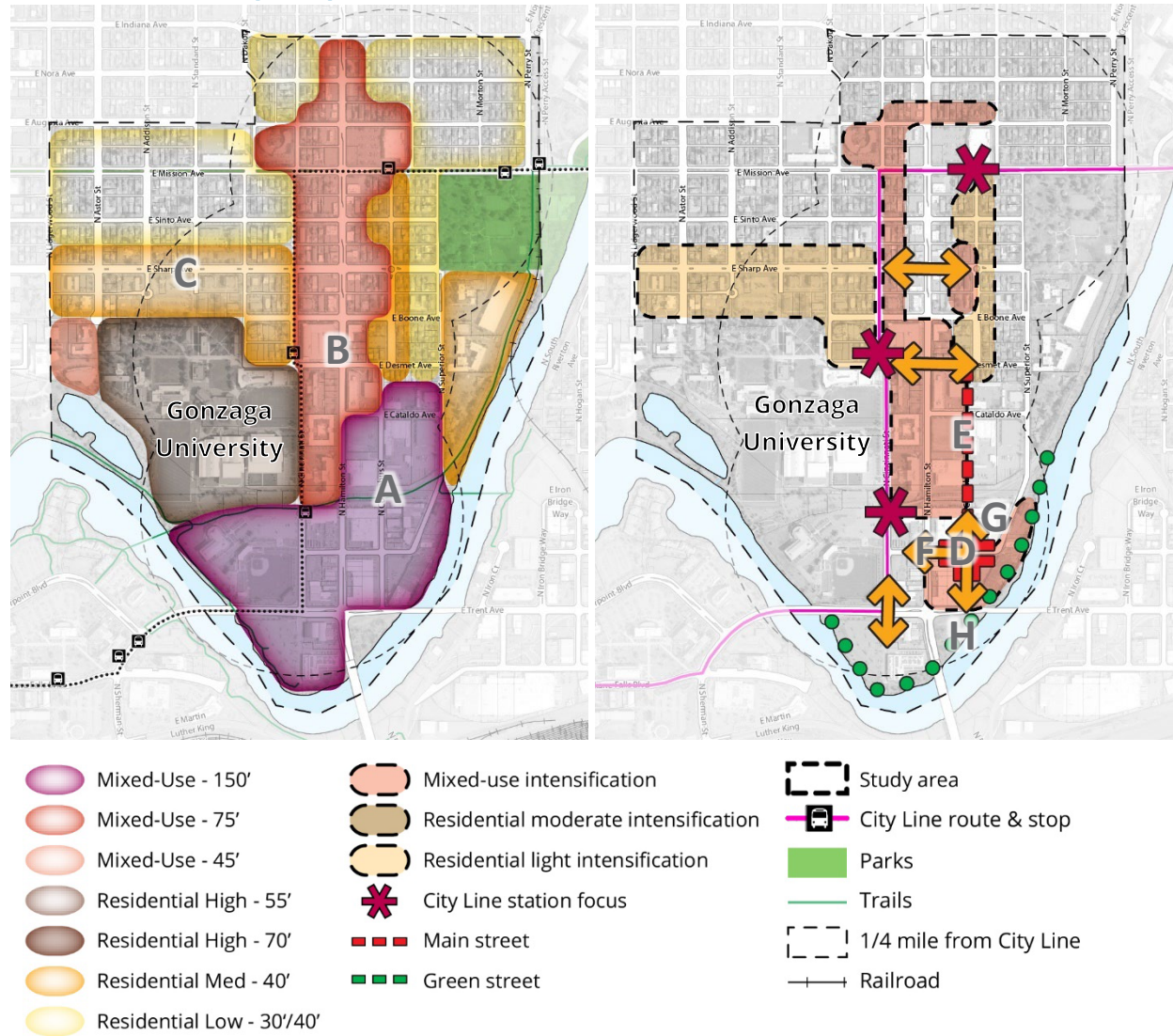


Figure 72. Alternative 3 land use concept (left) and change areas (right).

Notable features

LAND USE/ZONING CHANGES

- Rezoning General Commercial to Centers and Corridors Employment Center (CC-EC) or similar in the southern area while retaining existing height limits (common to all action alternatives).
- Expand areas allowed for mid-rise development around the current Hamilton Form-Based Code (FBC) area.
- Increase housing capacity 1½ blocks north of Gonzaga University by applying Residential Medium zoning.

PRIORITIES AND INVESTMENTS

D. Walking-oriented node at Springfield Ave & Columbus St.



Figure 73. Walking oriented node in Woodinville, WA.

E. Mixed-use “main street” on Columbus St between Desmet Ave and Trent Ave. Example visuals:



Figure 74. Mixed-use main street examples in Woodinville and Bellevue, WA.

- F. Add a traffic signal at Springfield Ave & Hamilton St intersection to enhance east-west connectivity and movement between the McCarthy Athletic Center Station and the southeast riverfront area along Springfield Ave, as well as the southern terminus of the proposed main street improvements on Columbus Street.
- G. Pursue public/private partnerships to deliver neighborhood amenities, shared assets like structured parking, and catalyzing development. While with the BRT investment the long-term intention is to reduce dependency on automobiles, a parking structure has often served as a catalyst for desired mid-rise mixed-use development forms in similar areas that are very early in the process of transformation from auto-dependent environments to vibrant mixed-use centers. Notable examples can be found in downtown Bozeman, MT, Kent Station, Kent, and Woodin Creek Village, Woodinville (example garage well hidden behind active building frontages below). Providing structured parking can assist TOD by

concentrating automobile parking in a single portion of a district, enabling pedestrian-oriented design throughout the remainder of the street network. This allows visitors to park once and experience the area primarily by walking, rolling, or taking the bus.

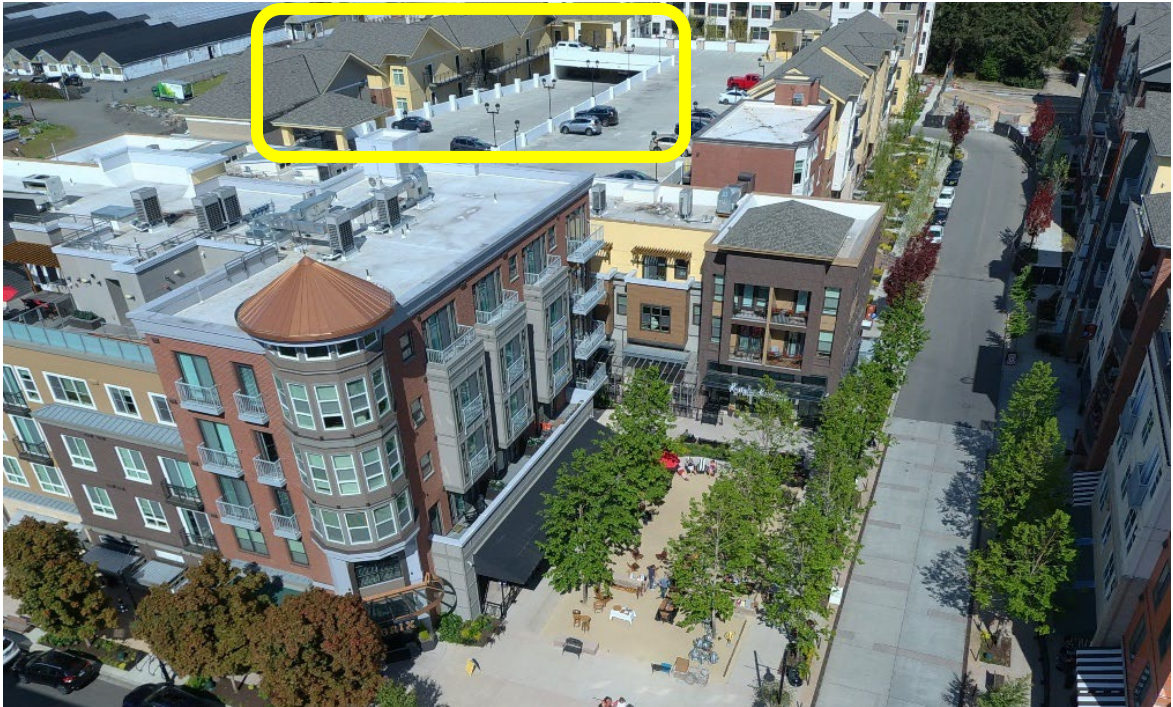


Figure 75. "Texas donut" style housing/parking garage in Woodinville, WA.

H. Maximize riverfront connections, open space improvements, and access.



Figure 76. Spokane River as seen from the Iron Bridge.

Alternative 4: TOD Emphasis

This alternative is focused on maximizing the opportunities for transit-oriented development within close proximity to planned BRT stations, via a mix of upzones and public improvements.

Alternative 4 Concept Maps

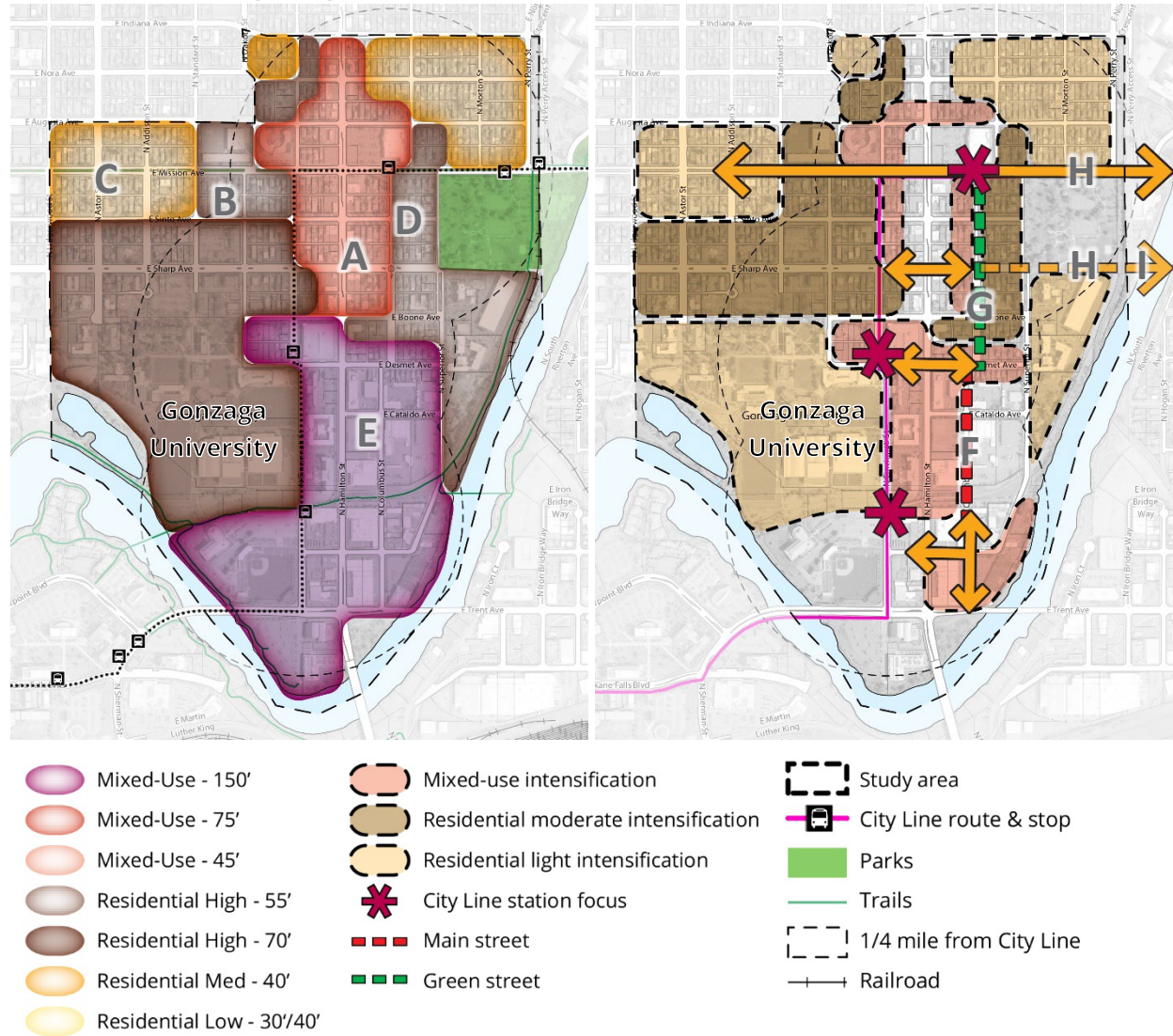


Figure 77. Alternative 4 land use concept (left) and change areas (right).

Notable features

LAND USE/ZONING CHANGES

- Expand areas allowed for mixed-use mid-rise development around the current Hamilton Form-Based code (FBC) area.
- Lower-intensity mixed-use development west of Hamilton St that allows 4-story multifamily and small-scale commercial development.
- Increase housing capacity northwest of Gonzaga.
- Significant increase to housing capacity around BRT stations around Mission Park.

- E. Expand high-intensity TOD zoning in commercial/industrial south of Boone Ave.
- F. Eliminate parking requirements within ¼ mile of BRT stations

PRIORITIES AND INVESTMENTS

- G. Green street improvements on Columbus St between Mission Ave and Desmet Ave. Green street improvements typically include wayfinding signage, traffic diverters, crossing improvements, and Green Stormwater Infrastructure (GSI).



Figure 78. Examples of GSI streetscape improvements.

Source, center: Ryan Packer, used with permission. Left and right: MAKERS.

- H. Main street improvements on Columbus St between Desmet Ave and Trent Ave. Main street improvements may include walking-oriented streetscape design with ample sidewalks, street furniture, wayfinding, street trees, and public art or other character-defining elements.



Figure 79. Main street improvements in Burien, WA.

- I. Study options for improved east-west connections for people walking, bicycling, and rolling across and through the north end of the neighborhood on Mission Ave. Mission Ave is the only direct bicycle and walking connection between the study area and Chief Garry Park Neighborhood. The Iron Bridge, a half-mile to the south, provides the closest alternative route
- J. Study options for improving river crossings for people walking, bicycling, and rolling in the vicinity of Mission Park, including a new bike/walk bridge at Sharp Ave. The current condition of the Mission Ave bridge makes near-term improvements for walking and

bicycling unlikely within the next twenty years. A new Sharp Ave river crossing would provide a parallel crossing for people walking, bicycling, and rolling, connecting directly with a planned shared-use pathway along Riverton Avenue and future east-west neighborhood greenways in the Chief Garry Park Neighborhood.

Growth Projections

Projections for local population growth by 2047 were developed for this plan based on the increase in total building capacity in each alternative and the effect of investments in specific areas to encourage private development. The goal of these projections is to provide basic assumptions needed for analysis of potential impacts of new development in the Environmental Impact Statement (EIS). Because the bulk of growth expected to occur in the subarea under all alternatives is residential, these projections do not include commercial or industrial growth.

These projections are not intended to provide fine-grained forecasts of likely development outcomes. Actual outcomes growth and development in South Logan will be shaped by decisions by individual residents, business owners, investors, and organizations.

Table 5. Projected Growth for 2047 Planning Horizon

	Existing	Alt 1	Alt 2	Alt 3	Alt 4	Pref Alt
Increase in Housing Units ¹	---	314	1,710	1,612	3,013	2,954
Population Increase ²	---	715	3,898	3,674	6,869	6,735
Total Population	4,676	5,391	8,574	8,350	11,545	11,411

¹ Includes equivalent housing added in college dormitories.

² Population increase is based on an average household size of 2.28 persons/dwelling unit.

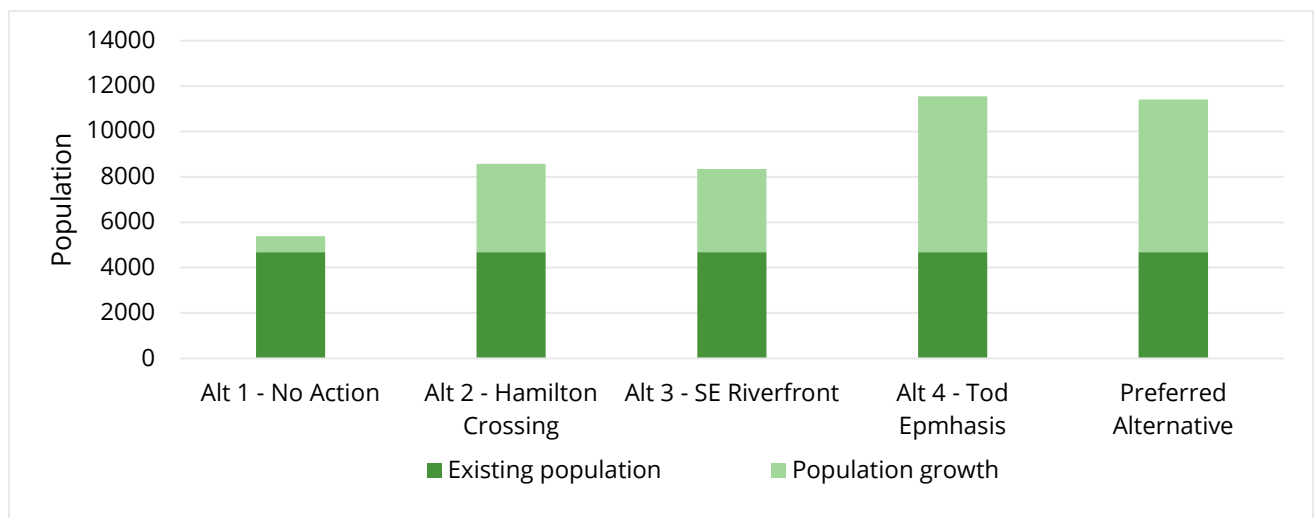
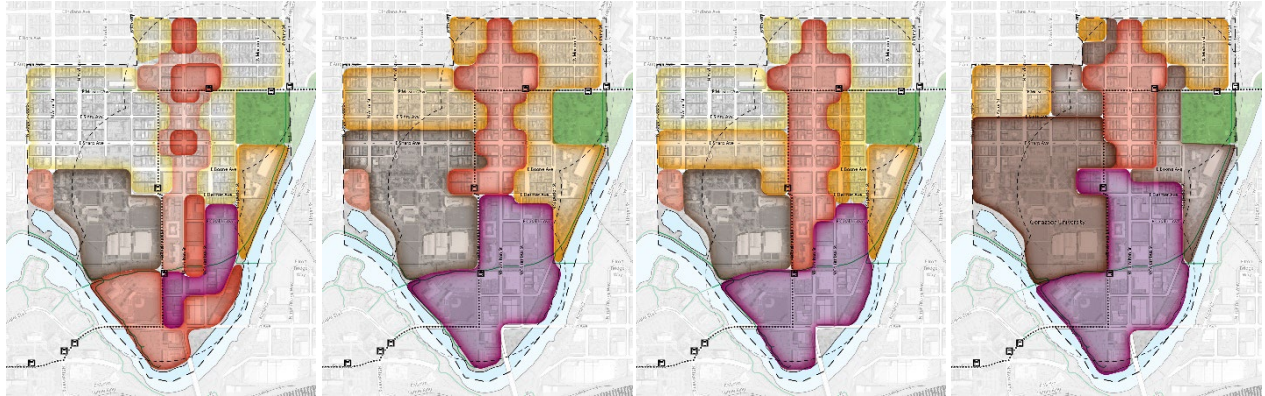


Figure 80. Graph of projected population growth by alternative.

Alternatives Comparison

Zoning Concept Maps



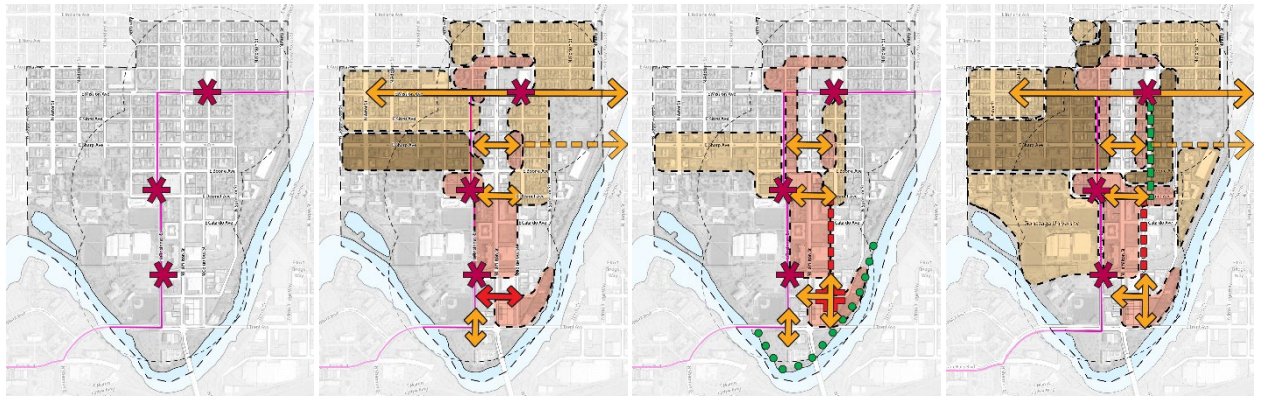
Alt 1: No Action

Alt 2: Hamilton Crossing

Alt 3: Southeast Riverfront

Alt 4: TOD Emphasis

Change Area Maps



Alt 1: No Action

Alt 2: Hamilton Crossing

Alt 3: Southeast Riverfront

Alt 4: TOD Emphasis

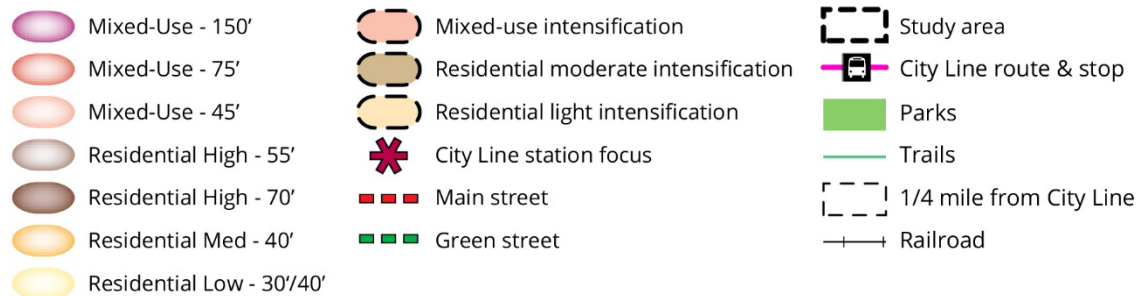


Figure 81. Side-by-side comparison of alternatives.

Growth Projections

Projections for local population growth by 2047 were developed for this plan based on the increase in total building capacity in each alternative and the effect of investments in specific areas to encourage private development. The goal of these projections is to provide basic assumptions needed for analysis of potential impacts of new development in the Environmental Impact Statement (EIS). Because the bulk of growth expected to occur in the subarea under all alternatives is residential, these projections do not include commercial or industrial growth.

These projections are not intended to provide fine-grained forecasts of likely development outcomes. Actual outcomes growth and development in South Logan will be shaped by decisions by individual residents, business owners, investors, and organizations.

Table 6. Projected Growth for 2047 Planning Horizon

	Existing	Alt 1	Alt 2	Alt 3	Alt 4
Increase in Housing Units ¹	---	314	1,710	1,612	3,013
Population Increase ²	---	715	3,898	3,674	6,869
Total Population	4,676	5,391	8,574	8,350	11,545

¹ Includes equivalent housing added in college dormitories.

² Population increase is based on an average household size of 2.28 persons/dwelling unit.

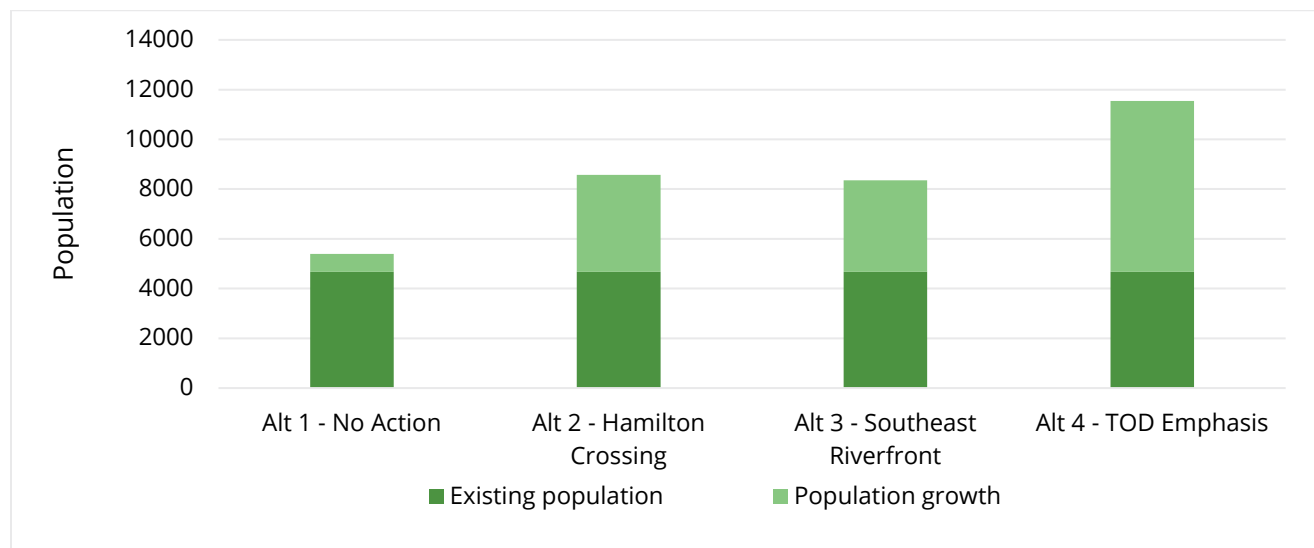


Figure 82. Graph of projected population growth by alternative.



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 01/08/2024

Committee Agenda type: Consent

Date Rec'd 12/19/2023

Clerk's File # ORD C36483

Renews #

Cross Ref #

Council Meeting Date: 01/22/2024

Submitting Dept	PUBLIC WORKS	Project #	
------------------------	--------------	------------------	--

Contact Name/Phone	MARLENE FEIST 625-6505	Bid #	
---------------------------	------------------------	--------------	--

Contact E-Mail	MFEIST@SPOKANECITY.ORG	Requisition #	
-----------------------	------------------------	----------------------	--

Agenda Item Type	First Reading Ordinance		
-------------------------	-------------------------	--	--

Council Sponsor(s)	JBINGLE BWILKERSON		
---------------------------	--------------------	--	--

Agenda Item Name	11/27 5200 – UPDATE TO GOLF COURSE IRRIGATION CONSERVATION CREDIT		
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Agenda Wording

An ordinance relating to the golf course irrigation conservation rate; amending section 13.04.2017 to chapter 13.04 of the Spokane Municipal Code and setting an effective date.

Summary (Background)

The attached ordinance reflects updates and clarifications to the golf course irrigation conservation rate. A full-length, 18-hole golf course qualifies for the credit if they use less than 40 million gallons of water in a year. A full-length 9-hole course also can qualify if they use less than 20 million gallons in a year. Additionally, Par 3 or mini golf courses are not eligible for the credit.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

FEIST, MARLENE

Division Director

FEIST, MARLENE

Accounting Manager

ALBIN-MOORE, ANGELA

Legal

SCHOEDEL, ELIZABETH

For the Mayor

JONES, GARRETT

Additional Approvals

Distribution List

	eraea@spokanecity.org
publicworksaccounting@spokanecity.org	ddaniels@spokanecity.org
mfeist@spokanecity.org	

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Submitting Department	Public Works and Utilities
Contact Name	Marlene Feist, Division Director
Contact Email & Phone	mfeist@spokanecity.org
Council Sponsor(s)	CP Kinnear
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	Resolution to ratify emergent support for Airway Heights
Summary (Background)	<p>Good water stewardship and conservation measures are a priority for the City and the Water Department. In 2009, the City Council adopted a Golf Course Irrigation Conservation Credit. Golf courses are significant users of water for irrigation, and this credit allows for a rate discount if a course uses less than 40 million gallons of water in a year.</p> <p>Several courses have achieved this goal and have received the credit over the years, including our own City courses where substantial irrigation upgrades have been installed. At this time, we believe some additional clarity around the credit is needed.</p> <p>This ordinance would clarify that full-length, 18-hole golf courses qualify for the credit if they use less than 40 million gallons of water in a year. A full-length 9-hole course also could qualify if they use less than 20 million gallons in a year. Additionally, the ordinance clarifies that Par 3 or mini golf courses are not eligible for the credit.</p>
Proposed Council Action	Pass updated Golf Course Irrigation Conservation Credit
Fiscal Impact	
Total Cost: Click or tap here to enter text.	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
<p>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.</p>	

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 ordinance clarifies the Golf Course Irrigation Conservation Credit so we are providing appropriate discounts based on size of course. Incentivizing conservation helps protect water resources and keep costs more affordable by lessening the need to expand infrastructure. Additionally, ensuring customers pay their fair share is critical for ensuring equity.

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 ordinance is consistent with the Council's direction around water conservation, drought response, and similar actions. It is also consistent with the Water System Plan.

ORDINANCE NO. C36483

AN ORDINANCE relating to Water; amending section 13.04.2017 to chapter 13.04 of the Spokane Municipal Code (SMC); and setting an effective date.

The City of Spokane does ordain:

Section 1: That SMC section 13.04.2017 is amended to read as follows:

13.04.2017 Golf Course Irrigation Conservation Rate for Potable Water

A. Findings.

1. Golf Courses served by the water and hydroelectric services department are high consumers of potable City water for irrigation. There is a significant opportunity for water conservation in this area through measures that include the use of stored stormwater runoff, reclaimed sanitary wastewater, and more efficient irrigation systems.
2. A rate rule encouraging water conservation is an appropriate utility ratemaking consideration under RCW 35.92.010. Golf courses applying conservation measures as approved under subsection (C),~~((D))~~, and ~~((E))~~ (D) of this section hereafter should be considered a separate user classification. The director may require a golf course to receive irrigation service under a separate account.

B. Application.

The provisions of this section pertaining to the use of potable City water are subject to the following conditions.

1. They apply only to:
 - a. golf course irrigation and not to any other customer class or usage;
 - b. that portion of the water bill based on water consumption and not to any other charges;
 - c. direct water and hydroelectric services department retail customer golf course accounts, whether inside or outside the City.
2. They do not apply to any accrued billings or usage prior to the effective date of this section. The director is authorized to adjust the commencement of billings

under this section for a customer billing cycle as is most administratively convenient.

- a. The customer must apply in writing for the basic rate discount in subsection (C) ~~((and/or the supplemental rate credit in subsection (D) of this section))~~.
 - b. The application must be approved by the director in writing.
 - c. No claims for refund or credits for any billings prior to such application and approval may be recognized.
3. The basic rate discount in subsection (C) of this section is limited ~~((to))~~ as follows:
- a. 18-hole, full size golf course customers ~~((who))~~ that reduce their irrigation consumption to less than forty million gallons per year; and
 - b. 9-hole, full size golf course customers that reduce their irrigation consumption to less than 20 million gallons per year.
 - c. Water savings should be achieved through the implementation of water and hydroelectric services department approved water conservation measures.
 - d. The basic rate discount ~~((it))~~ does not apply to any water irrigation consumption savings for usages above forty million gallons per year for an 18-hole course or 20 million gallons per year for a nine-hole course.
4. Par 3 golf courses and mini golf courses are not eligible for any golf course water conservation rate discount or credit.
- ~~((4))~~ 5. If customer circumstances under which approval was granted do not continue to apply in full for any reason, the customer must immediately notify the water and hydroelectric services department in writing.
- a. In addition, the rates for potable water will be adjusted by the director from the time of change of circumstances, in proportion to the effect of the change as determined by the director.
 - b. In calculating any adjustments due the City, if any, the director may use information from the customer, or in absence of information being

submitted, the director is authorized to calculate amounts due based upon any information available to the director.

~~((5-))~~ 6. Golf course irrigation conservation rates will be reviewed annually for qualifications or as ordered by the director.

C. Basic Rate Discount.

1. The basic rate discount under this subsection applied for the current calendar year shall be based on the previous year's water use and shall be calculated as a fraction of the commercial water rate that otherwise would be charged to the golf course for its irrigation use consumption.
 - a. The numerator of this fraction is the gallons usage for the previous calendar year, as recognized by the director as a result of implementation of conservation programs approved by the water and hydroelectric services department.
 - b. The denominator is forty million gallons for 18-hole courses and 20 million gallons for 9-hole courses.
2. The written approval of the director under subsection (B)(2) of this section may include a guarantee of a minimum time the basic rate discount will continue consistent with this section, but may not exceed such time as:
 - a. reclaimed wastewater service under subsection ~~((E))~~ (D) of this section becomes available to the customer; or
 - b. there has been a change of conditions;
 - c. either item to be determined by the director, in the exercise of reasonable business judgment. In addition, the maximum time may not exceed ten years.

