

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 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 July 22, 2024, meetings is below. All meetings will 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 July 22, 2024:

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 249 250 76017; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 248 718 50912; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 249 143 67432; password: 0320

To participate in public comment (including Open Forum):

Testimony sign-up is open beginning at 5:00 p.m. on Friday, July 19, 2024, and ending at 6:00 p.m. on Monday, July 22, 2024, via the online testimony sign-up form link which can be accessed by clicking <https://forms.gle/Vd7n381x3seaL1NW6> or in person outside council chambers beginning at 8:00 a.m. on July 22, 2024. You must sign up by 6:00 p.m. to be called on to testify. (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 not relating to the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. "Affairs of the city" shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Individuals speaking during the open forum shall address their comments to the council president and shall maintain decorum as laid out in Rule 2.15 (Participation by Members of the Public in Council Meetings).

**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. Two-minute time limit for comments made during open forum, and three-minute time limit on public testimony regarding legislative items!**

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

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- A. After the conclusion of all legislative business, the council shall recess briefly and then convene for an open forum, unless a majority of council members vote otherwise. The open forum shall have twenty (20) spaces available. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. The council shall conclude open forum after twenty (20) speakers unless a majority of council members vote to allow additional speakers. The city clerk and other staff shall not be required to remain in attendance during the open forum. Nothing in this Rule 2.2 shall be deemed to require open forum or the legislative session to continue after 10:00 p.m., or to require open forum during a council “Town Hall” meeting contrary to Rule 2.14.F.
- B. Members of the public can sign up for open forum beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign themselves in using a name. Members of the public who are unable to sign up during the sign-up period or who attempt to sign up late will be added to the list of speakers at the discretion of the chair, or their designee. The order of the speakers will be determined at the discretion of the chair, taking into account any special accommodations for persons of limited English proficiency as provided in Rule 2.2.F below. Each speaker shall be limited to no more than two (2) 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. “Affairs of the city” shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Absent permission of the chair, 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. 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.
- E. No person shall be permitted to display visual information during open forum, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2@spokanecity.org. Individuals speaking during open forum shall address their comments to the council president, and speakers as well as members of the audience shall comply with Rule 2.15 (Participation by Members of the Public in Council Meetings).
- F. Participation of individuals with limited English language proficiency in open forum shall be accommodated to the extent set forth in Rule 2.15.J.

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

The council encourages public participation in the legislative process. Council meetings shall be conducted in a manner that provides the opportunity for all attendees to hear, see and participate in the proceedings to the extent provided in these Rules and applicable city, state, and federal law. Speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any council meeting is prohibited. In addition to these general principles governing public participation, the following specific rules apply:

- 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, hearing items, special considerations, and other items before the city council requiring council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak on issues that are not part of the current or advanced agendas during open forum.
- B. No member of the public may speak without first being recognized for that purpose by the chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide their city of residence as a condition of recognition. Council members must be recognized by the chair for the purpose of obtaining the floor.
- C. Each person speaking in a public council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the clerk.
- E. Those who wish to provide commentary but do not wish to give verbal comments at the podium may provide written comments to the council via letter or electronic mail.
- F. No person shall be permitted to conduct demonstrations, display banners, hold signs, applaud or boo speakers, use profanity, vulgar language or obscene speech, yell or make comments that attack or verbally insult any individual, or engage in other such disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the proceedings.
- G. Standing is permitted so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when standing.
- H. 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.
- I. 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.
- J. City employees or city officials (including members of city boards and commissions) 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.
- K. 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 policy advisor and/or a 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 harassing other attendees or risk being removed and/or prohibited from attending future meetings.

- L. The city council intends to fully comply with chapter 18.11 SMC, Language Access in Municipal Proceedings. Rules regarding participation of individuals in council proceedings, including legislative sessions and open forum, shall be deemed amended to conform to any Language Access Plan adopted by the council pursuant to SMC 18.11.030. Except as otherwise provided in an adopted Language Access Plan, individuals with limited English language proficiency are encouraged to contact the council office director at least five (5) days prior to a scheduled legislative session for assistance with the signing up to testify or to arrange translation or interpretation assistance.
- M. City council legislative sessions are regularly video and audio recorded and available online (<https://vimeo.com/spokanecitycouncil>). Members of the public may also photograph or film council proceedings so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when photographing or recording. No flash photography or other lighting is permitted.
- N. RCW 42.17A.555 generally prohibits the use of city facilities for electioneering. Therefore, no person may use the council meeting or facilities for the purpose of assisting a campaign for election of any person to any office, or for the promotion of or opposition to any ballot proposition. In this context, the term “facilities” includes council chambers, the council gallery and the speaking opportunities available through the public comment and open forum procedures set forth in these rules.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. Members of the public can sign up to give testimony beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the online testimony sign-up form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign in using a 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. The chair, absent a majority vote of the council, has the authority to lower the three (3) minutes per speaker time limit by announcing the new, lower time limit at the legislative session. 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. Testimony on a legislative item deferred to a future date certain shall be taken on the future date, unless testimony on the date of deferral is allowed by the Council President.
- C. No public testimony shall be taken on oral 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. No person shall be permitted to display visual information during their testimony, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2spokanecity.org.
 - H. In addition to in-person or remote verbal testimony, testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all council members, or via the contact form on the council's website.¹

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

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JULY 22, 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 LILI NAVARRETE

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER KITTY KLITZKE

COUNCIL MEMBER ZACK ZAPPONE

**CITY COUNCIL CHAMBERS
CITY HALL**

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

LAND ACKNOWLEDGEMENT

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

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

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

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

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

BRIEFING AND LEGISLATIVE SESSIONS

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. 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 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. To prevent disruption of council meetings and visual obstruction of proceedings, members of the audience shall remain seated during council meetings.
- 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, and shall confine their remarks to the matters that are specifically before the Council at that time or, if speaking during Open Forum, shall confine their remarks to affairs of the city.
- 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/citycouncil/documents/>.

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

PROCLAMATIONS AND SALUTATIONS

REPORTS FROM COMMUNITY ORGANIZATIONS

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

CONSENT AGENDA

The consent agenda consists of purchases and contracts for supplies and services provided to the city, as well as other agreements that arise (such as settlement or union agreements), and weekly claims and payments of previously approved obligations and biweekly payroll claims against the city. Any agreement over \$50,000 must be approved by the city council. Typically, the funding to pay for these agreements has already been approved by the city council through the annual budget ordinance, or through a separate special budget ordinance. If the contract requires a new allocation of funds, that fact usually will be indicated in the summary of the contract in the consent agenda.

Unless a council member requests that an item be considered separately, the council approves the consent agenda as a whole in a single vote. Note: The consent agenda is no longer read in full by the city clerk. The public is welcome to testify on matters listed in the consent agenda, but individual testimony is limited to three minutes for the entire consent agenda.

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | |
|--|------------------------|---|
| <p>1. Purchases of soft body armor and ballistic helmets for each riding position within the Spokane Fire Department Operations Division from:</p> <p style="padding-left: 40px;">a. The Bunker (Spokane Valley, WA)—\$83,600.90 (incl. tax).</p> <p style="padding-left: 40px;">b. Galls (Spokane)—\$76,191 (incl. tax).</p> <p>(Council Sponsors: Council Members Dillon, Cathcart, and Navarrete)
Julie O’Berg</p> | <p>Approve
All</p> | <p>OPR 2024-0563</p> <p>OPR 2024-0564</p> |
| <p>2. Purchase from iT1 Source, LLC (Tempe, AZ) of Autel Dragonfish long-range drone for the Spokane Police Department—\$164,258.30. (Council Sponsors: Council Members Dillon, Cathcart, and Navarrete)
Shawna Ernst</p> | <p>Approve</p> | <p>OPR 2024-0565</p> |
| <p>3. Purchase from Carahsoft (Reston, VA) of LIMA cellular network scanner for the Spokane Police Department—\$119,560. (Council Sponsors: Council Members Dillon, Cathcart, and Navarrete)
Shawna Ernst</p> | <p>Approve</p> | <p>OPR 2024-0566</p> |
| <p>4. Contract with Forensic Logic, LLC (Freemont, CA) of on-line CrimeTracer software subscription with licensing, maintenance, and support for the Spokane</p> | <p>Approve</p> | <p>OPR 2024-0567</p> |

Police Department from May 1, 2024, through April 30, 2025—\$57,475 (plus tax, if applicable). (Council Sponsors: Council Members Cathcart, Dillon, and Navarrete)

Shawna Ernst

5. Grant Agreement with the Washington Auto Theft Prevention Authority for procurement of automated license plate readers and associated public outreach campaigns for the Spokane Police Department from June 1, 2024, through June 30, 2025—\$150,000 Revenue. (Relates to Special Budget Ordinance C36547) (Council Sponsors: Council Members Cathcart, Dillon, and Navarrete)
- Approve OPR 2024-0568

Shawna Ernst

6. Interlocal Agreement with the Washington State Criminal Justice Training Commission outlining reimbursement process regarding expansion of the Spokane Police Academy’s Training Center—\$1,400,000 Revenue. (Council Sponsors: Council Members Cathcart, Dillon, and Navarrete)
- Approve OPR 2024-0569

Jacqui MacConnell

7. Contract for a one-time grant allocation to the Single Family Rehabilitation program for the purpose of providing grants for home repairs to meet emergent community needs of low- and moderate-income homeowners—\$1,700,000. (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
- Approve OPR 2024-0570

Tessa Jilot

8. Recommendation to list the following on the Spokane Register of Historic Places:
- Approve All
- a. Mulligan-Brazeau House & Garage located at 511 W 13th Avenue. OPR 2024-0571
 - b. Mack-Hayfield-Kane House, Garage, and Garden located at 734 E 23rd Avenue. OPR 2024-0572

(Council Sponsors: Council Members Zappone, Bingle, and Klitzke)

Megan Duvall

9. Contract with The Davenport Group USA, Ltd. (Crystal Lake, IL) for LAMA permitting and licensing system software and maintenance from August 1, 2024, through July 31, 2029—\$1,824,105.99 (incl. tax). (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
- Approve OPR 2024-0573
RFP 6002-23

Michael Sloon

- 10. Report of the Mayor of pending:
 - a. 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 \$_____.
 - b. Payroll claims of previously approved obligations through _____, 2024: \$_____.
- 11.
 - a. City Council Meeting Minutes: _____, 2024.
 - b. City Council Standing Committee Meeting Minutes _____, 2024.

Approve & Authorize Payments CPR 2024-0002

CPR 2024-0003

Approve All CPR 2024-0013

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinances amending Ordinance No. C36467 passed by the City Council November 27, 2023, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

- ORD C36545 Human Services Grants Fund
 - 1) Increase revenue by \$9,100,203.
 - A) Of the increased revenue, \$9,100,203 is provided solely for grant revenue from the Department of Commerce.
 - 2) Increase appropriation by \$9,100,203.
 - A) Of the increased appropriation, \$8,761,526 is provided solely for contractual services.
 - B) Of the increased appropriation, \$338,677 is provided solely for the City's administrative costs, including salaries, benefits, supplies, and equipment.

(This action arises from the award and acceptance of the Dept. of Commerce's supplemental operating budget grant funds.) (Council Sponsors: Council President Wilkerson and Council Members Cathcart and Zappone) **Adam Schooley**

ORD C36546

HOME Program Grant Fund

- 1) Increase revenue by \$4,628,671
 - A) Of the increased revenue, \$4,628,671 is provided by the U.S. Department of Housing and Urban Development (HUD) as part of the HOME – American Rescue Plan (HOME-ARP) program.
- 2) Increase appropriation by \$4,628,671
 - A) Of the increased appropriation, \$4,207,883 is provided solely for contractual services to be provided by the City’s sub-recipients to deliver housing and housing-related services to the community.
 - B) Of the increased appropriation, \$260,398 is provided solely for salaries and benefits for the City of Spokane’s employees who will be administering the programs.
 - C) Of the increased appropriation, \$160,390 is provided solely for other supplies, services, and equipment required for the administration of the programs.

(This action arises from the need to accept and receive grant funding from HUD to provide housing and housing-related services for the citizens of Spokane.) (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)

Heather Page

ORD C36547

Public Safety and Judicial Grant Fund

- 1) Increase revenue by \$150,000.
 - A) Of the increased revenue, \$150,000 is provided by the Washington Auto Theft Prevention Authority (WATPA) through their Auto Theft Grant Program.
- 2) Increase appropriation by \$150,000.
 - A) Of the increased appropriation, \$125,000 is to be provided solely for equipment.
 - B) Of the increased appropriation, \$25,000 is to be provided solely for contractual services.

(This action arises from the need to accept grant funding from WATPA for the expansion of license plate reader technology.) (Relates to Consent Agenda Item No. 5) (Council Sponsors: Council Members Cathcart, Dillon, and Navarrete)

Shawna Ernst

NO EMERGENCY ORDINANCES

RESOLUTIONS

(Require Four Affirmative, Recorded Roll Call Votes)

- RES 2024-0062 Relating to the Traffic Calming Fund requesting the mayor use current funding to establish a Sidewalk Improvement and Repair Pilot Program. (Deferred from July 8, 2024, Agenda) (Council Sponsors: Council President Wilkerson and Council Members Zappone and Klitzke)
Council Member Zappone
- RES 2024-0066 Of intention to establish a sales and use tax deferral program. (Relates to First Reading Ordinance C36548) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Steve MacDonald
- RES 2024-0067 Providing for the submission to the qualified electors of the City of Spokane at an election to be held on November 5, 2024 of a proposition authorizing an increase to the sales and use tax in Spokane of one-tenth of one percent (0.1%) on the selling price to fund enhanced community safety; setting forth the text of the ballot proposition; directing proper city officials to take necessary actions; and providing for other properly related matters. (Council Sponsors: Council President Wilkerson and Council Member Dillon)
Maggie Yates
- RES 2024-0068 Regarding the appointment of for and against committee members relating to a Proposition No. 1 on the November 5, 2024, special election ballot concerning a proposition for funding enhanced community safety operations though an increase in the sales and use tax rate by one-tenth of one percent (0.1%). (Council Sponsors: Council President Wilkerson and Council Member Dillon)
Giacobbe Byrd
- RES 2024-0069 Approving an extension of the appointment of Justin Lundgren as the interim police chief for the City of Spokane. (Council Sponsors: Council President Wilkerson and Council Member Dillon)
Maggie Yates
- RES 2024-0070 Of the City of Spokane, Washington, urging the enforcement of the City's ordinances prohibiting unlawful camping and occupation in public areas following the recent U.S. Supreme Court decision on *Grants Pass v. Johnson*. (Council Sponsors: Council Members Bingle and Zappone)
Council Member Bingle
- RES 2024-0071 Approving an extension of the appointment of Michael Sloon as the interim Chief Innovation Officer for the City of Spokane. (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
Adam McDaniel
- RES 2024-0072 Approving an extension of the appointment of Jason Conley as the interim Director of Spokane Parks and Recreation for the City of Spokane. (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
Adam McDaniel

NO FINAL READING ORDINANCES

FIRST READING ORDINANCES

- ORD C36548 Relating to the establishment of a sales and use tax deferral program for affordable housing; retitling chapter 08.07D of the Spokane Municipal Code (SMC); and enacting a new chapter 08.07E to Title 08 of the SMC. (Relates to Resolution 2024-0066) (Council Sponsors: Council Members Zappone, Bingle, and Klitzke)
Steve MacDonald
- ORD C36549 Relating to the human rights and basic dignity of individuals experiencing homelessness; amending sections 9.02.050, 18.01.010, 18.01.020, and 18.01.030 of the Spokane Municipal Code; and enacting a new Section 18.05.040 of the Spokane Municipal Code. (Council Sponsors: Council Members Navarrete and Klitzke)
Andres Grageda
- ORD C36550 Amending Ordinance C-26051 that vacated Thirteenth Avenue and Woodland Boulevard from the southeast right of way line of I-90 to the west line of "A" Street, Evergreen Drive from the southeast right of way line of I-90 to the north line of Fourteenth Avenue and the unnamed strip of land south of Lot 12 and north of Lots 17, 18, and 19, Block 16, Woodland Heights Addition, from the west line of Evergreen Drive to the extended west line of said Lots 12 and 17, and providing for an effective date. (Council Sponsors: Council Members Zappone and Klitzke)
Eldon Brown
- ORD C36551 Amending Ordinance C-22045 that vacated "C" Street from the north line of Sixteenth Avenue to the south line of Fourteenth Avenue and Fifteenth Avenue from the east line of "C" Street to a line drawn parallel to and 330 feet east of the east line of "C" Street, in the City and County of Spokane, Washington, and providing for the effective date of this ordinance. (Council Sponsors: Council Members Zappone and Klitzke)
Eldon Brown
- ORD C36552 Relating to maximum residential heights and multi-unit open space standards amending Spokane Municipal Code (SMC) Sections 17C.111.205 and 17C.111.420. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)
KayCee Downey
- ORD C36553 Relating to the Hamilton Form-Based Code amending Spokane Municipal Code (SMC) Chapter 17C.123 Form Based Code Zones. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)
KayCee Downey
- ORD C36554 Relating to streamlining and expediting the land use review and approval process by relying on the Final Environmental Impact Statement (FEIS) for the South Logan Transit-Oriented Development (TOD) Plan by adopting a Planned Action; implementing the intent of the recently adopted by resolution South Logan TOD Plan; adopting Spokane Municipal Code (SMC) Chapter 17C.420; and amending

Spokane Municipal Code (SMC) Chapter 17A.020. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)

KayCee Downey

ORD C36555

Relating to height and height transition standards amending Spokane Municipal Code (SMC) Sections 17C.111.230 and 17C.120.220. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)

KayCee Downey

ORD C36556

Relating to the Center and Corridor and parking development regulations amending Spokane Municipal Code (SMC) Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repealing Sections 17C.122.080, 17C.122.100, 17C.122.110, and 17C.122T, and adopting new Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)

KayCee Downey

[Zappone/Dillon/Klitzke Proposed Amendment:](#)

- Request motion to amend previous version of First Reading Ordinance C36556 with proposed updates filed July 12, 2024, and included in agenda packet under ORD C36556.

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

OPEN FORUM

At the conclusion of legislative business, the Council shall recess briefly and then hold an open public comment period for up to 20 (twenty) speakers, unless a majority of council members vote otherwise. Each speaker is limited to no more than two minutes. In order to participate in Open Forum, you must sign up beginning at 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet (<https://my.spokanecity.org/citycouncil/documents/>) or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. The virtual sign-up form can also be found here: <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.) Speakers must sign themselves in using a name. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. 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 other

than items appearing on the Current or Advance Agendas, pending hearing items, and 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.

**Motion to Approve Advance Agenda for July 22, 2024
(per Council Rule 2.1.B)**

ADJOURNMENT

The July 22, 2024, Regular Legislative Session of the City Council will be held and is adjourned to August 12, 2024.

Note: The regularly scheduled City Council meetings for Monday, July 29, 2024, and Monday, August 5, 2024, have been canceled.

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 mlowmaster@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:** Public Safety **Date:** 07/08/2024**Committee Agenda type:** Consent**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0563

Cross Ref #

OPR 2024-0564

Project #**Council Meeting Date:** 07/22/2024**Submitting Dept**

FIRE

Bid #**Contact Name/Phone**

JULIE O'BERG (509)435-7001

Requisition #

RE 20534/20535

Contact E-Mail

JOBORG@SPOKANECITY.ORG

Agenda Item Type

Purchase w/o Contract

Council Sponsor(s)

PDILLON MCATHCART LNAVARRETE

Agenda Item Name

1970 EQUIPMENT PURCHASE - SOFT BODY ARMOR/HELMETS

Agenda Wording

Permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division to provide protection to responders for active shooter/hostile event responses.

OPR 2024-0563 - Purchase from The Bunker - \$83,600.90

Summary (Background)

Spokane Fire is requesting permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division. This is to provide protection to responders for active shooter / hostile event responses (ASHER). This equipment would be compliant with National Fire Protection Association 3000 (2024 edition) Standard for an ASHER Program. The selected equipment is the same equipment that other agencies have purchased in the region.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 159,791.90

Current Year Cost \$ 159,791.90

Subsequent Year(s) Cost \$ N/A

Narrative

This purchase would be from state contracts through local vendors (The Bunker and Galls.) National Assoc. of Procurement Officials - WA - Body Armor and Ballistic-Resistant Contract #: 03720 Sourcewell - ADS, Inc. Law enforcement equipment #090122-ADS

Amount**Budget Account**

Expense \$ 159,791.90

5903-79125-22200-53528-43017

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	07/08/24
Submitting Department	Fire
Contact Name	Chief Julie O’Berg
Contact Email & Phone	joberg@spokanecity.org, 509-435-7001
Council Sponsor(s)	Councilmembers Dillon, Cathcart & Navarrete
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Equipment Purchase – Soft Body Armor/Helmets
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input checked="" type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The SFD is requesting permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division. The intent of this purchase is to provide protection to responders for active shooter / hostile event responses (ASHER).</p> <p>This equipment would be compliant with NFPA 3000 (2024 edition) Standard for an ASHER Program. The selected equipment is the same equipment that other agencies have purchased in the region, creating better interoperability and a more efficient response.</p>
<p>Fiscal Impact</p> <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>\$159,791.90</u></p> <p style="padding-left: 40px;">Current year cost: \$159,791.90</p> <p style="padding-left: 40px;">Subsequent year(s) cost: N/A</p> <p>Narrative: This purchase would be from the following state contracts through a local vendors (The Bunker and Galls.)</p> <p>NASPO - WA - Body Armor and Ballistic-Resistant Contract #: 03720</p> <p>Sourcewell - ADS, Inc. Law enforcement equipment #090122-ADS</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Program revenue</p> <p>Is this funding source sustainable for future years, months, etc?</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>This equipment has a lifespan of 5 years (body armor) and 10 years (helmets). Replacements would be budgeted for in 2029 and 2034.</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) - None</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>This equipment would allow responders to respond more effectively and safely to incidents involving all citizens of Spokane.</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?

Any incident involving the use of this equipment would be documented through the SFD's record management system.

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

There is an internal working group within SFD and a regional working group dedicated to continuous evaluation of the equipment and training needs regarding ASHER incidents to provide the most effective solution for the community.

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 equipment is a key component of all ASHER programs to provide an effective response to these incidents, providing for community and responder safety.