~~((D. Supplemental Rate Credit.~~

~~Where a golf course customer adds potable City water to ponds used for golf course irrigation, there are significant evaporation losses of potable City water. An additional rate credit not to exceed twenty cents per unit is allowed if the golf course customer implements new irrigation system improvements that eliminate existing evaporation of potable City water from irrigation ponds.~~

- ~~1. The total supplemental credit granted may not exceed the cost of improvements installed by the golf course customer to prevent evaporation loss.~~
- ~~2. The credit may only be applied one time per golf course for one twelve-consecutive month period, which may overlap a calendar year.))~~

((E)) D. Reclaimed Sanitary Wastewater.

1. Reclaimed sanitary wastewater is water reclaimed from the treatment of sanitary sewage that can be supplied for golf course irrigation. Such water may not meet potable drinking water standards, but is safe and reliable for golf course irrigation. The City water utility does not supply this service, but it may become available from the City wastewater management department or other water reclamation utility service providers.
2. Because the use of reclaimed sanitary wastewater provides the greatest savings in potable water use for golf course irrigation, whenever the director determines that such service is available to a golf course customer, considering the factors set forth hereafter, he may order disconnection of an account from potable water service provided by the water and hydroelectric services department. The decision shall be in writing and grant a reasonable time frame for conversion, which shall be at least twelve months. The time may be extended by the director, in the exercise of sound discretion.
3. Director decisions under this subsection shall be guided by the following factors:
 - a. Reliable reclaimed sanitary wastewater service is available to the customer under reasonable conditions and at a reasonable cost.
 - b. Water conservation requirements and mandates applicable by law to the City water utility.
 - c. The individual customer cost of conversion.
 - d. Fairness to the customer and to other water service customers.
4. The director may request a customer objecting to disconnection under this section to submit information for his consideration. The decision may be appealed to the City hearing examiner within thirty days.
 - a. The hearing shall be within thirty days of the appeal.

b. The decision may be appealed to a court of competent jurisdiction within thirty days, based on the record, reversible because of violation of law or arbitrary and capricious.

Section 2: Effective Date.

This Ordinance shall take effect and be in force on _____, 2024.

PASSED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 01/08/2024

Committee Agenda type: Discussion

Date Rec'd

12/18/2023

Clerk's File #

ORD C36484

Renews #

Cross Ref #

Council Meeting Date: 01/22/2024

Submitting Dept

CITY COUNCIL

Project #

Contact Name/Phone

ALEX GIBILISCO X6957

Bid #

Contact E-Mail

AGIBILISCO@SPOKANECITY.ORG

Requisition #

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

PDILLON BWILKERSON ZZAPONE

Agenda Item Name

0320 ORDINANCE ESTABLISHING PROCESS FOR REVIEW OF CITY-OWNED

Agenda Wording

Ordinance establishing review of community concerns regarding institutional statements, names or monuments on property owned by the City of Spokane.

Summary (Background)

Ordinance establishing review of community concerns regarding institutional statements, names or monuments on property owned by the City of Spokane. This ordinance passed the Council on July 10, 2023 in substantially the same form, and vetoed by the Mayor on July 24, 2023. At that time there was not sufficient council support to override the veto. This version of the ordinance includes additional recitals, and a timeline for a portion of the review process.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Not applicable

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#

Committee Agenda Sheet

Urban Experience Committee

Submitting Department	City Council
Contact Name	Alex Gibilisco
Contact Email & Phone	agibilisco@spokanecity.org
Council Sponsor(s)	CM Dillon, CP Wilkerson
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10
Agenda Item Name	Process for Addressing City-Owned Property
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>During the celebration of Whistalks Way name change we heard from community members that it took over 50 years of advocating and petitioning the City for the name change.</p> <p>In 2022 the Human Rights Commission conducted community engagement and passed a resolution regarding the Monaghan Statue. There was not a clear process to acting or responding to their recommendation with this city owned property.</p> <p>On January 5, 2023, Spokane Human Rights Commission passed a resolution proposing a standard protocol for processing, considering, and acting upon citizens’ concerns about City-owned buildings, sites, structures, monuments, and other objects.</p> <p>This is an ordinance relating to the establishment of a process to consider and act upon community members’ concerns regarding City-owned property; adopting a new Chapter 18.10 to Title 18 of the Spokane Municipal Code.</p> <p>This ordinance was adopted by the council in substantially the same form on July 10, 2023 and vetoed by the Mayor on July 24, 2023. This version of the ordinance adds new recitals and a timeline for review.</p>
Proposed Council Action	UE – 1/8/24 Council First Reading – 1/22/24 Council Final Reading – 1/29/24
Fiscal Impact Total Cost: Click or tap here to enter text. Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Specify funding source: Click or tap here to enter text. Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring Other budget impacts: (revenue generating, match requirements, etc.) Potential future impacts if council votes to address future sites, structures, monuments, and other objects.	

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

This chapter applies to all visible property owned by the City of Spokane, within the city limits of Spokane, Washington. This chapter details and defines a process for receiving, researching, reviewing, and recommending action to address community concerns regarding institutional statements, names or monuments on property owned by the City of Spokane.

The ordinance also affirms the City of Spokane commitment to ensuring that all people living and working in Spokane have a sense of belonging, and the City is committed to addressing issues that undermine that commitment.

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?

Data can be collected when OCREI reviews the request in consultation with the City of Spokane Legal Department and other necessary or relevant departments, boards, commissions, affected Native American tribes and compile relevant information and findings that will inform a final recommendation.

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

The requested action, “shall include: history of the City-owned property in question; details on the review process; appropriate department(s) to execute; anticipated cost to implement any recommendation; any relevant information presented by the OCREI to the SHRC; and any other actions the SHRC would like the City to take.”

In addition, the process encourages coordination between departments to develop a recommendation.

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 ordinance is responding to the Human Rights Commission recommendation.

(Title 4, 4/20/92) 4.10.010

The human rights commission advises and makes recommendations to the city council regarding issues related to human rights and unjust discrimination and the implementation of programs consistent with the needs of all residents of the City of Spokane.

Section 18.01.010

The City of Spokane finds that discrimination based on race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical disability as defined by the Americans with Disability Act 42 U.S.C § 12101 et seq, and/or the Washington State Law Against Discrimination, Chapter 49.60 RCW, or the receipt of, or eligibility for the receipt of, funds from any housing choice or other subsidy program or alternative source of income poses a substantial threat to the health, safety and

general welfare of the citizens of Spokane. The City deems it necessary and proper to enact a local ordinance to address these issues.

ORDINANCE NO. C36484

An ordinance relating to the establishment of a process to consider and act upon community members' concerns regarding City-owned property; adopting a new Chapter 18.10 to Title 18 of the Spokane Municipal Code.

WHEREAS, under Section 18.01.10 of the Spokane Municipal Code, the City has found that discrimination based on race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, and/or the presence of any sensory, mental or physical disability, poses a substantial threat to the health, safety and general welfare of the citizens of Spokane; and

WHEREAS, institutional statements, names or monuments found on City-owned property that reflect the historical denial of human rights, discrimination, and exclusion may cause mental pain and suffering among community members, and also foster a continuing disrespect of historically marginalized members of the community; and

WHEREAS, the City of Spokane is committed to ensuring that all people living and working in Spokane to have a sense of belonging, and further committed to addressing issues that undermine that commitment like institutional statements, names or monuments that reflect the historical denial of human rights, discrimination, and exclusion; and

WHEREAS, the City of Spokane is further committed to providing community members with the opportunity to formally raise their concerns about institutional statements, names or monuments on City-owned property, and committed to ensuring that the appropriate course of action is taken to address said concerns; and

WHEREAS, the City of Spokane desires to create an accessible process for community members to raise these concerns and have a known and predictable process of review, outreach, and community recommendation; and

WHEREAS, the accessible process should include final recommendation for action by the Spokane City Council, which may include removal, renaming, or relocating content on City-owned property; and

WHEREAS, on July 10, 2023 the City Council adopted ordinance C36402, establishing a new chapter 18.10 of the Spokane Municipal Code relating to institutional statements, names or monuments on City-owned properties; and

WHEREAS, Ordinance C36402 was vetoed by Mayor Woodward on July 24, 2023, ostensibly on the grounds that Ordinance C36402 circumvented the City's historic preservation mandates as reflected in the statutory mission of the City's Landmarks Commission, set forth in Chapter 04.35 of the Spokane Municipal Code; and

WHEREAS, subsequent discussions with City staff following Mayor Woodward’s veto of Ordinance C36402 have determined the Landmarks Commission is not suited to review issues related to institutional statements, names or monuments on City-owned properties in the manner outlined under C36402, and that the Landmarks Commission does not view the mandates under C36402 as part of its mission; and

WHEREAS, as of January 1, 2023, there will be two new members of the City Council, and likely an additional new council member after January 22, 2024, none of whom had an opportunity to vote on C36402 when it was originally taken up by the council.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. There is enacted a new chapter 18.10 to Title 18 of the Spokane Municipal Code to read as follows:

Chapter 18.10	Process for Review of Institutional Statements, Names and Monuments on City Property
SMC 18.10.010	Scope and Purpose
SMC 18.10.020	Definitions
SMC 18.10.030	Process of Review by Spokane Human Rights Commission
SMC 18.10.040	Recommendation to Spokane City Council
SMC 18.10.050	Naming Policies

18.10.010 Scope and Purpose

Institutional statements, names or monuments found on City-owned property that reflect the historical denial of human rights, discrimination, and exclusion can cause mental pain and suffering among community members, and also foster a continuing disrespect of historically marginalized members of the community. The City of Spokane is committed to ensuring that all people living and working in Spokane have a sense of belonging, and further committed to addressing issues that undermine that commitment.

This chapter applies to all visible property owned by the City of Spokane, within the city limits of Spokane, Washington. This chapter details and defines a process for receiving, researching, reviewing, and recommending action to address community concerns regarding institutional statements, names or monuments on property owned by the City of Spokane.

18.10.020 Definitions

- A. "Community member" refers to an individual who lives or works within the city limits of Spokane, Washington.
- B. "Concern" refers to the disapproval or dismay of a community member regarding the property, as formally presented to the SRHC in the form of a written request to

review certain City-owned property.

- C. "Content" refers to the physical image, name, description, inscription, monument or other defining features of property owned by the City of Spokane.
- D. "Department" refers to the City of Spokane department that has been tasked by the Spokane City Council of carrying out the recommended action.
- E. "OCREI" refers to the Spokane Office of Civil Rights, Equity, and Inclusion.
- F. "Property" or "City-owned Property" refers to the building, monument, site, street, roadway, structure, or any other object owned by the City of Spokane or under the control, ownership, and/or jurisdiction of either the Spokane Park Board or the Library Board of Trustees.
- G. "Request" refers to a formal, written statement from a Requester asking for review of certain City-owned property under this ordinance.
- H. "Requester" refers to the community member who files a request.
- I. "SHRC" refers to the Spokane Human Rights Commission, a volunteer board of individuals appointed by the Mayor of Spokane and approved by the Spokane City Council. These individuals advise and make recommendations to the Spokane City Council regarding issues related to human rights.
- J. "Workgroup" refers to the SHRC Civic Impact workgroup of the Spokane Human Rights Commission.

18.10.030 Process of Review by Spokane Human Rights Commission

The process for considering and acting upon community members' concerns regarding the content of City-owned property is as follows:

- A. Individuals and/or groups can request that the City of Spokane review certain City-owned property by submitting a request to the Spokane Human Rights Commission (SHRC). The SHRC shall act as the coordinator of the process for reviewing the request.
- B. Once the SHRC receives a request, the SHRC shall then task the SHRC Civic Impact Workgroup ("Workgroup") as its designee to process the request, and the Workgroup shall coordinate the process for reviewing the request.
- C. The Workgroup shall then review the request and determine whether or not to start a review, considering whether the content described in the request is discriminatory under SMC 18.01.010 or the content is likely to cause mental pain, suffering or disrespect in a reasonable person with a cultural background and lived experience

that would make them vulnerable.

- i. If the Workgroup finds that the content does not violate SMC 18.01.010 and is not likely to cause mental pain, suffering or disrespect, the review shall end, and the Workgroup shall notify the Requester of the decision and provide them the information to present their concerns to the full SHRC at a meeting via public comment.
 - ii. If the Workgroup finds that the content does violate SMC 18.01.010 or is likely to cause mental pain, suffering or disrespect, it shall refer the request to the Spokane Office of Civil Rights, Equity, and Inclusion (OCREI).
- D. After referral from the Workgroup, the OCREI shall then review the request in consultation with the City of Spokane Legal Department and other necessary departments, boards, commissions, affected Native American tribes and compile relevant information and findings that will inform a final recommendation. Relevant information shall include any history relating to the City's acquisition of the property or placement of the content thereon, including donor restrictions or requirements. Within 180 days of receiving the referral, the OCREI shall present the information, findings and recommendation to the Workgroup, including whether the recommendation of the SHRC will be submitted to the City Council, the Park Board or the Library Board. This review process shall not limit the authority or responsibility of any department, board or commission established by law.
- E. Upon receipt of information and findings from the OCREI, the Workgroup shall review the information and findings, and determine if the Request should be brought forward to the full SHRC. If the Workgroup determines that the SHRC should address the matter, the request shall be placed on a regular SHRC meeting agenda for discussion. At this point, the requester shall be notified of the decision to pursue the matter. The requester shall also be notified of the meeting and may address the full SHRC via public comment or presentation under the rules of the SHRC.
- F. Upon conclusion of discussion of the request at the regular SHRC meeting, any Commissioner may move for the matter to be forwarded to the SHRC Executive Committee for further collaboration with the OCREI on research, analysis, outreach, and stakeholder engagement. Upon completing its review, the SHRC Executive Committee shall place the matter on a regular SHRC meeting agenda for further review and action.

18.10.040 Recommendation to Spokane City Council

- A. The SRHC shall review the materials from the Workgroup, the SRHC Executive Committee, and the OCREI, and shall determine whether to make a recommendation to the Spokane City Council regarding the request. Any

recommendation from the SHRC shall be in the form of a resolution and shall lay out, in specifics, the requested action by the City Council and shall include: history of the City-owned property in question; details on the review process; appropriate department(s) to execute, anticipated cost to implement any recommendation; any relevant information presented by the OCREI to the SHRC; and any other actions the SHRC would like the City to take. The SHRC recommendation may include but is not limited to: renaming the property; recontextualizing, replacing, or removing any content on the property; or removal or relocation of any content. Provided, except as provided in subsection C below, any recommendation to rename City-owned property must be submitted to the Spokane Plan Commission for its recommendation prior to forwarding to the Spokane City Council. The resolution shall also specify which City of Spokane department the SHRC determines to be the appropriate lead implementer of any recommended actions.

- B. The resolution will be brought forward to the full Spokane City Council by the SHRC Council Liaison at a City Council Committee meeting. Any further action by Council will adhere to City Council Rules.
- C. If the property subject to the request and the SHRC recommendation is under the care, management, or control of the Park Board or the ownership and jurisdiction of the Library Board, the SHRC recommendation shall be submitted to the respective board for consideration.

18.10.050 Naming Policies

All administrative City policies and procedures relating to naming shall be revised to include, as part of its criteria, a desire to avoid causing recollections of the historical denial of human rights, discrimination, and exclusion of historically marginalized members of the community. The Park Board and Library Board are encouraged to adopt a mechanism for avoiding commemoration the historical denial of human rights, discrimination, and exclusion of historically marginalized members of the community in their naming policies.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 01/08/2024

Committee Agenda type: Discussion

Date Rec'd 12/20/2023

Clerk's File # ORD C36485

Renews #

Cross Ref #

Council Meeting Date: 01/22/2024

Submitting Dept	CITY COUNCIL	Project #	
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Contact Name/Phone	CHRIS WRIGHT X6210	Bid #	
---------------------------	--------------------	--------------	--

Contact E-Mail	CWRIGHT@SPOKANECITY.ORD	Requisition #	
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Agenda Item Type	First Reading Ordinance		
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Council Sponsor(s)	ZZAPPONE PDILLON		
---------------------------	------------------	--	--

Agenda Item Name	FAMILY FRIENDLY FESTIVALS ORDINANCE		
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Agenda Wording

Ordinance revising current provisions relating to special events permits with respect to events with alcohol service areas.

Summary (Background)

SMC 10.39.040 currently restricts the access of in areas of special events where alcohol is served, and includes limitations on the number of areas serving alcohol as well as fencing requirements. This ordinance revises SMC 10.39.040 to eliminate existing restrictions on access and other requirements, to more closely conform to WSLCB regulations for special events.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

No known fiscal impact to the City. It is expected that greater flexibility on alcohol service for special events will encourage more special events.

Amount

Budget Account

Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

WRIGHT, CHRISTOPHER

Division Director

Accounting Manager

ORLOB, KIMBERLY

Legal

PICCOLO, MIKE

For the Mayor

Additional Approvals

Distribution List

korlob@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Submitting Department	City Council
Contact Name	Virginia Ramos
Contact Email & Phone	vramos@spokanecity.org
Council Sponsor(s)	CM Zappone, CM Dillon
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10
Agenda Item Name	Modifying the Special Events Ordinance
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>This ordinance amends the City of Spokane special events ordinance and recognizes that special events contribute to the unique character and vitality of the city. This ordinance expands the use of beer gardens on the public right away, and offers increased opportunity for citizens, families and visitors to enjoy the full experience of a city celebration where alcohol is served.</p> <p>The ordinance was drafted with input from City Permitting, ONS, and SPD, and in after consulting with staff at the Washington State Liquor and Cannabis Board.</p>
Proposed Council Action	UE – January 8, 2024 Council First Reading – January 22, 2024 Council Final Reading – January 29, 2024
Fiscal Impact	
Total Cost: Click or tap here to enter text.	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Specify funding source: Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring	
Other budget impacts: (revenue generating, match requirements, etc.) No budget impacts	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
No known impacts.	
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?	
It is not anticipated that this ordinance change will affect communities differently.	

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

Code and permitting information is collected and data will be compiled to assess the outcomes from the change.

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 City has a current process to apply for a special event permit. This ordinance expands access to families.

ORDINANCE NO. C36485

An Ordinance relating to the regulation of special events and establishing a process allowing for expanded events, amending Section 10.39.040 (D) of the Spokane Municipal Code.

WHEREAS, the City of Spokane's festivals and other special events contribute to the unique character and vitality of the City, and provide benefits to the community as a whole; and

WHEREAS, special events range from small neighborhood-level events to large-scale, City-wide events that bring in millions of people to the City each year including families, international visitors and outdoor enthusiasts; and

WHEREAS, there are certain circumstances during special events when there is a social element and a celebration that enhances the festive event experience for all visitors; and

WHEREAS, many families with children attend festivals and events in the City of Spokane, and current restrictions interfere with families enjoying the full range of activities within the festival area; and

WHEREAS, the Spokane City Council believes that the consumption of alcohol in public is an important issue that requires oversight to protect the safety, wellbeing, comfort and repose of the Citizens of Spokane; and

WHEREAS, the Washington Liquor and Cannabis Board provides an Application for a Special occasion License for a Nonprofit Society or Organization that, if approved, permits minors in an alcohol restricted area under limited circumstances; and

WHEREAS, while considering the social elements of serving alcohol, the Spokane City Council desires to expand access consistent with the rules established by the Washington Liquor and Cannabis Board, while providing clear rules and guidelines for special events permit's that are inclusive and mindful of all different groups of people; and

WHEREAS, the Spokane City Council believes the current language is too restrictive.

NOW, THEREFORE, the City of Spokane does hereby ordain as follows:

Section 1 Chapter 10.39.040 (D) of the Spokane Municipal Code is amended as follows:

Chapter 10.39 Special Events

Section 10.39.040 Conditions Affecting the Special Event Permit Process

- A. Reasonable and necessary conditions 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. If minors will be present in the alcohol restricted area, the Special Occasion Application Addendum must be submitted to the Washington Liquor Cannabis Board with the Application for Special Occasion License. Minors under the age of 21 shall be accompanied by an adult at all times while in the restricted area.
 2. Beer garden must close by 40 11 PM. If the Special Occasion Application Addendum has been submitted and minors are approved to be in the serving area by the Liquor and Cannabis Board and the local authority, the beer garden must close by 9:00 p.m.
 3. Liquor Endorsement must be included on insurance coverage.
 4. Beer garden(s) must be clearly designated with a minimum height of 42 inch ~~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. Openings into and out of the outdoor alcohol service area cannot exceed 10 feet. If there is more than one opening along one side, the total combined opening may not exceed 10 feet.

~~((6. Two uniformed security guards must be posted at every entrance/exit point unless deemed unnecessary.))~~

~~((7.))~~6. 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 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 01/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

12/22/2023

Clerk's File #

ORD C36487

Renews #**Cross Ref #****Council Meeting Date:** 01/29/2024**Submitting Dept**

PLANNING & ECONOMIC

Project #**Contact Name/Phone**

TIRRELL BLACK X6185

Bid #**Contact E-Mail**

TBLACK@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Emergency Ordinance

Council Sponsor(s)

BWILKERSON PDILLON

Agenda Item Name

0650- E 29TH AVE PROPOSED PEDESTRIAN STREET DESIGNATION

Agenda Wording

A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St.

Summary (Background)

A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning, in the case of future development, would be required to follow the additional pedestrian street allowed uses and design standards and guidelines to promote a pedestrian friendly environment. Drive-through businesses are not permitted within pedestrian street zoning designation areas.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost

\$

Current Year Cost

\$

Subsequent Year(s) Cost

\$

Narrative

No known fiscal impact to city operations

Amount**Budget Account**

Select

\$

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Committee Agenda Sheet

Urban Experience Committee

Committee Date	January 8, 2024
Submitting Department	Planning and Economic Development
Contact Name	Tirrell Black
Contact Email & Phone	tblack@spokanecity.org , (509)625-6185
Council Sponsor(s)	<u>CP Wilkerson and CM Dillon</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 minutes
Agenda Item Name	E 29 th Ave Proposed Pedestrian Street Designation / ORD C36487
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only Urban Experience: January 8, 2024. Council Action: January 29, 2024.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>A zoning amendment (SMC 17C.122.030) to designate a .66-mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning, in the case of future development, would be required to follow the additional pedestrian street allowed uses and design standards and guidelines to promote a pedestrian friendly environment. Drive-through businesses are not permitted within pedestrian street zoning designation areas. Staff recommend adding a listing of all pedestrian streets to the code to clarify their locations.</p> <p>On October 2, 2023, Spokane City Council passed Resolution 2023-0084 adding the review of a pedestrian street designation in the Lincoln Heights neighborhood to the Spokane Plan Commission’s work program. The area for consideration of a pedestrian street zoning designation, which is a zoning overlay unique to the Centers & Corridor zoning category, is .66 miles of E 29th Ave between S Martin St and S Fiske St. This stretch of 29th Avenue is consistent with the existing extent of CC1-DC (Center and Corridor, Type 1, District Center) and CC2-DC (Center and Corridor, Type 2, District Center) zoning along E 29th Ave.</p> <p>The Plan Commission held a hearing on January 11 and approved the proposed changes. The Plan Commission findings and materials from the January 11, 2024 hearing are included with this briefing paper.</p> <p>Emergency clause. The revised ordinance includes an emergency clause.</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: <u>No cost</u> Current year cost: Subsequent year(s) cost:	
Narrative: <u>N/A</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	

Specify funding source: Select Funding Source*

Is this funding source sustainable for future years, months, etc? N/A

Expense Occurrence One-time Recurring N/A

Other budget impacts: N/A

Operations Impacts (If N/A, please give a brief description as to why) N/A; this action does not change street operations

What impacts would the proposal have on historically excluded communities?

This proposal does not have impacts 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, no data is anticipated.

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?

Comprehensive plan policies

Chapter 3: Land Use – Policy LU 2.1 Public Realm Features

Chapter 3: Land Use – Policy LU 3.2 Centers and Corridors

Chapter 3: Land Use – Policy LU 3.4 Planning for Centers and Corridors

Chapter 3: Land Use – Goal LU 4 Transportation

Chapter 3: Land Use – Policy LU 4.2 Land Uses That Support Travel Options and Active Transportation

Chapter 3: Land Use – 3.4 Description of Land Use Designations

Chapter 4: Transportation – TR Goal B Provide Transportation Options

Chapter 4: Transportation – TR 1 Transportation Network For All Users

Chapter 4: Transportation – TR 5 Active Transportation

Chapter 4: Transportation – TR 6 Commercial Center Access

Chapter 4: Transportation – 4.4 Modal Elements

Chapter 8: Urban Design and Historic Preservation – Policy DP 2.10

Neighborhood Planning:

South Hill Coalition Connectivity and Livability Strategic Plan, 2014

Lincoln Heights District Center Master Plan, 2016

ORDINANCE NO. C36487

An Ordinance concerning land use standards for centers and corridors, amending sections 17C.122.010 and 17C.122.030 of the Spokane Municipal Code, and declaring an emergency.

WHEREAS, the area centered on 29th Avenue and Regal Street in the Lincoln Heights neighborhood is designated a District Center in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan includes policies and goals to enhance pedestrian safety and access within and around designated Centers, especially policies LU 2.2, LU 3.2, LU 4.1, and TR 6; and

WHEREAS, the Spokane South Hill Coalition in June 2014 adopted a Connectivity and Livability Strategic Plan (the “Strategic Plan”) for Spokane’s south hill region, including Lincoln Heights neighborhood, which included the goal of a more pedestrian and less auto-centric development of the Lincoln Heights area; and

WHEREAS, consistent with the Strategic Plan, the Lincoln Heights neighborhood developed the Lincoln Heights District Center Plan (“District Plan”) in June 2016, which included specific recommendations for making the business core of Lincoln Heights more pedestrian-friendly and less dependent on automobile transportation, and included specific recommendations for alterations to 29th Avenue to improve pedestrian safety and walkability; and

WHEREAS, on September 4, 2023 the Lincoln Heights Neighborhood Council reviewed the recommendations in the District Plan, and determined that an immediate priority for the neighborhood was designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street” pursuant to SMC 17A.020.160; and

WHEREAS, designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street” on the Official Zoning Map will ensure that commercial and residential development along 29th Avenue supports a walkable environment and furthers the goals of the Comprehensive Plan and previous neighborhood planning effort; and

WHEREAS, on October 22, 2023, the Spokane City Council adopted Resolution 2023-0084, which directed the Spokane Plan Commission review of designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street”; and

WHEREAS, review of the “Pedestrian Street” designation of 29th Ave identified a lack of clarity within the Spokane Municipal Code on what pedestrian streets are, how they can be applied, and where they are located; and

WHEREAS, the Spokane Plan Commission reviewed the designation of 29th Avenue as a “Pedestrian Street” and conducted a hearing on the proposal on January 10, 2024, which hearing resulted in findings of fact and endorsement of revision of certain

provisions in the Spokane Municipal Code regarding pedestrian street designations as well as designation of a portion of 29th Avenue as a “Pedestrian Street”; and

WHEREAS, this Ordinance has been reviewed and processed in accordance with RCW 36.70A.370; and

WHEREAS, without an immediate action to amend the Pedestrian Street designation, processing of applications by the City could occur under regulations that are inconsistent with the City’s legitimate policy of encouraging a pedestrian friendly and walkable center in the Lincoln Heights area. Therefore, this ordinance must go into effect immediately to prevent any development rights from vesting and preserve the City’s ability to process applications under valid codes.

NOW, THEREFORE, the City of Spokane does hereby ordain as follows:

Section 1. Section 17C.122.010 of the Spokane Municipal Code is amended to read as follows:

Section 17C.122.010 Intent

The intent of center and corridor regulations is to implement the goals and policies of the comprehensive plan for centers and corridors. These areas are intended to bring employment, shopping, and residential activities into shared locations and encourage, through new development and rehabilitation, new areas for economic activity.

New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with 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.

Type 1, 2 and 3 center and corridor zones are designated within the center and corridor core land use category and the core commercial areas of the centers and corridors shown on the land use plan map of the comprehensive plan.

The Type 4 mixed use transition zone is designated within the center and corridor transition land use category on the land use plan map of the comprehensive plan.

Center and corridor zones are not intended to be applied to property outside of the Centers and Corridors Land Use Plan Map designations. Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EC).

Section 2. Section 17C.122.030 of the Spokane Municipal Code is amended to

read as follows:

Section 17C.122.030 ((Centers/Corridors – Official Zoning Map))Pedestrian Street Designations

~~((As shown on the official zoning map, center and corridor zoning classifications (CC1, CC2 and CC3) are only applied to the core commercial areas and the center and corridor land use designations of the centers and corridors designated on the comprehensive plan land use plan map. The center and corridor mixed use transition zone classification (CC4) is only to be applied in the center and corridor transition land use designation on the comprehensive plan land use map. Center and corridor zones are not intended to be applied to property outside of these zones. Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EG).))~~

~~((Pedestrian streets are designated on the official zoning map.))~~

- A. The pedestrian street zoning designation promotes a pleasant and safe environment for pedestrians by applying additional standards and use limitations to parcels with center and corridor zoning (CC1, CC2, CC3, and CC4). Design features to promote a pedestrian friendly environment include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.
- B. The pedestrian street zoning designation can be applied to any street where adjacent parcels have center and corridor zoning classifications (CC1, CC2, CC3, and CC4).

Designated pedestrian streets are:

1. North Market St between E Nebraska Ave and E Wabash Ave
2. W Garland Ave between N Madison St and N Howard St
3. E Buckeye Ave between N Hamilton St and N Denver St
4. N Columbus St between E North Foothills Dr and E Marietta Ave
5. N Monroe St between W Montgomery Ave and W Boone Ave
6. W Broadway Ave between E Elm St and N Maple St
7. E Sprague Ave between Madelia St and Napa St
8. E Newark Ave/S Perry St between E 7th Ave and 67.5' north of the E 12th Ave ROW
9. S Grand Blvd between E Sumner Ave and E 14th Ave

10. E 29th Ave between S Martin St and S Fiske St

~~((The initial land use code and design standards and guidelines contain specific design standards))~~ The design standards and guidelines in SMC 17C.122.060 Attachment "A" and allowed uses in Table 17C.122-1 are applied to promote the pedestrian friendly environment along these streets.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Declaration of Emergency and Effective Date. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage. Without an immediate action to amend the Pedestrian Street designation, processing of applications by the City could occur under regulations that are inconsistent with the City's legitimate policy of encouraging a pedestrian friendly and walkable center in the Lincoln Heights area. Therefore, this ordinance must go into effect immediately to prevent any development rights from vesting and preserve the City's ability to process applications under valid codes.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date



PLAN COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS ON AMENDMENTS TO THE SPOKANE MUNICIPAL CODE AND ADOPTION OF A NEW PEDESTRIAN STREET DESIGNATION

A Recommendation of the Spokane Plan Commission to the City Council to APPROVE the designation of a portion of E 29th Ave as a pedestrian street and amend Spokane Municipal Code (SMC) 17C.122.010 and SMC 17C.122.030.

FINDINGS OF FACT:

- A. On October 2, 2023, Spokane City Council passed Resolution 2023-0084 adding the review of a pedestrian street designation in the Lincoln Heights neighborhood to the Spokane Plan Commission's work program.
- B. The pedestrian street designation is a zoning designation specific to Centers and Corridors zones and applies additional standards and use limitations on parcels with frontage on the pedestrian street and Centers and Corridors zoning (CC1, CC2, CC3, or CC4) for an enhanced pedestrian experience.
- C. The portion of E 29th Ave to be designated as part of this proposal is generally from S Martin St to S Fiske St. The CC2-DC zoning continues on the south side of E 29th Avenue 100 feet to the east of S Fiske St.
- D. Currently the definition of a pedestrian street is found in SMC 17A.020.160. There is a reference to pedestrian streets in SMC 17C.122.030 and the implementing standards and guidelines in SMC 17C.122.060 Attachment "A". The Centers & Corridors Allowed Use Table 17C.122-1 does not permit drive through uses along pedestrian streets. For clarity, staff recommend additional SMC amendments within Chapter 17C.122 along with the proposal to designate a portion of E 29th Ave as a pedestrian street.
 1. Move relevant code from "17C.122.030 Centers/Corridors – Official Zoning Map" to "17C.122.010 Intent" where that information makes more sense.
 2. Update and rename "17C.122.030 Centers/Corridors – Official Zoning Map" to focus directly on pedestrian streets, highlighting:
 - i. What a pedestrian street designation is;
 - ii. Where the designation can be applied; and
 - iii. Listing existing pedestrian streets in the City of Spokane.
- E. On November 6, 2023, a State Environmental Policy Act (SEPA) Checklist was issued for this proposal.
- F. On December 13, 2023, the Plan Commission conducted a workshop regarding this proposal.

- G. On November 7, 2023, the Washington State Department of Commerce was given the required 60-day notice of the City's intent to amend the development regulations.
- H. On November 7, 2023, a Notice of Intent to Adopt, pursuant to 17G.025.010 was sent to City departments, Local, County, Tribal, and State contacts.
- I. On November 21, 2023, Notice of Intent to Adopt was mailed to property owners, taxpayers, and residents within 400ft of the proposal.
- J. On November 22, 2023, Notice of Intent to Adopt was published in the City Council Gazette.
- K. On December 20, 2023, a SEPA Determination of Non-Significance (DNS) was issued for the proposal. The deadline to appeal the SEPA determination was January 9, 2024, at 4:00 p.m. No comments pertaining to the DNS were received.
- L. On December 20, 2023, a notice of the January 10, 2024, Plan Commission Public Hearing and notice of SEPA determination was mailed to property owners, taxpayers, and residents within 400ft of the proposal.
- M. On December 27, 2023, and January 3, 2024, notice was published in the Spokesman-Review providing notice of the January 10, 2024 Public Hearing and the SEPA Determination of Non-Significance.
- N. Throughout this time, Staff have spoken on the phone with a number of residents, property owners, prospective property owners, and individuals interested in pursuing development in the area of the proposal.
- O. On January 3, 2024, Planning Department staff finalized their Staff Report on the Proposal to the Plan Commission recommending approval of the proposal.
- P. Previous neighborhood planning efforts in the area have highlighted a community desire for a more walkable district center.
 - 1. The South Hill Coalition Connectivity and Livability Strategic Plan, adopted by Resolution 2014-0067, identified improved active transportation access to and around the Lincoln Heights Shopping Center as a priority including recommendations for streetscape improvements and highlighting the lack of pedestrian amenities and opportunities for driveway consolidation on E 29th Ave.
 - 2. The Lincoln Heights District Center Master Plan, adopted by Resolution 2017-0014, called for the creation of a more walkable Center over the planning timeline, prioritizing pedestrian access and pedestrian focused storefronts in the final plan.
- Q. There are no references to pedestrian streets found in the Comprehensive Plan. Policies discussing the intent of Centers and Corridors, providing transportation options, and access to Centers found within Chapters 3 and 4 of the Comprehensive Plan, and other relevant topics for consideration, were published in Exhibit G of the Staff Report.
- R. Public and agency comments received prior to January 3, 2024, at 8:00 a.m. were included in the staff report as Exhibits E and F. Comments received after that date were added to the public

record and forwarded to Plan Commission ahead of their January 10, 2024 Public Hearing and to City Council prior to their public hearing.

- S. On January 10, 2024, the Plan Commission held a public hearing on the proposal, including taking verbal testimony, and closed the public record on that date.
- T. On January 10, 2024, the Spokane Plan Commission conducted its deliberations on this proposal and voted to recommend the City Council **approve** this proposal.
- U. During deliberation at the January 10, 2024, Plan Commission Public Hearing, a motion to extend the pedestrian street designation of E 29th Ave 100 feet east of the S Fiske St Right of Way, consistent with the extent of Centers and Corridors zoning along E 29th Ave in the Lincoln Heights District Center, with a vote of 3 to 5, did not pass.
- V. As a result of the City's efforts, pursuant to the requirements of SMC 17G.020.070, the public has had extensive opportunities to participate throughout the process and persons desiring to comment were given an opportunity to do so.
- W. Except as otherwise indicated herein, the Plan Commission adopts the findings and analysis set forth in the Staff Report.
- X. The Plan Commission finds that the Proposal meets the intent and requirements of the Comprehensive Plan.
- Y. The Plan Commission finds that the Proposal meets the decision criteria established by SMC 17G.025.010, as described in the Staff Report.

CONCLUSIONS:

Based upon the proposal materials, staff analysis (which is hereby incorporated into these findings, conclusions, and recommendation), SEPA review, agency and public comments received, and public testimony presented, the Plan Commission makes the following conclusions with respect to the text amendments to SMC 17C.122.010 and 17C.122.030 and the adoption of a pedestrian street designation for a portion of E 29th Ave at the Lincoln Heights District Center:

- 1. The Plan Commission finds that the proposed amendments bear a substantial relation to the public health, safety, welfare, and protection of the environment pursuant to the requirements outlined in SMC 17G.025.010(G).
- 2. The proposed text amendments will implement the goals and policies of the Comprehensive Plan.
- 3. 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.
- 4. SEPA review was completed for the Proposal.
- 5. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted Shaping Spokane goals and policies:
 - a. Chapter 3: Land Use – Policy LU 3.2 Centers and Corridors
 - b. Chapter 3: Land Use – Goal LU 4 Transportation

- c. Chapter 3: Land Use – Policy LU 4.2 Land Uses That Support Travel Options and Active Transportation
- d. Chapter 4: Transportation – TR 6 Commercial Center Access
- e. Chapter 4: Transportation – 4.4 Modal Elements

RECOMMENDATIONS:

In the matter of designating a portion of E 29th Ave as a pedestrian street and amending SMC 17C.122.010 and 17C.122.030 for clarity, based upon the above listed findings and conclusions, by a vote of **5 to 3**, the Spokane Plan Commission recommends City Council **APPROVE** the proposal. The Spokane Plan Commission 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 application.

Greg Francis
Greg Francis (Jan 12, 2024 06:00 PST)

Greg Francis, President
Spokane Plan Commission
Date: _____



E 29th Ave Pedestrian Street Designation

ADDITIONAL PUBLIC COMMENT

Department of Planning and Economic Development

Additional public comments received after the publication of the Staff Report and before January 12, 2024 are below.

Whitmarsh, Brandon

From: Plan Commission
Sent: Wednesday, January 3, 2024 2:31 PM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: FW: Planning meeting 1/10/24

More public comment

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Erica Wegner <kuiuipo7787@hotmail.com>
Sent: Wednesday, January 3, 2024 1:48 PM
To: Gardner, Spencer <sgardner@spokanecity.org>
Cc: Plan Commission <eraplanc@spokanecity.org>
Subject: Planning meeting 1/10/24

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To whom it may concern,

I am a long time resident of the Lincoln Heights neighborhood (20+ years for me, life long besides a stint in college for my husband). We both support keeping it pedestrian centered. We often see senior and minor pedestrians due to the many schools, shops, and retirement living facilities and we ourselves walk dogs regularly and ride bikes. We understand and value the importance of keeping our neighborhood designed and designated for pedestrian safety. Please support our neighborhood councils recommendation to have Lincoln heights designated as a pedestrian area.

Thank you,

Erica and Rudy Wegner

Whitmarsh, Brandon

From: Plan Commission
Sent: Thursday, January 4, 2024 11:16 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: FW: 29th Avenue Pedestrian Street Designation

Additional public comment.

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Carol Landa-McVicker <cj_99224@yahoo.com>
Sent: Thursday, January 4, 2024 11:10 AM
To: Gardner, Spencer <sgardner@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Subject: 29th Avenue Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I understand that there is a Plan Commission hearing on January 10 regarding designating 29th Avenue between Fiske St and St. Martin St. a pedestrian street. This is a high priority for our Lincoln Heights Neighborhood Council as we continue to work on current and long-term planning that provides a safe, neighborhood center particularly for pedestrians, bicycle riders and bus riders. Already local traffic is very congested along 29th Avenue and while designating it a "Pedestrian Street" will not alter current traffic patterns, it will provide guidance for future development along the corridor. Our neighborhood has many seniors and lower income residents who rely on safe pedestrian walkways and bus service. As our neighborhood center develops, we want to ensure that commercial and residential development supports a walkable environment and as much as possible reduces auto traffic with it's accompanying negative impact on air quality and the environment.

As a 20+ year resident of the Lincoln Heights Neighborhood, I urge you to recommend this designation to the City Council and thank you for your support of our neighborhoods.

Carol Landa-McVicker
2705 E Mount Vernon Dr
Spokane, WA 99223

(509) 534-3536 h
(509) 435-1506 c

"Our lives begin to end the day we become silent about things that matter." (Martin Luther King, Jr.)

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Monday, January 8, 2024 7:40 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: Fw: Pedestrian Street Designation for 29th Avenue

FYI

Spencer Gardner | Director | Planning Services

Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: John Beckius <jbeckius91@gmail.com>
Sent: Sunday, January 7, 2024 8:17 PM
To: City Council Members and Staff <citycouncil@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: Pedestrian Street Designation for 29th Avenue

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I'm writing to encourage you to support the pedestrian street designation for 29th near Regal.

East 29th avenue is adjacent to a number of local businesses and restaurants and I believe it has the potential to be a new Perry District given the right focus.

I live on Perry Street south of 29th and run most of my errands year round by bike. However, I generally avoid the area around 29th and Regal because of how unfriendly it is to bikers and pedestrians. As streets, 29th and Regal are both too dangerous to travel in the lanes and the sidewalks are never cleared in the winter, while the prevalence of gated communities nearby make it difficult to travel on parallel side streets. This means that I visit the businesses on East 29th much less often than I would like, and I tend not to spend any more time there than I have to.

While it's disappointing that the Pedestrian Street Designation for East 29th doesn't come with any proposals for lane, width, or speed reductions that would make the street safer or more viable for vulnerable road users, I think it represents a step in the right direction of transforming East 29th from a drive-thru laden strip mall into the community gathering place it could be.

Thank you,

John Beckius

Whitmarsh, Brandon

From: Plan Commission
Sent: Monday, January 8, 2024 11:39 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: FW: 29th Ave Centers and Corridors Pedestrian Designation

Additional public comment.

Thank you,

Angie McCall | she/her | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org

-----Original Message-----

From: Marilyn Lloyd <mdlloyd@comcast.net>
Sent: Monday, January 8, 2024 11:34 AM
To: Plan Commission <eraplanc@spokanecity.org>
Cc: mdlloyd@comcast.net
Subject: 29th Ave Centers and Corridors Pedestrian Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

We again confirm our support for the Centers and Corridors Designation of 29th Ave from Martin and Fiske Streets. As a number of our neighbors, we feel this is a good step in neighborhood safety. Your support of this issue will be appreciated.

Douglas and Marilyn Lloyd
3620 E 35th Avenue, 99223

Sent from my iPad

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Monday, January 8, 2024 2:48 PM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: Fw: Lincoln Heights Pedestrian Street Designation

FYI

Spencer Gardner | Director | Planning Services

Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Sandra Wicht <sewicht@att.net>
Sent: Monday, January 8, 2024 2:44 PM
To: Gardner, Spencer <sgardner@spokanecity.org>
Subject: Lincoln Heights Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am currently the Treasurer and Community Assembly rep for the Comstock neighborhood. I frequent the businesses in the Lincoln Heights district at least twice a week.

It's important for the larger South Hill Community to have the area on 29th carry the Pedestrian Street Designation. Focusing on pedestrian use and safety is consistent with Vision Zero Action Plan, 2014 South Hill Connectivity and Livability Strategic Plan and the City's Comprehensive Plan.

Returning home to Spokane as an adult, I can offer a first-hand perspective on the probable impact of a popular Chick Fil-A restaurant on a community. The traffic is a nightmare. The Chick Fil-A I most recently frequented in North Scottsdale was always busy. It wasn't a novelty attraction, it had opened in 2007. The parking lot was packed.

From the Arizona Republic May 17 , 2023 remarking on the long lines:

"If you can't get enough of Chick-fil-A, you will soon have more location options and hopefully shorter wait times. The restaurant recently unveiled plans for five new locations that are slated to open in metro Phoenix in 2023."

Auto and pedestrian safety on 29th is a known issue. The city council funded a 29th Avenue Corridor study in 2019. That study showed that in the five years prior to 2019, for the 29th Ave intersections between Grand and Ray, the Regal Street intersection had the most accidents, as well as the majority of injury accidents.

The traffic in the area is currently a problem with people making illegal turns off 29th to get to Trader Joe's. Any new business - specifically a drive thru - would make the whole area a traffic nightmare.

Thanks for listening.
Sandra Wicht
503-705-5501

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Monday, January 8, 2024 6:39 PM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: Fw: 29th Avenue Centers & Corridors Pedestrian Street Designation Plan

fji

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Shawn Terjeson <shawninmotion@gmail.com>
Sent: Monday, January 8, 2024 6:27 PM
To: Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: 29th Avenue Centers & Corridors Pedestrian Street Designation Plan

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To the Spokane Plan Commission,

I am writing to support the 29th Avenue Centers & Corridors Pedestrian Street Designation.

Everything I know about CC and Pedestrian Streets, I have learned from City of Spokane documents. Every time a Comprehensive Plan or a Centers and Corridors document talks about a neighborhood, the terms walkable and pedestrian friendly come up.

Recently I read the Briefing Paper to the Spokane Plan Commission Centers & Corridors Update Study Workshop, dated November 8, 2023. The paper characterizes District Centers such as Lincoln Heights as having, "Fairly pedestrian-hostile environments". As a walker and a biker, I can confirm their assessment.

The first time I walked into a Lincoln Heights Neighborhood Council meeting, I was struck by how avid everyone at the meeting was on the topic of traffic calming and pedestrian safety. They have been focused on these issues for years. I'm certain we will be focused on safety, inclusion and walkability for years to come. It does not matter that the pedestrian designation does not have funding for safety. Lincoln Heights will be visiting you, the Commission and the City Council, for a long time!

A pedestrian designation would be a foundation stone for our work. As a city, we have 20 years of good intentions. Please support the designation and help us turn these intentions into reality.

Best regards,

Shawn Terjeson
2607 E 35th Ave Spokane, WA 99223
ShawnInMotion@gmail.com
206-935-2646

Whitmarsh, Brandon

From: Karen Mobley <karen@karenmobley.com>
Sent: Monday, January 8, 2024 6:50 PM
To: karen@karenmobley.com; Plan Commission; City Council Members and Staff
Cc: jrichmond@spokanecity.org; Gardner, Spencer; Carol Tomsic; Whitmarsh, Brandon
Subject: SUPPORT 29th Ave Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Evening City Council and Plan Commission:

I am sending this email to you to follow up on a previous email that I sent in December. For some of you this is redundant, and I apologize.

Please SUPPORT the 29th Avenue Pedestrian designation which will be presented at the Plan Commission hearing on January 10, 2024. This is an important change for a significant business district on the south hill. I know that there is a well-articulated briefing paper for this recommendation which far exceeds my eloquence. As I said in my previous email, I believe this is one of the most dangerous areas for pedestrians in our city. My neighbors joke in a somber tone that they will not walk or let their kids walk in this area because the cars are moving too fast, too recklessly and because they don't want to be flattened like Wiley E. Coyote under an Acme anvil.

I believe we should be working to make this area safer and more desirable for all the neighborhood services especially mixed-use retail and many in our area do not have cars and use the bus or walk. We shouldn't have to risk our lives to shop in our neighborhood.

I am happy to share further information, but I trust my neighbors will be there and can help create greater understanding of the needs and concerns.

Sincerely,

Karen

Karen R. Mobley (she/her)
Artist, Writer, Art Consultant
3515 S. Lee Street
Spokane, WA 99203
karen@karenmobley.com
(509) 499 0784

www.karenmobley.com
www.spokanearts.org

Let love rule the world!

Whitmarsh, Brandon

From: Plan Commission
Sent: Tuesday, January 9, 2024 7:15 AM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: FW: East 29th Avenue Pedestrian Street Designation

Additional public comment

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Jeffrey Mergler <jeffreymergler@gmail.com>
Sent: Monday, January 8, 2024 4:11 PM
To: Gardner, Spencer <sgardner@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Cc: Sandra Wicht <sewicht@att.net>; Mary Ann McCurdy <maryannspokane1@gmail.com>; Carol Tomsic <carol_tomsic@yahoo.com>
Subject: East 29th Avenue Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am writing to you tonight to voice my 100% solidarity and support with the Lincoln Heights Neighborhood Council and their desire to attain "pedestrian street designation" on E 29th. The area in question between Martin and Fiske should support a walkable environment for all future residential and commercial environments.

One of my personal missions is to make Comstock a safe walkable and bikeable environment for residents. I know that Carol Tomsic shares the same vision for her neighborhood of Lincoln Heights. Therefore she has my full personal support on this matter.

Due to the timing of the upcoming meetings we are unable to have a full Comstock Neighborhood Council meeting and a vote in time for a resolution. However I am sure that such a resolution would receive a majority vote by our members and thus we would have passed a resolution by our council in support of the designation.

Jeff Mergler
Comstock Neighborhood Council Chair

Whitmarsh, Brandon

From: Plan Commission
Sent: Tuesday, January 9, 2024 2:26 PM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: FW: Pedestrian Street Designation on 29th Ave

More public comment

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Sally Phillips <phillips1948@comcast.net>
Sent: Tuesday, January 9, 2024 1:57 PM
To: sgardner@tooledesign.com; Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Cc: Carol Tomsic <carol_tomsic@yahoo.com>
Subject: Pedestrian Street Designation on 29th Ave

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I support the proposal to make a portion of 29th Avenue a pedestrian priority street.

I have lived in the Lincoln Heights area since 1984, and have attended Lincoln Heights Neighborhood Council meetings for about 20 years. During that time, the most-consistent concern I have heard expressed is about the speed and volume of traffic thru the neighborhood.

There are great things about living in Lincoln Heights. I enjoy living where shopping, medical and cultural services are close to my home and fairly-readily accessible by foot, bike and bus. However, being an inner-city neighborhood also has the disadvantage that we experience lots of traffic generated by development south of Lincoln Heights. I accept that there must be a balance in city guidelines to allow efficient traffic thru our

neighborhood, while also preserving safety and attractiveness for residents of LH. I hope that you feel, as I do, that agreeing to the give 29th Pedestrian Street Designation, is a proper balance of the needs of motorized and non-motorized travelers.

I am not expecting to see changes coming speedily from this new designation, but it will set us on the right course. It is my long-term dream for the Lincoln Heights business district that it be safely and pleasantly accessible to the neighborhood, that people will feel comfortable moving by foot between businesses on either side of 29th, and that trips to Thornton Murphy Park and the Senior and Activity Center can be made safely on foot. And I would like to continue my current practice of walking to the LH shops, even though as I get older, I feel a need for some street buffering to make me safe.

Thanks for your consideration.

Sally Phillips 509-448-6271

Whitmarsh, Brandon

From: Chris Bell <cbell@naiblack.com>
Sent: Wednesday, January 10, 2024 3:56 PM
To: Whitmarsh, Brandon
Cc: Dave Black; James Black; Jim Black; Tyler Black; Jared Black
Subject: Notice of Opposition - 29th Avenue Zoning Amendment Prohibiting Drive Thrus
Attachments: pc-public-hearing-29th-ave-pedestrian-street-designation-combined-notice-of-application-sepa.pdf

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am writing as a representative of Black Enterprises, LP that owns multiple parcels that will be adversely affected by this irrational and unjustified spot zoning by the City of Spokane to prohibit Drive Thrus in this micro trade area along 29th Ave. This will cause great economic harm to property owners and the taxpayers of Spokane.

As a property owner, we have not been provided any opportunity for Notice or Comment on the City's rushed plans to stop a Chick Fil A development at 29th and Regal and the unintended consequences of this unjustified action.

I urge the City Council and Plan Commission to table these discussions and engage with Property owners, tenants, and their employees on a rational discussion. Vote NO.



Christopher D. Bell, Esq., SIOR
Managing Broker
509-622-3538(d)
509-954-2001(c)
cbell@naiblack.com
www.linkedin.com/in/christopher-bell-7318855

801 W. Riverside Avenue Suite 300 Spokane, WA 99201

DISCLAIMER: The information contained in this email may be privileged and confidential, please destroy if it was not intended for you. I AM NOT PROVIDING YOU LEGAL ADVICE. SEEK INDEPENDENT LEGAL COUNSEL.

Washington Law of Agency Disclosure

<http://www.naiblack.com/wp-content/uploads/sites/55/Washington.pdf>

Idaho Law of Agency Disclosure

<http://www.naiblack.com/wp-content/uploads/sites/55/Idaho.pdf>

2021, 2020, 2019, 2018 Top Retail Leasing Broker
2021, 2020, 2018 Top Sales Broker
2021 Top Industrial Leasing Broker
2022 Top Office Leasing Broker



Whitmarsh, Brandon

From: John Stejer <john@stejerdevelopment.com>
Sent: Thursday, January 11, 2024 4:49 AM
To: Whitmarsh, Brandon
Cc: Chris Bell (cbell@naiblack.com); Black, Tirrell
Subject: Re: notice of opposition - 29th zoning amendment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

The two people that open our mail daily can testify we have not received the notices. Obviously, as a landowner that is now restricted, I would have commented on this and I would have certainly attended a workshop. Every quick service restaurant seeking to be in Spokane requires drive thru post pandemic. There is no need for buildings pushed to the street side, which means this section of 29th will remain blighted. This is very poor planning. Grapetree is an example this concept does not work. It's has struggled with vacancy and high turnover.

John

Sent from my iPhone

On Jan 10, 2024, at 5:21 PM, Whitmarsh, Brandon <bwhitmarsh@spokanecity.org> wrote:

Hello John,

Your comment has been added to the public record and given to plan commission.

Notices for this proposal were sent to all addresses within 400 ft of the proposal as well as owner and taxpayer addresses of parcels within that distance. Relating to the properties you mentioned, the following addresses were sent notices:

1. 29TH & REGAL, LLC PO BOX 9368, Spokane, WA 99209 (taxpayer and owner based on county assessor information)
2. 2905 S REGAL ST, Spokane, WA 99223
3. 908 E 29TH AVE, Spokane, WA 99223
4. 2917 S REGAL ST, Spokane, WA 99223

I have attached the two notices that were sent.

Thank you,
<image002.png>

Brandon Whitmarsh (*he/him*) | City of Spokane | Planner I | Planning & Economic Development
509.625.6846 | dept. 509.625.6500 | bwhitmarsh@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: John Stejer <john@stejerdevelopment.com>
Sent: Wednesday, January 10, 2024 3:44 PM
To: Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>

Cc: Chris Bell (cbell@naiblack.com) <cbell@naiblack.com>

Subject: notice of opposition - 29th zoning amendment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Brandon,

I was just now notified from Chris Bell about the meeting today where you and staff intend to amend the zoning map to preclude future drive thrus on 29th. We own where Miller's Hardware, Little Caesar and Zips is located. I did NOT receive notice of this meeting. Be formally notified we oppose this action.

John Stejer

<image003.png>

John W. Stejer, CCIM, CPM[®]

President

v. 509.482.0308

f. 509.482.5716

www.stejerdevelopment.com

<29th Ave Pedestrian Street Designation - Notice of Intent to Adopt - Mailing.pdf>

<29th Ave Pedestrian Street Designation - Combined Notice of Application SEPA PC Public Hearing.pdf>



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City Plan Commission	
Subject:	29th Avenue Pedestrian Street Designation, Fiske Street to Martin Street; zoning overlay specific to Centers & Corridors	
Staff Contact:	Tirrell Black, AICP Assistant Planning Director tblack@spokanecity.org	Brandon Whitmarsh Planner I bwhitmarsh@spokanecity.org
Report Date:	January 2, 2024	
Hearing Date:	January 10, 2024	

I. SUMMARY

On October 2, 2023, Spokane City Council passed Resolution 2023-0084 adding the review of a pedestrian street designation in the Lincoln Heights neighborhood to the Spokane Plan Commission's work program. The area for consideration of a pedestrian street zoning designation, which is a zoning overlay unique to the Centers & Corridor zoning category, is .66 miles of E 29th Ave between S Martin St and S Fiske St. This stretch of 29th Avenue is consistent with the existing extent of CC1-DC (Center and Corridor, Type 1, District Center) and CC2-DC (Center and Corridor, Type 2, District Center) zoning along E 29th Avenue.

A pedestrian street is a zoning designation which can only be applied in center and corridor zones and is intended to promote a pedestrian friendly environment through reduced sidewalk interruptions, use limitations, the requirement of public amenities, and additional design requirements found within SMC 17C.122.060 Attachment "A". The addition of a pedestrian street designation would prohibit new "drive-through businesses" in the area (SMC 17C.122.070). Existing drive-through uses may continue as legal nonconforming uses, but new drive-through business uses could not be established if this proposal is adopted.

To clarify the location of existing pedestrian street designations and to aid in implementation of the centers and corridors pedestrian street design standards and guidelines outlined in SMC 17C.122.060, this proposal also includes clarifying amendments to SMC 17C.122.010 and SMC 17C.122.030.

II. BACKGROUND AND PROPOSAL

The City received a request from the Lincoln Heights Neighborhood Council to designate the portion of E 29th Ave between S Martin St and S Fiske St as a Pedestrian Priority Zone and outlined previous and current neighborhood and planning efforts to establish a more walkable area around the Lincoln Heights District Center and throughout the neighborhood. On October 2, 2023, Spokane City Council passed Resolution 2023-0084 adding a review of the proposal to the Spokane Plan Commission's work program (**Exhibit A**).

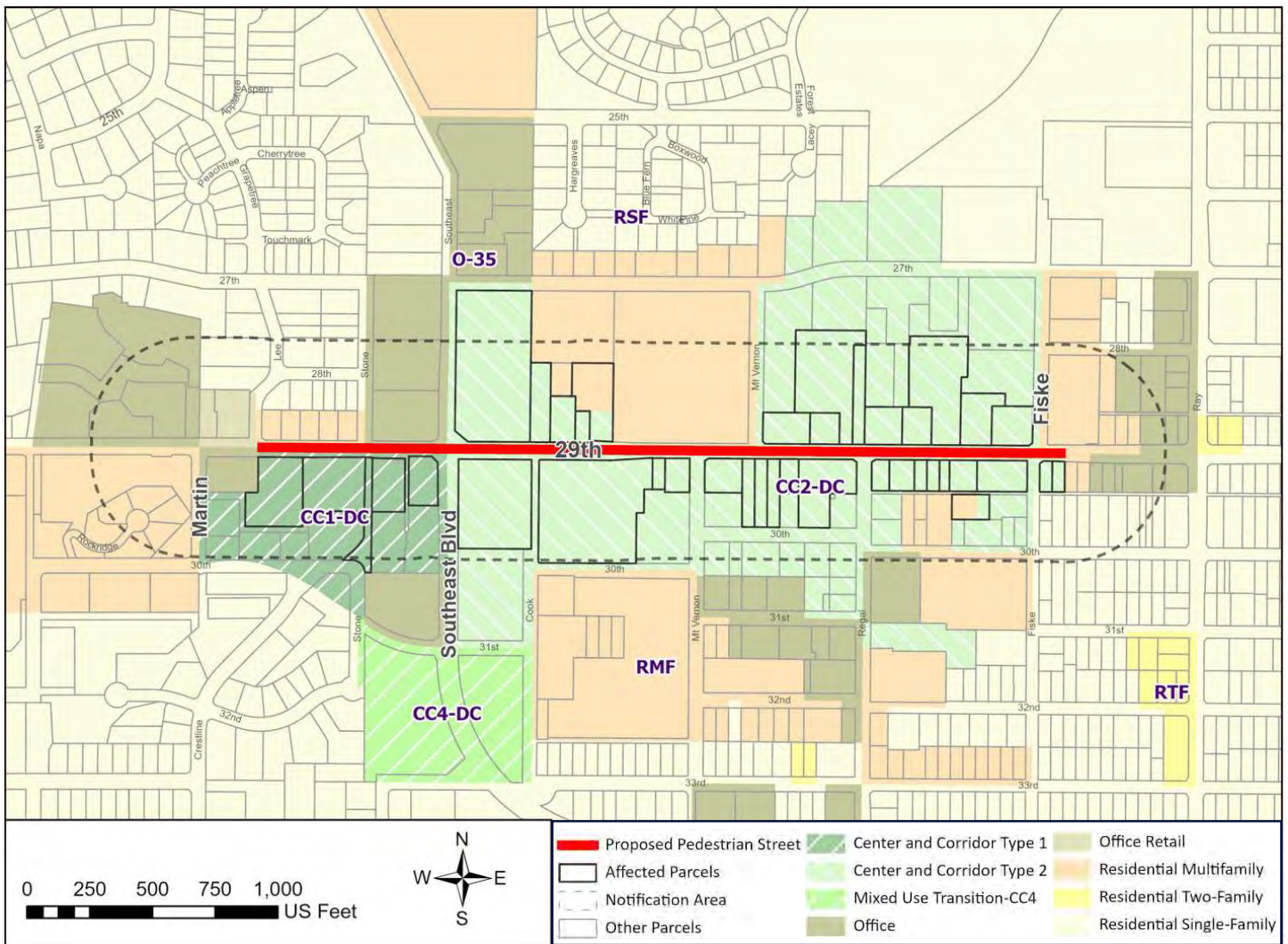


Figure 1 Existing Zoning at Lincoln Heights District Center and the 29th Ave proposed pedestrian street designation.

The Lincoln Heights District Center consists of both Type 1 (CC1-DC) and Type 2 (CC2-DC) zoning. The area south of E 29th Ave and west of S Southeast Boulevard is designated Type 1 center and corridor zoning, which promotes the greatest pedestrian orientation of the center and corridor zones. To the east, between S Southeast Boulevard and S Fiske St, most of the area along E 29th Ave is designated as Type 2 center and corridor zoning. In addition to the CC1-DC and CC2-DC zoning, there is a mix of residential zones as well as Office, Office Retail, and Residential Multifamily (RMF) zoning in this area. As a District Center, Lincoln Heights is at the intersection of two arterials, E 29th Ave and S Regal St, and is envisioned to serve a larger portion of the city through more intense residential and commercial activities than a Neighborhood Center. As such, District Centers do not have the same limitations on the scale of retail, commercial, and dining establishments that Neighborhood Centers have. District Centers also have more frequent transit service, are intended to serve needs via walking, biking, and transit, and have better access to green space and other amenities.

Anchor businesses along E 29th Ave in this area include Rosauers Supermarket, Huckleberry's Natural Market, Safeway, Trader Joes, and Miller's Hardware. The Lincoln Heights Shopping Center and surrounding structures house several businesses that serve the neighborhood dating back to the 1950s. The area has several office buildings and drive through businesses, both active and vacant, as well as vacant parcels along E 29th Ave at S Regal St and at S Fiske St. In the surrounding residential zones, there are several older multifamily developments such as the Lincoln Terrace Garden Apartments and Mt. Vernon Terrace Apartments, some are market rate, and some provide senior and/or HUD housing. To the southwest, the South Hill Park and Ride provides convenient access to transit. To the northeast, on E 27th Ave and S Ray St, Thornton Murphy Park and the Southside Senior Activity Center provide additional amenities. As a major arterial, E

29th Ave is used as a significant east-west connection on the South Hill with a range of about 16,500 to 19,500 average daily trips (ADT) along the length of the proposal area. Sidewalks in the area range from approximately 5ft to 8ft wide.

For pedestrian accessibility across E 29th Ave, there are two signalized intersections, at S Southeast Blvd and at S Regal St, and an additional three marked, but uncontrolled crossings at Rosauers (mid-block), Mount Vernon St, and Fiske St. A rapid flashing beacon and overhead lighting is funded and scheduled for construction in Spring of 2024 at the currently uncontrolled Rosauers crossing. Fiske St has also been identified as a neighborhood greenway in the Bicycle Master Plan, adopted in Part VI of Appendix D of the Comprehensive Plan. No improvements to Fiske St are currently funded.

Adding A Pedestrian Street Designation:

This zoning overlay designation can be applied to any street where adjacent parcels have center and corridor zoning. The City’s Comprehensive Plan does not provide specific criteria for the placement of Pedestrian Streets. Pedestrian streets are defined in SMC 17A.020.160(K) and where applied require additional development and design standards to promote a pedestrian friendly environment (see SMC 17C.122.060 Attachment “A”). Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

Pedestrian street designation in the CC zones also impacts permitted uses, specifically related to drive through businesses, which are not permitted on parcels with frontage on a pedestrian street (See SMC Table 17C.122-1). The pedestrian street zoning designation and accompanying standards and guidelines apply to any parcel that has center and corridor zoning and abuts the right of way on the designated street. The proposed pedestrian street designation could be applied to the full extent of the center and corridor zoning along E 29th Ave, which is approximately 100 feet east of the intersection at Fiske St & 29th and continues almost to Martin Street on the west. It could also be applied in a smaller area if desired.

The table below shows the additional standards that would be applied within a pedestrian street designation (SMC 17C.122.060 Attachment “A” (**Exhibit B**)).