The Bunker-Spokane
 111 N Vista Road
 Suite 4D
 Spokane Valley 99212
 United States

SPOKANE FIRE DEPARTMENT, Mike Forbes

Quotation # S01011

Quotation Date:
06/19/2024

Expiration:
07/19/2024

Salesperson:
Aaron Dysart

Description	Quantity	Employee	Unit Price	Taxes	Amount
BALLISTIC VEST SYSTEM					
ONYX - FFR / FIRE AND FIRST RESPONDER VEST PHOENIX LEVERL IIIA PANEL SET (COMPLETE SET INCLUDING FRONT BACK AND SIDE BALLISTICS)	75.00		1,023.58	Local Spokane Store (8.9%)	\$ 76,768.50
WASHINGTON STATE - Body Armor and Ballistic-Resistant Contract #: 03720					
					Subtotal \$ 76,768.50
<hr/>					
Untaxed Amount					\$ 76,768.50
Sales Tax					\$ 6,832.40
<hr/>					
Total					\$ 83,600.90



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Consent

Date Rec'd 7/8/2024

Clerk's File # OPR 2024-0564

Cross Ref # OPR 2024-0563

Project #

Council Meeting Date: 07/22/2024

Submitting Dept	FIRE	Bid #	
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Contact Name/Phone	JULIE O'BERG (509)435-7001	Requisition #	RE 20534/20535
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Contact E-Mail	JOBERG@SPOKANECITY.ORG		
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Agenda Item Type	Purchase w/o Contract		
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Council Sponsor(s)	PDILLON MCATHCART LNAVARRETE		
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Agenda Item Name	1970 EQUIPMENT PURCHASE - SOFT BODY ARMOR/HELMETS		
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Agenda Wording

Permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division to provide protection to responders for active shooter/hostile event responses.

OPR 2024-0564 - Purchase from Galls - \$76,191

Summary (Background)

Spokane Fire is requesting permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division. This is to provide protection to responders for active shooter / hostile event responses (ASHER). This equipment would be compliant with National Fire Protection Association 3000 (2024 edition) Standard for an ASHER Program. The selected equipment is the same equipment that other agencies have purchased in the region.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost	\$ 159,791.90
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Current Year Cost	\$ 159,791.90
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Subsequent Year(s) Cost	\$ N/A
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Narrative

This purchase would be from state contracts through local vendors (The Bunker and Galls.) National Assoc. of Procurement Officials - WA - Body Armor and Ballistic-Resistant Contract #: 03720 Sourcewell - ADS, Inc. Law enforcement equipment #090122-ADS

Amount

Budget Account

Expense	\$ 159,791.90	# 5903-79125-22200-53528-43017
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	REDING, RYAN
<u>Division Director</u>	O'BERG, JULIE
<u>Accounting Manager</u>	SCHMITT, KEVIN
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

Mike Forbes mforbes@spokanecity.org	Thea Prince tprince@spokanecity.org
Kevin Schmitt kschmitt@spokanecity.org	Fire Accounting fireaccounting@pokanecity.org
Sue Raymon sraymon@spokanecity.org	

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	07/08/24
Submitting Department	Fire
Contact Name	Chief Julie O’Berg
Contact Email & Phone	joberg@spokanecity.org, 509-435-7001
Council Sponsor(s)	Councilmembers Dillon, Cathcart & Navarrete
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Equipment Purchase – Soft Body Armor/Helmets
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input checked="" type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>The SFD is requesting permission to purchase soft body armor and ballistic helmets for each riding position within the Operations Division. The intent of this purchase is to provide protection to responders for active shooter / hostile event responses (ASHER).</p> <p>This equipment would be compliant with NFPA 3000 (2024 edition) Standard for an ASHER Program. The selected equipment is the same equipment that other agencies have purchased in the region, creating better interoperability and a more efficient response.</p>
<p>Fiscal Impact</p> <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>\$159,791.90</u></p> <p style="padding-left: 40px;">Current year cost: \$159,791.90</p> <p style="padding-left: 40px;">Subsequent year(s) cost: N/A</p> <p>Narrative: This purchase would be from the following state contracts through a local vendors (The Bunker and Galls.)</p> <p>NASPO - WA - Body Armor and Ballistic-Resistant Contract #: 03720</p> <p>Sourcewell - ADS, Inc. Law enforcement equipment #090122-ADS</p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Specify funding source: Program revenue</p> <p>Is this funding source sustainable for future years, months, etc?</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>This equipment has a lifespan of 5 years (body armor) and 10 years (helmets). Replacements would be budgeted for in 2029 and 2034.</p> <p>Other budget impacts: (revenue generating, match requirements, etc.) - None</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>This equipment would allow responders to respond more effectively and safely to incidents involving all citizens of Spokane.</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?

Any incident involving the use of this equipment would be documented through the SFD's record management system.

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

There is an internal working group within SFD and a regional working group dedicated to continuous evaluation of the equipment and training needs regarding ASHER incidents to provide the most effective solution for the community.

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 equipment is a key component of all ASHER programs to provide an effective response to these incidents, providing for community and responder safety.



Quote

Customer: (1001093868) SPOKANE FIRE DEPT, CITY OF
Date: 06/24/2024
Sales Rep: MICHELLE TAYLOR

Page 1 of 1
Quote Number: 26915735
Quote Expiration: 07/24/2024

Sold To:
SPOKANE FIRE DEPT, CITY OF
1618 N. REBECCA ST.
SPOKANE, WA 99212
AMANDA WINCHELL

Ship To:
SPOKANE FIRE DEPT
44 W RIVERSIDE AVE
SPOKANE, WA 99201
AMANDA WINCHELL

Line	Item	Description	Qty	Retail	Your Price	Ext Total
6	BP4246 BLK LG	PROTECTION HIGH-CUT, CAM FIT, NVG SHROUD , RAILS, EXTERIOR LOOP & BUNGEEES SOURCEWELL CONTRACT	75		932.00	69,900.00

Quote is valid for 30 days

Galls is required to collect sales tax on shipments to certain states. Sales tax will be added where applicable. For tax exempt customers, state laws require us to have signed tax exemption or resale certificates on file at our office. If you are tax exempt, please email or fax this information, (including your Galls account number) to Tax@galls.com or fax 859-268-5946.

SUBTOTAL: 69,900.00
SHIPPING:
TAX..... 6,291.00
TOTAL.... 76,191.00

Export Restrictions - This may contain commodities restricted in the United States International Trade Regulations.

1340 Russell Cave Rd
Lexington, KY 40505
Tel: 800-876-4242 Fax:877-914-2557

Galls, LLC Invoice Credit Terms and Conditions of Sale

Payment - Invoices for items delivered pursuant to any sales order are payable only in United States currency. You, your business, and/or your agency (the "Buyer") understand that Galls, LLC (the "Seller") may impose and charge a finance charge that is the greater of 1.5% per month or the highest rate allowed by law on any amount which becomes past due and delinquent. Returned checks may be assessed a \$25.00 service fee. Additionally, Buyer shall be responsible for all collection costs, court costs, and reasonable attorney's fees in connection with the recovery of delinquent amounts.

All sales are made pursuant to these Credit Terms and Conditions of Sale, and Seller objects to any different or additional terms or conditions contained in Buyer's purchase order or any other document submitted by Seller. Payments may be applied against open balances at the sole discretion of Seller and may be applied across accounts if Buyer has more than one account with Seller. Credit memos are non-refundable and may be applied to open invoices at Seller's sole discretion.

Credit Terms - Any extension of credit is based upon all amounts payable on or before the due date on any written, quoted, or agreed terms, and shall be paid in accordance with such terms. If not paid on or before such date, accounts shall be considered delinquent and subject to the additional finance charges as set forth herein.

Buyer agrees to provide Seller, upon request, with an updated credit application as a condition to the continued extension of credit. Buyer acknowledges and agrees that Seller may utilize outside credit reporting services and financial institutions to obtain information on the Buyer as a condition precedent to or for continued extension of credit. Seller may terminate any credit availability within its sole discretion and without prior notice. Buyer's continued solvency is a precondition to any sale made by Seller.

Delays - Where a specific shipping date is not designated on the face hereof or in a subsequent writing signed by the Seller, the Seller shall not be responsible for any delays, nor shall Seller be liable for any loss or damages resulting from such delays. Seller shall not be liable for any delays in filling this order caused by accidents to machinery, differences with employees, strikes, labor shortage, fire, floods, priorities requested or required by an instrumentality of the United States Government or the government of any state, delays in transportation, restrictions imposed by any federal, state or municipal law or regulation, whether valid or invalid, or causes beyond the control of the Seller.

Warranty - Seller shall pass through to Buyer all manufacturer warranties and return policies applicable to Buyer's order. Seller shall take all reasonable actions to ensure that Buyer receives the benefit of such pass through warranties and return policies. Buyer's sole remedies for any goods sold hereunder shall be as provided in such warranties and return policies and shall be solely against the applicable manufacturer. SELLER, ON BEHALF OF ITSELF, DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, OR STATUTORY, RELATING TO SUCH GOODS.

Restocking - If a cancellation of an order or a return by Buyer is accepted or initiated by Seller and/or the manufacturer, it may be subject to a restocking charge at the discretion of Seller.

Delivery and Transportation - Products sold herein are sold FOB at the place indicated on the face of this sales order unless otherwise agreed to in writing by Seller and Buyer. The method and agency of transportation and the routing will be designated by the Seller. In the event the Buyer requests alternative shipment or routing, all extra packing, shipping and transportation charges thereby resulting will be for the Buyer's account.

Waiver - No provision herein shall be deemed a waiver by reason of any previous waiver, and no breach of any provision shall be deemed a waiver by reason of any previous breach.

Governing Law - The sole jurisdiction and venue shall be the courts of the Commonwealth of Kentucky.

Export Restrictions - This transaction may contain commodities restricted in the United States International Trade Regulations. If at a later date the Buyer decides these commodities will be exported from the United States please reference the United States Department of Commerce Bureau of Industry and Security Export Administration Regulations (15 CFR 730-774), the United States Department of State International Traffic in Arms Regulations (22 CFR 120-130) as well as any other applicable laws. These laws apply to private, commercial, and government agency export transactions. As an exporter, the Buyer will be responsible for compliance with all U.S. laws relating to the export of these items.

*Designates this item is on the Galls GSA Contract (47QSWA21D008H) all other items are OPEN MARKET.

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 07/08/2024**Committee Agenda type:** Consent**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0565

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

POLICE

Bid #**Contact Name/Phone**

SHAWNA 4106

Requisition #

BT

Contact E-Mail

SERNST@SPOKANEPOLICE.ORG

Agenda Item Type

Purchase w/o Contract

Council Sponsor(s)

MCATHCART PDILLON LNAVARRETE

Agenda Item Name

0680 - AUTEL DRAGONFISH DRONE PURCHASE

Agenda Wording

The Spokane Police Department would like to purchase a long-range drone - the Autel Dragonfish from iT1 Source, LLC (Tempe, AZ).

Summary (Background)

The Dragonfish can be utilized for investigations, search and rescue operations, and to aid in wildland fire operations. It can be utilized when a suspect vehicle flees from patrol/investigations to reduce the number of vehicles involved in a pursuit and reduce risk to the community. From Autel's website - the Dragonfish can fly for up to 158 minutes and has a 4K, 50x optical zoom. This purchase is primarily funded with the 2023 Byrne discretionary grant.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 164,258.30

Current Year Cost \$ 164,258.30

Subsequent Year(s) Cost \$

Narrative

Funded with the Byrne discretionary grant. This purchase aligns with the Federal requirements for a drone purchase and utilizes a cooperative purchasing agreement. There will be some costs (~\$6,000) related to training for staff.

Amount**Budget Account**

Expense \$ 164,258.30

1620-91812-94000-56401-99999

Select \$

#

Select \$

#

Select \$

#

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

LUNDGREN, JUSTIN

Division Director

MCNAB, MICHAEL

Accounting Manager

SCHMITT, KEVIN

Legal

HARRINGTON,

For the Mayor

PICCOLO, MIKE

Additional Approvals

ACCOUNTING -

MURRAY, MICHELLE

Distribution List

Barry Jennejahn bjennejahn@it1.com

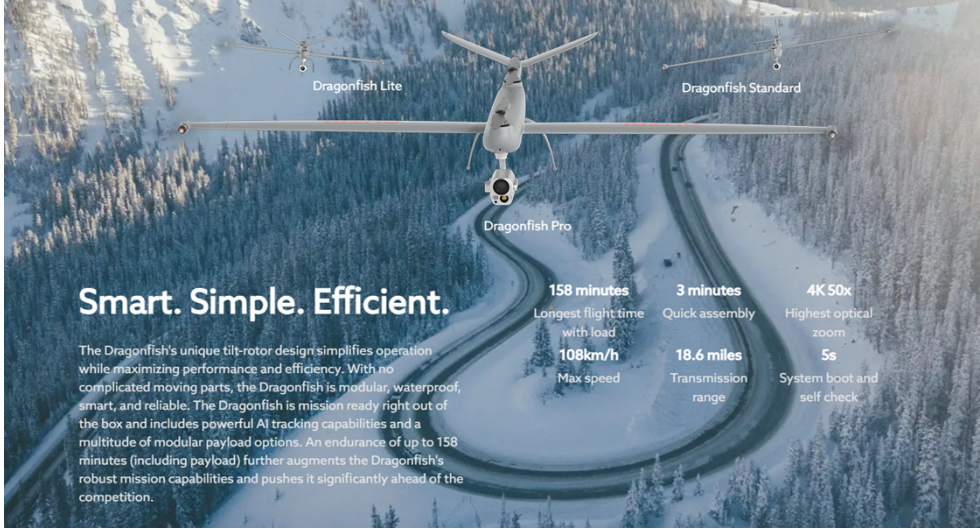
SPDFinance@spokanecity.org

mcowles@spokanepolice.org

jkernkamp@spokanepolice.org

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	6/3/2024
Submitting Department	Police
Contact Name	Shawna Ernst
Contact Email & Phone	sernst@spokanepolice.org – 509-370-8534
Council Sponsor(s)	<u>Dillon; Cathcart, Navarrete</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Autel Dragonfish Drone Purchase
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The Spokane Police Department would like to purchase a long-range drone – the Autel Dragonfish. The Dragonfish can be utilized for investigations, search and rescue operations, and to aid in wildland fire operations. The Dragonfish can be utilized when a suspect vehicle flees from patrol/investigations to reduce the number of vehicles involved in a pursuit and reduce risk to the community.</p> <p>From Autel’s website – the Dragonfish can fly for up to 158 minutes and has a 4K, 50x optical zoom:</p>  <p>Smart. Simple. Efficient.</p> <p>The Dragonfish's unique tilt-rotor design simplifies operation while maximizing performance and efficiency. With no complicated moving parts, the Dragonfish is modular, waterproof, smart, and reliable. The Dragonfish is mission ready right out of the box and includes powerful AI tracking capabilities and a multitude of modular payload options. An endurance of up to 158 minutes (including payload) further augments the Dragonfish's robust mission capabilities and pushes it significantly ahead of the competition.</p> <ul style="list-style-type: none"> 158 minutes Longest flight time with load 108km/h Max speed 3 minutes Quick assembly 18.6 miles Transmission range 4K 50x Highest optical zoom 5s System boot and self check
	<p>*use the Fiscal Impact box below for relevant financial information</p> <p>This purchase is primarily funded with the 2023 Byrne discretionary grant. Training for pilots will be funded with the department’s general fund budget (the grant cannot be used for expenses related to travel for training).</p> <p>Value of Drones:</p> <ul style="list-style-type: none"> • A Small, Unmanned Aircraft System (sUAS or drone) does not need to wait for traffic control, and is able to respond to calls in a straight line without concern for traffic, construction, and/or collisions. • Use of an sUAS provides live streamed video that is available to dispatch and supervisors to increase safety, allow for de-escalation of incidents and triage of calls prior to officer arrival.

- sUAS do not utilize fossil fuels. Instead, rechargeable batteries are used to sustain flight and operational capabilities for extended periods.
- The SPD drone program utilizes redundant systems to decrease the likelihood of inflight emergencies. The sUAS small size and inherent design has decreased risk of injury to citizens and officers, as well as a decreased risk of impact to property in comparison to the risks involved with operating a crewed aircraft.
- Technology in use in sUAS allows for audits of flight logs, video, and camera use.
- Costs are reduced in comparison with operating crewed aircraft.

About the SPD Air Support Unit:

The SPD Air Support Unit (ASU) provides high quality, high-value support to emergency operations and critical incident response within Eastern Washington. The members of the unit are highly trained and operate with expectations to meet federal and local regulations in the use of small, unmanned aircraft systems, sUAS.

The functions of the sUAS unit are varied. These functions involve flying indoors to locate and de-escalate armed / dangerous persons or to clear locations for search warrants, burglaries, etc. Outdoor flights include assisting officers in finding dangerous subjects, mitigating hazardous conditions, locating missing persons, critical incident command and control, and de-escalating dangerous encounters.

Many of the operations of the sUAS unit require specialized equipment for each operation. For example, an exterior drone cannot be used to fly indoors successfully. Technology and aerial systems are constantly evolving, and newer equipment provides safer and more effective assistance. sUAS operations often involve inclement weather, dangerous locations, and technology is rapidly changing to provide better and safer service.

The use of sUAS units is expanding and may replace the use of helicopters and fixed wing aircraft within crowded urban areas. These aircraft require personnel to fly, and subject people to dangerous and unpredictable environments. sUAS eliminate the need to place extremely expensive equipment or people in jeopardy.

sUAS provide an inexpensive, safe, and reliable means to provide a wide variety of support to our community: Locating missing persons, protecting vulnerable persons, protecting officers and victims, and providing time, distance, and flexibility to law enforcement service in our area.

Fiscal Impact

Approved in current year budget?

- Yes No N/A

Total Cost: \$164,258.30

Current year cost: \$164,258.30

Subsequent year(s) cost: The department will need to replace the drone at the end of its usable life (~6 years out). This cost can be integrated into the capital budget.

Narrative: The cost of the drone is funded with the Byrne discretionary grant. This purchase aligns with the Federal requirements for a drone purchase and utilizes a cooperative purchasing agreement. There will be some costs (~\$6,000) related to training for ASU staff that will be funded with the SPD general fund budget as those costs are not covered by the grant proposal. The grant can cover training, but not travel-related expenses.

Funding Source One-time Recurring N/A

Specify funding source: Grant

Is this funding source sustainable for future years, months, etc? The funding is sustainable for the next six+ years (until the drone needs to be replaced).

Expense Occurrence One-time Recurring N/A

Other budget impacts: No additional 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?

This purchase will improve the ability of the department to respond to emergency situations including missing persons. The department will utilize this technology to benefit all citizens of Spokane (and the surrounding region). The purchase will benefit people from all demographic backgrounds.

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?

The department has no plans to collect data regarding the impact of the drone on different demographic groups. The department will collect data, success stories, and lessons learned on the use of the drone and can share that information with Council and the public.

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

The ASU will log data related to the use of the Dragonfish in order to compile success stories and lessons learned about its operation.

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

This proposal aligns with the Spokane Police Department's 2024 – 2026 strategic plan and aligns with Federal drone purchasing requirements. Additionally, the purchase supports the Washington State legislature's goal of reducing police vehicle pursuits.



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Consent

Date Rec'd 7/8/2024

Clerk's File # OPR 2024-0566

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept	POLICE	Bid #	OMNIA R191902
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Contact Name/Phone	SHAWNA 4106	Requisition #	BT
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Contact E-Mail	SERNST@SPOKANEPOLICE.ORG		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	MCATHCART PDILLON LNAVARRETE		
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Agenda Item Name	0680 - LIMA CELLULAR NETWORK SCANNER PURCHASE		
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Agenda Wording

Purchase of a cellular network drive test scanner for use in investigations. This purchase would be funded using the 2023 Byrne technology grant utilizing a cooperative purchasing agreement.

Summary (Background)

The majority of major crimes investigations involve data from cellular networks (obtained through a cellular carrier search warrant). To verify the accuracy of the data, SPD utilizes a drive test scanner to evaluate the cellular network. This process is key to objective evaluation of cell tower data and geographic location. SPD currently borrows a scanner from a company out of Arizona and has lengthy wait times in order to ship the device.

Lease? NO Grant related? YES Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost	\$ 119,560.00
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Current Year Cost	\$ 105,840.00
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Subsequent Year(s) Cost	\$ 13,720.00
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Narrative

The cost is \$92,120 for two units. Associated software is an annual expense of \$13,720 for two licenses. The grant will fund the initial purchase and two years of licensing. Future licensing will be integrated into SPD's software budget.

Amount

Budget Account

Expense	\$ 92,120	# 1620-91812-94210-56401-99999
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Expense	\$ 13,720	# 1620-91812-21250-54820-99999
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Select	\$	#
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Select	\$	#
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	\$	#
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	\$	#
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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals		Additional Approvals	
<u>Dept Head</u>	LUNDGREN, JUSTIN	<u>ACCOUNTING -</u>	MURRAY, MICHELLE
<u>Division Director</u>	LUNDGREN, JUSTIN		
<u>Accounting Manager</u>	SCHMITT, KEVIN		
<u>Legal</u>			
<u>For the Mayor</u>	PICCOLO, MIKE		

Distribution List

SPDFinance@spokanecity.org

CARASOFT PURCHASE – LIMA DRIVE TEST SCANNER

6/27/2024 – Shawna Ernst, sernst@spokanepolice.org

Please note that SPD has requested a contract for this purchase through legal. Carahsoft has a Washington State Business license.

SPD will update the files as soon as possible and prior to Council voting on this purchase.

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	6/3/2024
Submitting Department	Police
Contact Name	Shawna Ernst
Contact Email & Phone	sernst@spokanepolice.org – 509-370-8534
Council Sponsor(s)	Please enter the name of the Council Sponsor(s)
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	LIMA Cellular Network Scanner Purchase
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The Spokane Police Department needs to purchase a cellular network drive test scanner for use in investigations. This purchase would be funded using the 2023 Byrne technology grant utilizing a cooperative purchasing agreement.</p> <p>The majority of major crimes investigations involve data from cellular networks (obtained through a cellular carrier search warrant). To verify the accuracy of the data, SPD utilizes a drive test scanner to evaluate the cellular network.</p> <p>This process is key to objective evaluation of cell tower data and geographic location. SPD currently borrows a scanner from a company out of Arizona and has lengthy wait times in order to ship the device.</p>
<p>Fiscal Impact</p> <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>\$119,560</u></p> <p style="padding-left: 40px;">Current year cost: \$105,840</p> <p style="padding-left: 40px;">Subsequent year(s) cost: \$13,720 annual</p> <p>Narrative: <u>The cost of the LIMA cellular network scanner is \$92,120 for two units. Associated software is an annual expense of \$13,720 for two licenses. The grant will fund the initial purchase and two years of licensing. Future licensing will be integrated into the Department’s software budget.</u></p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input checked="" 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 funding is sustainable for the next two years for software, and the next 6+ years for the hardware (until the scanners need to be replaced).</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p> <p>Other budget impacts: No additional budget impacts.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	

This purchase will enable the department to test and verify the accuracy of cellular network data. This tool will be used in major crimes cases involving citizens of all backgrounds including those from 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?

The department has no plans to collect data regarding the impact of the cellular network scanner on different demographic groups. The department will collect data, success stories, and lessons learned on the use of the cellular network scanner.

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

The department performed lengthy field testing of the scanner to ensure it is the right solution for this need. Additionally, the department will collect data, success stories, and lessons learned on the use of the cellular network scanner.

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

This proposal aligns with the Spokane Police Department's 2024 – 2026 strategic plan and aligns with industry best practices for utilizing cellular network data in investigations and in court.



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Consent

Date Rec'd 7/8/2024

Clerk's File # OPR 2024-0567

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept	POLICE	Bid #	
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Contact Name/Phone	SHAWNA 4106	Requisition #	CR 26463
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Contact E-Mail	SERNST@SPOKANEPOLICE.ORG		
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Agenda Item Type	Contract Item		
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Council Sponsor(s)	MCATHCART PDILLON LNAVARRETE		
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Agenda Item Name	0680 - RENEWAL OF COPLINK SOFTWARE		
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Agenda Wording

Annual renewal of COPLINK software, through Crime Tracer (formally Forensic Logic). Annual amount \$57,475. This is funded via a designated COPLINK administration fund and has no impact on the 2024 general fund.

Summary (Background)

COPLINK software is used to share police reports and other information with our regional partner agencies. In 2025, the department anticipates launching Axon Records which will allow our partners to access police reports/crime data without a separate system. We will evaluate the need for this software at that time and determine if it is still delivering value for our officers/detectives/analysts.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost	\$ 57,475.00
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Current Year Cost	\$ 57,475.00
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Subsequent Year(s) Cost	\$
-------------------------	----

Narrative

One-year agreement. Software is shared with regional partners with SPD paying approximately 40% of the total cost. This funding source is sustainable through 2025.

Amount

Budget Account

Expense	\$ 57,475	# 1560-11160-21140-54820-99999
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

MCNAB, MICHAEL

Division Director

LUNDGREN, JUSTIN

Accounting Manager

SCHMITT, KEVIN

Legal

HARRINGTON,

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

Roxanne Lerner rlerner@soundthinking.com

SPDFinance@spokanecity.org

Nancy Drake ndrake@soundthinking.com



CITY OF SPOKANE
POLICE DEPARTMENT

CONTRACT

**Title: CRIMETRACER SUBSCRIPTION WITH
LICENSING, MAINTENANCE AND SUPPORT**

THIS CONTRACT is between the **CITY OF SPOKANE POLICE DEPARTMENT**, a Washington State municipal corporation, as ("City"), and **FORENSIC LOGIC, LLC**, 39300 Civic Center Drive, Suite 300, Fremont, California 94538-2337, as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

1. **PERFORMANCE**. The Company shall provide On-Line CrimeTracer Software Subscription with licensing, maintenance and support, in accordance with the CrimeTracer Quote and Order Form, which is attached as Exhibit B and made part of this Agreement. In the event of a discrepancy between the documents this City Contract controls.
2. **CONTRACT TERM**. The Contract shall begin May 1, 2024 and shall run through April 30, 2025, unless terminated sooner.
3. **COMPENSATION**. The City shall pay the Company a maximum amount not to exceed **FIFTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$57,475.00)**, plus applicable tax, for everything furnished and done under this Contract.
4. **PAYMENT**. The Company shall send its application for payment to City of Spokane Police Department, 1100 West Mallon, Spokane, Washington 99260. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Contractor's application except as provided by state law.
5. **COMPLIANCE WITH LAWS**. Each party shall comply with all applicable federal, state, and local laws and regulations.
6. **ASSIGNMENTS**. This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent. Notwithstanding the foregoing, a party may assign this contract, without consent, to a purchaser of all or substantially all of such party's assets.
7. **AMENDMENTS**. This Contract may be amended at any time by mutual written agreement.

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

9. TERMINATION. Either party may terminate this Contract by thirty (30) days written notice to the other party. In the event of such termination, the City shall pay the Company for all work previously authorized and performed prior to the termination date. . Nothing herein shall require the Company to refund or reimburse the City in the event the City terminates this Contract for convenience.

10. INSURANCE. During the term of the Agreement, the Company shall maintain in force at its own expense, the following insurance coverages:

- A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers; and
- B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this contract. It shall provide that the City, its officers and employees are additional insureds, but only with respect to the Contractor's services to be provided under this contract;
 - i. Acceptable supplementary Umbrella insurance coverage, combined with the Company's General Liability insurance policy must be a *minimum* of \$1,000,000, in order to meet the insurance coverages required under this Contract;
- C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from the Company or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Company shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Agreement. **The certificate shall specify the City of Spokane as "Additional Insured"** specifically for Company's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

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

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

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

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

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

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

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

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

18. CONFIDENTIALITY/PUBLIC RECORDS. Notwithstanding anything to the contrary, City will maintain the confidentiality of Company's materials and information only to the extent that is legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records which are freely available upon request by anyone. In the event that City gets a valid public records request for Company's materials or information, City will give Company notice and Company will be required to go to Court to get an injunction preventing the release of the requested records. In the event that Company does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

19. 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.

FORENSIC LOGIC, LLC

**CITY OF SPOKANE
POLICE DEPARTMENT**

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:

- Exhibit A – Certificate Regarding Debarment
- Exhibit B – CrimeTracer Quote and Order Form

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

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

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

 1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 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

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	July 8 th , 2024
Submitting Department	Police
Contact Name	Shawna Ernst
Contact Email & Phone	sernst@spokanepolice.org
Council Sponsor(s)	Councilmembers Dillion, Cathcart & Navarrete
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Renewal of COPLINK software
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>Annual renewal of COPLINK software, through Crime Tracer (formally Forensic Logic). Annual amount \$57,475. This is funded via a designated COPLINK administration fund and has no impact on the 2024 general fund.</p> <p>COPLINK software is used to share police reports and other information with our regional partner agencies.</p> <p>In 2025, the department anticipates launching Axon Records which will allow our partners to access police reports/crime data without a separate system. We will evaluate the need for this software at that time and determine if it is still delivering value for our officers/detectives/analysts.</p>
Fiscal Impact	
Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>\$57,475</u> Current year cost: \$57,475 Subsequent year(s) cost: N/A	
Narrative: One-year agreement. Software is shared with regional partners with SPD paying approximately 40% of the total cost.	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Reserves Is this funding source sustainable for future years, months, etc? This funding source is sustainable through 2025.	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.) No other 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? This software is utilized to share crime information with regional partner agencies (Spokane County Sheriff's Office, Cheney Police Department, etc...). The data and reports that are shared include all crimes regardless of	

the demographics of victims/suspects/etc. Sharing data with regional partners can help victims from all backgrounds including historically excluded communities since it provides more situational awareness for law enforcement. For example, if a victim of domestic violence has been victimized in multiple jurisdictions, law enforcement can respond differently based on the totality of the circumstances.

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?

We do not plan to collect data concerning the effect of police report/crime data sharing by different demographic groups since we share the vast majority of our data with our partners (there are some restrictions due to State law).

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

We do not plan to collect data regarding the effectiveness of COPLINK, since we have had the solution in place for many years.

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 system aligns with the SPD Strategic Plan which prioritizes partnership with regional law enforcement agencies.

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0568

Cross Ref #

ORD C36547

Project #**Council Meeting Date:** 07/22/2024**Submitting Dept**

POLICE

Bid #**Contact Name/Phone**

SHAWNA 4106

Requisition #**Contact E-Mail**

SERNST@SPOKANEPOLICE.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

MCATHCART PDILLON LNAVARRETE

Agenda Item Name

0680 - WATPA GRANT ACCEPTANCE

Agenda Wording

Requesting approval to accept the WATPA Grant awarded to SPD for \$150,000.00.

Summary (Background)

The Spokane Police Department has been awarded \$150,000 from the Washington Auto Theft Prevention Authority (WATPA) to be used to procure automated license plate readers (ALPR) as well as public outreach campaigns. The grant period is June 1, 2024 through June 30, 2025. Police are requesting approval of grant acceptance along with a special budget ordinance to recognize revenues and expenditures.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 150,000.00

Current Year Cost \$ 150,000.00

Subsequent Year(s) Cost \$

Narrative

Subsequent year cost: Dependent on success of pilot project and available funding. We can potentially apply for future WATPA funding (released annually).

Amount**Budget Account**

Revenue \$ 150,000.00

1620-91824-99999-33469-99999

Expense \$ 25,000.00

1620-91824-21700-54201-99999

Expense \$ 125,000.00

1620-91824-94210-56401-99999

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	GBYRD
<u>Division Director</u>	GBYRD
<u>Accounting Manager</u>	GBYRD
<u>Legal</u>	GBYRD
<u>For the Mayor</u>	GBYRD

Additional Approvals

<u>PS EXEC REVIEW</u>	GBYRD
<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

bjeter@waspc.org	SPDFinance@spokanecity.org
myates@spokanecity.org	

WASHINGTON AUTO THEFT PREVENTION AUTHORITY

WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

May 28, 2024

Spokane Police Department
1100 W. Mallon
Spokane, WA 99260

I am pleased to inform you that Washington Auto Theft Prevention Authority (WATPA) Board of Directors has approved the **Spokane Police Department** grant application for funding of **Equipment & Technology & Public Outreach**. The award is in the amount of **\$150,000.00**. The grant award is effective **June 1, 2024 and expires on June 30, 2025**. This award is a one-time event and does not imply or promise availability of funds for replacement or continuation of funding after June 30, 2025.

Enclosed is an award agreement. This agreement is to be signed and returned to WATPA. No funds will be reimbursed until the signed agreement is received. Expenditures prior to the award effective date or after the grant expiration date are not authorized and will not be reimbursed. All grant awards are subject to Grant Policies and Procedures of the Washington Auto Theft Prevention Authority. Costs will be paid on a reimbursement basis. Your agency will be reimbursed for actual expenses only up to the limit of the award categories. All grantees must sign the attached non-supplanting agreement before reimbursement can begin. Also, please note that reimbursement requests by grant recipients will only be processed upon receipt of current semi-annual reports by the WATPA office. The semi-annual report form is available on the WATPA website, www.WaAutoTheftPreventionAuthority.org

If you have any questions, please contact me at Phone: 253-677-8576 E-mail: bjeter@waspc.org

Sincerely,



Bryan Jeter, Executive Director
Washington Auto Theft Prevention Authority

Washington Auto Theft Prevention Authority

www.WaAutoTheftPreventionAuthority.org

*“preventing and reducing motor
vehicle thefts in the State of
Washington.”*

**AGREEMENT BETWEEN SPOKANE POLICE DEPARTMENT AND THE
WASHINGTON AUTO THEFT PREVENTION AUTHORITY**

AUTO THEFT PREVENTION GRANT PROGRAM AWARD AGREEMENT

Award Recipient Name and Address:

**Spokane Police Department
1100 W. Mallon
Spokane, WA 99260**

Award Period:
06/1/2024 - 06/30/25

Amount Approved
\$150,000.00

Funding Authority:
**WASHINGTON AUTO THEFT
PREVENTION AUTHORITY**

Requests for reimbursement under this agreement are subject to the following Budget:

EQUIPMENT & TECHNOLOGY

\$125,000.00

PUBLIC OUTREACH

\$25,000.00

IN WITNESS WHEREOF, the WATPA and RECIPIENT acknowledge and accept the terms of this AGREEMENT and attachments hereto, and in witness whereof have executed this AGREEMENT as of the date and year last written below. The rights and obligations of both parties to this AGREEMENT are governed by the information on this Award Sheet and other documents incorporated herein by reference: Agreement Specific Terms and Conditions, and Agreement General Terms and Conditions.

WATPA

RECIPIENT

Name/ Bryan Jeter
Title: WATPA, Executive Director

Name/
Title:

Date:

Date:

WATPA

Non-supplanting Declaration

Supplanting

WATPA funds must be used to supplement existing funds for program activities and must not replace those funds that have been appropriated for the same purpose (RCW 46.66.080 (5)). Supplanting shall be the subject of application review, as well as pre-award review, post-award monitoring, reimbursement and audit. If there is a potential presence of supplanting, the applicant or grantee will be required to supply documentation demonstrating that the reduction in non-WATPA resources occurred for reasons other than the receipt or expected receipt of WATPA funds.

The _____ (Applicant Agency) certifies that any funds awarded through **WATPA** shall be used to supplement existing funds for program activities and will not replace (supplant) non-WATPA funds that have been appropriated for the purposes and goals of the grant.

The _____ (Applicant Agency Chief or designee) understands that supplanting violations may result in a range of penalties, including but not limited to suspension of future funds under this program, suspension or debarment from **WATPA** grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Printed Name and Title: _____

Signature: _____ Date: _____

Council Briefing Paper

Public Safety & Community Health Committee

Committee Date	July 8 th , 2024
Submitting Department	Police
Contact Name	Shawna Ernst
Contact Email & Phone	sernst@spokanepolice.org 509-370-8534
Council Sponsor(s)	Councilmembers Dillion and Cathcart, Council President Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Discussion Time Requested: 5min
Agenda Item Name	Special Budget Ordinance – WATPA Grant Award
Grant Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda
Summary What is the specific purpose or need for the budget adjustment? What changes or developments have triggered this request?	<p>The Spokane Police Department has been awarded \$150,000 from the Washington Auto Theft Prevention Authority (WATPA) to be used to procure automated license plate readers as well as public outreach campaigns.</p> <p>The grant period is June 1, 2024 through June 30, 2025.</p> <p>Police are requesting approval of grant acceptance along with a special budget ordinance to recognize revenues and expenditures.</p> <p>The projects funded with the WATPA grant are:</p> <ol style="list-style-type: none"> 1.) Public Outreach: In partnership with law enforcement agencies throughout Spokane County (including Spokane County Sheriff’s Office, Airway Heights Police Department, Liberty Lake Police Department, etc...) we will design a public information campaign to include presentations at community events (ex: Spokane County Fair, Hoopfest, etc...), educational videos for social media and traditional news outlets, and mailings that can be distributed with vehicle tabs and/or utility bills. <ol style="list-style-type: none"> a. Budget Requested: \$25,000 2.) Automated License Plate Readers (ALPR): Spokane Police Department will migrate from our current ALPR vendor to Flock for fixed camera locations and Axon Fleet 3 for in-car cameras. Flock cameras will be installed at high traffic locations throughout the City of Spokane with a focus on the investigative value of each location (for vehicle theft, missing persons, and violent crime). SPD will align our ALPR policy with WATPA’s model policy. In-car cameras will be installed with our parking enforcement team as a pilot. Our parking enforcement team routinely travel throughout the City of Spokane to handle tows of abandoned vehicles. The nature of their work makes them ideal for this pilot program. <ol style="list-style-type: none"> a. Budget Requested: \$125,000 <p>NOTE: An additional briefing to Council will be scheduled for the ALPR implementation after camera locations are selected. This funding will allow the City to install 24 fixed location cameras and acquire 6 movable cameras.</p>

Fiscal Impact

Approved in current year budget? Yes No N/A

Total Cost: \$150,000

Current year cost: \$150,000

Subsequent year(s) cost: Dependent on success of the pilot project and available funding.

Funding Source One-time Recurring N/A

Specify funding source: Grant

Is this funding source sustainable for future years, months, etc?

We can potentially apply for future WATPA funding (released annually).

Expense Occurrence One-time Recurring N/A

There is potential for recurring expense dependent on availability of funding and success of this pilot program. We would like to discuss the use of traffic calming funding in the future.

Other budget impacts: (revenue generating, match requirements, etc.)

No other budget impacts.

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

- What are the net impacts this adjustment will have on the specifically affected line items?

Net zero impact to SPD Grant Fund.

- What operational changes will occur because of this adjustment?

This funding will improve operations at the department in multiple ways:

- SPD will be able to locate stolen vehicles more quickly.
- SPD will be able to more quickly locate missing persons including vehicles identified in Amber Alerts, Silver Alerts, and Indigenous Alerts.
- SPD will have license plate data available to solve violent crimes.
- SPD will work with our partner agencies to develop a centralized website to post crime prevention tips to the greater Spokane community.

- What are the potential risks or consequences of not approving the budget adjustment?

SPD will not be able to procure equipment and will not be able to conduct public outreach utilizing mailings/presentations at community events.

- 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 funding and related projects will fully comply with SMC Chapter 18.04.

What current racial and other inequities might this special budget ordinance address?

Development of the public information campaign utilizing multiple in person and online communication methods will ensure we reach a wide audience and mitigate inequities.

The ALPR cameras and resulting data will be utilized to help victims from all backgrounds and finding missing persons of all demographics. In the future ALPR purchase and camera location briefing paper, SPD will fully describe how this project will manage data responsibly to safeguard privacy and ensure all Spokane residents are treated equitably.

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 07/08/2024**Committee Agenda type:** Consent**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0569

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

POLICE

Bid #**Contact Name/Phone**

JACQUI 4109

Requisition #**Contact E-Mail**

JMACCONNELL@SPOKANEPOLICE.O

Agenda Item Type

Contract Item

Council Sponsor(s)

MCATHCART PDILLON LNAVARRETE

Agenda Item Name

0680 - ILA WITH CJTC FOR BLEA EXPANSION

Agenda Wording

Interlocal Agreement with Criminal Justice Training Commission for State appropriated fund

Summary (Background)

WA State Legislature adopted Engrossed Substitute Senate Bill 5200 on April 22, 2023 and included in the appropriation \$1,400,000 to CJTC for expansion of the Spokane Police's Academy Training Center.

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

Reimbursement agreement with CJTC to reimburse City of Spokane for costs related to expansion of the SPD Academy.

Amount**Budget Account**

Revenue \$ 1,400,000.00

3160-11460-99999-33469-99999

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

MCNAB, MICHAEL

Division Director

MACCONNELL, JACQUI

Accounting Manager

SCHMITT, KEVIN

Legal

HARRINGTON,

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

brian.elliott@cjtc.wa.gov

SPDFinance@spokanecity.org

Committee Agenda Sheet

Public Safety & Community Health Committee

Committee Date	July 8 th , 2024
Submitting Department	Police
Contact Name	Jacqui MacConnell
Contact Email & Phone	jmacconnell@spokanepolice.org 625-4109
Council Sponsor(s)	Councilmembers Dillion, Cathcart & Navarrete
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Interlocal Agreement with CJTC for State appropriated funds
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>WA State Legislature adopted Engrossed Substitute Senate Bill 5200 on April 22, 2023 and included in the appropriation \$1,400,000 to CJTC for expansion of the Spokane Police's Academy Training Center.</p> <p>State Capital Budget appropriation is not a formal grant program and funds appropriated thereunder are made available on a reimbursement basis only and cannot be advanced.</p> <p>This agreement between the City and the Washington State Criminal Justice Training Commission outlines the reimbursement process for these funds.</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>\$1,400,000 (Revenue)</u> Current year cost: \$ N/A Subsequent year(s) cost: N/A</p> <p>Narrative: <u>Reimbursement agreement with CJTC to reimburse City of Spokane for costs related to expansion of the SPD Academy.</u></p> <p>Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Reserves 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?

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (ILA) is made and entered into between the CITY of Spokane, a municipal corporation of the State of Washington (CITY), and the WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION (WSCJTC), each individually referred to as a “PARTY” and collectively as the “PARTIES”.

SECTION 1: RECITALS AND FINDINGS

WHEREAS, among other services, the WSCJTC provides law enforcement training services at various locations throughout the State of Washington for Washington State Certified Peace Officers through the WSCJTC’s Basic Law Enforcement Academy (BLEA); and

WHEREAS, these WSCJTC BLEA training site locations include a site in Spokane located at: Spokane Police Training Center, 2302 North Waterworks Street, Spokane, WA 99212; and

WHEREAS, during the 2023 68th Washington State Legislature’s 2023 Regular Session, the CITY applied for state capital budget funds in the estimated amount of \$1,400,000 for Expansion of the Spokane Police Department/WSCJTC BLEA Training Center (Spokane) which expansion contemplates predominantly construction of a new building, *see* attached Exhibit A; and

WHEREAS, the State Legislature’s Capital Budget adopted in Engrossed Substitute Senate Bill (ESSB) 5200 on April 22, 2023 became effective on May 16, 2023 and included in its appropriations \$1,400,000 to the WSCJTC for Spokane Academy Expansion of the Spokane Police Training Center (“Spokane Academy”); and

WHEREAS, funds appropriated under ESSB 5200 are authorized to be incurred for capital projects such as the Spokane Academy Expansion through the end of Fiscal year 2025 which ends June 30, 2025; and

WHEREAS, the State Capital Budget appropriation is not a formal grant program and funds appropriated thereunder are made available on a reimbursement basis only and cannot be advanced; and

WHEREAS, to initiate the process for the Spokane Academy expansion work, CITY entered into a contract for architectural and engineering design services, to include future

construction administration and related services, with Design West Architects, P.A. for a term beginning January 1, 2024, in the amount of \$245,700.00, *see* CITY Clerk's OPR 2024-0063 attached hereto as Exhibit B; and

WHEREAS, thus far, the Architectural Design contractor has identified the project scope to include construction of a new building approximately 3520 square feet in size to be constructed under an estimated project timeline set forth in attached Exhibits C; and

WHEREAS, upon completion of the design work phase of the expansion project, CITY intends to competitively bid procurement of a contract for the construction phase of the expansion project; and

WHEREAS, while advancing forward with the expansion project phases, CITY is receiving and will continue to receive invoices from contractors which invoices are to be paid out of the WSCJTC state appropriated funds for the project.

NOW, THEREFORE, the Parties agree as follows:

A. PURPOSE.

The purpose of this ILA is to outline a process enabling CITY to obtain timely payment of invoices from the WSCJTC state appropriated funds for the Spokane Academy Expansion project.

B. TERM.

This Agreement shall commence January 1, 2024, and continue through December 31, 2025.

C. COMPENSATION.

The total amount of money WSCJTC will pay CITY for the Spokane Academy Expansion project is a maximum amount not to exceed **ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000)**.