Additional Pedestrian Street Standards and Guidelines (SMC 17C.122.060, Attachment A)	
Topic	Guidelines
Parking Location	Parking lots shall not be located between a building and a Pedestrian Street.
Curb Cuts	Curb cuts within an ownership should be spaced at no less than 125 feet apart along a principal or minor arterial, and no more than 100 feet apart along a collector arterial. Curb cuts shall not be located along a designated Pedestrian Street. Access to parking should be from the alley, or from a side street if access from the alley is not possible. Access to parking shall not be from a Pedestrian Street unless no other means of access is possible.
Streetscape Elements	Publicly-usable site furnishings such as benches, tables, bike racks and other pedestrian amenities shall be provided at building entrances, plazas, open spaces, and/or other pedestrian areas for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities. Specific types of site furnishings shall be approved by the City.
Entrances	The Primary entrance to the building shall be visible from and fronting on a Pedestrian Street.
Max Setback	Along Pedestrian Streets, buildings shall be set up to the back of the required sidewalk (see Setbacks section of Land Use Code for Centers and Corridors), except for a setback up to 10 ft. for the purpose of providing a publicly accessible “plaza,” “courtyard,” or recessed entrance.
Ground level Details	Façades of commercial, residential, and mixed-use buildings that face Pedestrian Streets shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements: <ul style="list-style-type: none"> a. kickplates for storefront windows b. projecting sills c. pedestrian scale signs d. canopies

- | | |
|--|---|
| | <ul style="list-style-type: none">e. plinthsf. containers for seasonal plantingg. tileworkh. medallionsi. rolling doors or windowsj. if building is on the Spokane Register of Historic Places, the Secretary of the Interior's Standards for Rehabilitation historic design guidelines shall apply. |
|--|---|

Existing Pedestrian Street Designations:

There are several existing pedestrian streets designated throughout the city in center and corridor zoning designations. Additionally, the Hamilton Form Based Code restricts the development of drive throughs in a way similar to the pedestrian street designation, with a design emphasis on a pedestrian friendly environment.

Currently designated pedestrian streets, in Center and Corridor areas are listed below:

1. North Market St between E Nebraska Ave and E Wabash Ave
2. W Garland Ave between N Madison St and N Howard St
3. E Buckeye Ave between N Hamilton St and N Denver St
4. N Columbus St between E North Foothills Dr and E Marietta Ave
5. N Monroe St between W Montgomery Ave and W Boone Ave
6. W Broadway Ave between E Elm St and N Maple St
7. E Sprague Ave between Madelia St and Napa St
8. E Newark Ave/S Perry St between E 7th Ave and 67.5 feet north of the E 12 Ave ROW
9. S Grand Blvd between E Sumner Ave and E 14th Ave



Figure 2 City of Spokane extent of existing pedestrian street designations and the proposed designation of E 29th Ave.

The table below outlines the location, length of the pedestrian street designation, Center and Corridor land use typology, and number of drive-through facilities on the existing pedestrian streets as well as for the area of E 29th Avenue currently under consideration.

Pedestrian Street Comparison					
Street	Length (Mi)	Typology	Drive Through Facilities		
			Active	Vacant	Not In Use
N Market St	.43	Corridor	0	0	0
W Garland Ave	.37	Neighborhood Center	0	0	0
E Buckeye Ave	.27	Employment Center	0	0	0
N Columbus St	.13	Employment Center	0	0	0
N Monroe St	.73	Employment Center	3 (fast food & bank)	0	0
W Broadway Ave	.21	Neighborhood Center	0	0	0
E Sprague Ave	.21	Employment Center	0	0	0
E Newark/S Perry St	.28	Neighborhood Center	0	0	0
S Grand Blvd	.23	Neighborhood Center	0	0	0
E 29 th Ave (Proposed)	.66	District Center	7 (banks, coffee, pharmacy, & fast food)	1 (fast food)	1 (formerly coffee, now a cocktail bar)

In general, existing pedestrian streets have a framework of structures built to the street as well as opportunities, such as lower intensity residential uses or vacant land, to reinforce that pedestrian friendly context over time. Sidewalks on existing pedestrian streets are wide and predominantly in the right of way with a mix one and two lanes of travel in each direction. Most pedestrian streets do not have any drive through businesses on them and are generally not District Center designations on the Land Use Plan Map.

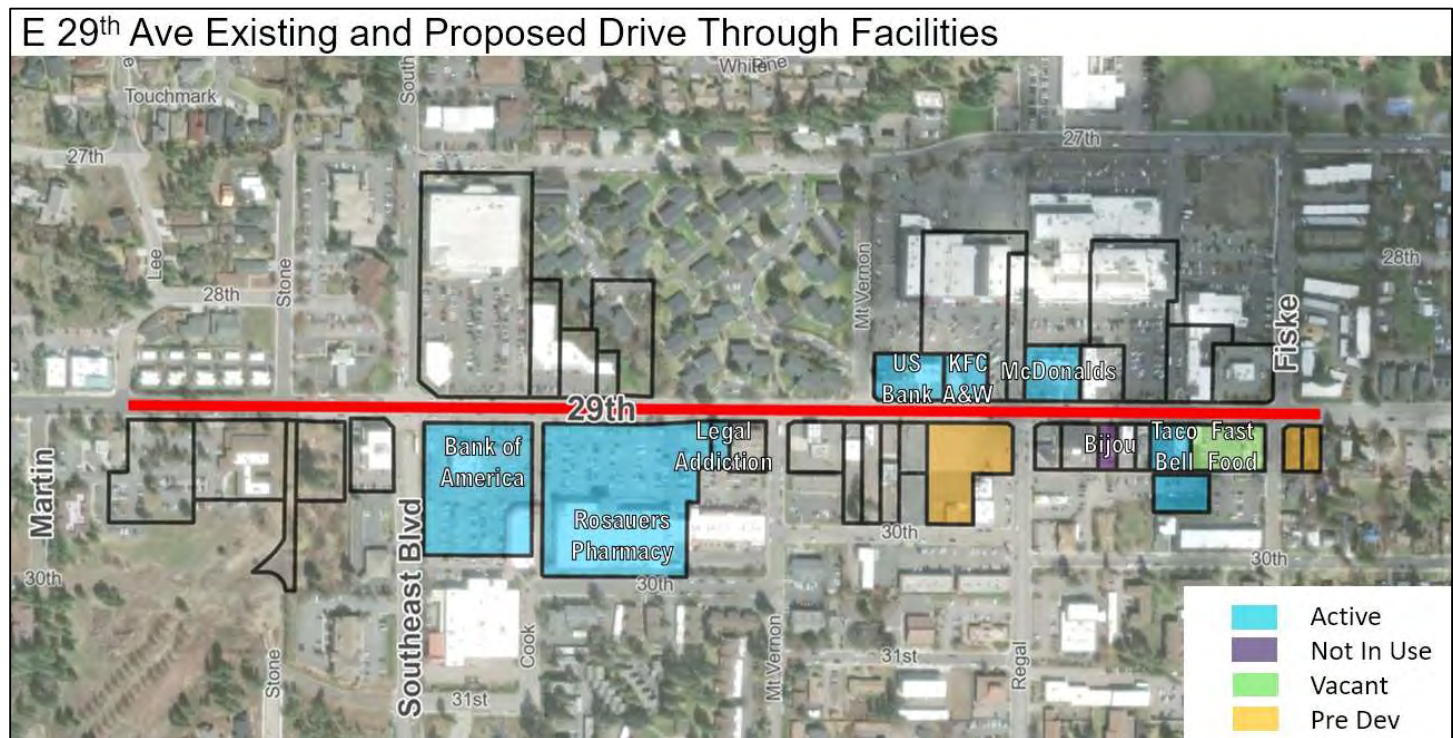


Figure 3 Existing and proposed drive through businesses on E 29th Ave that would become legal nonconforming or be prohibited from developing.

The proposal for the designation of E 29th Ave would be the second longest pedestrian street designation, after N Monroe St, and would have the largest number of drive throughs, which would become legal nonconforming uses. The map above highlights the locations of existing drive through facilities (active), vacant, occupied but not using drive through (not in use), and sites where predevelopment meetings indicate interest in future drive through businesses (pre dev).

Municipal Code Amendments:

To clarify the location of existing pedestrian street designations and aid in implementation of the Centers and Corridors Pedestrian Street Design Standards and Guidelines outlined in SMC 17C.122.060, City Staff recommend amendments to SMC 17C.122.010 and SMC 17C.122.030. SMC 17C.122.030 is suggested to be repurposed as a SMC section specific to pedestrian street designations, containing a description of what a pedestrian street designation is, where it can be applied, and establishing a list of designated pedestrian streets. Some of the existing language in SMC 17C.122.030 will be moved to SMC 17C.122.010, the intent section for the centers and corridors chapter, where staff believes it should be housed. A draft ordinance containing these text amendments can be found in **Exhibit C**.

III. PROCEDURAL STEPS

DEVELOPMENT CODE AMENDMENT PROCEDURE

Article III Section 21, Amendments and Repeals, of the City of Spokane Charter provides for the ability of amendments of the Charter and Spokane Municipal Code through ordinances. Title 17 is known as the Unified Development Code (UDC) and is incorporated into the Spokane Municipal Code to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA). Section [17G.025.010](#) establishes the procedure and decision criteria that the City uses to review and amend the UDC. The City may approve amendments to the UDC if it is found that a proposed amendment is consistent with the provisions of the Comprehensive Plan, and bears a substantial relation to public health, safety, welfare, and protection of the environment.

ROLE OF THE CITY PLAN COMMISSION

The proposed text amendments require a review process set forth in Section 17G.025.010(F) SMC. The Plan Commission is responsible for holding a public hearing and forwarding its findings, conclusions, and recommendations to the City Council. Utilizing the decision criteria in 17G.025 SMC, the Plan Commission may recommend approval, modification, or denial of the proposal.

The Plan Commission may incorporate the facts and findings of the staff report as the basis for its recommendation to the City Council or may modify the findings as necessary to support their final recommendation.

ROLE OF CITY COUNCIL

The City Council will also conduct a review process considering the proposed text amendment, public comments and testimony, the staff report, and the Plan Commission's recommendation. The final decision to approve, modify, or deny the proposed amendment rests with the City Council. Proposals adopted by ordinance after public hearings are official amendments to the Spokane Municipal Code.

COMMUNITY ENGAGEMENT

Following Resolution 2023-0084, a project webpage was created with additional details on what pedestrian street designations are, a map of the proposal, a SEPA Environmental Checklist, and relevant recent planning efforts in the area. Staff also tabled at the Spokane Neighborhood Summit Resource Fair on November 4, 2024 and have spoken with numerous residents, property and business owners, and prospective developers in the area.

Plan Commission held a workshop, which was open to the public, on December 13, 2023 to discuss the proposal.

Mailed notice to property owners, taxpayers and residents was performed for Notice of Intent to Adopt on November 7, 2023 and again with Notice of Plan Commission Public Hearing and SEPA Determination on December 20, 2023.

PUBLIC NOTIFICATION AND SEPA REVIEW

As outlined in Section 17G.025.010 SMC, notices of proposals to amend the UDC are distributed and interested parties should be made aware of such proposals during the Plan Commission review, including the SEPA checklist and determination. Similarly, a public notice published in the *Spokesman-Review* fourteen days prior to the Plan Commission public hearing is required.

This proposal was properly noticed pursuant to Section 17G.025.010(E). See **Exhibit D** for the SEPA Determination of Non-significance issued on December 20, 2023.

- Notice of Intent to Adopt submitted to the Department of Commerce (November 7, 2023)
- Notice of Intent to Adopt pursuant to 17G.025.010 SMC, which included the SEPA Checklist, emailed to City departments, Local, County, Tribal, and State contacts. Neighborhood Council contacts were also included (November 7, 2023)
- Notice of Intent to Adopt mailed to property owners, taxpayers, and residents within 400ft of the proposal (November 21, 2023)
- Notice of Intent to Adopt published in the City Council Gazette (November 22, 2023)
- SEPA Determination of Non-significance (DNS) issued (December 20, 2023)
- Notice of Public Hearing for the Plan Commission was published in the *Spokesman-Review* (December 27, 2023 and January 3, 2024)
- Notice of Public Hearing for the Plan Commission posted at City Hall, Central Library, and South Hill Library (December 20, 2023)
- Notice of Public Hearing for the Plan Commission mailed to property owners, taxpayers, and residents within 400ft of the proposal (December 20, 2023)
- Notice of Public Hearing for the Plan Commission published in the City Council Gazette (December 27, 2023)

COMMENTS RECEIVED

Written comments received prior to January 3, 2024, were provided to the Plan Commission attached to the agenda packet for the scheduled January 10, 2024, public hearing as **Exhibit E**. Additional written public comment received after January 3, 2024 will be forwarded via email to the Plan Commissioners prior to the Public Hearing. Additional oral testimony may also be provided at the Plan Commission Public Hearing on January 10, 2024.

Notice of this proposal was sent to City departments and outside agencies for their review. Department and outside agency comments are included in this report as **Exhibit F**. A comment received regarding Spokane Transit Authority (STA) transit service in the vicinity of the proposal and the SEPA Checklist was updated to reflect this comment. No further substantive comments were received.

IV. ANALYSIS

NEIGHBORHOOD PLANNING

There have been multiple recent neighborhood planning efforts in the vicinity of this proposal over the last decade highlighting the community's desire for improving the pedestrian experience. There are also older planning documents, such as the Lincoln Heights Neighborhood Improvement Plan from the mid 1990's, that identify traffic calming measures along E 29th Ave and pedestrian access to Thornton Murphy Park as important.

SOUTH HILL COALITION CONNECTIVITY AND LIVABILITY STRATEGIC PLAN

In 2012, Cliff Cannon, Comstock, Lincoln Heights, Manito/Cannon Hill, and Rockwood neighborhoods came together to form the South Hill Coalition. [The South Hill Coalition Connectivity and Livability Strategic Plan](#), adopted in 2014, was the culmination of these neighborhoods pooling their neighborhood planning funds to create a coordinated plan for connectivity and a higher quality of life for residents and visitors alike.

A priority brought forward by the Lincoln Heights Neighborhood in the development of this plan was to "Improve walkable access to Lincoln Heights Shopping Center and to nearby parks" (pg. 16). One of the goals for the final plan was "**Complete Neighborhoods**. Ensure access to and between South Hill destinations including residential areas, schools, shopping,

restaurants, parks and recreation facilities.” This goal was accompanied by strategy “**CN-3**: Explore opportunities to enhance arterials. Examples include addition of bike lanes, bulb outs, raised crossings, planted medians, bus shelters, street furnishings, trash cans, bike racks, etc.” (pg. 30).

Chapter 3 of the South Hill Coalition Plan highlights priority projects such as greenways, streetscape improvements, bike routes, potential linkages, and transit improvements. In the area of the pedestrian street proposal, the plan proposed arterial streetscape improvements for a portion of S Southeast Boulevard and a portion of E 29th Ave. These streetscape improvements were ranked as a “higher priority project” with the following notes “very few pedestrian amenities; mid-block crossing would benefit from additional improvements; opportunities for driveway consolidation” (pg. 43). In Chapter 4: Supporting Strategies & Programs, the plan also acknowledged that widespread pedestrian environment improvements accomplish stated goals in the plan (pg. 50).

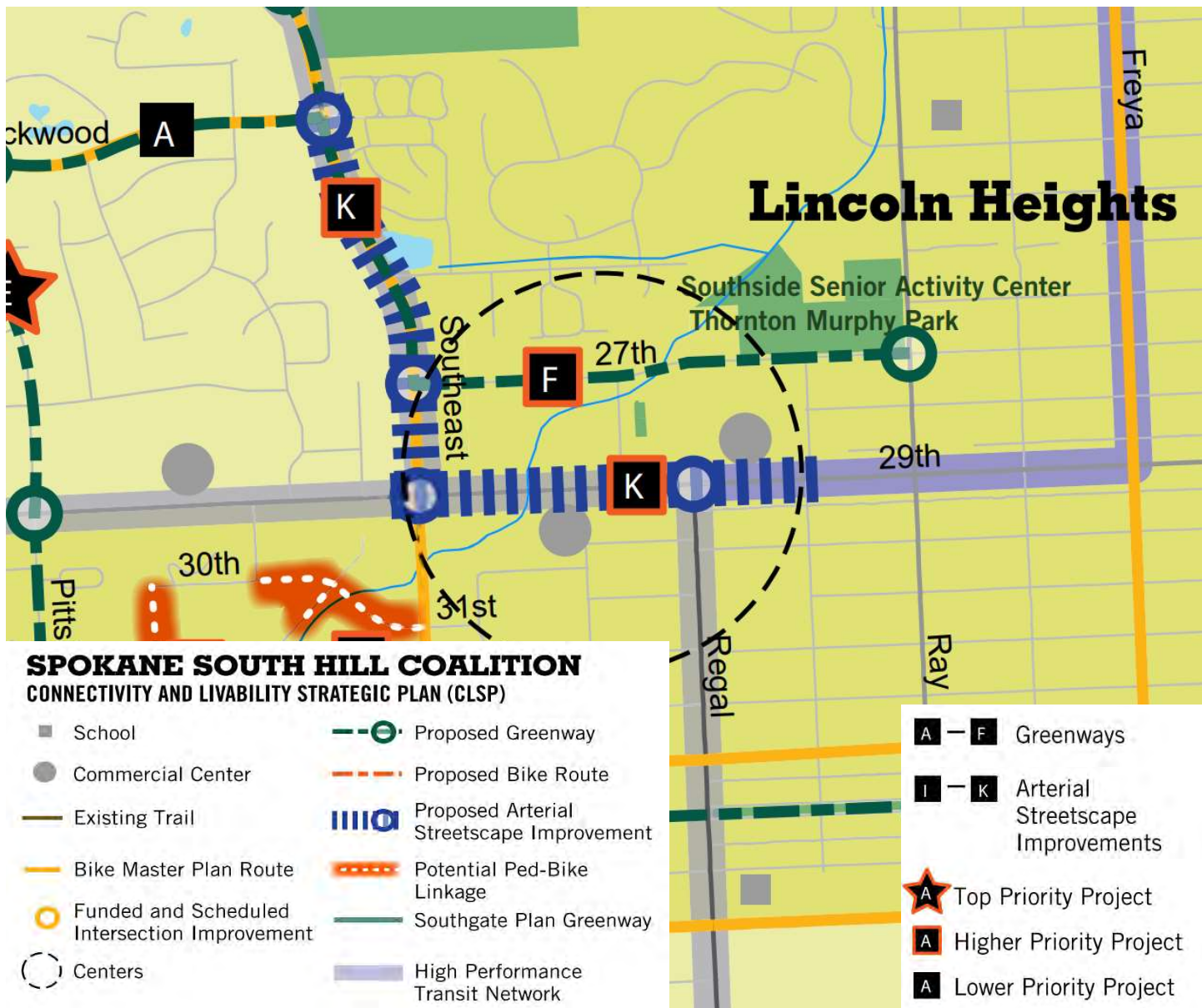


Figure 4 Excerpt of map from South Hill Connectivity and Livability Study Priority Projects around the proposed E 29th Ave pedestrian street designation.

LINCOLN HEIGHTS DISTRICT CENTER MASTER PLAN

In 2016, the [Lincoln Heights District Center Master Plan](#) was adopted with the goal of guiding future growth and development in the District Center to “help improve pedestrian safety and walkability, and support a more diverse transportation mix. Improvements to public spaces are also called for, leveraging the power of parks and recreational facilities to create a more

desirable, walkable center” (1-1). While this plan studied a larger portion of Lincoln Heights than the pedestrian street designation proposal on E 29th Ave, it provides context for the community’s desires for this area and goals for the future of the District Center.

Speaking to the scale of the District Center, the plan states that “the area within a three-mile radius surrounding Lincoln Heights shows a significant retail surplus - meaning people from surrounding areas are coming to the district to spend retail dollars” (2-15). This confirms the notion that the Lincoln Heights District Center serves a larger population than the less intense Center typologies and that higher traffic volumes in this area are both related to the draw of the District Center as well as E 29th Ave being a “major commuter corridor” (1-2).

In the plan, sidewalks along E 29th Ave and S Ray St are described as “present, but narrow widths and tight proximity to fast-moving cars and trucks make walking along these corridors unpleasant” (1-3). The preferred scenario that was developed through this plan included busier sidewalks, shops that cater to pedestrians, bicyclists, and transit riders, reduced surface parking lots, structures built to the street, improved walkability and neighborhood connectivity, and a transformed 29th Ave with a 3-lane section in the heart of the district (1-5-1-6). A key strategy called for in the plan to achieve these goals is a 29th Ave corridor study of pedestrian realm improvements and multimodal safety and comfort (1-6).

At the Storefront Studio held during the process of creating the Lincoln Heights District Center Master Plan residents prioritized the following projects or actions as most critical: “pedestrian crosswalks and signals; creating an association to promote, advocate, and coordinate the district; create mid-block pathways to improve connectivity; and working to improve addressing of storefronts to pedestrians” (3-9).

TRAFFIC STUDIES

A [corridor study](#) was conducted on E 29th Ave in 2019 following previous planning efforts by the community and the city. The study identified that there were no dedicated bicycle facilities on E 29th Ave or on any intersecting roads in the proposal area.

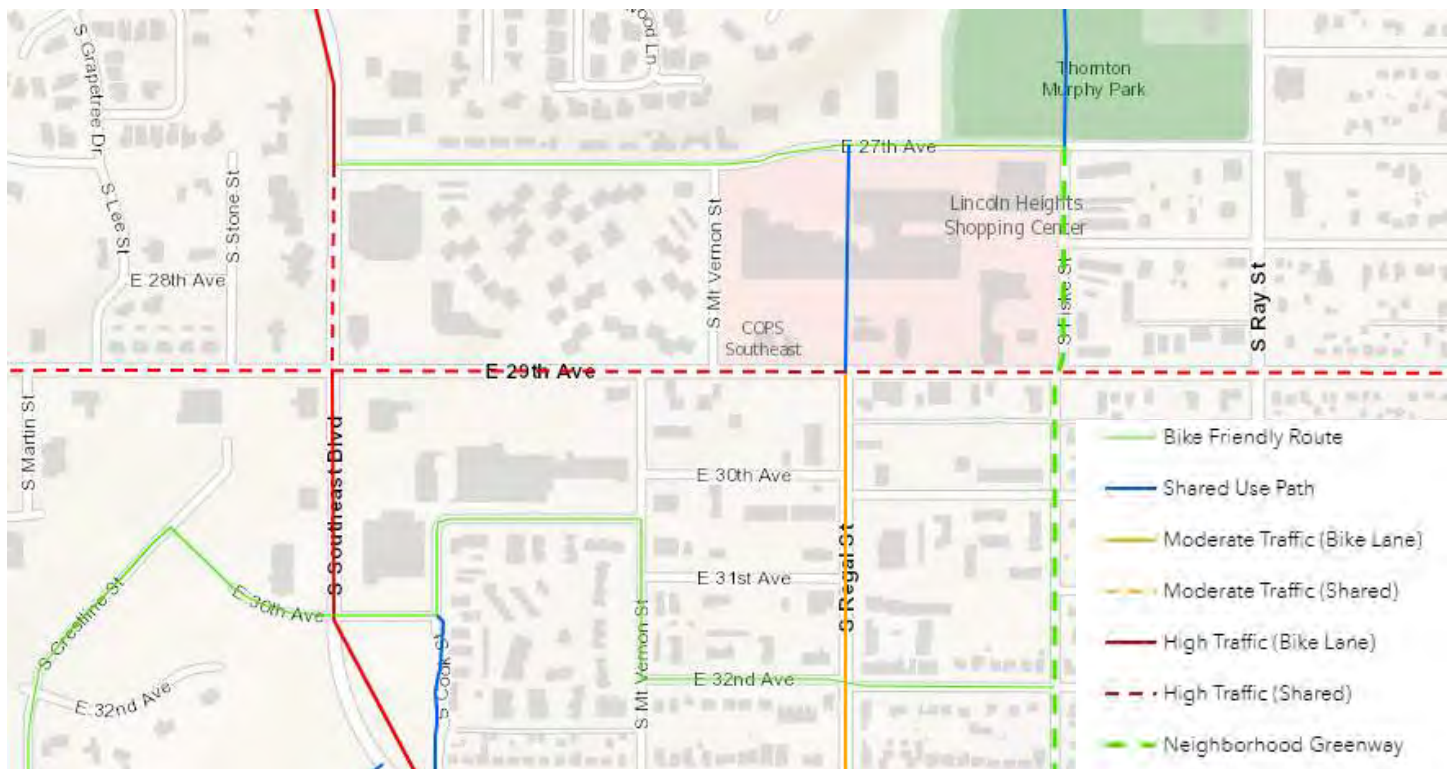


Figure 5 Bicycle facilities and proposed facilities in the vicinity of the proposed E 29th Ave pedestrian street designation from the Bicycle Master Plan, Part VI of Appendix D of the Comprehensive Plan.

29th Avenue Safety and Access Survey (pg. 6)

- Around 40 percent of the responses suggested users felt unsafe or uncomfortable when walking across or along 29th Avenue. People most often felt that traffic was too fast and busy, traffic signals were too far apart, and the roadway was too wide to cross.
- Around 35 percent of the responses suggested users felt unsafe or uncomfortable when biking across or along 29th Avenue, and another 25 percent avoid it for the same reasons. People most often felt that traffic was too fast and busy, intersections lack access to bike-appropriate streets, and that the corridor does not have enough bike route crossings.
- Around 10 percent of the responses suggested users felt unsafe or uncomfortable when accessing transit along 29th Avenue, and another 20 percent avoid it for the same reasons. People most often felt that traffic was too fast and busy to cross and access a transit stop, and that traffic signals were too far apart.

The study also identified that out of the eleven intersections studied, E 29th Ave and S Regal St experienced the most collisions per million entering vehicles (pg. 9). The table below summarizes the studied intersections.

Study Intersections	Total Collisions (2013 to 2017)	Collision Type				Collision Severity		Collision Rate per MEV*
		Rear-end	Turning	Pedestrian / Bike	Other	Property Damage Only	Injury	
29th Avenue / Grand Boulevard	19	4	7	2	6	5	12	0.41
29th Avenue / Arthur Street	5	1	1	0	3	1	4	0.19
29th Avenue / Perry Street	15	8	5	0	2	9	6	0.50
29th Avenue / Pittsburg Street	2	1	0	0	1	2	0	0.08
29th Avenue / Southeast Boulevard	22	4	10	3	5	7	14	0.53
29th Avenue / Regal Street	29	8	15	2	4	14	15	1.06
29th Avenue / Ray Street	23	9	8	3	3	14	9	0.61
Regal Street / Southeast Boulevard	14	6	2	0	6	8	6	0.54
37th Avenue / Regal Street	20	7	6	1	6	10	10	0.57
Supplemental Intersections								
29th Avenue / Garfield Street	6	1	0	0	5	4	2	n/a
29th Avenue / Martin Street	2	1	1	0	0	1	1	n/a

Note: * Per MEV = Crashes per million entering vehicles

Figure 6 Vehicle collision information from intersections studied as part of the 29th Ave Corridor Study in 2019.

The corridor study states that the National Cooperative Highway Research Program worksheets that were completed “did not indicate installing enhanced crossing treatments would be warranted. This is primarily due to low pedestrian crossing activity combined with high vehicle volumes and wide crossing widths. To increase crossing safety and comfort, a center median is needed to provide a pedestrian refuge and break up the long crossing distance. However, the 29th Avenue right-of-way is constrained at each potential crossing location, and a median would likely require removal of a travel lane or obtaining additional right-of-way. This is not currently an option, so a median was not recommended. The city has been collecting 7.5 feet of right of way as lots are being developed along 29th Avenue for a future center turn lane. If development in the future allows for a center turn lane, it would allow for safety improvements including a median and pedestrian refuge at crossings” (pg. 19).

The study identified a number of suggested improvements at the following locations (pg. 20).

- Martin Street Crossing
 - Martin Street is located approximately 1,000 feet west of the Southeast Boulevard signalized intersection. Install lighting as needed to meet recommend lighting levels for crossings
- Rosauers Crossing
 - The Rosauers Crossing is located approximately 600 feet east of the Southeast Boulevard signalized intersection. This location connects the neighborhood to the north to the Rosauers Shopping Center and the eastbound bus stop. A recent pedestrian fatality (in November 2018) occurred at this crossing. The city is planning on improvements here and submitted a grant application in 2018.
- Mt Vernon Street Crossing
 - The Mt Vernon Street Crossing is located approximately 400 feet west of the Regal Street signalized intersection. This location connects the shopping centers on the north and south side of 29th Avenue and the westbound bus stop. The city is planning on improvements here and submitted a grant application in 2018.

Improvements to the Rosauers crossing, including overhead lighting and a rapid flashing beacon, is now been funded and is scheduled for construction in Spring 2024.

[A study published in 2021](#) on the alternatives for the Ray-Freya alignment also highlighted planned nonmotorized improvements in the vicinity of the E 29th Ave pedestrian designation proposal noting that “the bicycle plan includes a pathway through Thornton Murphy Park that will connect to a designated bike route on Fiske Street. The Fiske Street route will continue south across 29th Avenue towards Ferris High School” (pg. 8).

IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND POLICIES

Section [17G.025.010](#) SMC establishes the review criteria for amendments to the Unified Development Code. In order to approve an amendment, City Council shall consider the findings and recommendations of the Plan Commission along with the approval criteria outlined in the Code. Review of the Comprehensive Plan goals and policies indicates that the proposal meets the approval criteria for internal consistency set forth in SMC 17G.025.010(G). Excerpts of the applicable goals and policies, and the full [Comprehensive Plan](#) discussion text, are contained in **Exhibit G**.

17G.025.010(G) APPROVAL CRITERIA

1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan.

Comprehensive plan policies for consideration:

Chapter 3: Land Use – Policy LU 1.14 Nonconforming Uses

Chapter 3: Land Use – Policy LU 2.1 Public Realm Features

Chapter 3: Land Use – Policy LU 2.2 Performance Standards

Chapter 3: Land Use – Policy LU 3.2 Centers and Corridors

Chapter 3: Land Use – Policy LU 3.4 Planning for Centers and Corridors

Chapter 3: Land Use – Goal LU 4 Transportation

Chapter 3: Land Use – Policy LU 4.2 Land Uses That Support Travel Options and Active Transportation

Chapter 3: Land Use – 3.4 Description of Land Use Designations

Chapter 4: Transportation – TR Goal B Provide Transportation Options

Chapter 4: Transportation – TR 1 Transportation Network For All Users

Chapter 4: Transportation – TR 5 Active Transportation

Chapter 4: Transportation – TR 6 Commercial Center Access

Chapter 4: Transportation – 4.4 Modal Elements

Chapter 8: Urban Design and Historic Preservation – Policy DP 2.10

The complete goals and policies referenced above are contained in **Exhibit G**.

2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.

Staff Analysis: The proposed amendments bear a substantial relation to public health, safety, welfare, and the protection of the environment. There are three primary impacts anticipated from the adoption of this proposal:

1. The proposal would result in the application of design standards and guidelines which have the potential to reduce curb cuts along E 29th Ave over time. Curb cuts present pedestrian-vehicular conflicts which have the possibility of reducing pedestrian safety.
2. The proposal would prohibit new automobile-oriented land uses, particularly drive-through facilities, and may lead to phasing out existing drive-through facilities over time through redevelopment. Drive-through facilities by definition cater to vehicle trips and can increase potential conflicts between people walking or biking and automobiles.
3. A more pedestrian friendly environment may promote more active transportation in the area, which could reduce some vehicle trips in the area, reducing vehicle emissions.

V. DISCUSSION

Outside the definition of a pedestrian street found in [SMC 17A.020.160](#), a brief reference in [SMC 17C.122.030](#), the implementing standards and guidelines in [SMC 17C.122.060 Attachment "A"](#), and the restriction of drive through businesses in [Table 17C.122-1](#), there are no further references to pedestrian streets in the Spokane Municipal Code. Additionally, there are no references to pedestrian streets in the Comprehensive Plan. However, Comprehensive Plan policies discussing the goal of Centers and Corridors and other relevant policies are listed above and attached in **Exhibit G**. Additionally, several pedestrian street designations were adopted at the time of the original Centers & Corridors code adoption in 2001.

There are a number of comprehensive plan policies which support walkability in and around centers. Centers and Corridors themselves are intended to be walkable spaces while still accommodating vehicular traffic. Recent neighborhood planning in the area also supports prioritization of pedestrian access and safety in and around the District Center.

Understanding that there is inherent tension within the comprehensive plan, there is a less supportive policy. *Policy LU 1.14 Nonconforming Uses*, states "avoid the creation of large areas of nonconforming uses at the time of adoption of new development regulations." With seven drive-through businesses in use in the general area, the adoption of this proposal would create several legal nonconforming drive throughs on E 29th Ave.

Also of consideration is that, as a major activity center, District Centers are meant to serve a larger portion of the city than Neighborhood Centers. A majority of the Lincoln Heights District Center is also zoned Centers and Corridors Type 2 (CC2-DC) which is the most auto accommodating of the Center and Corridor zones. More intense zoning intended to serve a larger population comes along with more traffic and more curb cuts, which increase pedestrian-vehicular conflicts

Several of the public comments relate to access and safety concerns for people walking across 29th Ave. This proposal does not affect the existing arterial classification of E 29th Ave or the way it currently operates. This proposal does not close the street to vehicular traffic, alter the number of lanes, or come with funding for any improvements.