D. RESPONSIBILITIES OF THE PARTIES.

CITY.

1. CITY will issue all contracts for design and construction of the Spokane Academy building expansion pursuant to applicable legal procurement requirements.
2. CITY will submit invoice/s for reimbursement of expenses with supporting documentation to the designated WSCTJC contact at the WSCJTC address designated below.

WSCJTC.

1. WSCJTC, shall reimburse CITY for an amount not to exceed the amount as set forth in Section C. Invoices shall be paid within thirty (30) days of invoicing to WSCJTC. Reimbursements will be mailed to:

Spokane Police Department
Attn: SPD Accounting
1100 W. Mallon Ave
Spokane, WA 99260

- E. ADMINISTRATORS.** This Agreement shall be administered by the PARTIES designated representatives below:

Spokane Police Department	WA. Criminal Justice Training Commission
Jacqui MacConnell Director Strategic Initiatives Spokane Police Department 1100 W Mallon Ave Spokane, WA 99260-0001 E: jmacconnell@spokanepolice.org P: (509) 625-4109	Brian Elliott Fiscal Manager WSCJTC 3060 Willamette Drive Lacey, WA 98516-6267 E: brian.elliott@cjtc.wa.gov P: (360) 281-9346

F. NOTICES.

All notices, requests, claims, demands and other 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 registered or certified mail, postage prepaid, return receipt requested; or (3) 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) upon receipt after dispatch by registered or certified mail, postage prepaid; or (3) upon confirmation of receipt when transmitted by facsimile or a read receipt when transmitted by email.

Spokane Police Department	Washington State Criminal Justice Training Commission
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) 625-4215	Monica Alexander Executive Director, Washington State Criminal Justice Training Commission 19010 1 st Avenue S Burien, WA 98148 E: monica.alexander@cjtc.wa.gov P: (206) 835-7291

G. INSURANCE.

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

CITY

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.

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION (WSCJTC).

WSCJTC is self-funded for its liability exposures including General Liability and Automobile Liability (\$5 Million) as well as Workers’ Compensation (WC - Statutory). WSCJTC also carries excess General Liability Insurance to \$5 Million and excess Workers’ Compensation Insurance. Should a covered loss occur in the fulfillment of this Agreement, the WSCJTC shall provide payment under the terms of its self-funded insurance program.

H. INDEMNIFICATION.

With regard to any claim, demand and/or cause of action brought by, or on behalf of, any WSCJTC or CITY employees or agents while performing work authorized under this Agreement, the parties agree as follows:

The CITY shall protect, defend, indemnify, and hold harmless the WSCJTC, 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

CITY will not be required to indemnify, defend, or save harmless the WSCJTC 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 WSCJTC. 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.

To the extent allowed when expressly authorized or implied by statute, the WSCJTC agrees to 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 WSCJTC 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. 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.

For this purpose, the CITY and WSCJTC, 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.

These indemnifications and waiver shall survive the termination of this Agreement.

No officer or employee of the CITY 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.

I. TERMINATION.

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

J. 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.

K. 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.

L. ASSIGNMENT.

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

M. 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.

N. MODIFICATION.

No modification or amendment to this Agreement, except for minor changes agreed to in writing by the PARTIES, shall be valid until put in writing and signed with the same formalities as this Agreement.

O. 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.

P. 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.

Q. ETHICAL PRACTICES.

No officer or employee of the Spokane Police Department 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.

R. 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.

S. RCW 39.34 REQUIRED CLAUSES.

- A. Purpose. See Section I above.
- B. Duration. See Section I 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 in Section III above.
- E. Agreement to be Filed. The CITY shall file this Agreement with its CITY Clerk and post it on its internet website, and the WSCJTC shall file this Agreement in accordance with its usual procedures.
- F. Financing. There are no anticipated budget impacts to the CITY arising from this Agreement.
- G. Termination. See Section I above.

T. 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.

[signatures on the following page]

CITY OF SPOKANE

**WASHINGTON STATE CRIMINAL
JUSTICE TRAINING COMMISSION**

By: Lisa Brown
Title: Mayor

Date: _____

By: Monica Alexander
Title: WSCJTC Executive Director

Date: _____

Attest:

By: Terri Pfister
Title: CITY Clerk

Date: _____

Approved as to form:

By: Margaret K. Harrington
Title: Assistant CITY Attorney

Date: _____

EXHIBIT A: CITY application for State Capital Budget Funds

EXHIBIT B: CITY Architectural & Engineering Design Service Contract Spokane Academy Expansion, OPR 2024-0063

EXHIBIT C: CITY Architectural/Engineering Design Services Contractor Cost Estimate Spokane Academy Expansion Project

**EXHIBIT D: CITY Architectural/Engineering Design Services Contractor
Estimated Project Timeline for Spokane Academy Expansion Project**

2023 Legislative Session

Member Requested Local Community Project Information Form

Important Notes: This is not a formal grant program. This form provides information for House members to request a separate appropriation in the capital budget for this project. Funding any project is at the discretion of the Legislature.

This document may be subject to disclosure under the Public Records Act (Chapter 42.56 RCW).

Funds are available on a reimbursement basis only and cannot be advanced.

Tips: Successful past projects generally are ones in which the requested state funds: (1) are used for a facility providing an important public benefit; (2) are a small portion of the total project funding (25% or less); (3) result in a completed project or phase usable by the public for the intended purpose when the state funds are expended; and (4) are for a project that is ready for construction or renovation and will be completed within the biennium.

I. Project Name and Sponsor

Expansion SpokanePD/CJTC BLEA Training Center (Spokane)

\$1,400,800

Sponsor(s): Billig, Sen. Andy

II. Where is the project physically located?

Address: 2302 N Waterworks Street
Spokane, 99212 Spokane

District(s): 3, n/a

Coordinates: 47.67849, -117.33416

III. Project Contact

Organization: Spokane Police Department
Contact: Jacquelyn MacConnell, Director of Strategic Initiatives
Website: my.spokanecity.org/police/
Phone: 509 625 4109
E-mail: jmacconnell@spokanepolice.org
Address: 1100 W Mallon Avenue
Spokane, 99260

IV. Organization Information

Is this a joint project with another organization?

No

If yes, has a joint operating agreement been signed?

If yes, list the partners for the project.

Is the organization that will manage the funding different from the project contact organization or joint partner?

Yes

If it is different, please provide the name of the organization or fiscal agent that will manage the funding.

City of Spokane

Is the requesting organization or joint partner registered with the state as a non-profit organization?

No

If answered no, is the applicant a local government?

Yes

V. Project Information

Briefly describe the scope of the project.

Adding on to the existing Spokane Police Department Training Facility to add space for the BLEA classes, approximately 2720 square feet. This will enable SPD to conduct the BLEA classes in their own part of the facility and not disrupt Spokane PD training in the current facility, as well as enable the BLEA classes to not be disrupted by SPD training.

VI. Project Schedule

Will the entire project be completed after this funding request?

Yes

Describe the estimated cost and schedule for each remaining phase of the project.

ROUGH ESTIMATE OF COST IS 1.36 MILLION BASED ON AVERAGE COST OF NEW CONSTRUCTION OF \$500/SQ FOOT (2720 X 500 = 1.36 MILLION)

Describe what discrete phase of the project will be completed with the funding from this request.

All of it

Estimated completion dates for each phase of the project.
4 quarter of 2024

VII. Eligible Project Type or Phase

Land Acquisition	\$0
Demolition and Site Preparation	\$0
Design	\$0
New Construction	\$1,360,000
Renovation	\$0
Other – n/a	\$0
<i>Mandatory Commerce Administrative fee of up to 3% (max of \$50,000)</i>	\$40,800
Total Funding Requested	\$1,400,800

VIII. Site Control

Is the site owned or being purchased by the project contract?

Yes

If no, is the property being leased by the project contract for a term that will meet or exceed 10 years?

If no, please explain how the property will be secured for public use for at least 10 years, including the name of any other organizations that will maintain site control.

Does the applicant understand and agree that any and all real property owned, optioned for purchase, or under a lease, that is acquired, constructed, or otherwise improved upon using state funds as approved by the Legislature must be held and used for the purposes stated in this application for at least ten years from the date of the final payment made for the project is complete and becomes available for public use?

Yes

IX. Project Funding

What type of project is this?

Other

Has the applicant applied for other grants or loans listed on the Competitive Capital Budget Grant and Loan Programs?

No

If yes, was your project funded? If so, how much? If not, why not?

If no, were you planning on applying for those funds? If not, why not?

No. Not aware that any are applicable.

What amount and what percentage of local, federal and state funding has the applicant secured to date? Please list each amount by local, federal, state or private funding source or program.

None

Besides the amount being requested, what amount of local, federal or other state funding does the applicant need to secure in the future in order to complete the project? Please list how the amount will be raised by local, federal, state or private funding source or program.

None

Please list all past efforts to obtain state funding through the member requested local community project form, including the legislative session and the amount of funding obtained.

None

Once completed, how will the project fund its ongoing maintenance and operation?

City of Spokane budget

X. Project Benefits and Challenges

How will the requested phase of the project benefit the public?

This will benefit the public by allowing the Spokane Police Department to provide better training facilities for new officers which enables the Spokane Police Department to conduct training in the currently existing building without disrupting on-going SPD training. Essentially, the ability to provide more training to current officers is beneficial for the public as their officers are better trained. The training for the BLEA recruits will be able to be conducted without the disruption of the day to day business of the Training Academy which also leads to an improved learning environment.

Will this project phase have a revenue-generating component that would have community and state economic benefit? Please describe and quantify.

The only thing that might create revenue is the use of the hospitality industry by BLEA recruits

Please quantify any long-term job creation that will result from this project phase.

None

Are there any existing or anticipated community concerns about this project that would prevent it from moving forward?

None that I know of

XI. Acknowledgements - The undersigned acknowledges and agrees to the following:

If the project is funded, Commerce will require the project contact to meet contractual requirements. More information can be found here:

<https://www.commerce.wa.gov/building-infrastructure/capital-facilities/resource-toolkit/>

- Except for preconstruction activities or purchases of real property that does not lead to construction or renovation, the grantee must have site control of the project before the contracting process can begin.
- Except for design only requests, the grantee must secure all non-state funds needed to complete the project before receiving the state reimbursement.
- The grantee and their contractors must pay applicable state prevailing wages as of the date the 2023-25 Capital Budget is approved and executed.
- The project must be built to at least the LEED Silver Standard or receive an exemption.
- Awards over \$250,000 are subject to the securitization process and will need to be securitized.
- The grantee must complete the process outlined in Executive Order 21-02 before the contracting process can begin. This includes both Tribal and DAHP Consultation.
- The grantees must provide insurance to cover the project.
- This is a reimbursement grant and funds may not be advanced under any circumstances. For more info, please see the [CCF Toolkit](#).


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

Committee Agenda type: Discussion

Date Rec'd

1/24/2024

Clerk's File #

OPR 2024-0063

Renews #
Cross Ref #
Council Meeting Date: 02/05/2024

Submitting Dept

FACILITIES MANAGEMENT

Project #
Contact Name/Phone

DAVE STEELE 6064

Bid #

RFQU 5971-23

Contact E-Mail

DSTEEL@SPOKANECITY.ORG

Requisition #

PENDING

Agenda Item Type

Contract Item

Council Sponsor(s)

BWILKERSON ZZAPPONE

Agenda Item Name

5900 FACILITIES POLICE ACADEMY EXPANSION - A&E DESIGN CONTRACT

Agenda Wording

The City of Spokane through the Police Department received a grant award from the Washington State legislature as a Capital Budget Request (ESSB5200) funds must be used by 07/01/2025 at the Police Academy.

Summary (Background)

In partnership with the Spokane Police Department, the Facilities Department released a request for proposal for Architectural and Engineering services for design and bid package preparation related to the design and construction of new classrooms and office space at the Police Academy. This expenditure is the first step in completing the procurement and construction of the new space in advance of the expenditure deadline.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 245,700

Current Year Cost \$ 245,700

Subsequent Year(s) Cost \$ 0

Narrative

The City of Spokane through the Police Department received a grant award from the Washington State legislature as a Capital Budget Request that must be used by 7/1/2025.

Amount
Budget Account

Expense \$ 245,700.00

3160-11460-94000-56501-68413

Select \$

#

Select \$

Approved by Spokane City Council
on: 2/5/2024

Select \$

#

\$

#

\$

#

city clerk



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	TEAL, JEFFREY
<u>Division Director</u>	WALLACE, TONYA
<u>Accounting Manager</u>	BUSTOS, KIM
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>ACCOUNTING -</u>	MURRAY, MICHELLE
<u>PURCHASING</u>	NECHANICKY, JASON

Distribution List

aminden@designwestpa.com	dsteale@spokanecity.org
kbustos@spokanecity.org	klong@spokanecity.org
jmacconnell@spokanepolice.org	laga@spokanecity.org
kschmitt@spokanecity.org	facilitiesdepartment@spokanecity.org

Committee Agenda Sheet

Finance & Administration Committee

Committee Date	1/22/2024
Submitting Department	Facilities
Contact Name	Dave Steele
Contact Email & Phone	dsteele@spokanecity.org 509.625.6064
Council Sponsor(s)	Councilmembers Zappone & Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Police Academy Expansion – A&E Design Contract with Design West Architects
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>The City of Spokane through the Police Department received a grant award from the Washington State legislature as a Capital Budget Request (ESSB5200); funds must be used by 07/01/2025 at the Police Academy. In partnership with the Spokane Police Department, the Facilities Department released a request for proposal for Architectural and Engineering services for design and bid package preparation related to the design and construction of new classroom and office space.</p> <p>This expenditure is the first step in completing the procurement and construction of the new space in advance of the expenditure deadline.</p>
Fiscal Impact Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>\$246,000</u> Current year cost: \$246,000 Subsequent year(s) cost: NA Narrative: The City of Spokane through the Police Department received a grant award from the Washington State legislature as a Capital Budget Request (ESSB5200); funds must be used by 07/01/2025. Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Grant Is this funding source sustainable for future years, months, etc? NA Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts: This project supports the vision of the Spokane Police Academy as a regional training center, failure to complete the project will significantly impact that role and risk the loss of the grant dollars associated.	
What impacts would the proposal have on historically excluded communities? Community policing directly effects a wide variety of excluded communities, providing additional regional training opportunities and space will allow for greater regional training levels on a wide variety of policing techniques.	

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?

NA

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

Data on the use, scheduling, and general class load is commonly tracked to provide feedback on the ability of the new site to meet the needs of the various training programs at the Academy.

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?

Continuing to invest in existing City facilities related to public safety directly supports the Comprehensive Plan.

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: 9/25/23

Type of expenditure:

Goods

Services

Department: Police

Approving Supervisor: Craig Meidl

Amount of Proposed Expenditure: \$175,000

Is this against a master agreement? If yes, please provide the number: NO

Funding Source State Legislature disbursement through Dept. of Commerce

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

Why is this expenditure necessary now?

The City of Spokane through the Police Department received this grant award from the Washington State legislature as a Capital Budget Request (ESSB5200); funds must be used by 07/01/2025; the design phase of the work needs to be completed prior to procuring the construction portion of

What are the impacts if expenses are deferred?

Loss of grant source funding and degradation in the Police Department's ability to operate the academy efficiently and effectively as a regional training center.

What alternative resources have been considered?

NA

Description of the goods or service and any additional information?

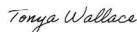
This is an A&E contract for the design of new classroom and office space at the academy. Completion of this work is critical to getting the bid package completed and bid.

Person Submitting Form/Contact:

Division Director:


Craig N Meidl (Sep 26, 2023 11:29 PDT)

CFO Signature:



City Administrator Signature:


Garrett (Sep 26, 2023 12:05 PDT)

Additional Comments:










Police Academy AE Design - Expenditure Control Form2023

Final Audit Report

2023-09-30

Created:	2023-09-26
By:	Kevin Schmitt (kschmitt@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAcwfDFveNj80RWT4AA1S3ZfgTMZbxS8Qp

"Police Academy AE Design - Expenditure Control Form2023" History

-  Document created by Kevin Schmitt (kschmitt@spokanecity.org)
2023-09-26 - 6:25:55 PM GMT
-  Document emailed to cmeidl@spokanepolice.org for signature
2023-09-26 - 6:27:02 PM GMT
-  Email viewed by cmeidl@spokanepolice.org
2023-09-26 - 6:28:59 PM GMT
-  Signer cmeidl@spokanepolice.org entered name at signing as Craig N Meidl
2023-09-26 - 6:29:37 PM GMT
-  Document e-signed by Craig N Meidl (cmeidl@spokanepolice.org)
Signature Date: 2023-09-26 - 6:29:39 PM GMT - Time Source: server
-  Document emailed to Tonya Wallace (twallace@spokanecity.org) for signature
2023-09-26 - 6:29:40 PM GMT
-  Email viewed by Tonya Wallace (twallace@spokanecity.org)
2023-09-30 - 3:06:38 PM GMT
-  Document e-signed by Tonya Wallace (twallace@spokanecity.org)
Signature Date: 2023-09-30 - 3:07:28 PM GMT - Time Source: server
-  Agreement completed.
2023-09-30 - 3:07:28 PM GMT






Police Academy AE Design - Expenditure Control Form2023 - signed (002)

Final Audit Report

2023-10-02

Created:	2023-10-02
By:	Kevin Schmitt (kschmitt@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGBOoU8_d3haGtDV4plzc11PxAhERnvwA

"Police Academy AE Design - Expenditure Control Form2023 - signed (002)" History

-  Document created by Kevin Schmitt (kschmitt@spokanecity.org)
2023-10-02 - 9:02:15 PM GMT
-  Document emailed to Garrett Jones (gjones@spokanecity.org) for signature
2023-10-02 - 9:02:47 PM GMT
-  Email viewed by Garrett Jones (gjones@spokanecity.org)
2023-10-02 - 9:06:21 PM GMT
-  Document e-signed by Garrett Jones (gjones@spokanecity.org)
Signature Date: 2023-10-02 - 9:06:32 PM GMT - Time Source: server
-  Agreement completed.
2023-10-02 - 9:06:32 PM GMT



City of Spokane
CONSULTANT AGREEMENT
**Title: DESIGN AND ENGINEERING SERVICES FOR
POLICE ACADEMY RENOVATION AND ADDITION**

This Consultant Agreement is made and entered into by and between the **CITY OF SPOKANE** as (“City”), a Washington municipal corporation, and **DESIGN WEST ARCHITECTS, P.A.**, whose address is 905 West Riverside Avenue, Suite 605, Spokane, Washington 99201 as (“Consultant”), individually hereafter referenced as a “party”, and together as the “parties”.

WHEREAS, the purpose of this Agreement is to provide Design and Engineering Services for Police Academy Renovation and Addition; and

WHEREAS, the Consultant was selected from RFQu 5971-23.

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

1. TERM OF AGREEMENT.

The term of this Agreement begins on January 1, 2024, and ends on December 31, 2026, unless amended by written agreement or terminated earlier under the provisions. This Contract may be renewed by agreement of the parties.

2. TIME OF BEGINNING AND COMPLETION.

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

3. SCOPE OF WORK.

The General Scope of Work for this Agreement is described in Consultant’s Proposal attached as Exhibit B and made a part of this Agreement. In the event of a conflict or discrepancy in the contract documents, this City Agreement controls.

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

4. COMPENSATION.

Total annual compensation for Consultant's services under this Agreement shall not exceed **TWO HUNDRED FORTY-FIVE THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$245,700.00)**, excluding applicable sales tax, unless modified by a written amendment to this Agreement. This is the maximum to be paid under this Agreement for the work described in Section 3 above, and shall not be exceeded without the prior written authorization of the City in the form of an executed amendment to this Agreement.

5. PAYMENT.

The Consultant shall submit its applications for payment to City of Spokane Facilities Management Department, facilitiesdepartment@spokanecity.org, Attn: Dave Steele. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Consultant's application except as provided by state law. If the City objects to all or any portion of the invoice, it shall notify the Consultant and pay that portion of the invoice not in dispute. In that event, the parties shall immediately make every effort to settle the disputed amount.

6. REIMBURSABLES

The reimbursables under this Agreement are to be included, and considered part of the maximum amount not to exceed (above), and require the Consultant's submittal of appropriate documentation and actual itemized receipts, the following limitations apply.

- A. City will reimburse the Consultant at actual cost for expenditures that are pre-approved by the City in writing and are necessary and directly applicable to the work required by this Contract provided that similar direct project costs related to the contracts of other clients are consistently accounted for in a like manner. Such direct project costs may not be charged as part of overhead expenses or include a markup. Other direct charges may include, but are not limited to the following types of items: travel, printing, cell phone, supplies, materials, computer charges, and fees of subconsultants.
- B. The billing for third party direct expenses specifically identifiable with this project shall be an itemized listing of the charges supported by copies of the original bills, invoices, expense accounts, subconsultant paid invoices, and other supporting documents used by the Consultant to generate invoice(s) to the City. The original supporting documents shall be available to the City for inspection upon request. All charges must be necessary for the services provided under this Contract.
- C. The City will reimburse the actual cost for travel expenses incurred as evidenced by copies of receipts (excluding meals) supporting such travel expenses, and in accordance with the City of Spokane Travel Policy, details of which can be provided upon request.
- D. **Airfare:** Airfare will be reimbursed at the actual cost of the airline ticket. The City will reimburse for Economy or Coach Fare only. Receipts detailing each airfare are required.
- E. **Meals:** Meals will be reimbursed at the Federal Per Diem daily meal rate for the city in which the work is performed. *Receipts are not required as documentation.* The invoice shall state "the meals are being billed at the Federal Per Diem daily meal rate", and shall detail how many of each meal is being billed (e.g. the number of breakfasts, lunches, and dinners). The City will not reimburse for alcohol at any time.
- F. **Lodging:** Lodging will be reimbursed at actual cost incurred up to a maximum of the published General Services Administration (GSA) Index for the city in which the work is performed (*the current maximum allowed reimbursement amount can be provided upon request*). Receipts detailing each day / night lodging are required. The City will not reimburse for ancillary expenses charged to the room (e.g. movies, laundry, mini bar, refreshment center, fitness center, sundry items, etc.)
- G. **Vehicle mileage:** Vehicle mileage will be reimbursed at the Federal Internal Revenue Service Standard Business Mileage Rate in affect at the time the mileage expense is

incurred. Please note: payment for mileage for long distances traveled will not be more than an equivalent trip round-trip airfare of a common carrier for a coach or economy class ticket.

- H. **Rental Car:** Rental car expenses will be reimbursed at the actual cost of the rental. Rental car receipts are required for all rental car expenses. The City will reimburse for a standard car of a mid-size class or less. The City will not reimburse for ancillary expenses charged to the car rental (e.g. GPS unit).
- I. **Miscellaneous Travel** (e.g. parking, rental car gas, taxi, shuttle, toll fees, ferry fees, etc.): Miscellaneous travel expenses will be reimbursed at the actual cost incurred. Receipts are required for each expense of \$10.00 or more.
- J. **Miscellaneous other business expenses** (e.g. printing, photo development, binding): Other miscellaneous business expenses will be reimbursed at the actual cost incurred and may not include a markup. Receipts are required for all miscellaneous expenses that are billed.

Subconsultant: Subconsultant expenses will be reimbursed at the actual cost incurred and a four percent (4%) markup. Copies of all Subconsultant invoices that are rebilled to the City are required.

7. TAXES, FEES AND LICENSES.

- A. Consultant shall pay and maintain in current status, all necessary licenses, fees, assessments, permit charges, etc. necessary to conduct the work included under this Agreement. It is the Consultant's sole responsibility to monitor and determine changes or the enactment of any subsequent requirements for said fees, assessments, or changes and to immediately comply.
- B. Where required by state statute, ordinance or regulation, Consultant shall pay and maintain in current status all taxes necessary for performance. Consultant shall not charge the City for federal excise taxes. The City will furnish Consultant an exemption certificate where appropriate.
- C. The Director of Finance and Administrative Services may withhold payment pending satisfactory resolution of unpaid taxes and fees due the City.
- D. The cost of any permits, licenses, fees, etc. arising as a result of the projects included in this Agreement shall be included in the project budgets.

8. CITY OF SPOKANE BUSINESS LICENSE.

Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid annual business registration. The Consultant 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.

9. SOCIAL EQUITY REQUIREMENTS.

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. Consultant 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 Consultant. Consultant shall seek inclusion of woman and minority business for subcontracting. A woman or minority business is

one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington.

10. INDEMNIFICATION.

The Consultant shall 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 to the extent caused by the Consultant's negligence or willful misconduct under this Agreement, including attorneys' fees and litigation costs; provided that nothing herein shall require a Consultant 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 Consultant'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 Consultant, its agents or employees. The Consultant specifically assumes liability and agrees to defend, indemnify, and hold the City harmless for actions brought by the Consultant's own employees against the City and, solely for the purpose of this indemnification and defense, the Consultant specifically waives any immunity under the Washington State industrial insurance law, or Title 51 RCW. The Consultant 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.

11. INSURANCE.

During the period of the Agreement, the Consultant 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 Title 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 agreement. It shall provide that the City, its officers and employees are additional insureds but only with respect to the Consultant's services to be provided under this Agreement; 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.

D. Professional Liability Insurance with a combined single limit of not less than \$1,000,000 each claim, incident or occurrence. This is to cover damages caused by the error, omission, or negligent acts related to the professional services to be provided under this Agreement. The coverage must remain in effect for at least two (2) years after the Agreement is completed.

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 Consultant'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.

12. DEBARMENT AND SUSPENSION.

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

13. AUDIT.

Upon request, the Consultant shall permit the City and any other governmental agency ("Agency") involved in the funding of the Work to inspect and audit all pertinent books and records. This includes work of the Consultant, any subconsultant, or any other person or entity that performed connected or related Work. Such books and records shall be made available upon reasonable notice of a request by the City, including up to three (3) years after final payment or release of withheld amounts. Such inspection and audit shall occur in Spokane County, Washington, or other reasonable locations mutually agreed to by the parties. The Consultant shall permit the City to copy such books and records at its own expense. The Consultant shall ensure that inspection, audit and copying rights of the City is a condition of any subcontract, agreement or other arrangement under which any other persons or entity may perform Work under this Agreement.

14. INDEPENDENT CONSULTANT.

- A. The Consultant is an independent Consultant. This Agreement does not intend the Consultant to act as a City employee. The City has neither direct nor immediate control over the Consultant nor the right to control the manner or means by which the Consultant works. Neither the Consultant nor any Consultant employee shall be an employee of the City. This Agreement prohibits the Consultant to act as an agent or legal representative of the City. The Consultant is not granted express or implied rights or authority to assume or create any obligation or responsibility for or in the name of the City, or to bind the City. The City is not liable for or obligated to pay sick leave, vacation pay, or any other benefit of employment, nor to pay social security or other tax that may arise from employment. The Consultant shall pay all income and other taxes as due. The Consultant may perform work for other parties; the City is not the exclusive user of the services that the Consultant provides.
- B. If the City needs the Consultant to Work on City premises and/or with City equipment, the City may provide the necessary premises and equipment. Such premises and equipment are exclusively for the Work and not to be used for any other purpose.
- C. If the Consultant works on the City premises using City equipment, the Consultant remains an independent Consultant and not a City employee. The Consultant will notify the City Project Manager if s/he or any other Workers are within ninety (90) days of a consecutive 36-month placement on City property. If the City determines using City premises or equipment is unnecessary to complete the Work, the Consultant will be required to work from its own office space or in the field. The City may negotiate a reduction in Consultant fees or charge a rental fee based on the actual costs to the City, for City premises or equipment.

15. KEY PERSONS.

The Consultant shall not transfer or reassign any individual designated in this Agreement as essential to the Work, nor shall those key persons, or employees of Consultant 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 Consultant's employment, the Consultant 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 Consultant from its obligations under this Agreement.

16. ASSIGNMENT AND SUBCONTRACTING.

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

17. CITY ETHICS CODE.

- A. Consultant shall promptly notify the City in writing of any person expected to be a Consultant Worker (including any Consultant employee, subconsultant, principal, or owner) and was a former City officer or employee within the past twelve (12) months.
- B. Consultant shall ensure compliance with the City Ethics Code by any Consultant Worker when the Work or matter related to the Work is performed by a Consultant Worker who has been a City officer or employee within the past two (2) years.
- C. Consultant shall not directly or indirectly offer anything of value (such as retainers, loans, entertainment, favors, gifts, tickets, trips, favors, bonuses, donations, special discounts, work or meals) to any City employee, volunteer or official that is intended, or may appear to a reasonable person to be intended, to obtain or give special consideration to the Consultant. Promotional items worth less than \$25 may be distributed by the Consultant to a City employee if the Consultant uses the items as routine and standard promotional materials. Any violation of this provision may cause termination of this Agreement. Nothing in this Agreement prohibits donations to campaigns for election to City office, so long as the donation is disclosed as required by the election campaign disclosure laws of the City and of the State.

18. NO CONFLICT OF INTEREST.

Consultant confirms that the Consultant or workers have no business interest or a close family relationship with any City officer or employee who was or will be involved in the consultant selection, negotiation, drafting, signing, administration or evaluation of the Consultant's work. As used in this Section, the term Consultant includes any worker of the Consultant who was, is, or will be, involved in negotiation, drafting, signing, administration or performance of the Agreement. The term "close family relationship" refers to: spouse or domestic partner, any dependent parent, parent-in-law, child, son-in-law, daughter-in-law; or any parent, parent in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a City officer or employee described above.

19. ERRORS AND OMISSIONS, CORRECTIONS.

Consultant is responsible for professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished by or on the behalf of the Consultant under this Agreement in the delivery of a final work product. The standard of care applicable to Consultant's services will be the degree of skill and diligence normally employed by professional engineers or Consultants performing the same or similar services at the time said services are performed. The Final Work Product is defined as a stamped, signed work product. Consultant, without additional compensation, shall correct or revise errors or mistakes in designs, drawings, specifications, and/or other consultant services immediately upon

notification by the City. The obligation provided for in this Section regarding acts or omissions resulting from this Agreement survives Agreement termination or expiration.

20. INTELLECTUAL PROPERTY RIGHTS.

- A. Copyrights. The Consultant shall retain the copyright (including the right of reuse) to all materials and documents prepared by the Consultant for the Work, whether or not the Work is completed. The Consultant grants to the City a non-exclusive, irrevocable, unlimited, royalty-free license to use copy and distribute every document and all the materials prepared by the Consultant for the City under this Agreement. If requested by the City, a copy of all drawings, prints, plans, field notes, reports, documents, files, input materials, output materials, the media upon which they are located (including cards, tapes, discs, and other storage facilities), software program or packages (including source code or codes, object codes, upgrades, revisions, modifications, and any related materials) and/or any other related documents or materials developed solely for and paid for by the City to perform the Work, shall be promptly delivered to the City.
- B. Patents: The Consultant assigns to the City all rights in any invention, improvement, or discovery, with all related information, including but not limited to designs, specifications, data, patent rights and findings developed with the performance of the Agreement or any subcontract. Notwithstanding the above, the Consultant does not convey to the City, nor does the City obtain, any right to any document or material utilized by the Consultant created or produced separate from the Agreement or was pre-existing material (not already owned by the City), provided that the Consultant has identified in writing such material as pre-existing prior to commencement of the Work. If pre-existing materials are incorporated in the work, the Consultant grants the City an irrevocable, non-exclusive right and/or license to use, execute, reproduce, display and transfer the pre-existing material, but only as an inseparable part of the work.
- C. The City may make and retain copies of such documents for its information and reference with their use on the project. The Consultant does not represent or warrant that such documents are suitable for reuse by the City or others, on extensions of the project or on any other project, and the City releases the Consultant from liability for any unauthorized reuse of such documents.

21. CONFIDENTIALITY.

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

22. DISPUTES.

Any dispute or misunderstanding that may arise under this Agreement, concerning the Consultant's performance, shall first be through negotiations, if possible, between the Consultant's Project Manager and the City's Project Manager. It shall be referred to the Director and the Consultant's senior executive(s). If such officials do not agree upon a decision within a reasonable period of time, either party may decline or discontinue such discussions and may then pursue the legal means to resolve such disputes, including but not limited to mediation, arbitration and/or alternative dispute resolution processes. Nothing in this dispute process shall

mitigate the rights of the City to terminate the Agreement. Notwithstanding all of the above, if the City believes in good faith that some portion of the Work has not been completed satisfactorily, the City may require the Consultant to correct such work prior to the City payment. The City will provide to the Consultant an explanation of the concern and the remedy that the City expects. The City may withhold from any payment otherwise due, an amount that the City in good faith finds to be under dispute, or if the Consultant provides no sufficient remedy, the City may retain the amount equal to the cost to the City for otherwise correcting or remedying the work not properly completed. Waiver of any of these rights is not deemed a future waiver of any such right or remedy available at law, contract or equity.

23. TERMINATION.

- A. For Cause: The City or Consultant may terminate the Agreement if the other party is in material breach of this Agreement, and such breach has not been corrected to the other party's reasonable satisfaction in a timely manner. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- B. For Reasons Beyond Control of Parties: Either party may terminate this Agreement without recourse by the other where performance is rendered impossible or impracticable for reasons beyond such party's reasonable control, such as, but not limited to, an act of nature, war or warlike operation, civil commotion, riot, labor dispute including strike, walkout or lockout, except labor disputes involving the Consultant's own employees, sabotage, or superior governmental regulation or control. Notice of termination under this Section shall be given by the party terminating this Agreement to the other, not fewer than thirty (30) business days prior to the effective date of termination.
- C. For Convenience: Either party may terminate this Agreement without cause, upon thirty (30) days written notice to the other party.
- D. Actions upon Termination: if termination occurs not the fault of the Consultant, the Consultant shall be paid for the services properly performed prior to the actual termination date, with any reimbursable expenses then due, but such compensation shall not exceed the maximum compensation to be paid under the Agreement. The Consultant agrees this payment shall fully and adequately compensate the Consultant and all subconsultants for all profits, costs, expenses, losses, liabilities, damages, taxes and charges of any kind (whether foreseen or unforeseen) attributable to the termination of this Agreement.
- E. Upon termination, the Consultant shall provide the City with the most current design documents, contract documents, writings and other products the Consultant has produced to termination, along with copies of all project-related correspondence and similar items. The City shall have the same rights to use these materials as if termination had not occurred; provided however, that the City shall indemnify and hold the Consultant harmless from any claims, losses, or damages to the extent caused by modifications made by the City to the Consultant's work product.

24. EXPANSION FOR NEW WORK.

This Agreement scope may be expanded for new work. Any expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with all the following limitations and requirements: (a) the New Work is not reasonable to solicit separately; (b) the New Work is for reasonable purpose; (c) the New Work was not reasonably known either the City or Consultant at time of contract or else was mentioned as a possibility in the solicitation (such as future phases of work, or a change in law); (d) the New Work is not significant enough to be reasonably regarded as an independent body of work; (e) the New Work would not have attracted a different field of competition; and (f) the change does not vary the essential identified or main purposes of the Agreement. The City may make exceptions for immaterial changes,

emergency or sole source conditions, or other situations required in City opinion. Certain changes are not New Work subject to these limitations, such as additional phases of Work anticipated at the time of solicitation, time extensions, Work Orders issued on an On-Call contract, and similar. New Work must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

25. MISCELLANEOUS PROVISIONS.

- A. Amendments: No modification of this Agreement shall be effective unless in writing and signed by an authorized representative of each of the parties hereto.
- B. Binding Agreement: This Agreement shall not be binding until signed by both parties. The provisions, covenants and conditions in this Agreement shall bind the parties, their legal heirs, representatives, successors and assigns.
- C. Americans with Disabilities Act (ADA): Specific attention by the designer is required in association with the Americans with Disabilities Act (ADA) 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611, its requirements, regulations, standards and guidelines, which were updated in 2010 and are effective and mandatory for all State and local government facilities and places of public accommodation for construction projects including alteration of existing facilities, as of March 15, 2012. The City advises that the requirements for accessibility under the ADA, may contain provisions that differ substantively from accessibility provisions in applicable State and City codes, and if the provisions of the ADA impose a greater or equal protection for the rights of individuals with disabilities or individuals associated with them than the adopted local codes, the ADA prevail unless approval for an exception is obtained by a formal documented process. Where local codes provide exceptions from accessibility requirements that differ from the ADA Standards; such exceptions may not be permitted for publicly owned facilities subject to Title II requirements unless the same exception exists in the Title II regulations. It is the responsibility of the designer to determine the code provisions.
- D. The Consultant, at no expense to the City, shall comply with all laws of the United States and Washington, the Charter and ordinances of the City of Spokane; and rules, regulations, orders and directives of their administrative agencies and officers. Without limiting the generality of this paragraph, the Consultant shall comply with the requirements of this Section.
- E. This Agreement shall be construed and interpreted under the laws of Washington. The venue of any action brought shall be in the Superior Court of Spokane County.
- F. Remedies Cumulative: Rights under this Agreement are cumulative and nonexclusive of any other remedy of law or in equity.
- G. Captions: The titles of sections or subsections are for convenience only and do not define or limit the contents.
- H. Severability: If any term or provision is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected, and each term and provision shall be valid and enforceable to the fullest extent permitted by law.
- I. Waiver: No covenant, term or condition or the breach shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any covenant, term or condition shall not be deemed a waiver of any preceding or succeeding breach of the same or any other covenant, term of condition. Neither the acceptance by the City of any performance by the Consultant after the time the same shall have become due nor payment to the Consultant for any portion of the Work shall constitute a waiver by the City of the breach or default of any covenant, term or condition unless otherwise expressly agreed to by the City in writing.
- J. Additional Provisions: This Agreement may be modified by additional terms and conditions ("Special Conditions") which shall be attached to this Agreement as an Exhibit. The parties

agree that the Special Conditions shall supplement the terms and conditions of the Agreement, and in the event of ambiguity or conflict with the terms and conditions of the Agreement, these Special Conditions shall govern.

- K. Entire Agreement: This document along with any exhibits and all attachments, and subsequently issued addenda, comprises the entire agreement between the City and the Consultant. If conflict occurs between contract documents and applicable laws, codes, ordinances or regulations, the most stringent or legally binding requirement shall govern and be considered a part of this contract to afford the City the maximum benefits.
- L. Negotiated Agreement: The parties acknowledge this is a negotiated agreement, that they have had this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship.
- M. No personal liability: No officer, agent or authorized employee of the City shall be personally responsible for any liability arising under this Agreement, whether expressed or implied, nor for any statement or representation made or in any connection with this Agreement.

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

DESIGN WEST ARCHITECTS, P.A.

CITY OF SPOKANE

By AMY BROWNE-MINDEN / 6/2024
Signature Date

By Maggie Yates / 2/8/2024
Signature Date

AMY BROWNE-MINDEN
Type or Print Name

Maggie Yates
Type or Print Name

Principal
Title

Assistant City Administrator
Title

Attest:

Approved as to form:

Laurie Farnsworth
City Clerk (Acting)

Elizabeth Schoedel
Assistant City Attorney

Attachments:

- Exhibit A – Certificate Regarding Debarment
- Exhibit B – Consultant's Proposal

23-268



EXHIBIT A

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
INELIGIBILITY AND VOLUNTARY EXCLUSION**

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

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

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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.

<u>Design West Architects</u> Name of Subrecipient / Contractor / Consultant (Type or Print)	_____ Program Title (Type or Print)
<u>AMY BROWNE-MINDEN</u> Name of Certifying Official (Type or Print)	<u>AMY BROWNE-MINDEN</u> Signature
<u>Principal</u> Title of Certifying Official (Type or Print)	<u>2/6/2024</u> Date (Type or Print)

EXHIBIT B



DESIGN
WEST

November 16, 2023

Dave Steele, Project Manager/Real Estate Manager
City of Spokane
Spokane, WA 99201
dsteeler@spokanecity.org
509.625.6064 or 509.655.0567

RE: **City of Spokane – Police Academy Renovation and Addition**
Scope of Services and Fee Proposal

Dear Dave,

Thank you for considering Design West Architects for the City of Spokane – Police Academy Building Renovation and Addition project and meeting with us virtually to familiarize us with the scope of work and existing conditions. We are pleased to provide the following scope of services and fee proposal:

Services:

Design West Architects proposes to provide design team services for the City of Spokane – Police Academy Addition & Renovation project, to include:

- Conduct up to two site visits during design to observe visible conditions of the existing building and related items.
- Work with the City of Spokane representatives and Police Academy representatives to design approximately 2,500 SF of new classroom and administration spaces and include renovations to the existing building. This process is anticipated to include up to 3 design meetings with all representatives.
- Develop construction drawings, and specifications for the full improvements to the building, including offices, meeting rooms, classrooms, restrooms, and similar related support spaces for the new addition and renovated areas of the existing building.
- The document list shall include the following drawings: vicinity plan, site plan, building code compliance diagrams, floor plan, reflected ceiling plans, exterior elevations, building sections, interior elevations and related construction details. The specifications will include information necessary for the City's selected contractor to price and complete the project through the design/bid/build process.
- As sub-consultants, we will include the services of SCJ Alliance for civil engineering, landscape design (very minimal) and land survey, GeoProfessional Engineers to provide geotechnical testing and reports, LSB Engineers for Structural Engineering and MSI Engineers to provide plumbing, HVAC, and electrical drawings for the project.
- Administer the process for building permit applications
- Assist the city with the bidding process
- Visit the site up to twice monthly, as required during the construction of the project to observe progress and provide any requested interpretations or clarifications.

SPOKANE, WASHINGTON
PULLMAN, WASHINGTON
KENNEWICK, WASHINGTON
MERIDIAN, IDAHO
ONTARIO, OREGON

DESIGN WEST ARCHITECTS, P.A.
905 W RIVERSIDE AVE
SUITE 605
SPOKANE, WA 99201
TEL. 509-290-6843
www.designwestpa.com

Our services will be provided under the basic provisions and conditions contained within a standard AIA B105 Owner-Architect Agreement or within a contract provided by the City of Spokane. The proposed fee below is based upon the assumptions related to the scope of services described above.



The services will include Civil, Geotechnical, Land Survey, Architectural, Structural, Mechanical and Electrical Engineering services. These services exclude hazardous materials surveys and/or testing, abatement design services, or other building survey or assessment consultants that may be required by the city permitting process. Generally, the phases of service are defined as follows:

Schematic Design: The design team will work with the city and police academy representatives to define the programmatic needs of the police academy addition and the existing structure to remain. We will gather information about the existing structure and building site and formulate a plan for the building design and construction phases.

Design Development Phase: The design team will refine and formalize the schematic concept design to confirm the project scope with the City of Spokane and Police Academy representatives. Site design will be refined and mechanical, plumbing and electrical systems selected during this phase as well.

Construction Documents: Based upon the discussions in the previous phases, the design team will prepare construction documents including drawings and specifications for the construction of the project.

Permitting & Bidding: The architect will assist the City of Spokane in having the project reviewed by the authorities having jurisdiction and through the bid process for the project. The design team will respond to questions from plan reviewers and then by contractors during bidding. The permit reviews that are included in the design team's scope are limited to City of Spokane's Building Permit Review. When the bid period is concluded, the architect will provide a bid summary of the results received.

Construction Administration: During construction, the architect will provide review of submittals and response to contractor's requests for information (RFIs). The architect will issue any additional information needed by the contractor in accordance with the contract documents (ASIs) and review contractor schedules of value and monthly pay applications. The architect will ensure that record drawing sets are being kept on site and that any changes to the documents are being properly recorded. The architect will be available to visit the site every two weeks during construction for progress meetings and assist the city as needed for construction administration and project close out documents.

Compensation:

Compensation for the basic services shall be on a lump sum basis, plus reimbursable expenses. The fee is approximately broken down by phase as follows, note that unexpended amounts in other phases or from our sub-consultants can be billed up to the total maximum not-to-exceed:

<i>Schematic Design Phase</i>	<i>\$44,226</i>
<i>Design Development Phase</i>	<i>\$49,140</i>
<i>Construction Documents Phase</i>	<i>\$76,167</i>
<i>Permitting & Bidding Phase</i>	<i>\$4,914</i>
<i>Construction Administration</i>	<i>\$66,339</i>
<i>Project Closeout Phase</i>	<i>\$4,914</i>
<i>Total compensation for services not-to-exceed</i>	<i>\$245,700</i>



Reimbursable expenses will be billed in addition to the basic services fee. These expenses will be billed at direct cost plus 15%; reimbursable expenses are limited to drawing printing/reproduction expenses directly associated with the project and are not expected to exceed \$9,000. All other costs are covered by the basic design team fee. These services shall be billed based upon the hourly rates defined below. These standard hourly rates are fixed for the duration of one year from the date of this proposal:

Hourly Fee Rate Schedule:

Principal Architect	\$185
Project Architect	\$160
Project Manager	\$140
Architectural Technical Support	\$100
Office Administration	\$70

Thank you for your time and consideration in this matter. If you have any questions, or would like to meet to discuss this further, please call.