There are some anticipated indirect impacts to safety and access for people walking that are anticipated to affect this area over time. This proposal would add the additional pedestrian friendly standards and guidelines outlined in [SMC 17C.122.060 Attachment "A"](#) (See the table titled "Additional Pedestrian Street Standards and Guidelines" on page 3 of this staff report) and prohibit the development of future drive through businesses. The shift away from expressly automobile-oriented uses in the area is expected to enhance safety and comfort in the long term for people walking as properties redevelop with these standards in place. This is likely to happen through lower traffic levels and fewer conflict points between people walking and automobiles.

VI. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the requested text amendments to the Unified Development Code satisfy the applicable criteria for approval as set forth in SMC Section 17G.025.010.

VII. STAFF RECOMMENDATION

Following the close of public testimony and deliberation regarding conclusions with respect to the review criteria and decision criteria detailed in SMC 17G.025.010, Plan Commission will need to make a recommendation to City Council for approval or denial of the requested amendments to the Unified Development Code.

Staff finds the requested pedestrian street designation of a portion of E 29th Ave is consistent with the Comprehensive Plan. Staff recommends approval of the amendments to SMC 17C.122.010 and SMC 17C.122.030 to clarify existing pedestrian street designations within the municipal code. Staff recommends that the Plan Commission adopt the facts and findings of the staff report.

VIII. LIST OF EXHIBITS

- A. Resolution 2023-0084
- B. SMC 17C.122.060 Attachment "A"
- C. Draft Spokane Municipal Code Amendment
- D. SEPA Determination of Non-Significance and SEPA Checklist
- E. Public Comments
- F. Agency Comment
- G. Comprehensive Plan Goals and Policies

EXHIBIT A



EXHIBIT A: RESOLUTION 2023-0084

Department of Planning and Economic Development

Attached below is the City Council Resolution 2023-0084 adding the review of a pedestrian street designation in the Lincoln Heights Neighborhood to the Spokane Plan Commission's work program and the original letter from the Lincoln Heights Neighborhood Council requesting the designation.


Agenda Sheet for City Council Meeting of:

10/02/2023

Date Rec'd

9/18/2023

Clerk's File #

RES 2023-0084

Renews #**Submitting Dept**

CITY COUNCIL

Cross Ref #**Contact Name/Phone**

CHRIS WRIGHT X6210

Project #**Contact E-Mail**

CWRIGHT@SPOKANECITY.ORG

Bid #**Agenda Item Type**

Resolutions

Requisition #**Agenda Item Name**

0320 - AMENDING PLAN COMMISSION WORK PLAN

Agenda Wording

Amending Plan Commission 2022-2023 Work Plan to add consideration of changing 29th Avenue between Martin and Fiske to a "Pedestrian Street" under local code.

Summary (Background)

This resolution adds an additional item concerning 29th Avenue. The Lincoln Heights Neighborhood Council has determined that an immediate priority for the neighborhood was designation of 29th Avenue from Martin Street to Fiske Street as a "Pedestrian Street" pursuant to SMC 17A.020.160. It was agreed to add this item to the current plan rather than wait for a newer work plan in 2024 (it can be carried over into the new plan when that is adopted)

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact**Budget Account**

Neutral \$

#

Select \$

#

Select \$

#

Select \$

#

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

WRIGHT, CHRISTOPHER

Study Session\OtherUrban Experience
09/11/23**Division Director****Council Sponsor**CM Wilkerson, CP
Kinneer**Finance****Distribution List****Legal**

gbyrd@spokanecity.org

For the Mayor

bwilkerson@spokanecity.org

Additional Approvals

lkinneer@spokanecity.org

Purchasing

sgardner@spokanecity.org

**Adopted by Spokane City Council
on: 10/02/2023**



City Clerk

Committee Agenda Sheet

Urban Experience Committee

Submitting Department	City Council
Contact Name	Chris Wright
Contact Email & Phone	cwright@spokanecity.org
Council Sponsor(s)	CM Wilkerson
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 minutes
Agenda Item Name	Resolution adding the designation of 29 th Avenue as a “pedestrian Street” to the 2022—23 work plan for the Plan Commission.
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>Pursuant to SMC 4.12.080, the City Council adopts by resolution an annual work program for the Plan Commission and assigns to it certain policy and planning issues for consideration. The last current workplan was adopted by resolution on October 24, 2022 and later amended earlier this year with the addition of two items.</p> <p>This resolution adds an additional item concerning 29th Avenue. The Lincoln Heights Neighborhood Council has determined that an immediate priority for the neighborhood was designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street” pursuant to SMC 17A.020.160.</p> <p>After discussion with Planning Services director, it was agreed to add this item to the current plan rather than wait for a newer work plan in 2024 (it can be carried over into the new plan when that is adopted by the Council).</p> <p>The Lincoln Heights neighborhood council and the Spokane South Hill Coalition has been engaged in extensive planning for the area since at least 2014. They developed a Connectivity and Livability Strategic Plan for Spokane’s south hill region, which included the goal of a more pedestrian and less auto-centric development of the Lincoln Heights area. Later, in 2016, the neighborhood council developed the Lincoln Heights District Center Plan, which included specific recommendations for making the business core of Lincoln Heights more pedestrian-friendly and less dependent on automobile transportation. The designation of 129th Avenue as a “pedestrian Street” under the SMC is an important step in that effort.</p> <p>The resolution is consistent both with area planning for Lincoln Heights and current comprehensive plan provisions.</p>
Proposed Council Action	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution Committee review: UE 09-11-23 Advance / Final Agenda: 09-18-23 Council Action: 09-18-23.
Fiscal Impact Total Cost: <u>Unknown</u> Approved in current year budget?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Funding Source One-time Recurring

Specify funding source: Opioid settlement funds

Expense Occurrence One-time Recurring

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

Operations Impacts (If N/A, please give a brief description as to why)

The resolution adds an additional work item to the Plan Commission’s agenda. Adding the item to the work plan assumes that city planning staff will need to research and support the Plan Commission’s review of the designation of 29th Avenue from Martin Street to Fiske Street as a pedestrian street. Precise direct and indirect cost of that review is unknown at this time.

What impacts would the proposal have on historically excluded communities?

An important component of the City’s comprehensive plan is “Social Health,” an element that ensures that long-term planning includes a discussion and specific goals to enhance “qualitative” life in the city, and specific goals to encourage diversity in each neighborhood. It is expected that review of the proposal by the Plan Commission will identify whether the proposal to designate 29th Avenue as a “Pedestrian Street” serves those goals.

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?

Not applicable

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

Plan Commission review is expected to identify benefits and downsides of designation of 29th Avenue as a “Pedestrian Street” under the land use code.

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 resolution is consistent with the City’s Comprehensive Plan, including policies and goals to enhance pedestrian safety and access within and around designated Centers, especially policies LU 2.2, LU 3.2, LU 4.1, LU 4.2, and TR 6. It is consistent with the 2014 Connectivity and Livability Strategic Plan (the “Strategic Plan”) for Spokane’s south hill region and the 2016 Lincoln Heights District Center Plan.

RESOLUTION NO. 2023-0084

A resolution adding a Lincoln Heights project to the Spokane Plan Commission's 2022-2023 Work Program.

WHEREAS, pursuant to Spokane City Charter Section 127 and Spokane Municipal Code Section 4.12.080, the City Council adopts by resolution an annual work program which assigns certain policy and planning issues for consideration by the Plan Commission; and

WHEREAS, Resolution No. 2022-0091, passed by the City Council on October 24, 2022 and later amended in 2023 by Resolution 2023-0041, established a work program for the Plan Commission for the years 2022-2023 and further committed to reviewing the work program periodically to determine if further revisions are necessary; and

WHEREAS, the area centered on 29th Avenue and Regal Street in the Lincoln Heights neighborhood is designated a District Center in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan includes policies and goals to enhance pedestrian safety and access within and around designated Centers, especially policies LU 2.2, LU 3.2, LU 4.1, LU 4.2, and TR 6; and

WHEREAS, the Spokane South Hill Coalition in June 2014 adopted a Connectivity and Livability Strategic Plan (the "Strategic Plan") for Spokane's south hill region, including Lincoln Heights neighborhood, which included the goal of a more pedestrian and less auto-centric development of the Lincoln Heights area; and

WHEREAS, consistent with the Strategic Plan, the Lincoln Heights neighborhood developed the Lincoln Heights District Center Plan ("District Plan") in June 2016, which included specific recommendations for making the business core of Lincoln Heights more pedestrian-friendly and less dependent on automobile transportation, and included specific recommendations for alterations to 29th Avenue to improve pedestrian safety and walkability; and

WHEREAS, on September 4, 2023 the Lincoln Heights Neighborhood Council reviewed the recommendations in the District Plan, and determined that an immediate priority for the neighborhood was designation of 29th Avenue from Martin Street to Fiske Street as a "Pedestrian Street" pursuant to SMC 17A.020.160; and


WHEREAS, designation of 29th Avenue from Martin Street to Fiske Street as a "Pedestrian Street" on the Official Zoning Map will ensure that commercial and residential development along 29th Avenue supports a walkable environment and furthers the goals of the Comprehensive Plan and previous neighborhood planning efforts.

NOW, THEREFORE BE IT RESOLVED that an additional item is added to the Spokane Plan Commission's Work Program for 2022-2023, including a review of

designation of 29th Avenue from Martin Street to Fiske Street as a "Pedestrian Street" pursuant to SMC 17A.040.040(A).

Adopted by the Spokane City Council this 2nd day of October, 2023.

Attest:



City Clerk

Approved as to form:



Assistant City Attorney



Whitmarsh, Brandon

Subject: Lincoln Heights Neighborhood Council Requests a Pedestrian Priority Zone on 29th, from S Martin to Fiske St

From: Carol Tomsic <carol_tomsic@yahoo.com>

Sent: Sunday, August 13, 2023 6:35 PM

To: Wilkerson, Betsy <bwilkerson@spokanecity.org>; Kinnear, Lori <lkinnear@spokanecity.org>; Stratton, Karen <kstratton@spokanecity.org>; Cathcart, Michael <mcathcart@spokanecity.org>; Bingle, Jonathan <jbingle@spokanecity.org>; Zappone, Zack <zzappone@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>; Mayor <mayor@spokanecity.org>

Cc: Marilyn <mdlloyd@comcast.net>; Sally <phillips1948@comcast.net>; Carol Landa-McVicker <cj_99224@yahoo.com>; Deasy, Annie <adeasy@spokanecity.org>; Striker, Patrick <pstriker@spokanecity.org>

Subject: Lincoln Heights Neighborhood Council Requests a Pedestrian Priority Zone on 29th, from S Martin to Fiske St

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Spencer Gardner and City Staff and City Council

The Lincoln Heights Neighborhood Council requests 29th, from S Martin to Fiske St, be a Pedestrian Priority Zone in the Pedestrian Master Plan and the city's Comprehensive Plan. If necessary, we request a change using a comprehensive plan amendment.

Our council has worked hard on safe crossings on 29th for our residents to get to and from our district center, including an RRFB that will be installed this year at the Rosauers/29th crosswalk and a recently approved HAWK light at the crosswalk at Fiske/29th.

We also have a new bicycle greenway on Fiske from 27th to 35th. Also under consideration is extending the Fiske greenway to 37th, thru the undeveloped right of way next to Adams Elementary School.

Our District Center Plan envisions local shops and restaurants that cater to folks who walk, bike or take the bus. Our council wants businesses in our district center that provide neighborhood-scale services and increase the level of pedestrian activity in and around our district center.

A Pedestrian Priority Zone would ensure our district center remains pedestrian oriented. For example, a business that has a two-lane, fifty-car drive thru but still meets parking spaces limits, is not a neighborhood scale business. It is an auto-oriented business. It will attract community and regional traffic to our district center. It will inadvertently make our district center auto-oriented. It will endanger our pedestrians and bicyclists.

The safety of our residents is a priority for our council.

We want to be a safe, walkable, bicycle-friendly neighborhood.

And, according to the 2010 census, Millennials, who make up close to 28 percent of the population, are traveling differently. Millennials are purchasing fewer cars and driving less, delaying their driver's license, and are biking, walking and taking transit more.

The Pedestrian Master Plan supports a more walkable Spokane. The Design Guidelines for Public Projects also supports the importance of pedestrian-oriented spaces.

In the City's Comprehensive Plan, Chapter 11 Neighborhoods, it is stated in N 4.4 Neighborhood Business Traffic, "ensure that the size of a neighborhood business is appropriate for the size of the neighborhood it serves so that trips generated by non-local traffic through the neighborhood are minimized. In the discussion it is stated, "neighborhood businesses should be of the size and type to fit neighborhood character and to serve the needs of neighborhood

residents. Larger business within neighborhoods often attract community and regional traffic. By limiting the size of businesses within neighborhoods, fewer trips are generated through the neighborhood by non-local traffic."

In the City's Comprehensive Plan, Chapter 11 Neighborhoods, It is stated in N 4.9 Pedestrian Safety, "Design neighborhoods for pedestrian safety." It is stated in the discussion that pedestrian safety can be achieved through landscape design.

Carol Tomsic
Chair, Lincoln Heights Neighborhood Council

EXHIBIT B



EXHIBIT B: SPOKANE MUNICIPAL CODE 17C.122.060 ATTACHMENT "A"

Department of Planning and Economic Development

Attached below is the Design Standards and Guidelines for Centers and Corridors. This document is adopted into Spokane Municipal Code (SMC) 17C.122.060 by reference as Attachment "A" and provides the design standards and guidelines for properties with centers and corridors zoning (CC1, CC2, CC3, and CC4) as well as the additional requirements for designated pedestrian streets.



DESIGN STANDARDS AND GUIDELINES for CENTERS AND CORRIDORS

Revised Summer 2015

GUIDELINES APPLICATION

These Design Standards and Guidelines for Centers and Corridors are applied within the CC1, CC2, CC4, and the optional CC3 zoning categories found on the Official City of Spokane Zoning Map. All projects must address the pertinent standards and guidelines. A determination of consistency with the standards and guidelines shall be made by the Planning Director following an administrative design review process unless the applicant seeks a recommendation from the Design Review Board. If the Design Review Board issues a recommendation, that recommendation will be forwarded to the Director.

Some of the guidelines contained in this document use the word “shall” while others use the word “should”.

Regardless of which term is used, each guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to every one of the guidelines.

The “shall” statements, with such wording, are absolutely mandatory and offer relatively little flexibility unless choices are provided within the statement itself. All projects must include these elements as described.

However, guidelines that use the word “should” are meant to be applied, but with some flexibility. They indicate that the City is open to design features that are equal to, or better than, that stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets this test and determination will be made by the Director. In those instances designated with the “Requirement (R)”, an applicant may seek relief through consultation with the Design Review Board following Chapter 17G.040.

Finally, it should be noted that there are other codes and ordinances that govern development in centers and corridors, such as the Building Code and Public Works Standards. The most restrictive code shall apply.

TABLE OF CONTENTS

STANDARDS AND GUIDELINES FOR ALL CENTERS AND CORRIDORS

SITE DESIGN

Buildings Along the Street	4
Buildings Along Intersection Corners.....	5
Sidewalk Encroachments	6
Lighting	7
Screening and Noise Control of Service Areas	8
Ancillary Site Elements	9
Parking Lots:	
Curb Cut Limitations	10
Pedestrian Connections	11
Drive-Through Lanes	12

BUILDING DESIGN

Transition Between Commercial and Residential ...	13
Façade Treatment:	
Treatment of Blank Walls	14
Prominent Entrances	15
Façade Transparency	16
Materials	17
Massing	18
Roof Form	19
Historic Context Considerations	20
Screening of Rooftop Equipment	21

STANDARDS AND GUIDELINES FOR SITES ON PEDESTRIAN STREETS

SITE DESIGN

Location of Parking Lots	22
Curb Cuts	23
Streetscape Elements	24

BUILDING DESIGN

Street-Facing Entrances	25
Maximum Setback	26
Ground Level Details	27

SUPPLEMENTARY STANDARDS AND GUIDELINES FOR TYPE 1 CENTERS AND CORRIDORS

SIGN DESIGN

Pedestrian Oriented Signs	28
Integration with Architecture	29
Creative Graphic Design	30
Unique Landmark Signs	31
Ground Signs	32

BUILDINGS ALONG STREET

Requirement (R)

INTENT:

To ensure that at least some part of the development of a site contributes to the liveliness of sidewalks along the street.

GUIDELINES:

1. New development shall not have parking between buildings and the street and at least 30% of the frontage of the site shall consist of building facades. In shopping centers, buildings shall be placed along the sidewalk so that at least 15% of the frontage of the site consists of building façades.
2. Buildings placed along sidewalks shall have windows and doors facing the street (see “Façade Transparency” and “Prominent Entrances”) and shall incorporate other architectural features (see “Ground Level Details” and “Treatment of Blank Walls”).

Deviation from this guideline must meet the intent of this section and requires a recommendation of approval by the Design Review Board.



Building located at the corner of the intersection

BUILDINGS ALONG INTERSECTION CORNERS

Requirement (R)

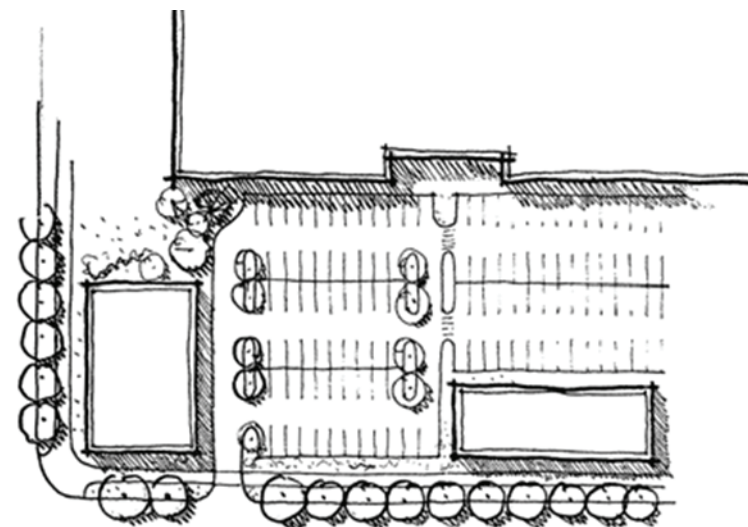
INTENT:

To utilize building placement and massing along intersection corners to create an environment that frames the public realm and creates an urban street edge and contributes to the liveliness of sidewalks.

GUIDELINES:

1. Buildings shall hold the street corner, although setbacks that accommodate plazas, seating areas, landscaping, clear view triangles (for traffic safety) and prominent entrances are acceptable.
2. When there is more than one intersection corner on the site, the building shall be oriented to the corner with the highest category street. For example, the intersection of a principal arterial and a principal arterial would be preferred over the intersection of a principal arterial and a minor arterial.

Deviation from this guideline must meet the intent of this section and requires a recommendation of approval by the Design Review Board.



smaller building placed along the sidewalk



building entrance is located at the corner of the intersection

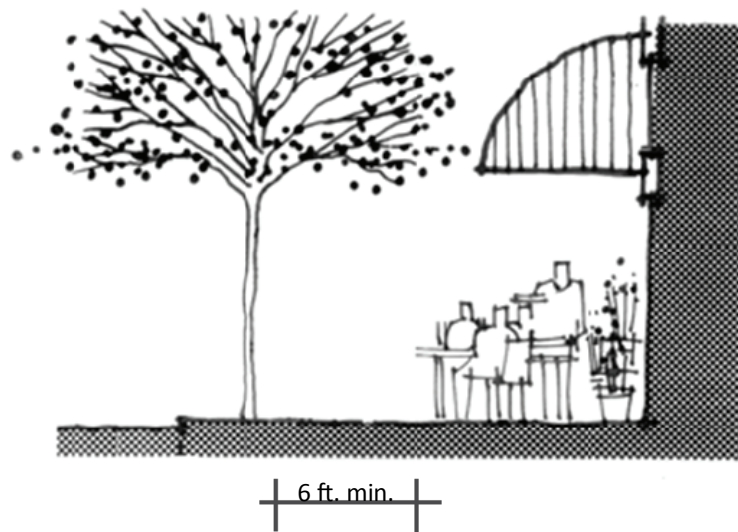
SIDEWALK ENCROACHMENTS

INTENT:

To ensure that there is a minimum clear, unobstructed walking route along sidewalks.

GUIDELINES:

Temporary sidewalk encroachments are allowed. Café seating, planters, ramps, stairs, and sandwich board signs which are located on the sidewalk shall be located in such a manner as to leave a pathway at least six feet wide that is free of obstructions.



café seating on sidewalk leaving enough space for pedestrian movement

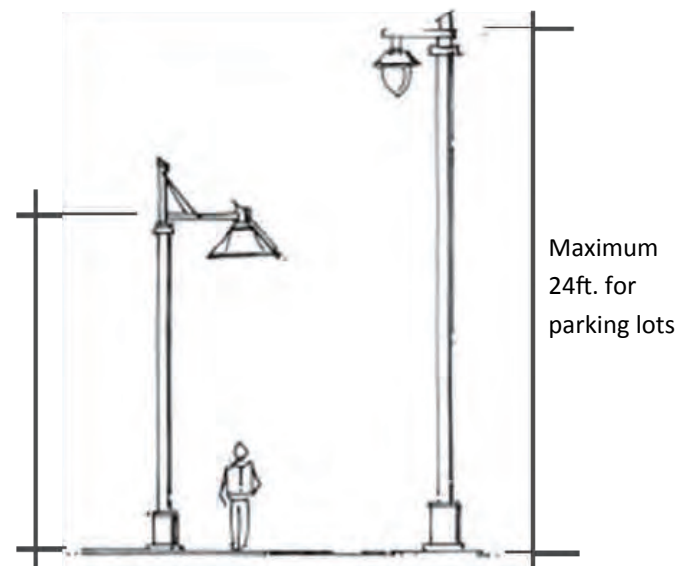
Lighting

INTENT:

To ensure that site lighting contributes to the character of the site and does not disturb adjacent development.

GUIDELINES:

1. Lighting shall be provided within parking lots and along pedestrian walkways.
2. Lighting fixtures shall be limited to heights of 24 ft. for parking lots and 16 ft. for pedestrian walkways.
3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, so that the direction of light is downward.



Lot lighting



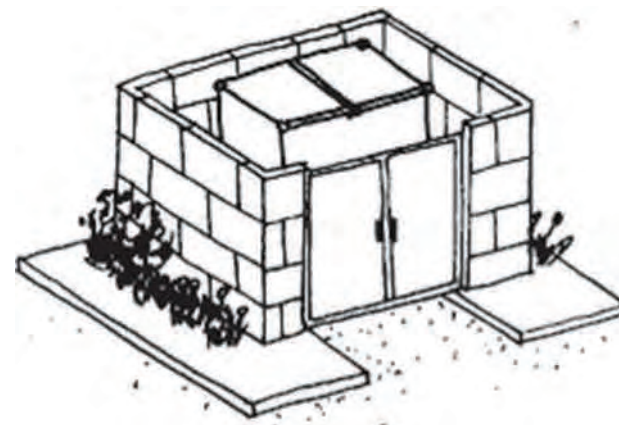
SCREENING AND NOISE CONTROL OF SERVICE AREAS

INTENT:

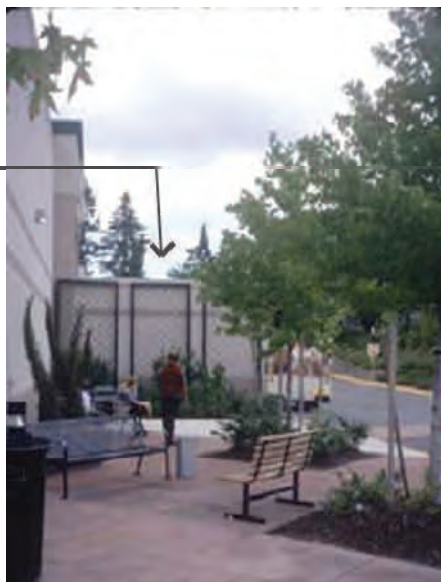
To reduce the impact of service, loading, and trash storage areas.

GUIDELINES:

1. All service, loading, and trash collection areas shall be screened by a combination of decorative walls of either masonry, wood, or vinyl, with planting that meets L2 requirements in SMC 17C.200.
2. Loading and service areas should not face or be adjacent to any residential district, unless no other location is possible.
3. Trash storage areas shall be setback a minimum of 15 feet from street property line.



Service and loading area behind wall with trellis and planting.



Screening of service area



Screening of trash area by wall and planting

ANCILLARY SITE ELEMENTS

INTENT:

To make site elements compatible with each other.

GUIDELINES:

Site furnishings, such as fences, walls, refuse enclosures, light fixtures, carports, and storage units shall be designed to be integrated with the architectural design of the primary structure(s).



Light fixture



Storage units

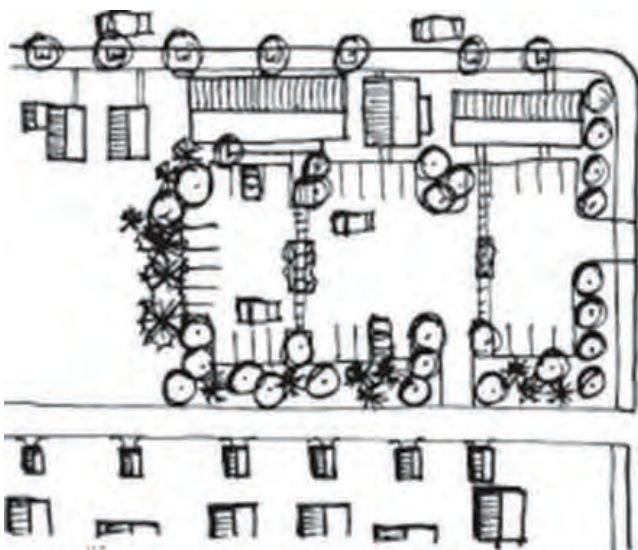
CURB CUT LIMITATIONS

INTENT:

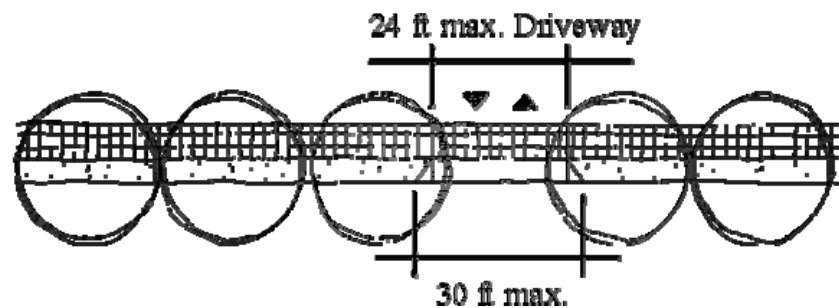
To provide safe, convenient vehicular access without diminishing pedestrian safety.

GUIDELINES:

1. A curb cut for a nonresidential use should not exceed 30 feet for combined entry/exits. Driveway width where the sidewalk crosses the driveway should not exceed 24 feet in width.
2. The sidewalk pattern shall carry across the driveway.
3. Adjacent developments should share driveways, to the greatest extent possible.
4. Vehicular access should be designated so that traffic is not directed through an abutting residential zone.



shared driveway reduces curb cuts



Sidewalk pattern is visibly continuous

PEDESTRIAN CONNECTIONS IN PARKING LOTS

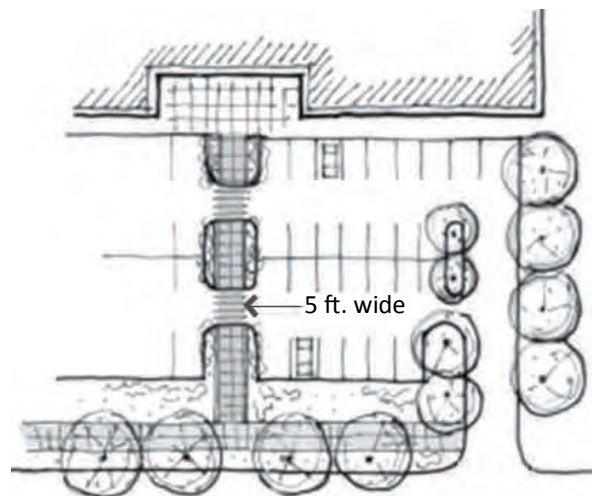
INTENT:

To create a network of safe and attractive linkages for pedestrians.

GUIDELINES:

1. Within parking lots containing more than 30 stalls, clearly defined pedestrian connections should be provided:
 - Between all public right-of-way and building entrances
 - Between parking lots and building entrances

Pedestrian connections can be counted toward the amount of required landscaping.
2. Pedestrian connections shall not be less than 5 feet wide.
3. Pedestrian connections shall be clearly defined by at least two of the following:
 - 6 inch vertical curb.
 - Textured paving, including across vehicular lanes.
 - A continuous landscape area at a minimum of 3 feet wide on at least one side of the walkway.
4. When there is a transit stop adjacent to the site, a pedestrian connection between the transit stops and building entrances, especially the prominent entrances, should be provided.
5. Pedestrian connections should maximize directness of travel between pedestrian origin and destination.



Pedestrian connection through parking lot, enhanced by paving and landscape



6 inch vertical curb defines pedestrian connection



Textured paving reinforces pedestrian connection

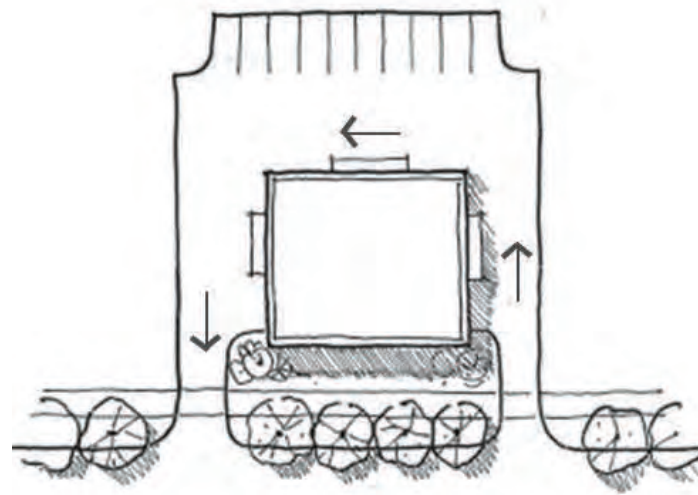
DRIVE-THROUGH LANES

INTENT:

To ensure that the streetscape environment is lively and not overwhelmed by the presence of automobiles.

GUIDELINES:

Any lanes serving drive-through businesses shall not be located between the building and any adjacent street.



Drive-through lanes less prominent from the street

TRANSITION BETWEEN COMMERCIAL AND RESIDENTIAL DEVELOPMENT

Requirement (R)

INTENT:

To ensure compatibility between the more intensive uses in centers and corridors and lower intensity uses of adjacent residential zones by incorporating design elements that soften transitions and protect light and privacy for adjacent residents.

GUIDELINES:

Code provisions require lower heights for portions of buildings that are close to single family residential zones. In addition, any side of the building visible from the ground level of an adjacent single family residential zone shall be given architectural treatment using three or more of the following:

- a. architectural details mentioned under “Ground Level Details”
- b. pitched roof form
- c. windows
- d. balconies
- e. if building is on the Spokane Register of Historic Places, the Secretary of the Interior’s Standards for rehabilitation historic design guidelines shall apply.

Deviation from using three of these architectural treatments must meet the intent of this section and requires a recommendation of approval by the Design Review Board.



Backside of the building viewed from adjacent residential road



Form and scale of commercial buildings compatible with adjacent residential uses

TREATMENT OF BLANK WALLS

INTENT:

To ensure that buildings do not display blank, unattractive walls to the adjacent street or residential areas.

GUIDELINES:

Walls or portions of walls where windows are not provided shall have architectural treatment wherever they face adjacent streets or adjacent residential areas (see guidelines for Façade Transparency). At least four of the following elements shall be incorporated into these walls:

- a. masonry (but not flat concrete block)
- b. concrete or masonry plinth at the base of the wall
- c. belt courses of a different texture and color
- d. outward projecting cornice
- e. projecting metal canopy
- f. decorative tilework
- g. trellis containing planting
- h. medallions
- i. opaque or translucent glass
- j. artwork
- k. vertical articulation
- l. lighting fixtures
- m. vertical landscape wall or “green wall”
- n. display windows
- o. signage as identified in “Pedestrian Oriented Signs”
- p. an architectural element not listed above, as approved, that meets the intent.



Projecting metal canopy, plinth, wall mounted light on a blank wall

Blank wall near the entrance treated with canopy, plinth and horizontal belt courses



Faux windows (back lighted at night)

Trellis

Architectural treatment of blank walls

PROMINENT ENTRANCES

INTENT:

To ensure that main building entrances are easily identifiable, clearly visible, and accessible from streets and sidewalks in order to encourage pedestrian activity and enliven the street.