Sincerely,

Amy Browne-Minden, AIA, NCARB, NCIDQ
Principal

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Names of Additional Insured Person(s) or Organization(s):

Any person or organization that you agree in a written contract to include as an additional insured on this Coverage Part, provided that such written contract was signed by you before, and is in effect when, the "bodily injury" or "property damage" occurs or the "personal injury" or "advertising injury" offense is committed.

Location of Covered Operations:

Any project to which a written contract with the Additional Insured Person(s) or Organization(s) in the Schedule applies.

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

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage", "personal injury" or "advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring, or "personal injury" or "advertising injury" arising out of an offense committed, after:

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

CG D3 61 03 05

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License Information:

Entity name: DESIGN WEST ARCHITECTS, P.A. DBA DBA DESIGN WEST ARCHITECTS, PROFESSIONAL SERVICES

Business name: DESIGN WEST ARCHITECTS, P.A.

Entity type: Professional Service Corporation

UBI #: 601-332-873

Business ID: 001

Location ID: 0004

Location: Active

Location address: 905 W RIVERSIDE AVE
STE 605
SPOKANE WA 99201-1099

Mailing address: 905 W RIVERSIDE AVE
STE 605
SPOKANE WA 99201-1099

Excise tax and reseller permit status: [Click here](#)

Secretary of State status: [Click here](#)

Endorsements

Endorsements held at this location	License #	Count	Details	Status	Expiration date	First issuance date
Architect Firm			View Architects	Active	Mar-31-2024	Apr-12-2018
Spokane General Business				Active	Mar-31-2024	Apr-03-2018

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

Governing people	Title
WARNICK, NED	
WILM, BRANDON	

Registered Trade Names

Registered trade names	Status	First issued
DESIGN WEST ARCHITECTS, P.A.	Active	Apr-03-2018

[View Additional Locations](#)

The Business Lookup information is updated nightly. Search date and time: 12/7/2023 8:30:09 AM

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Certificate Of Completion

Envelope Id: 5650E92A46E54577AF7FFBD7AB935B72	Status: Completed
Subject: OPR 2024-0063 CONTRACT FACILITIES POLICE ACADEMY EXPANSION A&E DESIGN	
Source Envelope:	
Document Pages: 26	Signatures: 6
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Stamps: 1
Envelope Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Daniel Rose
	808 W. Spokane Falls Blvd.
	Spokane, WA 99201
	drose@spokanecity.org
	IP Address: 198.1.39.252


Record Tracking

Status: Original	Holder: Daniel Rose	Location: DocuSign
2/6/2024 11:28:10 AM	drose@spokanecity.org	


Signer Events

Signer Events	Signature	Timestamp
Terri L. Pfister tpfister@spokanecity.org City Clerk City of Spokane Security Level: Email, Account Authentication (None)		Sent: 2/6/2024 11:36:22 AM Viewed: 2/6/2024 12:31:29 PM Signed: 2/6/2024 12:31:42 PM
	Signature Adoption: Uploaded Signature Image Using IP Address: 198.1.39.252	

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

AMY BROWNE-MINDEN aminden@designwestpa.com Principal Security Level: Email, Account Authentication (None)		Sent: 2/6/2024 12:31:43 PM Viewed: 2/6/2024 2:07:10 PM Signed: 2/6/2024 2:11:27 PM
	Signature Adoption: Pre-selected Style Using IP Address: 96.79.207.217	

Electronic Record and Signature Disclosure:
Accepted: 2/6/2024 2:07:10 PM
ID: c90ef942-0b0a-440d-a296-6234d779e640

Elizabeth Schoedel eschoedel@spokanecity.org Assistant City Attorney - approved as to form only Security Level: Email, Account Authentication (None)		Sent: 2/6/2024 2:11:29 PM Viewed: 2/6/2024 2:12:12 PM Signed: 2/6/2024 2:12:19 PM
	Signature Adoption: Pre-selected Style Using IP Address: 198.1.39.252	

Electronic Record and Signature Disclosure:
Accepted: 2/6/2024 2:12:12 PM
ID: e41c2fa0-f3fa-44d3-91b7-4b6089d07ca3

Maggie Yates myates@spokanecity.org Assistant City Administrator Security Level: Email, Account Authentication (None)		Sent: 2/6/2024 2:12:20 PM Viewed: 2/8/2024 8:45:11 AM Signed: 2/8/2024 8:48:31 AM
	Signature Adoption: Pre-selected Style Using IP Address: 198.1.39.252	

Electronic Record and Signature Disclosure:
Accepted: 2/8/2024 8:45:11 AM
ID: de9b0189-21af-4234-8096-4b1a8caf687a

Signer Events	Signature	Timestamp
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Laurie Farnsworth
lfarnsworth@spokanecity.org
Acting City Clerk
City of Spokane
Security Level: Email, Account Authentication
(None)

Laurie Farnsworth



Sent: 2/8/2024 8:48:33 AM
Resent: 2/8/2024 9:56:30 AM
Viewed: 2/8/2024 10:01:22 AM
Signed: 2/8/2024 10:01:53 AM

Signature Adoption: Pre-selected Style
Using IP Address: 198.1.39.252

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	2/6/2024 11:36:22 AM
Envelope Updated	Security Checked	2/8/2024 9:56:29 AM
Envelope Updated	Security Checked	2/8/2024 9:56:29 AM
Envelope Updated	Security Checked	2/8/2024 9:56:29 AM
Certified Delivered	Security Checked	2/8/2024 10:01:22 AM
Signing Complete	Security Checked	2/8/2024 10:01:53 AM
Completed	Security Checked	2/8/2024 10:01:53 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: klund@spokanecity.org

To advise SHI International Corp OBO City of Spokane of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at klund@spokanecity.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to klund@spokanecity.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

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- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to klund@spokanecity.org and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify SHI International Corp OBO City of Spokane as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by SHI International Corp OBO City of Spokane during the course of my relationship with you.

Project Name: *City of Spokane Police Academy*
 Project Number: *24012*

Design West Architects

5/13/2024 15:11

General Information

Project Scope
 New Building SF
 3,520

Project Schedule
 Anticipated Construction Duration = 12 Months
 Anticipated NTP / Duration / Complete Dates = 9/1/2024 8/27/2025

Estimate Summary

Division	Title	Quan.	Unit	Category	% by Division	Division Total
Division 01	General Requirements				14.83%	\$ 184,100.00
Division 02	Existing Conditions				1.31%	\$ 16,250.00
Division 03	Concrete				10.28%	\$ 127,570.00
Division 04	Masonry				0.00%	\$ -
Division 05	Metals				0.97%	\$ 12,040.00
Division 06	Wood, Plastics, and Composites				8.69%	\$ 107,845.00
Division 07	Thermal and Moisture Protection				13.72%	\$ 170,260.00
Division 08	Openings				4.66%	\$ 57,900.00
Division 09	Finishes				8.38%	\$ 104,066.25
Division 10	Specialties				0.12%	\$ 1,500.00
Division 11	Equipment				0.00%	\$ -
Division 12	Furnishings				0.07%	\$ 875.00
Division 13	Special Construction				0.00%	\$ -
Division 14	Conveying Equipment				0.00%	\$ -
Division 20	Mechanical Commissioning				0.00%	\$ -
Division 21	Fire Suppression				0.00%	\$ -
Division 22	Plumbing				4.45%	\$ 55,220.00
Division 23	Heating, Ventilating, and Air Conditioning				9.63%	\$ 119,500.00
Division 25	Integrated Automation				0.00%	\$ -
Division 26	Electrical				7.65%	\$ 95,000.00
Division 27	Communications				0.00%	\$ -
Division 28	Electronic Safety and Security				0.00%	\$ -
Division 31	Earthwork				15.24%	\$ 189,213.00
Division 32	Exterior Improvements				0.00%	\$ -
Division 33	Utilities				0.00%	\$ -
MATERIALS & LABOR COST						\$ 1,241,339.25
	Contractor Taxes, Bonds, & Insurance	2.30%	percentage			\$ 28,550.80
	Contractor Overhead & Profit	8.00%	percentage			\$ 99,307.14
	Permits - By City of Spokane	2.00%	percentage			\$ 24,826.79
	Construction Contingency	10.00%	percentage			\$ 124,133.93
	Escalation (<i>estimated 9.0% annual = 0.75% monthly</i>)	3.7	months	0.75%	2.76%	\$ 34,250.66
ESTIMATED CONTRACT COST						\$ 1,552,408.57
	State Sales Tax	9.00%	percentage			\$ 139,716.77
ESTIMATED CONTRACT COST + SALES TAX						\$ 1,692,125.34

Estimate Detail

Division	Specification	Item	Quan.	Unit	Unit Cost	Extended Cost	Division Total
01 GENERAL REQUIREMENTS							\$ 184,100.00
01 31 00	Supervision - Superintendent & support		12.0	month	\$ 10,000.00	\$ 120,000.00	
	Building layout & staking		1	LS	\$ 4,000.00	\$ 4,000.00	
01 50 00	Work base / office set up		1	LS	\$ 500.00	\$ 500.00	
	Field Office Rental		12.0	month	\$ 250.00	\$ 3,000.00	
	Temp Utility Hookup & Usage		12.0	month	\$ 300.00	\$ 3,600.00	
	Temp Sanitation Facilities		12.0	month	\$ 500.00	\$ 6,000.00	
	Temp Enclosures, Heat, & Weather Protection		12.0	month	\$ 250.00	\$ 3,000.00	
	Temp Construction Fencing		500	LF	\$ 3.00	\$ 1,500.00	
	Temp Gates		2	EA	\$ 1,000.00	\$ 2,000.00	
01 73 00	Small Tools, Rental and Hoisting Equipment		12.0	month	\$ 1,500.00	\$ 18,000.00	
	Daily & Final Clean-up		12.0	month	\$ 1,000.00	\$ 12,000.00	
	Dumpster - Disposal Costs		12	month	\$ 500.00	\$ 6,000.00	
01 77 00	Project Closeout - As-built Drawings, O&M Manuals		1	LS	\$ 1,500.00	\$ 1,500.00	
	Punch List, Warranty, Site Closeout		1	LS	\$ 3,000.00	\$ 3,000.00	
02 EXISTING CONDITIONS							\$ 16,250.00
02 41 00	Demolition **Abatement Not Included**		2,500	SF	\$ 5.00	\$ 12,500.00	
	Patch & Repair		1,500	SF	\$ 2.50	\$ 3,750.00	
03 Concrete							\$ 127,570.00
03 30 00	New Concrete SOG		3,520	SF	\$ 9.75	\$ 34,320.00	
03 30 00	Concrete Cutting & Patching		1	LOT	\$ 7,000.00	\$ 7,000.00	
03 30 00	New Footing & Stem Wall		275	LF	\$ 150.00	\$ 41,250.00	
03 35 00	Concrete Floor Finishing (new)		1,000	SF	\$ 45.00	\$ 45,000.00	
04 Masonry							\$ -
04 22 00	Masonry		-	SF	\$ 50.00	\$ -	
05 Metals							\$ 12,040.00
05 12 00	Structural Steel - new addition		-	SF	\$ 19.00	\$ -	
05 50 00	Metal Fabrications (general, Lintels, misc.)		1	LOT	\$ 5,000.00	\$ 5,000.00	
05 50 00	Metal Fabrications (anchors etc.)		1	LOT	\$ 7,040.00	\$ 7,040.00	
05 50 00	Metal framing		-	SF	\$ 9.00	\$ -	
05 50 00	Metal decking		-	SF	\$ 9.00	\$ -	
06 Wood, Plastics, and Composites							\$ 107,845.00
06 10 00	Rough Carpentry (Undefined & GC Labor)		3,520	SF	\$ 5.50	\$ 19,360.00	
06 16 00	Sheathing (walls & roof)		6,800	SF	\$ 9.00	\$ 61,200.00	
06 16 00	Non Struc Wood Framing		3,250	SF	\$ 6.50	\$ 21,125.00	
06 20 00	Interior Finish Carpentry		3,520	SF	\$ 1.75	\$ 6,160.00	
06 40 23	Interior Casework		-	LF	\$ 140.00	\$ -	
07 Thermal and Moisture Protection							\$ 170,260.00
07 21 16	Blanket Insulation		2,800	SF	\$ 6.25	\$ 17,500.00	
07 21 29	Spray Insulation		1,000	SF	\$ 1.25	\$ 1,250.00	
07 22 16	Roof Board Insulation		3,520	SF	\$ 8.75	\$ 30,800.00	
07 26 00	Vapor Retarders		3,520	SF	\$ 1.50	\$ 5,280.00	
07 27 00	Weather Barriers		3,520	SF	\$ 1.50	\$ 5,280.00	
07 42 93	Metal Roof & Metal Wall Panel		6,800	SF	\$ 13.50	\$ 91,800.00	
07 54 00	TPO Roofing		-	SF	\$ 17.50	\$ -	
07 62 00	Flashing & Trims		350	LF	\$ 35.00	\$ 12,250.00	
07 72 00	Roof Accessories		1	LOT	\$ 4,750.00	\$ 4,750.00	
07 84 13	Penetration Firestopping		1,000	SF	\$ 0.35	\$ 350.00	
07 92 00	Joint Sealant		2,000	SF	\$ 0.50	\$ 1,000.00	
07 95 00	Expansion Control		-	LF	\$ 50.00	\$ -	
08 Openings							\$ 57,900.00
08 11 13	Hollow Metal Doors & Frames		1	EA	\$ 2,700.00	\$ 2,700.00	
08 14 00	Wood Faced Doors & Frames		9	EA	\$ 1,500.00	\$ 13,500.00	
08 31 13	Access Doors & Frames		4	EA	\$ 575.00	\$ 2,300.00	
08 41 13	Aluminum-Framed Storefront and Entry System		320	SF	\$ 35.00	\$ 11,200.00	
08 71 10	Door Hardware		12	EA	\$ 1,800.00	\$ 21,600.00	
08 41 23	Window Systems		12	EA	\$ 550.00	\$ 6,600.00	
09 Finishes							\$ 104,066.25
09 22 16	Non-Struc Metal Framing		-	SF	\$ 5.75	\$ -	
09 29 00	Gypsum Board Systems (Walls)		6,500	SF	\$ 5.75	\$ 37,375.00	
09 29 00	Gypsum Board Systems (Ceilings at Restrooms)		125	SF	\$ 5.75	\$ 718.75	
09 51 23	Suspended Acoustical Ceilings - Classrooms & Offices		2,320	SF	\$ 5.75	\$ 13,340.00	
09 65 13	Resilient Base		650	LF	\$ 2.25	\$ 1,462.50	
09 68 13	Carpet Tile - offices & classrooms		2,320	SF	\$ 8.50	\$ 19,720.00	
09 91 00	Painting		7,400	SF	\$ 4.25	\$ 31,450.00	
10 Specialties							\$ 1,500.00
10 14 00	Room Signage		8	EA	\$ 75.00	\$ 600.00	
10 26 13	Wall Protection - corner guards		6	EA	\$ 150.00	\$ 900.00	

11 Equipment									\$ -
11 52 13	<i>NOT USED</i>	-	0	\$ -	\$ -	-	-	-	-
12 Furnishings									\$ 875.00
12 00 00	Window Blinds	7	EA	\$ 125.00	\$ 875.00				
13 Special Construction									\$ -
13 00 00	<i>NOT USED</i>	-		\$ -	\$ -				-
14 Conveying Equipment									\$ -
14 00 00	<i>NOT USED</i>	-		\$ -	\$ -				-
20 Mechanical Commissioning									\$ -
20 00 00	Mech Commissioning	-	LOT	\$ 25,000.00	\$ -				-
21 Fire Suppression									\$ -
21 10 00	Fire Alarm Systems - included below	-	SF	\$ 7.50	\$ -				-
22 Plumbing									\$ 55,220.00
22 00 00	Plumbing Mobilization	1	LOT	\$ 5,000.00	\$ 5,000.00				
	Water closet/urinal	3	EA	\$ 4,250.00	\$ 12,750.00				
	Lavatory	2	EA	\$ 3,500.00	\$ 7,000.00				
	Bottle Filler	1	EA	\$ 4,000.00	\$ 4,000.00				
	Hose Bib (exterior, non-freeze)	2	EA	\$ 775.00	\$ 1,550.00				
	Floor Drain (include trap primer)	2	EA	\$ 1,200.00	\$ 2,400.00				
	Waste piping, 4"	120	LF	\$ 40.00	\$ 4,800.00				
	Fittings	1	LOT	\$ 1,000.00	\$ 1,000.00				
	Waste piping, 2"	40	LF	\$ 28.00	\$ 1,120.00				
	Fittings	1	LOT	\$ 225.00	\$ 225.00				
	Vent piping, 2"	60	LF	\$ 28.00	\$ 1,680.00				
	Fittings	1	LOT	\$ 350.00	\$ 350.00				
	Water piping, 1.5" with insulation	120	LF	\$ 45.00	\$ 5,400.00				
	Fittings	1	LOT	\$ 1,050.00	\$ 1,050.00				
	Water piping, 1" with insulation	120	LF	\$ 21.00	\$ 2,520.00				
	Fittings	1	LOT	\$ 500.00	\$ 500.00				
	Water piping, .75" with insulation	120	LF	\$ 20.00	\$ 2,400.00				
	Fittings	1	LOT	\$ 475.00	\$ 475.00				
	Start Up, Demo & Training	1	LOT	\$ 500.00	\$ 500.00				
	Close Out/Commissioning	1	LOT	\$ 500.00	\$ 500.00				
23 Heating, Ventilating, and Air Conditioning									\$ 119,500.00
23 00 00	Mech Mobilization	1	LOT	\$ 5,000.00	\$ 5,000.00				
	ERV's	1	EA	\$ 10,000.00	\$ 10,000.00				
	VRF Heat Pumps	1	EA	\$ 20,000.00	\$ 20,000.00				
	VRF Fan Coils	5	EA	\$ 5,000.00	\$ 25,000.00				
	Wall Heaters	2	EA	\$ 1,500.00	\$ 3,000.00				
	Air Outlets	20	EA	\$ 250.00	\$ 5,000.00				
	Louvers	1	EA	\$ 1,000.00	\$ 1,000.00				
	Refrig & Condensate Piping	1	EA	\$ 10,000.00	\$ 10,000.00				
	Ductwork & Air Distribution	4	EA	\$ 5,000.00	\$ 20,000.00				
	Duct Accessories	1	EA	\$ 5,000.00	\$ 5,000.00				
	Duct Insulation & Liners	1	EA	\$ 5,000.00	\$ 5,000.00				
	Temp Control	1	EA	\$ 5,000.00	\$ 5,000.00				
	Testing & Balancing	1	EA	\$ 2,500.00	\$ 2,500.00				
	Start Up, Demo & Training	1	EA	\$ 1,500.00	\$ 1,500.00				
	Close Out & Commissioning	1	EA	\$ 1,500.00	\$ 1,500.00				
25 Integrated Automation									\$ -
25 00 00	<i>not used</i>	-		\$ -	\$ -				-
26 Electrical									\$ 95,000.00
26 00 00	Electrical Mobilization	1	LOT	\$ 10,000.00	\$ 10,000.00				
	Electrical Building Lighting	50	EA	\$ 250.00	\$ 12,500.00				
	Building Gen Rec	40	EA	\$ 150.00	\$ 6,000.00				
	400A Service Panel	1	EA	\$ 15,000.00	\$ 15,000.00				
	Mech HP-1	2	EA	\$ 5,000.00	\$ 10,000.00				
	Mech FC-1	7	EA	\$ 2,500.00	\$ 17,500.00				
	Building Low Voltage	40	EA	\$ 100.00	\$ 4,000.00				
	MDF Cabinet	1	EA	\$ 4,000.00	\$ 4,000.00				
	EV Charger - new only	2	EA	\$ 3,000.00	\$ 6,000.00				
	Fire Alarm	1	LOT	\$ 10,000.00	\$ 10,000.00				
27 Communications									\$ -
27 00 00	Data & Telecomm	-	SF	\$ 7.50	\$ -				-
28 Electronic Safety and Security									\$ -
28 00 00	<i>NOT USED</i>	-	LS	\$ -	\$ -				-
31 Earthwork & Exterior									\$ 189,213.00
	Earthwork Mobilization	1	LOT	\$ 15,000.00	\$ 15,000.00				
	Clearing, grubbing & demo	1	LOT	\$ 27,000.00	\$ 27,000.00				
	<i>Grading</i>								
	Erosion & Sed Control	1	LOT	\$ 2,500.00	\$ 2,500.00				
	Roadway Excavation & Hall away	25	CY	\$ 333.00	\$ 8,325.00				
	<i>Storm Sewer</i>								
	Storm Cleanout	3	EA	\$ 800.00	\$ 2,400.00				
	Solid Wall PVC Storm Sewer 4" Pipe	41	LF	\$ 208.00	\$ 8,528.00				
	Swale Planting & Grading	2	EA	\$ 2,500.00	\$ 5,000.00				
	48" Drywell	2	EA	\$ 3,200.00	\$ 6,400.00				
	<i>Sewer</i>								
	Sanitary Sewer 4" Main	135	LF	\$ 50.00	\$ 6,750.00				
	Connect to sewer force main	2	EA	\$ 2,500.00	\$ 5,000.00				
	<i>Water</i>								
	Gate Valve	1	EA	\$ 3,000.00	\$ 3,000.00				
	FDC	1	EA	\$ 5,000.00	\$ 5,000.00				
	PVC Pipe 4" water main	110	LF	\$ 50.00	\$ 5,500.00				
	PVC Pipe 6" water main	255	LF	\$ 55.00	\$ 14,025.00				
	<i>Surfacing</i>								
	Concrete Sidewalk	10	SY	\$ 95.00	\$ 950.00				
	Curb at roadway, 6"	10	LF	\$ 80.00	\$ 800.00				

Crushed Surfacing top course 4" standard only	249	TON	\$	80.00	\$	19,920.00		
Hot mix asphalt, 4" standard (required)	113	TON	\$	145.00	\$	16,385.00		
Hot mix asphalt, 4" standard (parking stalls bid alt)	124	TON	\$	145.00	\$	17,980.00		
Pavement Markings	1	LOT	\$	5,000.00	\$	5,000.00		
		<i>Other</i>						
On site gas service (new gas line)	170	LF	\$	25.00	\$	4,250.00		
On site power modifications (relocate exist EV)	1	LOT	\$	9,500.00	\$	9,500.00		
32 Exterior Improvements							\$	-
<i>included above</i>		LOT	\$	-	\$	-		
33 Utilities							\$	-
<i>included above</i>	-	LOT	\$	-	\$	-		