GUIDELINES:

1. The principal entry to a store / building shall be marked by
 - (a) ornamentation around the door, and
 - (b) at least one of the following:
 - Recessed entrance (recessed at least 3 ft.)
 - Protruding entrance (protruding at least 3 ft.)
 - Canopy (extending at least 5 ft.)
 - Portico (extending at least 5 ft.)
 - Overhang (extending at least 5 ft.)
2. When possible, the entrance should be considered a collection of elements:
 - Overhead: canopy, porches, building extensions
 - Transitional: stoops, courtyards, stairways, ramps, portals, pocket gardens, decks
 - Ground Surface: seating walls, special paving, landscaping, trees, lighting

Deviation from this guideline must meet the intent of this section and requires a recommendation of approval by the Design Review Board.



Recessed entrance



Protruding entrance



Overhang entrance



Entrance with portico and ornamental treatments

FAÇADE TRANSPARENCY

INTENT:

To provide visual connection between activities inside and outside the building.

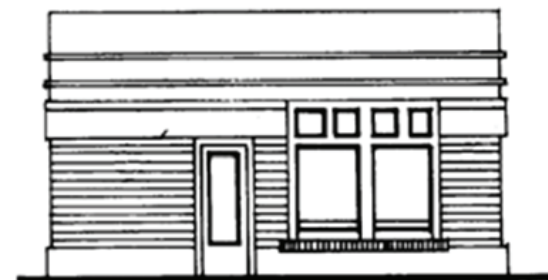
GUIDELINES:

1. In residential, commercial, or mixed-use, a minimum of 15% of any ground floor façade* that is visible from and fronting on any abutting street shall be comprised of windows with clear, “vision” glass allowing views into the interior.
2. A minimum of 30% of any ground floor commercial or mixed-use building façade* that is visible from, fronting on, and located within 60 feet of an arterial or pedestrian street 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.
3. A minimum of 50% of any ground floor commercial or mixed-use building façade* that is visible from and located within 20 feet of an arterial or pedestrian street 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.

* façade within 2 ft. and 10 ft. above the level of the adjacent sidewalk, walkway or ground level.



Visual connection between indoor and outdoor spaces



30% windows located within 60 ft. of street



50% clear facades located within 20ft of street

MATERIALS

INTENT:

To incorporate quality materials and architectural elements in the building design to support pedestrian oriented development.

GUIDELINES:

1. Subject to the façade transparency requirements of these design standards and guidelines, street level exterior facades, up to 10 feet above the level of the adjacent sidewalk, walkway or ground level that face public streets or sidewalks, should be clad in durable materials compatible with an urban context, including materials such as stone, tile, metal, masonry, concrete, manufactured cement products, and/or glass.
2. Exterior Insulating Finish Systems (EIFS) and lapped siding products generally do not comply with the intent of the City's design standards and guidelines and are not allowed on ground floor exterior walls that face public streets or sidewalks.
3. On street frontages, exit corridors, garage openings, loading docks, and all recesses, the design professional should provide a finished appearance to the street with street level exterior finishes fully wrapping into the openings.

MASSING

Requirement (R)

INTENT:

To reduce the apparent bulk of the buildings by providing a sense of “base” and “top” and provide buildings that frame and define the street and contributes to the quality of the public realm and pedestrian experience.

GUIDELINES:

1. Buildings shall have a distinct “base” at the ground level, using articulation and high-quality materials as noted in the Materials section.
2. The “top” of the building shall be treated with a distinct outline that adds variation through varying heights, steps, or depths. See Roof Form section.
3. New structures shall incorporate vertical and horizontal modulations to develop distinctive architectural volumes, break monotonous volumes, and create fine-grain character in scale with adjacent neighborhood character.

Deviation from these guidelines must meet the intent of this section and be recommended by the Design Review Board.

Different material at ground level to define a “base”



ROOF FORM

Requirement (R)

INTENT:

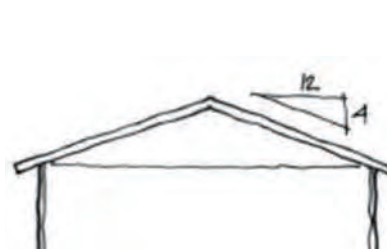
To ensure that roof lines present a distinct profile and appearance for the building and express the neighborhood character.

GUIDELINES:

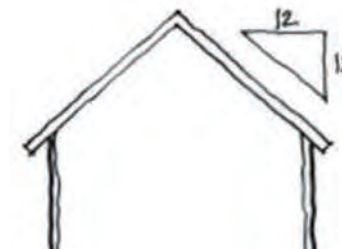
Buildings shall incorporate one of the following roof forms:

- pitched roofs with a minimum slope of 4:12 and maximum slope of 12:12, especially to highlight major entrances.
- outward projecting cornices to create a prominent edge when viewed against the sky.
- flat roofs are to be used in reference to surrounding context, reinforce the architectural character of the street, and be modulated to establish human scale interaction.
- parapets without vertical or horizontal modulation in any 30 foot span shall have an outward projecting cornice of six inches minimum.
- stepped parapets of varying heights (2 feet or 0.1 times the wall height), cornice or other architectural projection articulated through varying heights and depths.

Deviation from these guidelines must meet the intent of this section and be approved by the Design Review Board.



Minimum slope



Maximum slope



Projecting cornice

HISTORIC CONTEXT CONSIDERATIONS

INTENT:

To ensure that infill and rehabilitation, when it is adjacent to existing buildings having historic architectural character, is compatible with the historic context within the neighborhood.

GUIDELINES:

1. New development should incorporate historic architectural elements that reinforce the established character of a center or corridor but still remain a product of their own times. The following elements constitute potential existing features that could be reflected in new buildings:

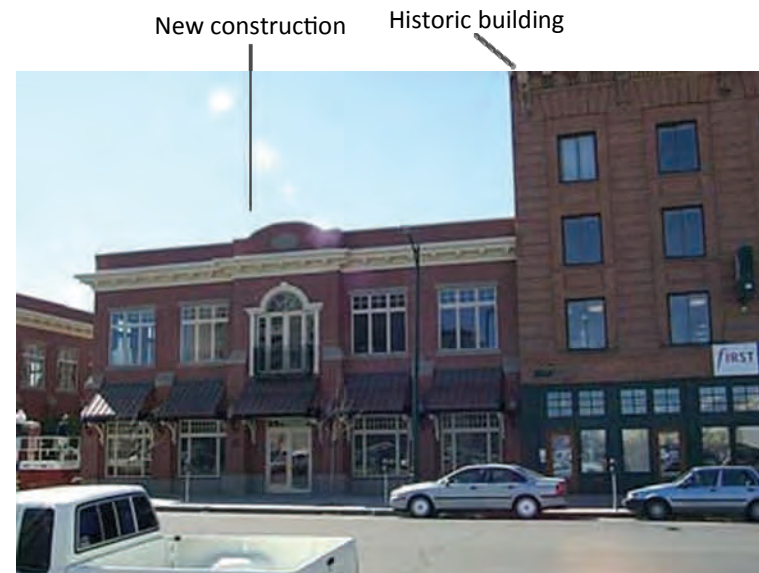
- materials
- window proportions
- cornice or canopy lines
- roof treatment
- colors

2. When rehabilitating existing historic buildings, property owners are encouraged to follow the Secretary of the Interior's Standards for Rehabilitation*.

- if original details and ornamentation are intact, they should be retained and preserved.
- if original details are presently covered, they should be exposed or repaired.
- if original details are missing, missing parts should be replaced to match the original in appearance. Remaining pieces or old photos should be used as a guide.

3. If a proposed building is not adjacent to other buildings having a desirable architectural character, it may be necessary to look at contextual elements found elsewhere within the area.

* A copy is available at the 3rd floor of City Hall or on the Internet at www.nps.gov



New construction compatible with historic context



Rehabilitated historic building

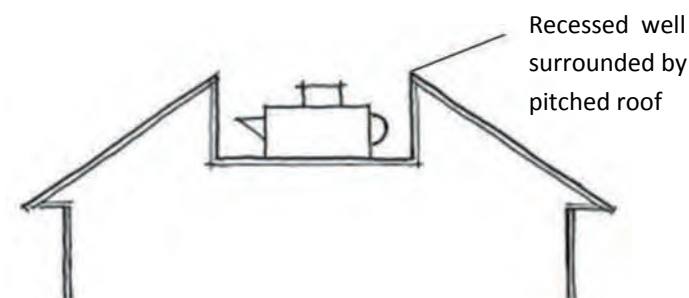
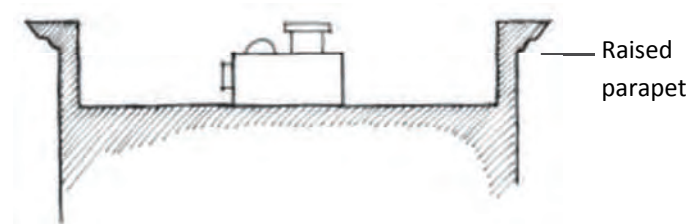
SCREENING OF ROOFTOP EQUIPMENT

INTENT:

To screen view of rooftop mechanical and communications equipment from the ground level of nearby streets and residential areas.

GUIDELINES:

1. Mechanical equipment shall be screened by extended parapet walls or other roof forms that are integrated with the architecture of the building.
2. Painting equipment, erecting fences, and using mansard-type roofs are not acceptable methods of screening.
3. Cell phone transmission equipment should utilize stealth design when located on rooftops.



Mechanical equipment behind the screen wall



Rooftop treatment

STANDARDS AND GUIDELINES FOR SITES ON PEDESTRIAN STREETS

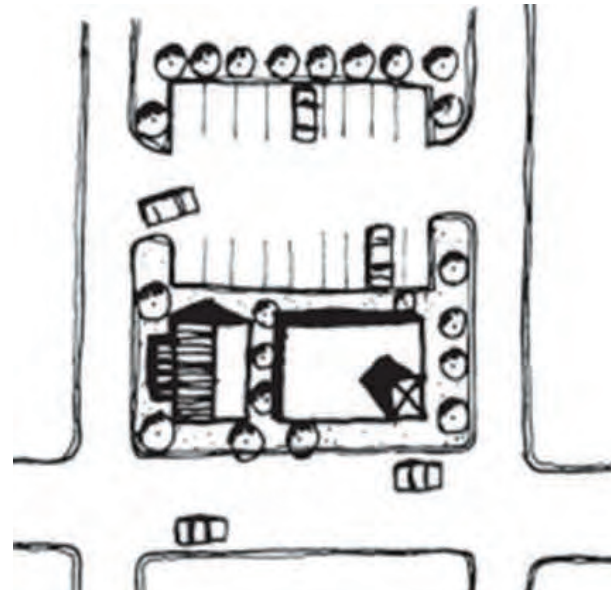
LOCATION OF PARKING LOTS

INTENT:

To maintain a contiguous, active pedestrian street front along designated Pedestrian Streets by locating parking lots behind buildings.

GUIDELINES:

1. Parking lots shall not be located between a building and a Pedestrian Street.



Parking lot behind the building



Parking in rear

Parking lot behind the building

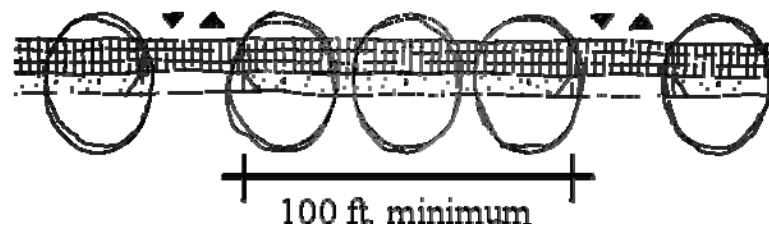
CURB CUTS

INTENT:

To maintain a continuous uninterrupted sidewalk by minimizing driveway access

GUIDELINES:

1. Curb cuts within an ownership should be spaced at no less than 125 feet apart along a principal or minor arterial, and no more than 100 feet apart along a collector arterial.
2. Curb cuts shall not be located along a designated Pedestrian Street.
3. Access to parking should be from the alley, or from a side street if access from the alley is not possible. Access to parking shall not be from a Pedestrian Street unless no other means of access is possible.



STANDARDS AND GUIDELINES FOR SITES ON PEDESTRIAN STREETS

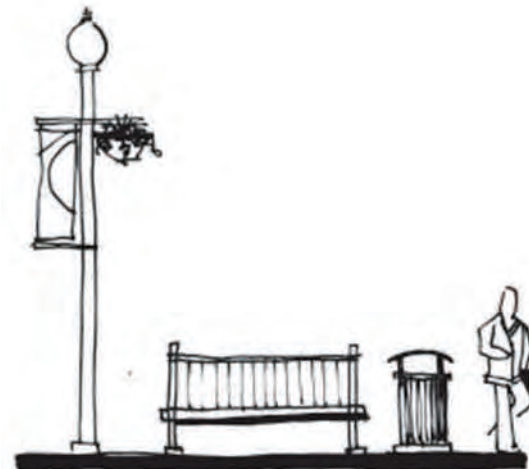
STREETSCAPE ELEMENTS

INTENT:

To create a more pedestrian friendly street through the use of site furnishings along designated Pedestrian Streets.

GUIDELINES:

1. Publicly-usable site furnishings such as benches, tables, bike racks and other pedestrian amenities shall be provided at building entrances, plazas, open spaces, and/or other pedestrian areas for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities. Specific types of site furnishings shall be approved by the City.



Bench and trash receptacle grouped with sidewalk light



Bollards, trash receptacles and benches along the sidewalk



STREET - FACING ENTRANCES

INTENT:

To ensure that building entrances directly reinforce pedestrian activity on the Pedestrian Street sidewalks.

GUIDELINES:

The primary entrance to the building shall be visible from and fronting on a Pedestrian Street.



Street facing entrances



Design Standards and Guidelines for Centers and Corri-

STANDARDS AND GUIDELINES FOR SITES ON PEDESTRIAN STREETS

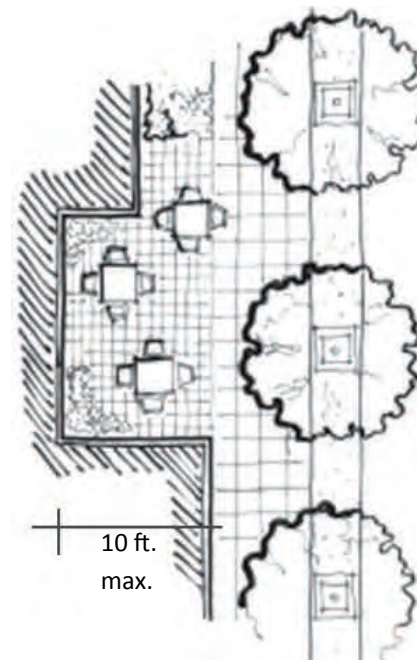
MAXIMUM SETBACK

INTENT:

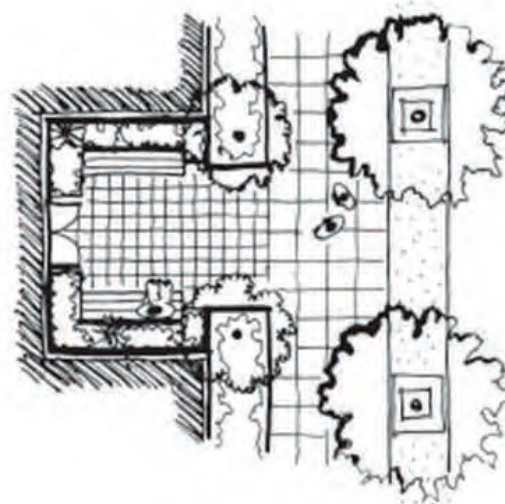
To create a lively, pedestrian friendly sidewalk environment.

GUIDELINES:

Along Pedestrian Streets, buildings shall be set up to the back of the required sidewalk (see Setbacks section of Land Use Code for Centers and Corridors), except for a setback up to 10 ft. for the purpose of providing a publicly accessible “plaza,” “courtyard,” or recessed entrance.



Building is set back from sidewalk to provide plaza



Building is set back from sidewalk for recessed entrance/forecourt



Building with no setback from sidewalk

STANDARDS AND GUIDELINES FOR SITES ON PEDESTRIAN STREETS

GROUND LEVEL DETAILS

INTENT:

To ensure that buildings along any Pedestrian Street display the greatest amount of visual interest and reinforce the character of the streetscape.

GUIDELINES:

Façades of commercial, residential, and mixed-use buildings that face Pedestrian Streets shall be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:

- a. kickplates for storefront windows
- b. projecting sills
- c. pedestrian scale signs
- d. canopies
- e. plinths
- f. containers for seasonal planting
- g. tilework
- h. medallions
- i. rolling doors or windows
- i. if building is on the Spokane Register of Historic Places, the Secretary of the Interior's Standards for Rehabilitation historic design guidelines shall apply.



Elements used at ground level



Various ground level treatments

ADDITIONAL STANDARDS AND GUIDELINES FOR
TYPE 1 CENTERS AND CORRIDORS

PEDESTRIAN ORIENTED SIGNS

INTENT:

To ensure that signs are interactive with people on foot.

GUIDELINES:

1. Signs shall be oriented to pedestrians, rather than people in vehicles. The following are types of signs that are oriented to pedestrians:
 - projecting signs (blade signs)
 - window signs (painted on glass or hung behind glass)
 - logo signs (symbols, shapes)
 - wall signs over entrance
 - sandwich board signs
 - ground signs
2. Pole signs shall not be permitted.



Blade sign



Wall sign



Sandwich board sign



Window sign

ADDITIONAL STANDARDS AND GUIDELINES FOR TYPE 1 CENTERS AND CORRIDORS

INTEGRATION WITH ARCHITECTURE

INTENT:

To ensure that signage is part of the overall design of a project and not additive or an afterthought.

GUIDELINES:

1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, such signs shall be in conformance with an overall sign program that allows for advertising which fits with the architectural character, proportions, and details of the development. The sign program shall indicate location, size, and general design.
2. Signs shall not project above the roof, parapet, or exterior wall.



Sign integrated with the entrance



Sign integrated with building mass



Sign integrated with building order and bays

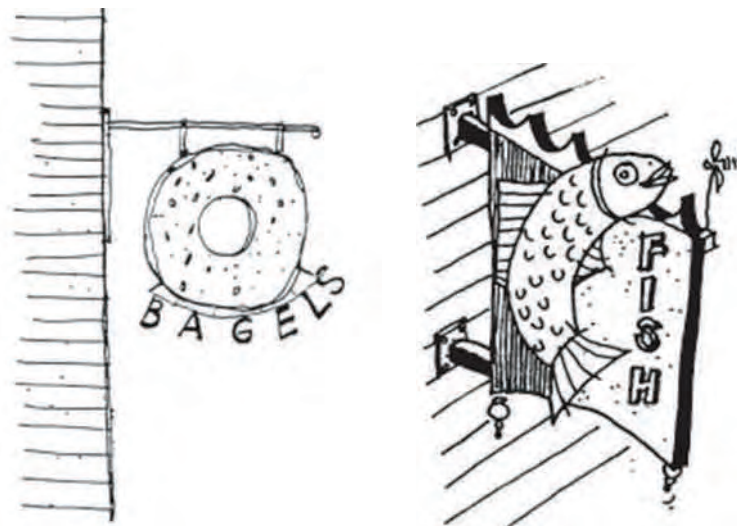
CREATIVE GRAPHIC DESIGN

INTENT:

To encourage interesting, creative and unique approaches to the design of signs.

GUIDELINES:

1. Signs should be highly graphic in form, expressive, and individualized.
2. Signs should convey the product or service offered by the business in a bold, graphic form.
3. Projecting signs supported by ornamental brackets and oriented to pedestrians are strongly encouraged.
4. If projecting signs or wall signs incorporate one-of-a-kind graphic elements, the size otherwise allowed by SMC 17C.240, Signs, may be increased by 20%, so long as the sign is oriented to pedestrians.



Sign expressing the product, integrated with graphic form



Unique projecting signs

UNIQUE LANDMARK SIGNS

INTENT:

To respond to the unique character of the neighborhood and business.

GUIDELINES:

1. Retain existing historic signs and landmark structures that feature the character of the area.
2. New landmark signs should correspond to the location, setting and type of businesses, and shall be approved by the Planning Director.



Unique landmark sign to express the type of business



Regionally famous landmark structure the milk-bottle restaurant



Landmark sign at Garland District

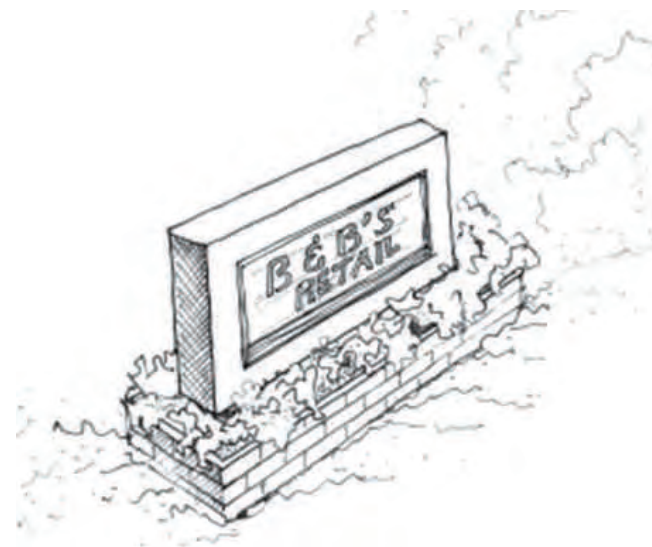
GROUND SIGNS

INTENT:

To ensure that signs are not principally oriented to automobile traffic.

GUIDELINES:

1. Pole signs shall be prohibited. All freestanding signs shall be ground signs no higher than 5 feet total.
2. The base of any ground sign shall be planted with shrubs and seasonal flowers.



Ground sign with landscaping and sculpture

EXHIBIT C



EXHIBIT C: DRAFT ORDINANCE

Department of Planning and Economic Development

The draft ordinance for the adoption of a new pedestrian street designation of a portion of E 29th Ave and amendments to SMC 17C.122.010 and SMC 17C.122.030 to further clarify what pedestrian streets are, where they can be designated, and listing existing designated streets can be found below.

ORDINANCE NO. C _____

An Ordinance concerning land use standards for centers and corridors, and amending sections 17C.122.010 and 17C.122.030 of the Spokane Municipal Code.

WHEREAS, the area centered on 29th Avenue and Regal Street in the Lincoln Heights neighborhood is designated a District Center in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan includes policies and goals to enhance pedestrian safety and access within and around designated Centers, especially policies LU 2.2, LU 3.2, LU 4.1, and TR 6; and

WHEREAS, the Spokane South Hill Coalition in June 2014 adopted a Connectivity and Livability Strategic Plan (the “Strategic Plan”) for Spokane’s south hill region, including Lincoln Heights neighborhood, which included the goal of a more pedestrian and less auto-centric development of the Lincoln Heights area; and

WHEREAS, consistent with the Strategic Plan, the Lincoln Heights neighborhood developed the Lincoln Heights District Center Plan (“District Plan”) in June 2016, which included specific recommendations for making the business core of Lincoln Heights more pedestrian-friendly and less dependent on automobile transportation, and included specific recommendations for alterations to 29th Avenue to improve pedestrian safety and walkability; and

WHEREAS, on September 4, 2023 the Lincoln Heights Neighborhood Council reviewed the recommendations in the District Plan, and determined that an immediate priority for the neighborhood was designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street” pursuant to SMC 17A.020.160; and

WHEREAS, designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street” on the Official Zoning Map will ensure that commercial and residential development along 29th Avenue supports a walkable environment and furthers the goals of the Comprehensive Plan and previous neighborhood planning effort; and

WHEREAS, on October 22, 2023, the Spokane City Council adopted Resolution 2023-0084, which directed the Spokane Plan Commission review of designation of 29th Avenue from Martin Street to Fiske Street as a “Pedestrian Street”; and

WHEREAS, review of the “Pedestrian Street” designation of 29th Ave identified a lack of clarity within the Spokane Municipal Code on what pedestrian streets are, how they can be applied, and where they are located; and

WHEREAS, the Spokane Plan Commission reviewed the designation of 29th Avenue as a “Pedestrian Street” and conducted a hearing on the proposal on January 10, 2024, which hearing resulted in findings of fact and endorsement of revision of certain

provisions in the Spokane Municipal Code regarding pedestrian street designations as well as designation of a portion of 29th Avenue as a “Pedestrian Street.”

NOW, THEREFORE, the City of Spokane does hereby ordain as follows:

Section 1. Section 17C.122.010 of the Spokane Municipal Code is amended to read as follows:

Section 17C.122.010 Intent

The intent of center and corridor regulations is to implement the goals and policies of the comprehensive plan for centers and corridors. These areas are intended to bring employment, shopping, and residential activities into shared locations and encourage, through new development and rehabilitation, new areas for economic activity.

New development and redevelopment is encouraged in these areas that promotes a relatively cohesive development pattern with 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.

Type 1, 2 and 3 center and corridor zones are designated within the center and corridor core land use category and the core commercial areas of the centers and corridors shown on the land use plan map of the comprehensive plan.

The Type 4 mixed use transition zone is designated within the center and corridor transition land use category on the land use plan map of the comprehensive plan.

Center and corridor zones are not intended to be applied to property outside of the Centers and Corridors Land Use Plan Map designations. Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EC).

Section 2. Section 17C.122.030 of the Spokane Municipal Code is amended to read as follows:

Section 17C.122.030 ((Centers/Corridors – Official Zoning Map))Pedestrian Street Designations

~~((As shown on the official zoning map, center and corridor zoning classifications (CC1, CC2 and CC3) are only applied to the core commercial areas and the center and corridor land use designations of the centers and corridors designated on the comprehensive plan land use plan map. The center and corridor mixed use transition zone classification (CC4) is only to be applied in the center and corridor transition land use designation on the comprehensive plan land use map. Center and corridor zones are not intended to be applied to property outside of these zones. Type 1 (CC1), Type 2 (CC2), Type 3 (CC3) and Type 4 (CC4) center and corridor zones are identified on the official zoning map. The comprehensive plan center type is also designated on the official zoning map as follows: neighborhood center (NC), district center or corridor (DC) and employment center (EC).))~~

~~((Pedestrian streets are designated on the official zoning map.))~~

- A. The pedestrian street zoning designation promotes a pleasant and safe environment for pedestrians by applying additional standards and use limitations to parcels with center and corridor zoning (CC1, CC2, CC3, and CC4). Design features to promote a pedestrian friendly environment include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.
- B. The pedestrian street zoning designation can be applied to any street where adjacent parcels have center and corridor zoning classifications (CC1, CC2, CC3, and CC4).

Designated pedestrian streets are:

1. North Market St between E Nebraska Ave and E Wabash Ave
2. W Garland Ave between N Madison St and N Howard St
3. E Buckeye Ave between N Hamilton St and N Denver St
4. N Columbus St between E North Foothills Dr and E Marietta Ave
5. N Monroe St between W Montgomery Ave and W Boone Ave
6. W Broadway Ave between E Elm St and N Maple St
7. E Sprague Ave between Madelia St and Napa St
8. E Newark Ave/S Perry St between E 7th Ave and 67.5' north of the E 12th Ave ROW
9. S Grand Blvd between E Sumner Ave and E 14th Ave
10. E 29th Ave between S Martin St and S Fiske St

~~((The initial land use code and design standards and guidelines contain specific design standards))~~ The design standards and guidelines in SMC 17C.122.060

Attachment "A" and allowed uses in Table 17C.122-1 are applied to promote the pedestrian friendly environment along these streets.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date

EXHIBIT D



EXHIBIT D: SEPA CHECKLIST AND DETERMINATION OF NONSIGNIFICANCE

Department of Planning and Economic Development

The SEPA Checklist, completed on November 6, 2023, and the Determination of Nonsignificance, issued on December 20, 2023 for the designation of a portion of E 29th Ave as a pedestrian street is below.



NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): E. 29th Avenue, roughly between Fiske to Martin Streets, adding a pedestrian street zoning designation (non-project action)

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: A zoning map amendment (SMC 17C.122.020) to designate a .66 mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning, in the case of future development, would be required to follow the additional pedestrian street allowed uses and design standards and guidelines to promote a pedestrian friendly environment.

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: A .66 mile portion of E 29th Ave from approximately S Martin St to S Fiske St, consistent with the CC1-DC and CC2-DC zoning. Sections: S E 1/4 of Section 28, SW 1/4 of Section 27, NE 1/4 of Section 33, and NW 1/4 of Section 34 Township: 25N Range: 43E (map attached)

LEAD AGENCY: City of Spokane Planning Services

DETERMINATION:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW [43.21C.030\(2\)\(c\)](#). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

- [] There is no comment period for this DNS.
- [] This DNS is issued after using the optional DNS process in section 197-11-355 WAC. There is no further comment period on the DNS.
- [X] This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date of issuance (below). **Comments regarding this DNS must be submitted no later than 4:00 p.m. on January 9, 2024, if they are intended to alter the DNS.**

Responsible Official: Spencer Gardner **Position/Title:** Director, Planning Services

Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201 **Phone:** 509-625-6097

Date Issued: December 20, 2023 **Signature:** 

APPEAL OF THIS DETERMINATION

After a determination has become final, appeal may be made to:

Responsible Official: City of Spokane Hearing Examiner
Address: 808 W. Spokane Falls Blvd., Spokane, WA 99201
Email: hearingexaminer@spokanecity.org **Phone:** 509-625-6010
Deadline: 4 PM January 9, 2024

The appeal must be on forms provided by the Responsible Official and make specific factual objections. Appeals must be accompanied by the appeal fee. Contact the Responsible Official for assistance with the specifics of a SEPA appeal.



City of Spokane
808 W. Spokane Falls Blvd.
Spokane, WA 99201
www.spokanecity.org

State Environmental Policy Act (SEPA) Environmental Checklist

PLEASE READ CAREFULLY BEFORE COMPLETING THE CHECKLIST!

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the Supplemental Sheet For Nonproject Actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal.

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

A. BACKGROUND

1. **Name of proposed project:** E 29th Ave Pedestrian Street Designation

2. **Applicant:** City of Spokane – Planning & Economic Development
Address: 808 West Spokane Falls Blvd
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6500

3. **Agent or Primary Contact:** Brandon Whitmarsh, Planner I
Address: 808 West Spokane Falls Blvd
City/State/Zip: Spokane, WA 99201 Phone: 509-625-6846

4. **Location of Project:** A .66 mile portion of E 29th Ave from approximately S Martin St to S Fiske St, consistent with the CC1-DC and CC2-DC zoning.
Sections: S E 1/4 of Section 28, SW 1/4 of Section 27, NE 1/4 of Section 33, and NW 1/4 of Section 34 Township: 25N Range: 43E
Tax Parcel Number(s): 35273.0023, 35273.0024, 35273.0025, 35273.0058, 35273.0060, 35284.0015, 35284.0047, 35284.0048, 35284.0049, 35284.0149, 35284.0151, 35284.0152, 35284.0154, 35284.0168, 35331.0024, 35331.0101, 35331.0102, 35331.0105, 35331.0112, 35331.0113, 35331.0117, 35331.0504, 35331.0505, 35331.0509, 35331.3901, 35331.4301, 35331.4307, 35331.4308, 35331.5302, 35342.0301, 35342.0302, 35342.0401, 35342.0402, 35342.0403, 35342.0404, 35342.0405, 35342.0435, 35342.0436

5. **Date checklist prepared:** November 6, 2023

6. **Agency requesting checklist:** City of Spokane, Washington

7. **Proposed timing or schedule (including phasing, if applicable):**
City of Spokane Plan Commission Workshop on December 13, 2023 with anticipated Plan Commission Hearing and adoption in by City Council in Q1 2024.

8.
 - a. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:**
No future phases or actions are anticipated as part of this non-project proposal.

 - b. **Do you own or have options on land nearby or adjacent to this proposal? If yes, explain:**
The City owns no parcels directly affected by this proposal. In the vicinity, the City of Spokane owns Thornton Murphy Park, the Southside Senior Activity Center, and the neighboring water storage facility to the northeast totaling 21.7 acres as well as parcel 35332.0004 to the west and parcel 35332.3112 to the southwest.

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

Not applicable, this is a non-project action.

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

Not applicable, this is a non-project action.

11. List any government approvals or permits that will be needed for your proposal, if known:

Not applicable, this is a non-project action.

12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

A zoning map amendment to designate a .66 mile portion of E 29th Ave, approximately from S Martin St to S Fiske St. Parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning would be required to follow the additional pedestrian street design standards and guidelines to promote a pedestrian friendly environment such as minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk. There are a total of 38 affected parcels totaling approximately 29.5 acres.

13. Location of the proposal: (Give sufficient information for a person to understand the precise location of your proposed project. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit application related to this checklist.

A .66 mile portion of E 29th Ave, approximately from S Martin Ave to S Fiske Ave. The 38 parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning would be affected. See attached map of the affected parcels of this non-project action.

14. Does the proposed action lie within the Aquifer Sensitive Area (ASA)?

Yes No

The General Sewer Service Area?

Yes No

The Priority Sewer Service Area?

Yes No

The City of Spokane?

Yes No

15. The following questions supplement Part A.

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

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

Not applicable, this non-project action will not affect any of these systems.

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

Not applicable, this is a non-project action.

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

Not applicable, this is a non-project action.

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

Not applicable, this is a non-project action.

b. Stormwater

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

Various throughout the proposal area.

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

Not applicable, this non-project action will not directly discharge stormwater.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

Flat Rolling Hilly Steep slopes Mountainous

Other:

b. What is the steepest slope on the site (approximate percent slope)?

This non-project action will not directly modify the topography of the proposal area.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

This non-project action will not directly result in the movement of any soils. The proposal area includes Marble Loamy Sand as well as Hesseltine Silt Loam and Narcisse Silt Loam soils, which are agricultural soils. The proposal area is urban in nature and has not seen agricultural significance for decades.

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

Not applicable, this is a non-project action.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

As a non-project action, this proposal will not require any fill or export of soils. Any future permit proposals would define any use of fill, excavation, or grading at the time the project action is proposed under the regulations in place at that time.

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

As a non-project action, this proposal will not involve site level work.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, or buildings)?

Not applicable, this is a non-project action.

h. Proposed measures to reduce or control erosion or other impacts to the earth, if any:

None.

2. Air

- a. What type of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not-applicable, this is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not-applicable, this is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

None.

3. Water

- a. Surface Water:**

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

There are no surface waterbodies on or in the immediate vicinity of affected parcels.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Not applicable, this is a non-project action.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from the surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

Not applicable, this is a non-project action.

- (4) Will the proposal require surface water withdrawals or diversions? If yes, give general description, purpose, and approximate quantities if known.**

None, this is a non-project action.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

No.

- (6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

Not applicable, this is a non-project action.

b. Groundwater:

- (1) **Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

Not applicable, this is a non-project action.

- (2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

None, this is a non-project action. The City requires that all development connect to existing sewer service at time of development/renovations of existing uses.

c. Water Runoff (Including Stormwater):

- (1) **Describe the source of runoff (including stormwater) and method of collection and disposal if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not applicable, this is a non-project action.

- (2) **Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable, this is a non-project action.

- (3) **Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not applicable, this is a non-project action.

d. Proposed Measures to reduce or control surface, ground, and runoff water, and drainage patter impacts, if any.

None.

4. Plants

a. Check the type(s) of vegetation found on the site:

- Deciduous trees: alder maple aspen Other:
- Evergreen trees: fir cedar pine Other:
- shrubs grass pasture crop or grain

orchards, vineyards or other permanent crops

Wet soil plants: cattail buttercup bullrush

skunk cabbage Other:

Water plants: water lily eelgrass milfoil

Other:

Any other types of vegetation:

b. What kind and amount of vegetation will be removed or altered?

None, this is a non-project action.

c. List threatened and endangered species known to be on or near the site:

None known, this is a non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

e. List all noxious weeds and invasive species known to be on or near the site:

None known, this is a non-project action.

5. Animals

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

Birds: hawk heron eagle songbirds

Other:

Mammals: deer bear elk beaver

Other:

Fish: bass salmon trout herring

shellfish Other:

Any other animals (not listed in above categories):

b. List any threatened or endangered animal species known to be on or near the site.

None known, this is a non-project action.

c. Is the site part of a migration route? If so, explain.

Not known. This is a non-project action.

d. Proposed measures to preserve or enhance wildlife, if any:

None, this is a non-project action.

e. List any invasive animal species known to be on or near the site.

None known, this is a non-project action.

6. Energy and natural resources

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

Not applicable, this is a non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe:

Not applicable, this is a non-project action.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

None known, this is a non-project action.

(1) Describe any known or possible contamination at the site from present or past uses.

None known, this is a non-project action.

(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known, this is a non-project action.

(3) Describe any toxic or hazardous chemicals/conditions that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable, this is a non-project action.

(4) Describe special emergency services that might be required.

Not applicable, this is a non-project action.

(5) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise:

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a non-project action.

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

Not applicable, this is a non-project action.

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

None.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Affected parcels, parcels with frontage along E 29th Ave and Centers and Corridors zoning, have a mix of uses primarily consisting of commercial and office. Adjacent parcels along E 29th Ave contain a mix of uses from office to single- and multi-family residential. This proposal would not allow for the development of future drive through businesses on affected parcels.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This is a non-project action. No working farmland or forests of any commercial significance will be converted as part of this proposal. The proposal area has been urban in nature for decades and has not seen any recent agriculture uses with commercial significance.

- 1) **Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**
Not applicable, this is a non-project action.

- c. **Describe any structures on the site.**
The affected parcels with frontage on E 29th Ave and CC1-DC or CC2-DC zoning have an array of commercial and office uses.

- d. **Will any structures be demolished? If so, which?**
Not applicable, this is a non-project action.

- e. **What is the current zoning classification of the site?**
E 29th Ave has a mix of Office (O), Office Retail (OR), Centers and Corridors Types 1 and 2, District Center (CC1-DC, CC2-DC), and Residential Multifamily (RMF) zoning. Pedestrian street designations, such as this proposal, are an additional component of Centers and Corridors zoning and can only be applied to parcels with Centers and Corridors zoning. Zoning of affected parcels on E 29th Ave is therefore Type 1 and Type 2 Centers and Corridors Zoning (CC1-DC and CC2-DC).

- f. **What is the current comprehensive plan designation of the site?**
The Land Use Plan Map designation is General Commercial.

- g. **If applicable, what is the current shoreline master program designation of the site?**
Not Applicable.

- h. **Has any part of the site been classified as a critical area by the city or the county? If so, specify.**
The proposal is in the Critical Aquifer Recharge Area.

- i. **Approximately how many people would reside or work in the completed project?**
Not applicable, this is a non-project action.

- j. **Approximately how many people would the completed project displace?**
Not applicable, this is a non-project action.

- k. **Proposed measures to avoid or reduce displacement impacts, if any:**
None.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None, this is a non-project action.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

None.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable, this is a non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high-, middle- or low-income housing.

Not applicable, this is a non-project action.

c. Proposed measures to reduce or control housing impacts, if any:

None.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable, this is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

Not applicable, this is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable, this is a non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, this is a non-project action.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, this is a non-project action.

d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

Thornton Murphy Park to the northeast of the proposal on E 27th Ave and S Ray St offers recreational opportunities in the vicinity of the proposal.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is a non-project action.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Some parcels affected by this proposal contain structures older than 45 years old. No historic site or structures have been listed on any register or identified as eligible to be listed. As a non-project action, this will not prevent the eligibility or listing of properties in the future.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None known, this is a non-project action.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archaeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable, this is a non-project action.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable, this is a non-project action. Measures to avoid, minimize, or compensate for resources are a part of existing regulations within the Spokane Municipal Code—those standards would remain unchanged by the proposal.

14. Transportation

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

E 29th Avenue is a Principal Arterial. No change to the function of the street or street designation is proposed. This zoning overlay proposal affects the development standards of parcels adjacent to the street.

- b. **Is site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop.**

Spokane Transit Authority (STA) routes 4, 34, and 43 have service and stops along E 29th Ave in the proposal area. STA route 45 crosses E 29th Ave within the proposal area at S Southeast Blvd. To the south of the proposal area, the South Hill Park and Ride, at S Southeast Boulevard and E 31st Avenue, provides access to several routes to downtown and around the city.

- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Not applicable, this is a non-project action. No changes or improvements are planned as a result of this action.

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.**

Not applicable, this is a non-project action.

- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? (Note: to assist in review and if known, indicate vehicle trips during PM peak, AM Peak, and Weekday (24 hours)).**

Not applicable, this is a non-project action.

- f. **Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, general describe.**

Not applicable, this is a non-project action.

g. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable, this is a non-project action.

b. Proposed measures to reduce or control direct impacts on public services, if any:

None.

16. Utilities

a. Check utilities currently available at the site:

electricity natural gas water refuse service

telephone sanitary sewer septic system

Other:

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed:

Not applicable, this is a non-project action.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

As a non-project action, no development is planned. Existing Spokane Municipal Code (SMC) controls on water discharge, air emissions, release of toxic or hazardous substances, and noise are not affected by this proposal and therefore, future development compliant with this proposal would not impact water, air, or noise pollution more than what would have been developed under existing regulations.

Proposed measures to avoid or reduce such increases are:

None.

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

As a non-project action, no development is planned. Previously adopted and enforced protections for plants, animals, and fish in the SMC will remain under this proposal, ensuring that future development is as protective of these resources as is currently enforced in the city.

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

None.

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

This non-project action does not propose any energy or natural resource impacts.

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

None.

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

As a non-project action, no development is planned. Regulations for the protection of parks and wilderness, endangered species, cultural sites, the river, and farmlands are established within the SMC and are not affected by this proposal. Future development will be required to follow the existing standards.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

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

No shoreline jurisdiction exists along 29th Avenue. As a non-project action, no development is planned.

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

None.

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

No change to transportation or public services or utilities is anticipated as a result of this non-project action.

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

None.

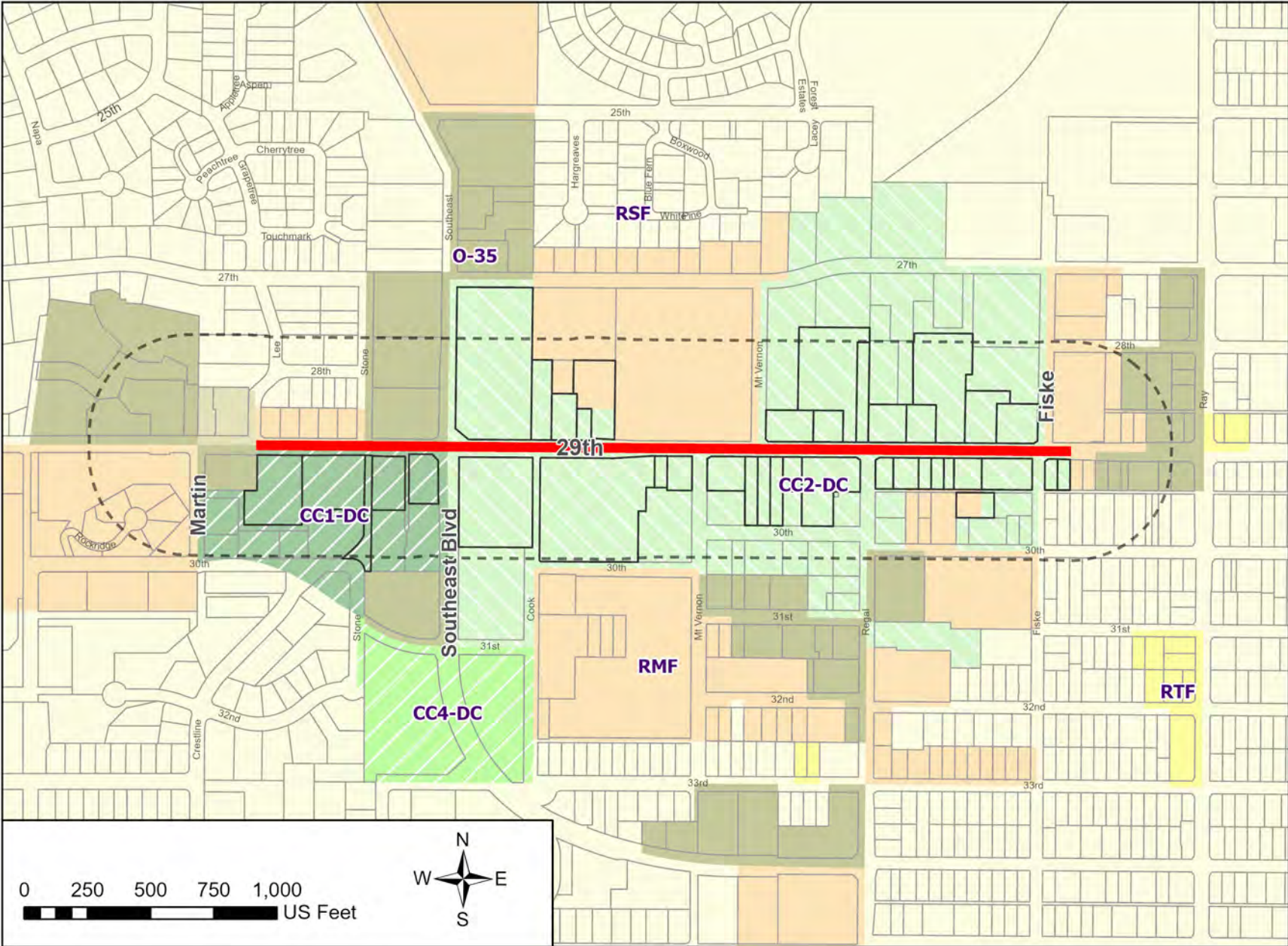
7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment.

This proposal would not conflict with local, state, or federal requirements for the protection of the environment.



Proposed Zoning Map Amendment

Pedestrian Street Designation of E 29th Ave at the Lincoln Heights District Center



- ### LEGEND
- Proposed Pedestrian Street
 - Affected Parcels
 - Notification Area
 - Other Parcels
 - Current Zoning**
 - Center and Corridor Type 1
 - Center and Corridor Type 2
 - Mixed Use Transition-CC4
 - Office
 - Office Retail
 - Residential Multifamily
 - Residential Two-Family
 - Residential Single-Family



THIS IS NOT A LEGAL DOCUMENT: The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc. For questions on the information provided herein, contact the City of Spokane, Planning and Economic Development Services.

Drawn by Brandon Whitmarsh
 Planning and Economic Development Services
 10/24/2023
 Scale: 1:6,863

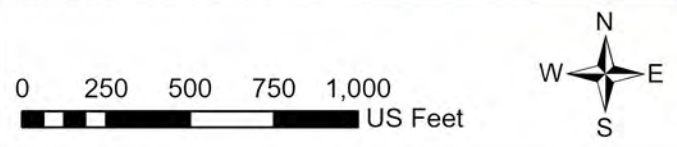


EXHIBIT E



EXHIBIT E: PUBLIC COMMENTS RECEIVED

Department of Planning and Economic Development

Public Comments received before 8:00 am on January 3, 2024 are below.

Whitmarsh, Brandon

From: Jan Woods <sunnydays522@yahoo.com>
Sent: Wednesday, November 29, 2023 3:52 PM
To: Whitmarsh, Brandon
Subject: Re: 29th Ave Pedestrian Project

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you so much for your response. I wish you the best in getting your plans implemented as soon as possible. I am overjoyed that there will be improvements this spring along 29th Ave. I look forward to future emails about the project.

On Wednesday, November 29, 2023 at 03:48:53 PM PST, Whitmarsh, Brandon <bwhitmarsh@spokanecity.org> wrote:

Good afternoon Jan,

Thank you for your comments. I've added them to the collected comments on the proposal and will share them with the Plan Commission and City Council prior to their hearings on the proposal. I'll also add your name and email to the list of folks who directly receive any future notices or announcements about this proposal going forward.

To answer your question about the crosswalk at the Rosauers and the bus station, a rapid flashing beacon and better overhead lighting is funded and scheduled for construction this upcoming spring.

Thanks again,



Brandon Whitmarsh (*he/him*) | City of Spokane | Planner I | Planning & Economic Development

509.625.6846 | dept. 509.625.6500 | bwhitmarsh@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Jan Woods <sunnydays522@yahoo.com>
Sent: Monday, November 27, 2023 3:14 PM
To: Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>
Subject: 29th Ave Pedestrian Project

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello, Mr. Whitmarsh:

Today in my mail was the notice of the proposed change to 29th Ave. I am overjoyed that something could be done to change the way the street is managed for pedestrians and drivers. Changes are long overdue for this dangerous area.

I learned just today that my next-door neighbor Mike Galloway was critically injured a week ago trying to cross 29th Ave at 5 p.m. at dusk. The driver was not cited. Mike is a 79-year-old who frequently crosses 29th Ave. to go to Rosauer's Market. He sustained many broken bones, has head trauma and has been put into a coma. His survival is questionable at this point. We live in the Lincoln Heights Garden and Terrace Apartments with our apartments facing 29th Ave. All residents of these apartments are over age 55. Many use walkers, wheelchairs, and canes so are very slow to get across the busy 4-lane street. There is also considerable foot traffic to get to the bus stop on the southside of 29th Ave near the crosswalk. In the winter, the crosswalk is often covered with snow berms from the plows.

Mike and I have been neighbors for 6 years and have witnessed many close calls of elderly and disabled pedestrians trying to cross 29th using the crosswalk. Drivers simply don't slow down or don't notice when a vehicle in the other lane does not stop. The man who occupied my apartment 7 years ago was killed trying to cross 29th while in the crosswalk around dusk. We are certain that most drivers exceed the 30 MPH speed limit and rarely stop for pedestrians in the crosswalk.

Three years ago, I contacted the Lincoln Heights Community Committee asking for flashing lights to be added to the crosswalk. I was told that there was progress on this situation but no definite plan. I had hope, but it has vanished because until the entire street is changed. In the meantime, there could at least be a change in the speed limit to 20 mph and flashing lights at the crosswalk, and better street lighting. Is this possible?

While I won't be able to attend your public meetings as I rarely go out after dark, I wanted to give my input. I hope positive changes are made as quickly as possible as lives are at stake in this neighborhood. If I can be of assistance in any way, please let me know. If you can use my comments in any way, please do so.

Jan Woods

Resident

Lincoln Heights Garden & Terrace Apartments

2627 E.29th Ave, Apt P5

Spokane, WA 99223

(509) 279-4362

Whitmarsh, Brandon

From: Yaya Senklip <yayasenklip@icloud.com>
Sent: Thursday, November 30, 2023 2:33 PM
To: Whitmarsh, Brandon
Subject: Pedestrian Street Zoning Designation for a portion of East 29th Ave

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Brandon,

Please add to the “interested persons list”:

Yaya Senklip
2708 E 27th Ave G4
Spokane WA 99223

and,

Jerry Peterson
2703 E 29th Ave L2
Spokane WA 99223

and,

Deborah Robinson
2701 E 29th K4
Spokane WA 99223

We don't really understand the informational handout and what all changes are being proposed but we would certainly like to know more.

If this designation is to help “strongly favor the pedestrian” then we do have a suggestion that we would like to see added. We live at the Senior Citizen apartment community: Lincoln Heights Garden and Terrace Apartments — the residents here would like a crosswalk mid-block on Mt. Vernon between 27th and 29th.

This would be just north of the current driveway entrance to the Lincoln Heights mall directly in front of the Baskin Robbins — about where 28th would be if it existed.

The residents here all jaywalk right at that point because we are pedestrians going to the mall. That is right where our facility path/sidewalk leads directly across the street to the mall walk. Right now about 90% of the cars on Mt. Vernon stop and wait for us, probably because we look like pathetic, clueless old folks. But it would be good if we weren't breaking the law but instead we would be using a crosswalk! We would all appreciate your considering this “pedestrian-friendly” idea. Further, if you slow the traffic on 29th the traffic on 27th would likely increase (right now there is often drag racing on 27th during the night) more crosswalks or crosswalks with lights or stop signs on 27th would really help pedestrians at the park and the Goodwill.

Thank you,

Yaya Senklip with Jerry Peterson, and Deborah Robinson

From: Nathan Hutchens <nvhutch04@gmail.com>
Sent: Friday, December 1, 2023 8:14 AM
To: Gardner, Spencer <sgardner@spokanecity.org>
Subject: Support of 29th Pedestrian Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello,

I live in the Southgate Neighborhood near the intersection of Helena and 39th Ave. I am writing in to express my support of giving 29th Ave a Centers and Corridors Pedestrian Street Designation as well as to express my excitement in how rezoning the area may support additional modes of transit.

I have lived in several other neighborhoods on the South Hill (Comstock, Manito, Southgate), and each neighborhood suffers the same issue; 29th Ave is a major obstruction to any mode of transit other than the automobile. I acknowledge some of the great pedestrian and bike upgrades the City has completed since my living here such as the Ben Burr Trail and Fiske Street improvements north of 17th Ave, however accessing these bike facilities from my location is difficult, especially navigating 29th Ave at Pittsburg and/or SE Blvd. I believe that giving 29th between SE Blvd and Ray (approx.) will further the City's goals of supporting other modes of transportation other than the automobile.

Personally, I would like to see a better established bike option between where I live (Helena and 39th Ave) and Downtown (where I work) that utilizes the City's proposed Pittsburg St Greenway and that provides a safe means to navigate SE Blvd and 29th Ave thereby linking up with the Lincoln Park paved pathway. My vision is to create a well defined bike route into downtown and the University District utilizing Pittsburg / SE Blvd / Lincoln Park / 17th / Fiske / Ben Burr. Options would also exist to simply use SE Blvd and Sherman St near Sprague however traffic is much higher on these streets and I would prefer to avoid traffic as much as possible.

The Garden District will connect 32nd Ave to SE Blvd. There is another opportunity to cross SE Blvd at 32nd (near the Bus Park and Ride), and develop a bike lane between 32nd and Lincoln Park. This would enable a rider to pass through the 29th Ave / SE Blvd intersection without having to make a left hand turn across 29th.

Enhanced pedestrian features at 32nd Ave and SE Blvd would also allow for more walkers and bikers to access the Lincoln Heights corridor for groceries, dining, shopping, etc. As I understand it there are several other apartment complexes under consideration near the intersection of 32nd and SE Blvd.

I am truly excited by the opportunity for the Lincoln Heights corridor to become a walkable and safe urban environment. As developed currently the Lincoln Heights shopping center has too much surface parking, too many fast food drive throughs, and too much developable land which is not being utilized. I encourage the City to prioritize this zoning change and support new growth in the area per the pedestrian street guidelines.

Thank you!

Nate Hutchens

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Monday, December 4, 2023 8:14 AM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: Fw: 28th Ave Centers and Corridors Pedestrian Street Designation

Passing along more public comment.

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Sally Phillips <phillips1948@comcast.net>
Sent: Sunday, December 3, 2023 8:26 AM
To: Gardner, Spencer <sgardner@spokanecity.org>
Subject: 28th Ave Centers and Corridors Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

My family has lived in Lincoln Heights for 38 years. We support making 29th Ave a Pedestrian Priority Zone.

My husband and I are in our 70's, and live about 3/4 mile from the Lincoln Heights shopping center. For our health and for enjoyment we like to walk to the center for shopping needs. That is *mostly* a pleasant experience, as we can enjoy being outside and seeing what is happening in the neighborhood. However, actually walking along 29th is rather unpleasant. The sidewalk is right next to an abundance of fast-moving traffic, which is a concern as we are not as steady on our feet as we were when younger. In places, shrubbery reduces the sidewalk width. My husband has had knee surgery and is sensitive to driveway dips. If we use the traffic light at 29th/Regal, there is no clear safe path to get to shops at the west end of the center. However, we **STILL like to walk, and persist, despite the less than ideal setup for walkers.**

I participated in the centers and corridors planning, which emphasized making streets around the center more walkable. That's my dream for enhancing our neighborhood.

I have always regretted the way Thornton Murphy Park is isolated by busy surrounding streets. How wonderful it would be if responsible parents could let their kids go to the park independent of being driven.

I am aware that the neighborhood council has made several plans to improve non-motorized access to the shopping center:

- **Fiske greenway designation, with planned pedestrian light at 29th & Fiske**
- **Pedestrian light on 29th across from Rosauers**
- **Sidewalk improvement along Ray**
- **Trail connection between Thornton Murphy Park and the mini-park above the CSO tank on Ray - called 'low-hanging fruit' in the district center plan**
- **Pedestrian light on Ray, midway between the 17th & 29th traffic lights**

Thanks for considering this request to *prioritize* pedestrian needs along this section of 29th. I feel this is a good step toward fulfilling the goals long-sought by our Lincoln Heights neighbors.

Sally Phillips 509-448-6271

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Tuesday, December 5, 2023 5:14 PM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: Fw: 29th Avenue Pedestrian Street Designation

More comment.

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Carol Landa-McVicker <cj_99224@yahoo.com>
Sent: Tuesday, December 5, 2023 3:40 PM
To: Gardner, Spencer <sgardner@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>
Cc: Carol Landa-McVicker <cj_99224@yahoo.com>
Subject: 29th Avenue Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Greetings,

I have lived in Lincoln Heights for over 20 years and during that time have seen significant residential growth and resulting increased traffic and congestion on our main travel corridors including 29th Avenue. In addition to individual family homes, there are many apartment buildings that house seniors on fixed incomes, children who walk to school and adults with various disabilities. Many depend on bus service, walking and riding bikes to access neighborhood grocery stores, banks, clinics, restaurants and retail stores. We want our neighborhood center to be a safe place for people who use transportation other than automobiles.

To mitigate traffic congestion, improve air quality and facilitate walking, riding bikes and using public transportation in our neighborhood, I urge the planning commission to designate 29th Avenue as a Pedestrian Street. While this will not affect the current traffic lanes on 29th, but it will provide traffic calming, help in future planning and make Lincoln Heights a safer neighborhood.

Thank you for your support and consideration of our request.

Carol Landa-McVicker, Lincoln Heights Neighborhood Council Secretary

2705 E Mount Vernon Dr
Spokane, WA 99223

(509) 534-3536 h
(509) 435-1506 c

"Our lives begin to end the day we become silent about things that matter." (Martin Luther King, Jr.)

Whitmarsh, Brandon

From: Plan Commission
Sent: Monday, December 11, 2023 10:51 AM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: FW: 29th Ave Centers & Corridors Pedestrian Street Designation

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: DOUGLAS & MARILYN LLOYD <mdlloyd@comcast.net>
Sent: Sunday, December 10, 2023 2:17 PM
To: Plan Commission <eraplanc@spokanecity.org>
Subject: 29th Ave Centers & Corridors Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

My husband and I have lived in the Lincoln Heights Neighborhood for 56 years and strongly support the designation of 29th Avenue between Martin and Fiske Streets as a Centers and Corridors Pedestrian Street. We have seen many changes in the traffic through our neighborhood during our life here and over the years we have observed it to become a drive through neighborhood.

Like us, this neighborhood has a high senior population. Homeowners and renters have progressively found 29th Avenue and its businesses difficult to access. We feel that it is important to improve our accessibility to businesses and to support pedestrian and bicycle traffic. Our Neighborhood Council has been and is very active in studying and proposing Traffic Calming Projects. This is done with widespread support of our neighbors.

The street designation is a great step towards the goal which is to eliminate Spokane traffic deaths by 2042. As long-time residents in this neighborhood we ask you to join us in supporting the 29th Ave Centers & Corridors Pedestrian Street Designation. A pleasant and walkable neighborhood will help bring quality to our community center keep all our residents safe.

Marilyn and Douglas Lloyd
3620 E 35th Ave

Whitmarsh, Brandon

From: Plan Commission
Sent: Monday, December 11, 2023 10:51 AM
To: Black, Tirrell; Whitmarsh, Brandon
Subject: FW: Southeast Boulevard

Thank you,

Angie McCall | she/her | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org

-----Original Message-----

From: bonnie <rpeaches8@gmail.com>
Sent: Sunday, December 10, 2023 7:41 PM
To: Plan Commission <eraplanc@spokanecity.org>
Subject: Southeast Boulevard

[CAUTION - EXTERNAL EMAIL - Verify Sender]

My name is Eugene Roth. I am a resident at Rockwood South Hill Retirement Community. I am severely visually impaired and so do not drive. As a result I walk a great deal on South East Boulevard and 29th Avenue. The issues I will raise are about South East Boulevard.

The sidewalk along Southeast Boulevard is very narrow. There have been two fatalities on the sidewalk in the past five years. Where I was from in Seattle there is a verge between the sidewalk and the street. Here the sidewalk is very narrow and there is no verge between the sidewalk and the street. It is impossible for two people to walk on this sidewalk.

At the bus stop prior to safeway, just before you reach 27th street it is very difficult to negotiate when there are people waiting for the bus with carts or strollers. It forces the pedestrian to walk extremely close to the street. Cars seem to travel at extremely high speeds along Southeast Boulevard. The fatalities that occurred were because of cars jumping to the sidewalk at extremely high speeds. I don't know what the speed limit is but speed appears to be a problem.

This needs to be evaluated and something needs to be done to correct this issue for everyone's safety.

Whitmarsh, Brandon

From: Carol Tomsic <carol_tomsic@yahoo.com>
Sent: Sunday, December 10, 2023 11:05 PM
To: Wilkerson, Betsy; Dillon, Paul; Cathcart, Michael; Bingle, Jonathan; Stratton, Karen; Zappone, Zack; Plan Commission; Gardner, Spencer; Black, Tirrell; Whitmarsh, Brandon; Winkes, Mary
Cc: Marilyn; Sally; Carol Landa-McVicker; Striker, Patrick
Subject: Plan Commission Workshop Comment on Pedestrian Street Designation on 29th, between Martin St and Fiske St

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hello

A pedestrian street designation on 29th, between Martin St and Fiske St, is necessary for the safety of our pedestrians and bicyclists. The designation will *ensure* that commercial and residential development supports a walkable environment.

For example, a proposed restaurant on 29th/Regal with a two-lane, fifty car drive thru, that meets parking space limits, does *not* support a walkable environment. It is not a neighborhood scale business. It is an auto-oriented business. It will endanger our pedestrians and bicyclists.

It is noted in the initial review and analysis of center and corridors that our district center has limited opportunities to improve pedestrian activity. A pedestrian street designation on 29th *will* improve pedestrian activity. The city wants to create more housing density in centers and corridors. Transit, walking and bicycling encourages visits to neighborhood businesses. A pedestrian street designation on 29th will ensure our present and future residents can safely access the retail businesses and keep our district center vibrant.

A pedestrian street designation on 29th aligns with our district center plan. Our district center plan supports neighborhood-oriented businesses that cater to folks who walk, bicycle and take the bus. Our district plan envisions retail businesses that provide neighborhood-scale services and increase the level of pedestrian activity in and around our district center.

Our council has worked hard on bicycle paths, greenways and pedestrian safety in our district center. An RRFB will be installed at the crosswalk at 29th/Rosauers in the Spring. A HAWK light at 29th/Fiske is on the four-year traffic calming list. Traffic calming on 29th is a priority in our neighborhood traffic calming program. We have four transit buses that pick up and drop off riders on 29th. Our council is advocating for a public private partnership to merge the open space in the Garden District PUD with a two-acre parcel at 31st/Napa (a former water tower site) to create a 10-acre neighborhood park. We want our district center to be safe, walkable and bicycle-friendly.

I have lived in the neighborhood for 28 years. I work in a retail business in the Lincoln Heights Shopping center. I am a pedestrian. I have been nearly hit numerous times while using the marked crosswalks on 29th and while walking on the sidewalk at the existing drive-thrus. Drivers are typically focused on their food and not the pedestrians on the sidewalk. Allowing more drive thru lanes on 29th will make it more dangerous to walk or shop in our district center.

The Center and Corridor design standards support a safe pedestrian environment. The Pedestrian Master Plan supports a more walkable city. The Design Guidelines for Public Projects supports the importance of pedestrian-oriented spaces.

A pedestrian street designation on 29th aligns with the goals of the Vision Zero Action Plan, the 2014 South Hill Connectivity and Livability Strategic Plan, and the city's Comprehensive Plan, in particular the land use and neighborhood chapters.

Please recommend to the City Council a Pedestrian Street Designation on 29th, between Martin St and Fiske St.

Thank you!

Carol Tomsic

resident

Whitmarsh, Brandon

From: Black, Tirrell
Sent: Tuesday, December 12, 2023 1:39 PM
To: dhume@spokane-landuse.com
Cc: 'Chris Cheeley'; Whitmarsh, Brandon
Subject: RE: Chris Cheeley Property 29th & Fiske

Mr. Hume,

We have received your letter and will forward it to the Plan Commission. We won't include it in the PC agenda packet since we aren't able to reissue this late for tomorrow's meeting. However, it will be in the full agenda packet for the Plan Commission Public Hearing and will also go to the City Council.

Sincerely,
Tirrell

Tirrell Black, AICP

Assistant Director

City of Spokane | Planning & Economic Development

Office 509.625.6185, Main 509-625-6500 | tblack@spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: dhume@spokane-landuse.com <dhume@spokane-landuse.com>
Sent: Tuesday, December 12, 2023 9:25 AM
To: Black, Tirrell <tblack@spokanecity.org>
Cc: 'Chris Cheeley' <chrischeeley@gmail.com>
Subject: Chris Cheeley Property 29th & Fiske

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Tirrell: Please share our attached letter with the PC at the workshop. I trust that they will give this some serious consideration and concur.