DESIGN / DOCUMENT SCHEDULE -

updated 04/15/2024

Date	Milestone	Task / Event	Participants	Required Content
Wednesday, April 10, 2024	SD	Floor plan and exterior elevations approved by Owner group	All	Meeting Agenda & Updated Plans
Friday, April 12, 2024		Email SD plans to consultants. Ask to schedule a coordination meeting with consultants to answer questions	DWA, MSI, LSB	Floor plans, exterior elevations, project needs info
Tuesday, April 16, 2024		Receive Civil survey site plan, and start architectural site plan	DWA, SCJ	
Tuesday, April 23, 2024		SketchUp 3D rendering to review w/ Owner group	DWA,	3D Bldg Exterior rendering
Wednesday, April 24, 2024	10:00	Owner group meeting to review plans, 3D rendering and metal panel colors	DWA	
Tuesday, April 30, 2024		Consultant Team coordination Meeting	DWA, MSI, LSB	**date is tentative**
Wednesday, May 8, 2024	10:00	Owner group meeting for updates and comments	DWA	
Friday, May 10, 2024	EOD	SD Level Consultant Team Drawings, Spec TOC & Cost Estimate info due to DWA	DWA, MSI, LSB	SD Mechanical, Electrical & Structural plans
Friday, May 17, 2024		SD plans, refine plans and coordination with specs		
Wednesday, May 22, 2024	10:00	Owner group meeting to review plans, gather information for specs	DWA	
Friday, May 24, 2024	EOD	DWA to coordinate & send out design team response info	DWA, MSI, LSB	
Wednesday, June 5, 2024	10:00	Owner group meeting	DWA	
Thursday, June 13, 2024		Consultant coordination meeting if needed. Refine plans, estimate, specs	DWA, MSI, LSB	**date is tentative**
Wednesday, June 19, 2024	10:00	Owner group meeting	DWA	
Monday, June 24, 2024	EOD	DD Level Consultant Team Drawings, Specs, and Cost Estimate info due to DWA	All	DD Review drawings, schedule, Spec TOC and cost estimate
Wednesday, June 26, 2024		DWA to coordinate & send out design team response info	All	
Thursday, June 20, 2024		Email Pre-Development Application & plans to City of Spokane. Schedule Pre-Development meeting.	All	Site plan, property information listed on application
Wednesday, July 3, 2024		DWA to perform final coordination with owner group	DWA	
Wednesday, July 3, 2024		CD plans, details, and specs coordination	All	
Monday, July 8, 2024		Refine plans and cost estimate		
Tuesday, July 9, 2024		Consultant Team coordination meeting, if required	DWA, MSI, LSB	**date is tentative**
Thursday, July 11, 2024		Coordination of plans, specifications, and detailing	DWA	CD drawings and specifications
Friday, July 19, 2024	EOD	Final CD Consultants Package Due to DWA	All	drawings, specifications, cost estimate
Friday, July 26, 2024		Submit CD plans to City for permit review, FAA, and shoreline use	DWA	CD Plans set, structural calcs, reports & permit application
Friday, August 9, 2024		Respond to 1st round of permit comments from the City	DWA, MSI, LSB	
Friday, August 16, 2024		Coordination of permit comments with plans, specs & cost estimate	DWA	
Thursday, August 22, 2024		2nd round of permit comments	DWA, MSI, LSB	
Friday, August 30, 2024		Submit plans and Response to final permit review comments	All	Revise plans as needed
Tuesday, August 6, 2024		First Advertisement for Bid		**date is tentative**
Tuesday, August 13, 2024		Second Advertisement for Bid		**date is tentative**
Tuesday, August 6, 2024		Bid Period Begins through early September		Documents Available
Tuesday, September 10, 2024	10:00 AM	Pre-Bid Meeting		**date is tentative**
Thursday, September 12, 2024	2:00 PM	**Bids Due**		**date is tentative**
Monday, October 7, 2024		Contract Execution granted by City of Spokane		**date is tentative**
Monday, October 21, 2024		NOTICE TO PROCEED - contractor to mobilize on site and Const. period begins		** date is tentative**
Thursday, November 7, 2024		Monthly Construction Administration meetings begin		** date is tentative**
Monday, May 12, 2025		SUBSTANTIAL COMPLETION		** date is tentative**
Friday, May 30, 2025		FINAL COMPLETION		



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Consent

Date Rec'd

7/8/2024

Clerk's File #

OPR 2024-0570

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

COMMUNITY, HOUSING & HUMAN

Bid #

Contact Name/Phone

TESSA JILOT 6327

Requisition #

Contact E-Mail

TJILOT@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

1680- SINGLE FAMILY REHABILITATION PROGRAM EXPANSION

Agenda Wording

Contract for a one-time grant allocation to the Single Family Rehabilitation program for the purpose of providing grants for home repairs to meet emergent community needs of LMI homeowners.

Summary (Background)

To meet the emergent health and safety needs of low- and moderate-income (LMI) households in Spokane, CHHS will expand the Single Family Rehabilitation program, offered through SNAP, on a one-time basis. This one-time program expansion will allow SNAP to offer grants to the individuals currently on a waitlist, and to new applicants seeking assistance with significant home repairs.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$ 1,700,000

Current Year Cost \$ 1,700,000

Subsequent Year(s) Cost \$

Narrative

This funding will be added to an existing program. Staff and resources are already in place.

Amount

Budget Account

Neutral \$ 1,700,000

1690-95576-51030-54201-99999

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	ANDERSON, ARIELLE M.
<u>Division Director</u>	KINDER, DAWN
<u>Accounting Manager</u>	MURRAY, MICHELLE
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	JONES, GARRETT

Additional Approvals

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

Distribution List

amber.j@snapwa.org	tjilot@spokanecity.org
hpage@spokanecity.org	arielleanderson@spokanecity.org
dkinder@spokanecity.org	dnorman@spokanecity.org
sbrown@spokanecity.org	

Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Community, Housing & Human Services
Contact Name	Tessa Jilot
Contact Email & Phone	tjilot@spokanecity.org & (509) 625-6327
Council Sponsor(s)	<u>Zappone, Bingle, Klitze</u>
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Single Family Rehabilitation Program Expansion
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The one-time increase in funding for the expansion of the Single Family Rehabilitation program would address the health and safety needs of LMI households in Spokane. Funding would be primarily used to upgrade heating and electrical systems, and other changes in the home that increase energy-efficiency, cost efficiency, fire safety, and are environmentally conscious.</p> <p>SNAP currently has a waitlist of LMI households that need these health and safety repairs addressed, but who do not qualify for one of the other funding programs offered by SNAP. Additionally, SNAP would be leveraging the funding offered by the traditional Single Family Home Rehabilitation program, and two other grant funded programs for which SNAP has submitted applications. With the funding provided through this program expansion, and in cooperation with other funders, SNAP anticipates providing services to 85-100 LMI households</p> <p>Ensuring the safety and viability of the existing housing stock in Spokane allows LMI households to retain their property and maintain its value over time. Housing that falls into disrepair contributes to nuisance properties, code violations, blight, foreclosure, and the potential for homelessness.</p> <p><u>Subrecipient</u> SNAP has managed the home repair contracts since 2015. They have staff with expertise in the areas of household qualifications, home assessments, development of scopes of work, bidding and contracting for rehab work, invoicing, and beneficiary tracking. They have been awarded funding for PY 2024. SNAP also has a referral list of customers who could benefit from this program.</p>
Fiscal Impact	<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>\$1,700,000</u></p> <p> Current year cost: N/A</p> <p> Subsequent year(s) cost: N/A</p> <p>Narrative: <u>The funding for this program is existing CDBG funds from HUD’s annual Entitlement distribution. This funding must be expended by May 2025 to meet contractual obligations with HUD. Funds must be spent on an eligible CDBG activity that has already been approved in the 2024 Annual Action Plan.</u></p>
Funding Source	<input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A

Specify funding source: Grant

Is this funding source sustainable for future years, months, etc? Entitlement funds are awarded each year from HUD; this program is meant to be a one-time expansion of funds unless there are funds available in the future and a need still exists for this program.

Expense Occurrence One-time Recurring N/A

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impacts (If N/A, please give a brief description as to why) N/A – Because this is an expansion of an existing program, staff and resources are already established for program implementation.

What impacts would the proposal have on historically excluded communities?

All activities funded with CDBG funds must meet one of the CDBG program’s National Objectives: benefit low- and moderate-income persons; aid in the prevention or elimination of slums or blight; or meet community development needs having a particular urgency, as defined in 24 CFR 570.208.

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?

SNAP will maintain all records required by Federal regulations that are pertinent to the activities funded through this contract. This includes records providing a full description of each activity undertaken; records documenting compliance with the fair housing and equal opportunity components of the CDBG program; and demographic information related to race, ethnicity, income, head-of-household classification, and disability status.

SNAP will submit regular activity reports to the City in conjunction with reimbursement requests each month. These reports will include the following program accomplishments and project beneficiary data:

- Cumulative Contract Goals: completed units, administrative draws, management draws, loan disbursements
- Monthly Performance Measures: project address, homeowner name, household income, race and ethnicity information, elderly status, female head of household status, disability status, loan or grant dollar amount, dates of National Environmental Policy Act (NEPA) environmental review completion, and lead-based paint remediation activities
- Applicants Ineligible or Withdrawn: applicant name, address, race and ethnicity, elderly status, female head of household status, and brief reason for withdrawal or ineligibility

SNAP will meet with CHHS staff bi-monthly to review activity reports, address issues, and track goal achievement.

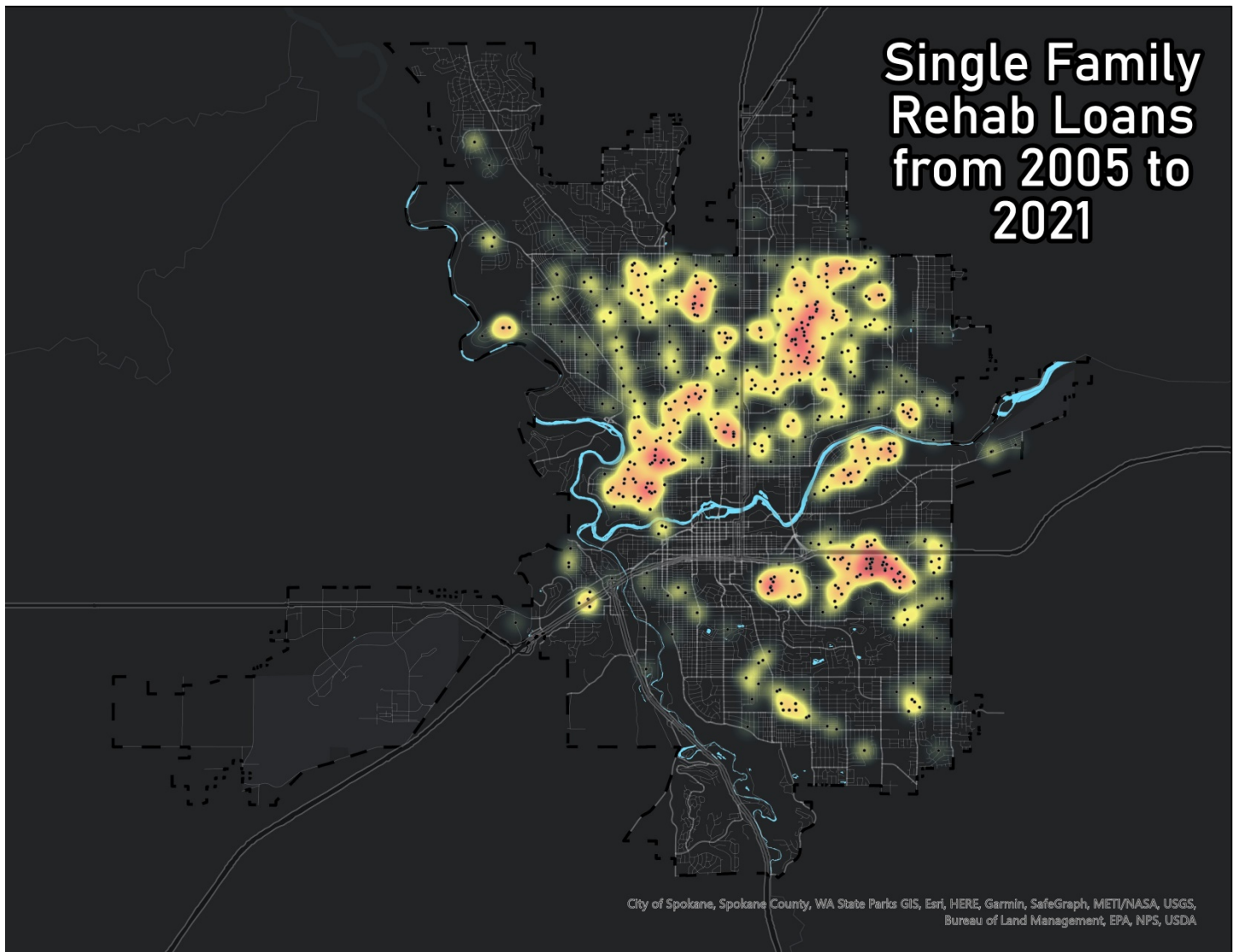
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

See information above regarding data collection and dissemination.

The City will monitor the performance of SNAP on a risk-based approach against established goals and performance measures, timely submittal of performance data, spend down of grant funds, and all other terms and conditions outlined in the contract document. Substandard performance as determined by the City will constitute a noncompliance and will result in action, which may include: SNAP being required to submit and implement a corrective action plan, payment suspension, funding rejection, or grant termination.

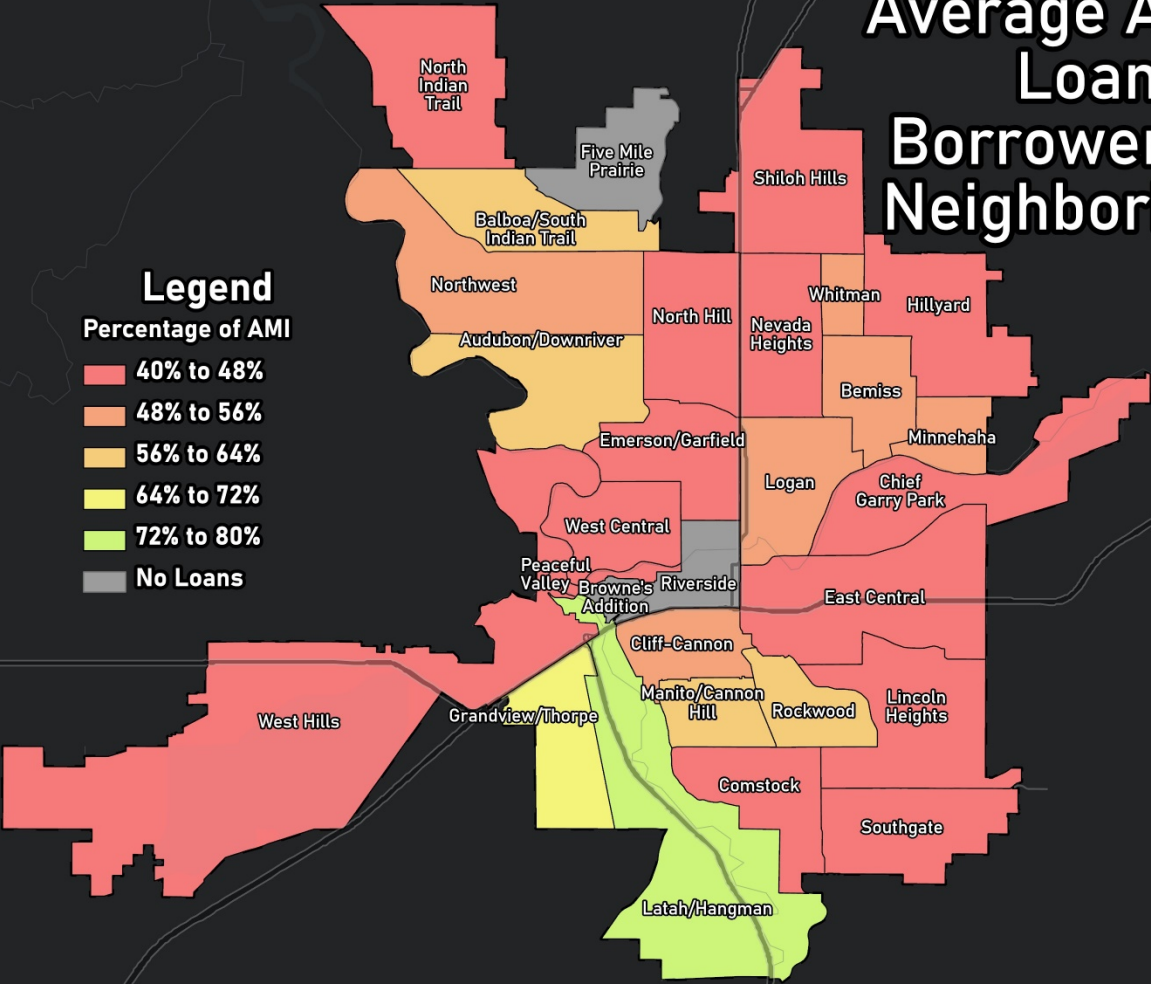
Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This proposal aligns with the 2020-2024 Consolidated Plan and the 2020-2025 Strategic Place to End Homelessness.



Average AMI of Loan Borrowers by Neighborhood

- Legend**
- Percentage of AMI
- 40% to 48%
 - 48% to 56%
 - 56% to 64%
 - 64% to 72%
 - 72% to 80%
 - No Loans



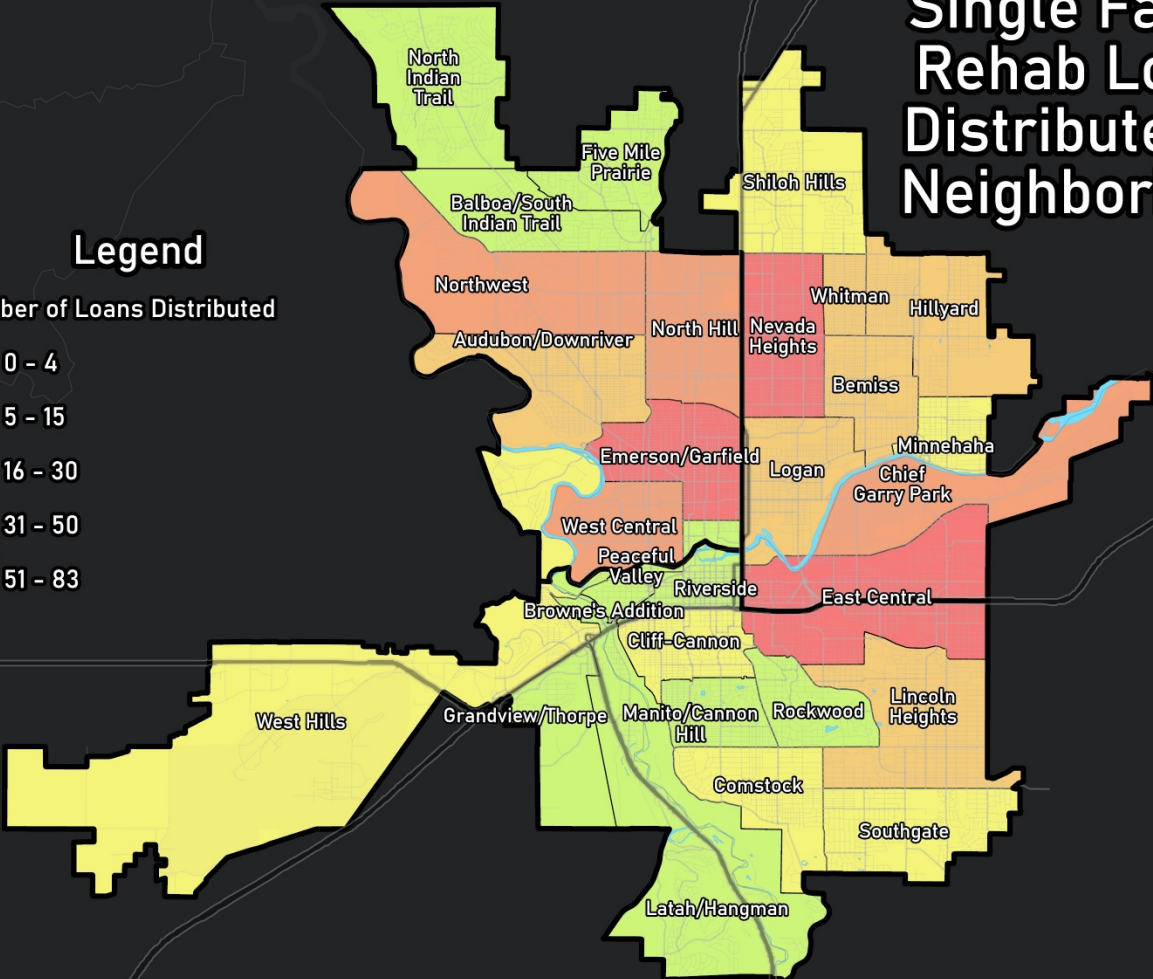
City of Spokane, Spokane County, WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

Single Family Rehab Loans Distributed by Neighborhood

Legend

Number of Loans Distributed

- 0 - 4
- 5 - 15
- 16 - 30
- 31 - 50
- 51 - 83



City of Spokane, Spokane County, WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

Single Family Rehab Funds Invested by Council District

Legend

Total Loan Dollars Distributed

- \$2,997,000 - 134 Loans
- \$4,312,000 - 203 Loans
- \$4,872,000 - 219 Loans

District 3

District 1

District 2

City of Spokane, Spokane County, WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0571

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

HISTORIC PRESERVATION

Bid #**Contact Name/Phone**

MEGAN 6543

Requisition #**Contact E-Mail**

MDUVALL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0470 – MULLIGAN-BRAZEAU HOUSE & GARAGE NOMINATION TO THE SRHP

Agenda Wording

Mulligan-Brazeau House & Garage. NOMINATION TO THE REGISTER OF HISTORIC PLACES

Summary (Background)

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100. The Mulligan-Brazeau House & Garage at 511 W 13th Avenue was constructed in 1911 and has been found to meet the criteria set forth for such designation, and a management agreement has been signed by the owners.

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

Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.