Dwight J. Hume

Land Use Solutions & Entitlement
9101 N Mountain View Lane
Spokane, WA 99218
509-435-3108

Land Use Solutions & Entitlement

Land Use Planning Services

9101 N. MT. VIEW LANE Spokane, WA 99218
509-435-3108 (V)

(Sent via Email)

12-11-23

Tirrell Black, AICP
Assistant Director
City of Spokane Planning & Economic Development
801 W Spokane Falls Blvd
Spokane WA 99201

Ref: Lincoln Heights Pedestrian Designation, (SEC 29th & Fiske)

Dear Tirrell:

The purpose of this letter is to request that the SEC of Fiske and 29th be removed from the proposed Pedestrian Designation for the following reasons:

- 1) The pedestrian street features should begin at the westerly edge of 29th, (as was proposed by Council), much the same as the west end of the proposed pedestrian improvement of 29th at Lee, (not midblock).
- 2) The physical dimensions of this intersection are not uniform and do not lend themselves to ease of uniform updated improvement. (The SEC of Fiske aligns with the centerline of Fiske, north of 29th).
- 3) The land use pattern of this intersection includes fast food establishments on the NWC and SWC. Hence, drive-thru functions will be there in perpetuity.
- 4) Further development restrictions from the proposed Pedestrian Corridor standards, will discourage development of the site and prolong the vacancy and taxbase deficit.
- 5) It has been my personal experience with the City Council, to heed the wishes of the neighbor's request not to be included, when the Docketing Committee and PC have recommended inclusion of their properties into a proposed zone district under my annual amendments. How is this any different. There's no harm, no foul, to delete this property.

Respectfully Submitted

Dwight J Hume

Dwight J Hume for the SEC Owner. (35342.0301, 0302)

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Thursday, December 14, 2023 2:12 PM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: Fw: Lincoln Heights 29th Street Pedestrian Street Designation

FYI

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Marilyn Reimann <mhreimann68@gmail.com>
Sent: Tuesday, December 12, 2023 3:50 PM
To: Gardner, Spencer <sgardner@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Subject: Lincoln Heights 29th Street Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Planning Director Spencer Gardner
Members of the Planning Commission
Members of our City Council

We have lived in the same house in the Lincoln Heights area for 46 years. We do most of our shopping in Lincoln Heights businesses. With the increased population growth, the amount of traffic has impinged on the walkability of the shopping area.

Pedestrian Street Designation should improve the walkability and even the access to many businesses. Properly designed, it could easily increase the revenue to many businesses by drawing people in to explore and become patrons of the businesses.

With sufficient setbacks, it would increase the usage of the areas.

We are attending and voting members of the Lincoln Heights Neighborhood Council for about 20 years, and we come together to do good for our community and really for all of Spokane,

Thank you,

Henry and Marilyn Reimann

Whitmarsh, Brandon

From: Plan Commission
Sent: Wednesday, December 13, 2023 8:16 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: FW: 29th Ave. Center & Corridors Pedestrian street Designation

More public comment

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Richard Sola <richardmsola@gmail.com>
Sent: Tuesday, December 12, 2023 4:38 PM
To: Plan Commission <eraplanc@spokanecity.org>
Subject: 29th Ave. Center & Corridors Pedestrian street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Afternoon, Planning Commission and Staff,

As a long-resident of the Lincoln Heights area, I am in full support of the proposed 29th Avenue Centers and Corridors Pedestrian Designation because it is:

- A common sense way of addressing the dramatically increased traffic on 29th
- Consistent with the City's Comprehensive Plan and numerous other city planning documents
- Serves as a model approach for other areas of the City of Spokane
- It bests serves the current and future needs of the Lincoln Heights Neighborhood and its residents by increasing the safety of not only walking, but also driving in the neighborhood.
- It supports the economic development of the Lincoln Heights area by attracting businesses that complement the existing retail/commercial activities.

Notably, the plan will not affect the number of traffic lanes!

Please help make this a reality, one that best serves the needs and wants of the neighborhood as well as the City of Spokane as a whole.

Thank you,

Richard Sola

Sent from [Mail](#) for Windows

Whitmarsh, Brandon

From: Plan Commission
Sent: Tuesday, December 12, 2023 3:50 PM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: FW: 29th Avenue and Centers & Corridors Pedestrian Street Designation

Additional public comment. I've already added it to the agenda and have uploaded it to the website. 😊

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: Shawn Terjeson <shawninmotion@gmail.com>
Sent: Tuesday, December 12, 2023 1:33 PM
To: Plan Commission <eraplanc@spokanecity.org>
Cc: Gardner, Spencer <sgardner@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Subject: 29th Avenue and Centers & Corridors Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To the Spokane Plan Commission,

I am writing to support the 29th Avenue and Centers & Corridors Pedestrian Street Designation. Here is why.

My wife and I live on 35th and Cook, easy walking distance from the C&C. Every time I walk or bike to a business on 29th, safety comes to mind.

When I learned from the 2020 census that 25% of my neighbors, like me, are over the age of 65, that opened my eyes. Just like when I learned that people over 60 have a much higher propensity for a fatal outcome when hit by a car. We as a city might want to take a step to protect these older taxpayers.

25+% of the homes in Lincoln Heights have children; 10-12% are single parent homes. There is a surprising streak of poverty that runs through Lincoln Heights, in some spots car ownership is as low as 10%. This means more kids are walking to their destinations. We definitely want to protect these kids.

Outgoing Spokane City Council President Lori Kinnear said, "First and foremost, it's about public safety. It's not about how many drive-thrus we can build in a given space. We're going to have to accommodate the people who live there now and the people who are going to be living there in the future."

I think Lori has it right. Please Support the Pedestrian Street Designation.

Best regards,

Shawn Terjeson
ShawnInMotion@gmail.com
206-935-2646

Whitmarsh, Brandon

From: Plan Commission
Sent: Wednesday, December 13, 2023 8:17 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: FW: SUPPORT Pedestrian Street Designation for 29th Avenue between Fiske St and Martin St

Yes, more public comment. 😊

Thank you,



Angie McCall | *she/her* | Clerk III | Planning & Economic Development
509.625.6864 | my.spokanecity.org



From: karen@karenmoble.com <karen@karenmoble.com>
Sent: Wednesday, December 13, 2023 8:05 AM
To: Gardner, Spencer <sgardner@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; City Council Members and Staff <citycouncil@spokanecity.org>
Cc: Carol Tomsic <carol_tomsic@yahoo.com>
Subject: SUPPORT Pedestrian Street Designation for 29th Avenue between Fiske St and Martin St

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good Morning Plan Commission and Spokane City Council,

I apologize I am sending this email so late with the Plan Commission workshop this afternoon. I have a late emerging time conflict and cannot attend to testify as I had planned.

Please SUPPORT the Pedestrian Street Designation on 29th between Fiske St and Martin St. I'm sure you will hear many thoughtful and cogent comments today as to why this should happen. I believe this is one of the most dangerous areas for pedestrians in our city. My neighbors joke in a somber tone that they will not walk or let their kids walk in this area because the cars are moving too fast, too recklessly and because they don't want to be flattened like Wiley E. Coyote under an Acme anvil.

I believe we should be working to make this area safer and more desirable for all the neighborhood services especially mixed-use retail and many in our area do not have cars and use the bus or walk. We shouldn't have to risk our lives to shop in our neighborhood.

I am happy to share further information but I trust my neighbors will be there and can help create greater understanding of the needs and concerns.

Best regards,

Karen

Karen R. Mobley (she/her)
Artist, Writer, Art Consultant
3515 S. Lee Street
Spokane, WA 99203
karen@karenmobley.com
(509) 499 0784

www.karenmobley.com
www.spokanearts.org

Let love rule the world!

Whitmarsh, Brandon

From: Gardner, Spencer
Sent: Monday, December 18, 2023 9:14 AM
To: Whitmarsh, Brandon; Black, Tirrell
Subject: Fw: 29th Ave. Pedestrian Street Designation

FYI

Spencer Gardner | Director | Planning Services
Office 509-625-6097 | Mobile 509-723-7554 | my.spokanecity.org

From: Saralyn Beckius <srbeckius@gmail.com>
Sent: Sunday, December 17, 2023 12:53 PM
To: City Council Members and Staff <citycouncil@spokanecity.org>; Plan Commission <eraplanc@spokanecity.org>; Gardner, Spencer <sgardner@spokanecity.org>
Subject: 29th Ave. Pedestrian Street Designation

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Good morning,

My name is Saralyn Beckius. I am writing to let The Plan Commission and City Council know that I support giving 29th Avenue Centers & Corridors Pedestrian Street Designation.

I live near the part of 29th in question, yet hardly ever use it. The experience of going to this area to run errands is so miserable that I've delayed visiting Wild Birds Unlimited to restock my feeders for *months*, now. Which of course means I'm kept away from the Trader Joe's and other businesses in the area. The lack of safety and the abundance of car traffic are complete dealbreakers.

The designation will not affect the traffic lanes on 29th Avenue. But it will make it safer for residents to walk, bike, and shop in the neighborhood. And for my part, that is what it will take to make the area usable.

Thank you,
Saralyn Beckius

Whitmarsh, Brandon

From: Whitmarsh, Brandon
Sent: Friday, December 22, 2023 9:57 AM
To: 'Carol Tomsic'
Subject: RE: Non-Project SEPA Request for Comment and Notice of Intent to Adopt -- Comment

Hi Carol,

I wanted to follow up because I am not finding the response I sent. Apologies if this is a repeat, but I want to make sure you are aware. The SEPA Checklist was revised to address the additional Spokane Transit Authority service in the area. Thank you for your comment.

Have a wonderful weekend.

Thank you,



Brandon Whitmarsh (*he/him*) | City of Spokane | Planner I | Planning & Economic Development
509.625.6846 | dept. 509.625.6500 | bwhitmarsh@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Whitmarsh, Brandon
Sent: Monday, November 27, 2023 12:23 PM
To: Carol Tomsic <carol_tomsic@yahoo.com>
Subject: RE: Non-Project SEPA Request for Comment and Notice of Intent to Adopt -- Comment

Thank you for the follow up Carol. This information has been received and will be reviewed shortly.

Best,



Brandon Whitmarsh (*he/him*) | City of Spokane | Planner I | Planning & Economic Development
509.625.6846 | dept. 509.625.6500 | bwhitmarsh@spokanecity.org | spokanecity.org

This email is subject to Washington State Public Records Act, Chapter 42.56 RCW, and may therefore be subject to public disclosure.

From: Carol Tomsic <carol_tomsic@yahoo.com>
Sent: Tuesday, November 21, 2023 8:59 PM
To: Whitmarsh, Brandon <bwhitmarsh@spokanecity.org>
Subject: Re: Non-Project SEPA Request for Comment and Notice of Intent to Adopt -- Comment

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Brandon

I just realized I addressed this to the Ryan Benzie, the clerk.

I wanted to make sure routes 43 and 45 were added to the SEPA.

We had talked at the Neighborhood Summit. I appreciated your information and time.

Carol

On Sunday, November 19, 2023 at 08:08:29 PM PST, Carol Tomsic <carol_tomsic@yahoo.com> wrote:

Hi Ryan

The Lincoln Heights Neighborhood Council totally supports the 29th Ave Pedestrian Street Designation.

We do have one comment.

14 Transportation b. (page 14)

E 29th Avenue is served by Spokane Transit Authority (STA) routes 4, 34, **43 and 45** in the proposed area.

Please add routes 43 and 45.

Route 43 stops at 29th/Regal, 29th/Ray and 29th/Rosauers.

Route 45 stops at 29th/SE Blvd.

Thank you!

Carol Tomsic
Chair, Lincoln Heights Neighborhood Council

Please send email verification of receipt.

On Tuesday, November 7, 2023 at 02:57:03 PM PST, Benzie, Ryan <rbenzie@spokanecity.org> wrote:

Hello,

Please find attached the Notice of Intent to Adopt and SEPA request for comment for:

Proposal Name: 29th Ave Pedestrian Street Designation

Site Address: Citywide

Please direct any questions or comments to Brandon Whitmarsh , at bwhitmarsh@spokanecity.org.

Thank you,



Ryan Benzie | Clerk III | Planning & Economic Development

509.625.6863 | my.spokanecity.org



From: [Jim V](#)
To: [Gardner, Spencer](#); [Plan Commission](#); [City Council Members and Staff](#)
Subject: Pedestrian Street Designation on 29th, between Fiske St and Martin St.
Date: Wednesday, January 3, 2024 4:36:16 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I am writing to express my feelings about plans for the Lincoln Height neighborhood. As I understand it, the basic issue is whether or not to favor pedestrians. As one who walks a lot around the neighborhood, I hope the plan will favor pedestrians. I have lived here for 15 years and enjoy the many fine businesses and excellent transit service. I must cross 29th Avenue every day when, for example, I walk from my home to the senior center or to upper Lincoln Park. That is why I am looking forward to plans for improved safety at pedestrian crossings, including the lights at the Rosauer's store. As for the proposed drive-through Chick-Fil-A development, I hope it will not be approved. New businesses that are more pedestrian-oriented would certainly be welcome, but one that is so intensely oriented to car traffic would diminish the quality of the neighborhood.

Sincerely,
James VanderMeer
3025 S. Cook St., #9
Spokane, WA 99223-3518
509-477-9814
jhvandermeer@yahoo.com

EXHIBIT F



EXHIBIT F: AGENCY COMMENTS RECEIVED

Department of Planning and Economic Development

Agency comments received during the agency comment period between November 7, 2023 and November 21st, 2023 are below.

Whitmarsh, Brandon

From: Eliason, Joelle
Sent: Monday, November 20, 2023 4:39 PM
To: Whitmarsh, Brandon
Cc: Nilsson, Mike; Johnson, Erik D.; Kells, Patty
Subject: Non-Project SEPA Request for Comment and Notice of Intent to Adopt (29th Ave Pedestrian Street Designation)

Hello Brandon,

Development Services – Engineering has no concerns regarding the subject SEPA.



Joelle Eliason | City of Spokane | Engineering Technician IV Development Services Center
509.625-6385 | 808 W Spokane Falls Blvd, Spokane, WA 99201 | jeliason@spokanecity.org | my.spokanecity.org



Development Services Center is open Monday-Friday 8 am – 5 pm in person, [online](#) or over the phone at 509.625.6300!

Whitmarsh, Brandon

From: Randy Abrahamson <randya@SpokaneTribe.com>
Sent: Monday, November 13, 2023 2:53 PM
To: Whitmarsh, Brandon
Subject: RE: Non-Project SEPA Request for Comment and Notice of Intent to Adopt

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Bradon,

Thank you for contacting the Tribe's Historic Preservation Office, at this time we have no concern for the notice of intent to adopt, portion of E 29th ave around the Lincoln Heights district center as a pedestrian street.

Regards,

Randy Abrahamson
THPO Officer

EXHIBIT G



EXHIBIT G: IMPLEMENTATION OF COMPREHENSIVE PLAN POLICIES

Department of Planning and Economic Development

The following policies of the Comprehensive Plan relate to the proposed pedestrian street designation and updates to sections 17C.122.010 and 17C.122.030 of the Spokane Municipal Code. The full text of the Comprehensive Plan can be found at www.shapingspokane.org.

Chapter 3—Land Use

LU 1.14 – Nonconforming Uses

Avoid the creation of large areas of nonconforming uses at the time of adoption of new development regulations.

Discussion: Whenever land use regulations such as allowable use or building area are modified by the City during the course of a normal public process, the potential exists for current buildings and uses that were previously allowed to now no longer be acceptable. These uses are then considered “nonconforming” and can result in significant challenges to residents, business owners, and developers who wish to modify or expand those uses. The city should seek to limit the amount of these nonconforming uses created by any land use or building regulation changes in the future.

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.

Discussion: The “public realm” is the public or private area where people interact with their surroundings or other people. The “public realm” is affected by the appearance, use, and attractiveness of development and how it functions. It is important to design buildings to maintain compatibility with surrounding development, and to design sites that provide for pathways, attractive and functional landscaping, properly proportioned open spaces, and other connecting features that facilitate easy access between public and private places.

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.

Discussion: Performance and design standards should address, among other items, traffic and parking/loading control, structural mass, open space, green areas, landscaping, and buffering.

In addition, they should address safety of persons and property, as well as the impacts of noise, vibration, dust, and odors. An incentive system should be devised that grants bonuses, such as increased building height, reduced parking, and increased density, in exchange for development that enhances the public realm.

LU 3.2 – Centers and Corridors

Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.

Discussion: Suggested Centers are designated where the potential for Center development exists. Final determination is subject to a sub-area planning process.

Neighborhood Center

Neighborhood Centers designated on the Land Use Plan Map have a greater intensity of development than the surrounding residential areas. Businesses primarily cater to neighborhood residents, such as convenience businesses and services. Drive-through facilities, including gas stations and similar autooriented uses tend to provide services to people living outside the surrounding neighborhood and should be allowed only along principal arterials and be subject to size limitations and design guidelines. Uses such as a day care center, a church, or a school may also be found in the Neighborhood Center.

Businesses in the Neighborhood Center are provided support by including housing over ground floor retail and office uses. The highest density housing should be focused in and around the Neighborhood Center. Density is high enough to enable frequent transit service to a Neighborhood Center and to sustain neighborhood businesses. Housing density should decrease as the distance from the Neighborhood Center increases. Urban design guidelines for Centers and Corridors, located in the Spokane Municipal Code, are used to guide architectural and site design to promote compatible, mixed land uses, and to promote land use compatibility with adjoining neighborhoods.

Buildings in the Neighborhood Center are oriented to the street. This encourages walking by providing easy pedestrian connections, by bringing activities and visually interesting features closer to the street, and by providing safety through watchful eyes and activity day and night. Parking lots should not dominate the frontage of these pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking lots should be located behind or on the side of buildings as a rule.

To promote social interaction and provide a focal point for the center, a central gathering place, such as a civic green, square, or park, should be provided. To identify the Center as the major activity area of the neighborhood, it is important to encourage buildings in the core area of the Neighborhood Center to be taller. Buildings up to three stories are encouraged in this area.

Attention is given to the design of the circulation system so pedestrian access between residential areas and the Neighborhood Center is provided. To be successful, Centers need to be integrated with transit. Transit stops should be conveniently located near commercial and higher density residential uses, where transit service is most viable.

The size and composition of Neighborhood Centers, including recreation areas, vary by neighborhood, depending upon location, access, neighborhood character, local desires, and market opportunities. Neighborhood Centers should be separated by at least one mile (street distance) or as necessary to provide economic viability. As a general rule, the amount of commercial space and percent devoted to office and retail should be proportional to the number of housing units in the neighborhood. The size of individual commercial business buildings should be limited to assure that the business is truly neighborhood serving. The size of the Neighborhood Center, including the higher density housing surrounding the Center, should be approximately 15 to 25 square blocks. The density of housing should

be about 32 units per acre in the core of the Neighborhood Center and may be up to 22 units per acre at the perimeter.

The following locations are designated as Neighborhood Centers on the Land Use Plan Map:

- Indian Trail and Barnes;
- South Perry;
- Grand Boulevard/12th to 14th;
- Garland;
- West Broadway;
- Lincoln and Nevada; and
- Fort George Wright Drive and Government Way.

District Center

District Centers are designated on the Land Use Plan Map. They are similar to Neighborhood Centers, but the density of housing is greater (up to 44 dwelling units per acre in the core area of the center) and the size and scale of schools, parks, and shopping facilities are larger because they serve a larger portion of the city. As a general rule, the size of the District Center, including the higher density housing surrounding the Center, should be approximately 30 to 50 square blocks.

As with a Neighborhood Center, new buildings are oriented to the street and parking lots are located behind or on the side of buildings whenever possible. A central gathering place, such as a civic green, square, or park is provided. To identify the District Center as a major activity area, it is important to encourage buildings in the core area of the District center to be taller. Buildings up to five stories are encouraged in this area.

The circulation system is designed so pedestrian access between residential areas and the District Center is provided. Frequent transit service, walkways, and bicycle paths link District Centers and the downtown area.

The following locations are designated as District Centers on the Land Use Plan Map:

- Shadle – Alberta and Wellesley;
- Lincoln Heights – 29th and Regal;
- Southgate;
- 57th and Regal;
- Grand District;
- Five Mile – Francis and Ash (suggested Center, with final determination subject to a sub-area planning process described in LU 3.4); and

- NorthTown – Division and Wellesley (suggested Center, with final determination subject to a sub-area planning process described in LU 3.4).

Employment Center

Employment Centers have the same mix of uses and general character features as Neighborhood and District centers but also have a strong employment component. The employment component is expected to be largely non-service related jobs incorporated into the Center or on land immediately adjacent to the Center.

Employment Centers vary in size from 30 to 50 square blocks plus associated employment areas. The residential density in the core area of the Employment Center may be up to 44 dwelling units per acre. Surrounding the Center are medium density transition areas of up to 22 dwelling units per acre.

The following locations are designated as Employment Centers on the Land Use Plan Map:

- East Sprague – Sprague and Napa;
- North Foothills Employment Center;
- Maxwell and Elm;
- Holy Family;
- North Nevada, between Westview and Magnesium; and
- Trent and Hamilton.

Corridors

Corridors are areas of mixed land use that extend no more than two blocks in either direction from the center of a transportation corridor.

Within a Corridor there is a greater intensity of development in comparison to the surrounding residential areas. Housing at a density up to 44 units per acre and employment densities are adequate to support frequent transit service. The density of housing transitions to a lower level (up to 22 units per acre) at the outer edge of the Corridor. A variety of housing styles, apartments, condominiums, row houses, and houses on smaller lots are allowed. A full range of retail services, including grocery stores serving several neighborhoods, theaters, restaurants, dry-cleaners, hardware stores, and specialty shops are also allowed. Low intensity, auto-dependent uses (e.g., lumber yards, automobile dealers, and nurseries) are prohibited.

Corridors provide enhanced connections to other Centers, Corridors, and downtown Spokane. To accomplish this, it is important to make available safe, attractive transit stops and pedestrian and bicycle ways. The street environment for pedestrians is much improved by placing buildings with multiple stories close to the street with wide sidewalks and street trees, attractive landscaping, benches, and frequent transit stops. Parking lots should not dominate the frontage of these pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking lots should be located behind or on the side of buildings whenever possible.

The following locations are designated as Corridors on the Land Use Plan Map:

- North Monroe Street;
- Hillyard Business Corridor; and
- Hamilton Street Corridor.

Regional Center

Downtown Spokane is the Regional Center and is the primary economic, cultural and social center of the region. With the creation and development of the University District on the east end of Downtown, it is also a major academic hub with the collaboration of multiple institutions of higher education. Downtown contains the highest density and intensity of land use, and continues to be a targeted area for additional infill housing opportunities and neighborhood amenities to create a more livable experience.

The following location is designated as the Regional Center on the Land Use Plan Map:

- Downtown Spokane

LU 3.4 – Planning for Centers and Corridors

Conduct a city-approved subarea planning process to determine the location, size, mix of land uses, and underlying zoning within designated Centers and Corridors. Prohibit any change to land use or zoning within suggested Centers or Corridors until a subarea planning process is completed.

Discussion: Suggested Centers and Corridors are those that have been newly designated and do not have any underlying Center and Corridor land use or zoning. Land use and zoning, as well as the size, location and intensity of the land use for all Centers and Corridors should be determined through a sub-area planning process that is inclusive of all stakeholders. Any such process shall include consultation and coordination with property owners and the neighborhood in which the Center or Corridor is located. This process may be initiated by the city, or at the request of a neighborhood or private interest. Center and Corridor planning should consider the following factors:

- existing and planned commercial and residential densities and development conditions;
- amount of commercial land needed to serve the neighborhood;
- public facilities, available utilities and infrastructure, and service capacity for residential and commercial development;
- capital facility investments and access to public transit; and
- other characteristics of a Center as provided in this plan, or as further refined.

The subarea planning process should result in a determination of the boundaries of the designated Center or Corridor, the land use mix and intensities of use, and the identification of any changes to the Land Use Map within the designated Center or Corridor.

LU 4 – Transportation:

Goal: Promote a network of safe and cost-effective transportation alternatives, including transit, carpooling, bicycling, pedestrian-oriented environments, and more efficient use of the automobile, to recognize the relationship between land use and transportation.

LU 4.2 – Land Uses That Support Travel Options and Active Transportation

Provide a compatible mix of housing and commercial uses in Neighborhood Centers, District Centers, Employment Centers, and Corridors.

Discussion: This provides opportunities for people to use active forms of transportation to get to work and shopping, enables less reliance on automobiles, reduces commuting times and distances, makes mass transit more viable, and provides greater convenience for area residents while supporting physical activity.

3.4 – Description of the Land Use Designations (Excerpt)

The following land use plan map designations are necessary for development and growth in the city to achieve the vision and values discussed at the beginning of the chapter. These land use designations are shown on the following map, LU-1 Land Use Plan Map, which apply the requirements of land use and the goals and policies of the Comprehensive Plan to the physical environment, describing the types of development expected in each area. The overall strategy, as described above, is that development mass, height, and lot coverage be concentrated in focused growth areas (Centers and Corridors) while the remaining parts of the city remain occupied by lower intensity uses. Furthermore, future changes to the land use plan map should seek to achieve a transition between areas of lower and higher development mass and form and should avoid locations where the lowest intensity uses immediately transition to the highest intensity uses.

There is expected to be some variation in residential zones within each residential land use plan map designation. Contextual factors such as proximity to services, transportation options, and existing land use patterns should be considered when assigning a zoning category.

The land use designations and their general characteristics are as follows:

Neighborhood Center: The Neighborhood Center contains the most intensive activity area of the neighborhood. In addition to businesses that cater to neighborhood residents, activities such as a day care center, church, or school may be found in the Center. Size and composition of the Center varies depending upon location, access, neighborhood character, local desires, and market opportunities. Important elements to be included in the Center are a civic green, square or park, and a transit stop. Buildings fronting on the square or green should be at least two or three stories in height with housing located above ground floor retail and office uses. Building height is stepped-down and density of housing is lower as distance from the Center increases. The circulation system is designed to facilitate pedestrian access between residential areas and key neighborhood components.

District Center: District Centers are similar to Neighborhood Centers except they are larger in scale and contain more intensive residential and commercial activities. Size and composition of the Center vary depending upon location, access, neighborhood character, local desires, and market opportunities. District Centers are usually located at the intersection of principal arterial streets or major transit hubs. To enhance the pedestrian environment, plazas, green space, or a civic green serve as an integral element of the district center. Higher density housing is found both within and surrounding the District Center to help support business and transit. A circulation system, which facilitates pedestrian access between residential areas and the District Center, is provided. District Centers and downtown Spokane are linked by frequent transit service, walkways, and bikeways.

For the remainder of the land use descriptions, please refer to the entire comprehensive plan text at www.shapingspokane.org.

Chapter 4—Transportation

TR Goal B: Provide Transportation Choices

Meet mobility needs by providing facilities for transportation options – including walking, bicycling, public transportation, private vehicles, and other choices.

INTENT The objective is to support the desires of the community to have transportation options by providing options for commuting, recreation and short trips using transit and active modes like walking and biking, as well as other choices such as rideshare, carpooling, taxi/for hire services, and private vehicles. Traditional transportation activities focus on the design and construction of facilities—yet travel behavior and mode choice are determined by a broader set of factors. The city shall continue to create new, and improve the existing multi-modal system, in order to accommodate the safe and efficient movement of all people. Effective transportation system management measures should be utilized to support safe and efficient travel for all users.

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. Guidelines identified in the Complete Streets Ordinance and other adopted plans and ordinances direct that roads and pathways will be designed, operated, and maintained to accommodate and promote safe and convenient travel for all users while acknowledging that not all streets must provide the same type of travel experience. All streets must meet mandated accessibility standards. The network for each mode is outlined in the Master Bike Plan, Pedestrian Master Plan, Spokane Transit’s Comprehensive Plan, and the Arterial Street map.

Key Actions

- a. Make transportation decisions based upon the adopted policies, plans, design standards and guidelines, taking into consideration seasonal needs of users, system wide integration, and impacts on the relevant transportation planning decisions of neighboring jurisdictions.
- b. Utilize relevant performance measures and adopted level of service standards to track the city’s progress in developing the transportation network for all users.
- c. Recognize and accommodate the special transportation needs of the elderly, children, and persons with disabilities in all aspects of, transportation planning, programming, and implementation.
 - i. Address the community's desire for a high level of accommodation for persons with disabilities by using the applicable and context sensitive local, state, or federal design standards in all projects within the city’s right-of-way. City of Spokane Comprehensive Plan 4-20

- ii. Implement the city's ADA Transition Plan, Pedestrian Plan and Bicycle Plan with a new focus on broader user groups

TR 5 – Active Transportation

Identify high-priority active transportation projects to carry on completion/ upgrades to the active transportation network.

Key Actions

- a. Ensure that the pedestrian and bicycle networks provide direct connections between major activity centers and transit stops and stations.
- b. The planning, design and construction of transportation projects should maintain or improve the accessibility and quality of existing and planned pedestrian and bicycle facilities.
- c. Implement a network of low vehicle volume, bike-friendly routes throughout the city.
- d. Support the development of a bike-share program within the city core.
- e. Seek grant funding for projects and programs such as Safe Routes to School, Transportation Alternatives, and other active transportation initiatives.
- f. Utilize the Bicycle Plan and the Pedestrian Plan to guide the location and type of bicycle and pedestrian facilities developed in Spokane to:
 - i. Provide safe, attractive, convenient and quality pedestrian and bicycle linkages to transit stops and stations.
 - ii. Provide safe, attractive, convenient and quality pedestrian and bicycle linkages between major activity areas where features that act as barriers prevent safe and convenient access.
 - iii. Provide safe, attractive, convenient and quality pedestrian and bicycle facilities and an aesthetically pleasing environment on bridges.
 - iv. Enhance the pedestrian and bicycle environment along routes to schools to provide a safe walking and riding environment for children. Means of accomplishing this include:
 - encouraging school routes not to cross arterials;
 - having user-activated signals at arterial intersections;
 - implementing safety patrols with traffic-control signs at busy intersections;
 - working with schools to promote walking groups; and
 - strengthening and enforcing pedestrian right-of-way laws.
 - v. Enhance the pedestrian, bicycle and transit environment along routes to desirable destinations for seniors.
 - vi. Enhance the pedestrian, bicycle and transit environment along routes in communities with a high percentage of underserved populations.
 - vii. Provide safe bicycle and pedestrian access to city parks from surrounding neighborhoods.
- g. Provide viable facilities for active transportation modes as alternatives to driving.
 - i. Ensure gaps in the bicycle network are identified and prioritized to complete and expand the connected bicycle network.

- ii. Ensure sidewalk gaps are not present and provide for safe pedestrian circulation within the city. Wherever possible, this should be in the form of sidewalks with a pedestrian buffer strip or other separation from the street.
- iii. Use pedestrian safety strategies on high bicycle and pedestrian traffic corridors.
- iv. Establish and maintain crosswalks at key locations where active transportation facilities cross collector and arterial roadways.
- h. Provide secure parking for bicyclists at key destinations (i.e. Downtown, identified Centers and Corridors, schools and universities, community centers, key transit locations) and ensure future developments include bicycle parking on site that adheres to city-established design and siting standards.
- i. Work with local and regional partners to implement the “Spokane County Wayfinding and Gateway Feature Placement & Design Plan”.
- j. Coordinate with other departments and partner agencies to combine related projects for the purpose of cost-sharing.

TR 6 – Commercial Center Access

Improve multi-modal transportation options to and within designated district centers, neighborhood centers, employment centers, corridors, and downtown as the regional center.

Key Actions

- a. Maintain Street Design Standards and Guidelines to support pedestrian activity and pedestrian-supportive amenities such as shade trees, multimodal design, street furniture, and other similar amenities.
- b. Maintain street design guidelines reflecting best practices to implement designs that effectively manage traffic flow within designated Centers and Corridors while ensuring designs correspond to and support local context.
- c. Designate and develop neighborhood greenways and low vehicle volume bicycle routes that parallel major arterials through designated Centers and Corridors.
- d. Establish and maintain bicycle parking guidelines and standards for Centers and Corridors to provide sufficient and appropriate short- and long-term bicycle parking.
- e. Provide transit supportive features (e.g. sidewalks, curb ramps, transit benches, etc.) in support with STA

Chapter 4: Transportation – 4.4 Modal Elements (Exerpts)

Centers and Corridors (pg 4-33)

To establish active destination centers and lively corridors that bring together residents of Spokane via multiple modes of transportation, a few key objectives must be considered. Density, transit access, and walkability are important factors to introduce alternative modes of transportation, encourage development fitting for Spokane’s character, and facilitate economic development in these identified areas.

Pedestrian Network – Pedestrian Master Plan Goals (pg 4-35)

Goal 4 Safe and Inviting Pedestrian Settings - Create a safe, walkable city that encourages pedestrian activity and economic vitality by providing safe, secure, and attractive pedestrian facilities and surroundings.

Chapter 8—Urban Design and Historic Preservation

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.

Discussion: Orienting the business entrance toward sidewalks and pathways and placing parking lots in a location other than between the entrance and the sidewalk demonstrates the business owner's commitment to the pedestrians instead of only to the motoring public.