Amount**Budget Account**

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #

Committee Agenda Sheet

Urban Experience Committee

Committee Date	7/8/2024
Submitting Department	Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org
Council Sponsor(s)	<u>CM Zappone; CM Klitzke; CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	0470 – MULLIGAN-BRAZEAU HOUSE & GARAGE NOMINATION TO THE REGISTER OF HISTORIC PLACES
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Mulligan-Brazeau House & Garage at 511 W 13th Avenue was constructed in 1911 and has been found to meet the criteria set forth for such designation, and a management agreement has been signed by the owners.</p>
Summary (Background)	<p>*use the Fiscal Impact box below for relevant financial information</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>0</u> Current year cost: Subsequent year(s) cost:	
Narrative: <u>Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.</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 <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	
Other budget impacts: (revenue generating, match requirements, etc.) Properties listed on the Spokane Register are subject to design review in the future which does generate revenue through small fees. Tax incentives are available to listed properties and also can generate future revenue.	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities? This contract would have no meaningful impact 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? That specific data is not something that is collected by the Historic Preservation Department.	

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

The Historic Preservation Office's primary responsibility is to protect historic properties and neighborhoods in Spokane. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane's historic resources.

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?

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.

Comprehensive Plan Goals

DP 1.1: Landmark Structures, Buildings, and Sites

Recognize and preserve unique or outstanding landmark structures, buildings, and sites.

DP 3.3: Identification and Protection of Resources

Identify historic resources to guide decision making in planning.

DP 3.11: Rehabilitation of Historic Properties

Assist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

N 2.4: Neighborhood Improvement

Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review to the Nomination to the Spokane Register of Historic Places Mulligan-Brazeau House & Garage – 511 W 13th Avenue

FINDINGS OF FACT

1. **SMC 17D.100.090: "Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation."**
 - Originally built in 1911; the Mulligan-Brazeau House & Garage meets the age criteria for listing on the Spokane Register of Historic Places.

2. **SMC 17D.100.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D, E).**
 - The Mulligan-Brazeau House & Garage are architecturally significant under **Category C** as excellent examples of the Craftsman tradition with Tudor Revival-style influences.
 - The house was constructed by Patrick R. Barrington who worked as a building contractor in Spokane during the early 1900s. He was especially active in the Resurveyed Cliff Park neighborhood, having built several other houses on the specific block where the Mulligan-Brazeau House & Garage are located.
 - The Mulligan-Brazeau House embodies the distinctive characteristics of a type, period, or method of construction. Elements of the Craftsman style at the Mulligan-Brazeau House include the full-width front porch; thick square porch piers; unenclosed widely overhanging eaves; exposed roof rafters and rafter tails; deep barge boards; knee-brace brackets; a mix of siding types to include clapboard and stucco on a basalt foundation; and a sleeping porch amongst others. Tudor Revival influences are evident in the false timbering on the second level exterior. The garage was designed in the same style as the house and retains the same elements of the Craftsman Style with Tudor influence in the false timbering effect.
 - The house was built for W. G. Mulligan as an investment property. The first renters, the Dalzell family, had recently relocated from St. Paul, Minnesota and moved into the home in February of 1911. Within the first few weeks of their residence, both John and Bessie Dalzell were killed by gas fumes coming from a poorly installed gas heater in the upstairs bathroom.
 - In 1920, the house was purchased by William Brazeau and his family. During his short tenure, the garage was added. Brazeau was a Wisconsin manufacturer who relocated to Spokane and later worked as the Secretary and Sales Manager for the Inland Empire Paper Company in Millwood. He was elected as Millwood's first Mayor. They were only in the house for one year while awaiting the completion of their new home in Otis Orchards.

3. **SMC17D.100.090: "The property must also possess integrity of location, design, materials, workmanship, and association." *From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity."***
 - The Mulligan-Brazeau House & Garage retains good integrity of location, design, materials, and workmanship to convey its historic character from the period of significance.

4. **Once listed, this property will be eligible to apply for incentives, including:**
Special Valuation (property tax abatement), Façade Improvement Grants, Spokane Register historic property plaque, and special code considerations.

RECOMMENDATION

The Spokane Historic Landmarks Commission will evaluate The **Mulligan-Brazeau House & Garage** according to the appropriate criteria at a public hearing on 6/20/2024 are expected to find the property eligible for listing on the Spokane Register under **Category C – Architecture**.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

CLIFF PK RES L7 B15

Parcel Number(s) 35194.0607, is governed by a Management Agreement between the City of Spokane and the Owner(s), Thomas and Patti Stice, of the subject property.

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.

Said Management Agreement was approved by the Spokane City Council on July 23, 2024. I certify that the original Management Agreement is on file in the Office of the City Clerk under File No. _____.

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____

Dated: _____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **20th** day of **June 2024**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **Thomas and Patti Stice** (hereinafter “Owner(s)”), the owner of the property located at **511 W 13th Avenue** commonly known as the **Mulligan-Brazeau House** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter “Commission”) is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner’s property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to the provisions as set forth in SMC 17D100.220.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

CITY OF SPOKANE

Megan M.K. Duvall

City Administrator

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____(he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared _____, CITY ADMINISTRATOR and TERRI L. PFISTER, to me known to be the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of Washington, residing at Spokane
My commission expires _____

Attachment A

Secretary of The Interior's Standards

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Spokane Register of Historic Places Nomination

Spokane City/County Historic Preservation Office, City Hall, 3rd Floor
808 W. Spokane Falls Boulevard, Spokane, WA 99201

1. HISTORIC NAME

Historic Name **MULLIGAN-BRAZEAU HOUSE**
Common Name

2. LOCATION

Street & Number 511 West 13th Avenue
City, State, Zip Code Spokane, WA 99204
Parcel Number 35194.0607

3. CLASSIFICATION

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> building	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> museum
<input type="checkbox"/> site	<input checked="" type="checkbox"/> private	<input type="checkbox"/> work in progress	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both		<input type="checkbox"/> educational	<input type="checkbox"/> religious
<input type="checkbox"/> object	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input checked="" type="checkbox"/> residential
	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes, restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes, unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other

4. OWNER OF PROPERTY

Name Thomas D. & Patricia A. Stice
Street & Number 511 West 13th Avenue
City, State, Zip Code Spokane, WA 99204
Telephone Number/E-mail 425-677-4599, patti.burns.stice@gmail.com

5. LOCATION OF LEGAL DESCRIPTION

Courthouse, Registry of Deeds Spokane County Courthouse
Street Number 1116 West Broadway
City, State, Zip Code Spokane, WA 99201
County Spokane

6. REPRESENTATION OF EXISTING SURVEYS

Title City of Spokane Historic Landmarks Survey
Date Federal___ State___ County___ Local___
Location of Survey Records Spokane Historic Preservation Office

7. DESCRIPTION

(continuation sheets attached)

Architectural Classification

Condition

- excellent
- good
- fair
- deteriorated
- ruins
- unexposed

Check One

- unaltered
- altered

Check One

- original site
- moved & date

8. SPOKANE REGISTER CATEGORIES & STATEMENT OF SIGNIFICANCE

(continuation sheets attached)

Applicable Spokane Register of Historic Places Categories: Mark “x” on one or more for the categories that qualify the property for the Spokane Register listing:

- A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method or construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory history.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Bibliography is found on one or more continuation sheets.

10. DIGITAL PHOTOS, MAPS, SITE PLANS, ARTICLES, ETC.

Items are found on one or more continuation sheets.

11. GEOGRAPHICAL DATA

- Acreage of Property Less than one acre.
- Verbal Boundary Description Cliff Park Addition Resurvey Lot 7, Block 15.
- Verbal Boundary Justification Nominated property includes entire parcel and urban legal description.

12. FORM PREPARED BY

- Name and Title Linda Yeomans, Consultant
- Organization Historic Preservation Planning & Design
- Street, City, State, Zip Code 501 West 27th Avenue, Spokane, WA 99203
- Telephone Number 509-456-3828
- Email Address lindayeomans@comcast.net
- Date Final Nomination Heard June 19, 2024

13. SIGNATURE(S) OF OWNER(S)

14. FOR OFFICIAL USE ONLY

Date nomination application filed: _____

Date of Landmarks Commission Hearing: _____

Landmarks Commission decision: _____

Date of City Council/Board of County Commissioners' hearing: _____

City Council/Board of County Commissioners' decision: _____

I hereby certify that this property has been listed in the Spokane Register of Historic Places based upon the action of either the City Council or the Board of County Commissioners as set forth above.

Megan Duvall

Date

City/County Historic Preservation Officer

City/County Historic Preservation Office

Third Floor—City Hall

808 W. Spokane Falls Blvd.

Spokane, WA 99201

Attest:

Approved as to form:

City Clerk

Assistant City Attorney



The Mulligan-Brazeau House

SECTION 7: DESCRIPTION OF PROPERTY

Summary Statement

Addressed as 511 West 13th Avenue in the Resurveyed Cliff Park Addition, the Mulligan-Brazeau House/Garage is a contributing property in the 1979 Marycliff/Cliff Park National Register Historic District. The house was built in 1911 and is a fine example of a one-and-a-half-story residence with strong stylistic influence from the

Craftsman and Tudor Revival styles. The property faces north towards Cliff Park and is covered by a prominent low-pitched gable-front roof with widely unenclosed overhanging eaves, exposed rafter tails, and deep bargeboards with triangular knee-brace brackets. The gable-front roof extends over the first floor to provide a full-width covered front porch supported by thick wood porch piers and a solid porch wall. The exterior of the Craftsman-styled house is clad with multiple horizontal bands, including a basalt stone foundation, horizontal bands of 3-inch-thick and 6-inch-thick clapboard siding, a horizontal band of stucco with false half-timbering under the roof, and multiple belt courses that separate the aforementioned bands. The home's interior floor plan is open with amber-colored oak hardwood flooring and original double-hung and casement windows with multiple window panes. A single-car garage was built behind the house in 1920, and well-illustrates Craftsman-style features with its low-slung front-gable roof, widely unenclosed overhanging eaves with exposed rafter tails, deep bargeboards with knee-brace brackets, and horizontal bands of clapboard siding that all match designs and materials used for the house. Well-preserved in excellent condition, the Mulligan-Brazeau House/Garage possesses a high degree of all five aspects of historic integrity in original location, design, workmanship, materials, and association, and is eligible for listing on the Spokane Register of Historic Places.

CURRENT APPEARANCE

Site

The Mulligan-Brazeau House/Garage is located on a nearly level parcel in the Resurveyed Cliff Park Addition on Lot 7, Block 15. Built one block south of Cliff Park, the home faces north along West 13th Avenue, a paved city street in a single-family residential neighborhood. As noted on a Spokane City/County plat map, Lot 7 is 50 feet wide along 13th Avenue, and 110 feet deep.¹ Manicured grounds with lawn, trees, shrubs, and flowers surround and frame the Mulligan-Brazeau House/Garage. A detached single-car garage built in 1920 is located behind the house in the rear southeast corner of the lot and is accessed by a paved concrete driveway along the east border of the property.² A paved concrete public sidewalk fronts the Mulligan-Brazeau House/Garage and is parallel to the street at 13th Avenue. A smaller private concrete walkway extends from the home's façade in a northerly direction to the public sidewalk. The Cliff Park neighborhood is one of the finest residential areas in Spokane and features a kaleidoscope of modest to grand single-family homes built from the early 1900s to the late 1960s, including the Mulligan-Brazeau House/Garage.

House Exterior

The Mulligan-Brazeau House measures 28 feet wide and 36 feet deep. A full-width front porch is covered by an extension of the home's second floor as it overhangs the porch deck. The extensive covered front porch measures 28 feet wide and 9 feet deep across the north façade of the house.³ The house measures one-and-a-half-stories in height, and

¹ City of Spokane Assessor Records. Spokane Courthouse, Spokane, WA.

² The driveway is shared by owners of the Mulligan-Brazeau House and by owners of the adjacent next door east house at 507 West 13th Avenue.

³ City of Spokane Assessor Records. Spokane Courthouse, Spokane, WA.

is covered with a Craftsman-style, low-pitched, front-gable roof. The roof is covered with composition shingles and supports two brick chimneys—a small interior furnace chimney that rises from the middle of the roof's eastern slope, and a tall exterior fireplace chimney located on the home's west elevation. The roof's wide eaves along horizontal edges at the east and west elevations overhang the house by three feet, and are unenclosed and supported by exposed roof rafter tails. The home's north and south gable peaks formed by the gable-front roof are outlined by deep wooden bargeboards. Thick triangular wooden knee-brace brackets pierce the bargeboards. The house is clad with large expanses of painted horizontal wood clapboard siding at the first floor, and horizontal bands of stucco with false half-timbering designs above the clapboard siding. A basalt stone foundation wall surrounds the house below the siding.

The north façade of the house features the home's low-slung gable-front roof design accentuated with deep bargeboards and knee-brace brackets under three-foot-deep roof eaves. The second floor of the house overhangs the first-floor porch deck providing a full-width covered front porch. Large square porch piers made of wood support the second-floor overhang, and are anchored onto a solid clapboard-clad porch wall that surrounds the first-floor porch deck. A basalt stone foundation supports the wood deck, which is covered with fir floor planks. The second-floor gable peak is clad with stucco and features false half-timbering designs. An enclosed 10-foot-wide and one-foot-deep box bay with a row of multi-paned windows surrounded by stucco and false half-timbering designs protrudes from the center of the gable peak. The box bay features four carved support brackets. Two small windows from the house flank the box bay. The covered front porch has a finished ceiling clad with narrow tongue-in-groove wood planks. The exterior north wall of the front porch is clad with horizontal bands of stucco and clapboard cladding. The home's formal front door opens from the east end of the porch's north façade. The circa-1911 front door is made of medium-stained solid oak, and is embellished with 12 beveled lights in the upper half of the door. A wooden screen door protects the north face of the front door. West of the front door, a large tripartite window is centered in the north façade. A wide stationary glass pane is located in the center of the window, and is flanked on the east and west sides by two tall, narrow 9/1 multi-paned sidelight windows.

The east elevation of the house features a low-slung sloped roof with 3-foot deep, unenclosed overhanging eaves and exposed rafters. A dormer with a gable-peak roof is located in the center of the home's east-facing roof slope. The roof over the dormer is unenclosed and accented by a wide bargeboard with a 3-foot-deep overhang and knee-brace support brackets. Unenclosed roof eaves with exposed rafters shade the north and south sides of the dormer. Facing east, a large multi-paned double-hung window opens from the center of the east dormer. The east wall of the house is clad with four horizontal bands—one at basement-level made of basalt, two horizontal bands of clapboard siding across the center of the house, and a fourth horizontal band of stucco with false half-timbering designs above the two center bands. The horizontal bands are separated by horizontal belt courses. A ribbon of three multi-paned casement windows is located at the

north end of the east elevation at the first floor. A pair of multi-paned windows is located at the south end of the east elevation at the first floor.

The west elevation of the house features a gable-front dormer in the center of the roof expanse that matches the east-elevation's center dormer. Like the east dormer, the west dormer is accentuated with a wide bargeboard and knee-brace brackets, widely overhanging unenclosed eaves with exposed rafter tails on the north and south horizontal sides of the dormer, and multi-paned windows on the dormer's west facade. The west elevation of the house is covered with three horizontal bands that match those on the east elevation. The west elevation supports a brick chimney that rises from ground and extends 10 feet above the roof. Two small windows flank the chimney. South of the chimney, a 14-foot-wide box bay projects 2 feet outward from the house. A tripartite window is centered in the box bay, and features a large stationary window flanked by two narrow multi-paned sidelight windows. Two pairs of multi-paned casement windows are located next south of the box bay at the south end of the west elevation.

The south, rear elevation of the house is covered with a low-pitched gable-front roof that matches the low-pitched gable-front roof at the home's north facade. The south rear gable-front roof features widely overhanging eaves with deep bargeboards and knee-brace brackets. The gable peak at the south elevation is covered with stucco which is embellished with false half-timbering designs. A multi-paned window pair is located in the center of the gable peak. A basalt foundation wall supports the house at ground-level. Two horizontal bands of 6-inch-deep and 3-inch-deep clapboard cover a portion of the exterior wall above a basalt base. Three pairs of multi-paned casement windows are located on the west half of the home's south rear elevation. The east end of the rear elevation features an exterior door that opens into the house. A wood deck is located at the southeast corner of the rear elevation of the house.

Garage

A single-story, single-car garage was built in 1920 in the rear southeast corner of the property behind the house. The garage is 12 feet wide and 18 feet deep, and is covered with a low-slung front-gable roof covered with composition shingles. A thick bargeboard with a three-foot-overhang and knee-brace brackets accentuates the north façade of the garage. Stucco with false half-timbering covers the gable peak. Unenclosed roof eaves overhang the east and west elevations of the garage with exposed rafter tails. The east and west elevations of the garage are clad with horizontal rows of clapboard cladding that match cladding on the house. One 6/1 multi-paned window is located in the center of the west elevation. Garage doors are original with three unusual vertical sections that can open and close the south façade of the garage as needed. The tall doors follow a track along the ceiling. The building is clad with very narrow-width vertical clapboard that matches that is used on the house.



A 2024 photo of the living room, looking northwest



A 2024 photo of a staircase in the southeast corner of the living room



A 2024 photo of the dining room, looking south through French doors that open to a library/den



A 2024 photo, looking southwest into the library/den



A 2024 photo of the kitchen, looking north



A 2024 photo of the kitchen, looking southwest

House Interior

The interior of the house is large and spacious with a solid oak floor, white-painted original woodwork, original multi-paned double-hung windows and multi-paned casement windows, a second floor with three bedrooms, and an unfinished full basement. The home's front door opens into a large, spacious reception area/living room that measures 26 feet wide across the width of the house from the east wall to the west wall, and 15 feet deep from the north wall south to an interior wall in the center of the home. The room's 9-foot-plus-high ceiling features a boxed-beam design with white-painted wood beams. A large center fireplace and flanking built-in bookcases extend the entire 15-foot width of the west wall, and are capped with a full-width wood mantel. Two original multi-paned wood casement windows are located above the built-in bookcases. The center fireplace is fitted with a contemporary black wrought-iron fireplace insert. The fireplace surround is clad with contemporary matte-finish ceramic tile, and the hearth is covered with original 1911 matte-finish subway tile with black grout.

The living room opens south to a 14-foot-square formal dining room located in the center of the house along the west wall. A full-length box bay on the west wall extends outward two feet and supports a built-in bench seat located below the bay's large multi-paned tripartite window. Boxed ceiling beams that match those in the living room clad the dining room's ceiling. Two original multi-paned French doors open from the southeast and southwest corners of the dining room into a library/den, located in the rear southwest corner of the house. Two rows of original multi-paned casement windows line the south and west walls of the library. Designed as the "public" rooms of the house, the living room, dining room, and library/den are each covered with solid oak hardwood flooring accentuated with strips of inlaid mahogany that encircle the perimeter of each room. The inlaid designs are one-inch-thick and intertwine at each room corner, forming an inlaid Greek Key design.

An interior doorway in the south end of the east wall of the dining room opens into a kitchen located in the rear southeast corner of the house. A second interior door at the north end of the east wall in the dining room opens to a narrow interior staircase that descends to an unfinished basement.

The original kitchen was remodeled in 2017 with white painted-wood casework, quartz countertops, a center island with a built-in stovetop, and various built-in appliances including two ovens, microwave, and dishwasher. A door opens to a small powder room in the southwest corner of the kitchen. Another door opens outward from the center of the kitchen's south wall to an exterior wood deck.

The northeast corner of the kitchen opens to two steps that rise to a stairway landing. The southeast corner of the living room also features two stair steps that rise to the same landing reached by the kitchen steps. The landing opens west to an interior staircase that ascends to the home's second floor. The staircase was constructed with solid oak treads, and features a partially open balustrade along the northeast perimeter of the staircase at the first floor. A distinctive focal point of the living room, the stair's partially open

balustrade is built on a closed stringer secured by a square newel post and a series of closely spaced square balusters, all made of wood and painted white to match the painted woodwork throughout the house.

The second floor of the house features a large master bedroom on the north wall. An original multi-paned exterior door with a window opens north from the master bedroom into a box bay that holds a sleeping porch. The box bay is located in the center of the home's north façade gable peak above the front porch. The sleeping porch is illuminated with a long row of multi-paned casement windows at the north facade. Two original 12/1 multi-paned double-hung *interior* windows flank the center *interior* door that opens into the sleeping porch from the master bedroom.

Another smaller bedroom is located at the center of the second floor's west wall. Two multi-paned windows illuminate the room. A third bedroom is located along the south rear wall of the house. A large multi-paned window pair features a south view of the backyard. A second-floor three-piece bathroom is located in the center of the east wall.

The home's full unfinished basement includes a concrete floor, basalt rock foundation walls, an exposed wood-beamed ceiling, furnace area, laundry area, workshop, and an under-the-front-porch storage room. A door in the basement opens from the south wall to exterior concrete steps that rise to the level of the backyard. Before the 1990s, a house fire burned and charred the basement's ceiling beams. The damaged beams were "sistered" to new supportive wood ceiling beams installed throughout the basement.

ORIGINAL APPEARANCE & SUBSEQUENT MODIFICATIONS

The exterior and interior of the Mulligan-Brazeau House/Garage retains nearly all of its original design and materials. Original and subsequent modifications include:

- 1910 Spokane city water connected to house (Spokane building permit #6513).
Spokane wiring and fixtures installed (#18942, 24076, 55176, 38907).
- 1914 Spokane city water meter installed (#9634).
- 1920 Spokane building permit granted for construction of new private one-story garage, estimated cost \$200 (#12315).
- 1923 Building permit to install kitchen range and wiring granted (#55188, 55256, 77278).
- 1927 A fire began in the basement and burned nearly all of the ceiling beams supporting the home's first floor. New wood beams were "sistered" to the burnt and damaged beams, reversing all fire damage, however, burned beams are still visible
- 1927-40 Permits for wiring and heating (#78521, A16598, A26341, A16478).

- 1954 Side sewer permit (#1797).
- 1955 Plumbing permit (#7661).
- 1967-68 Heating system/gas furnace permit (#35,282 and C12890, 36,992).
- 1980 Updated wiring installed (#41873).
- c. 2005 Multi-paned windows installed in 2nd-floor bathroom and sleeping porch.
- 2012 House and garage re-roofed with composition shingles in 2012 (other roof dates unknown except for 1911 when the house was constructed).
- 2017 Kitchen and powder room remodeled with new multi-paned windows, Marmoleum floor, wood casework, quartz countertops, electric wiring, plumbing, and built-in appliances (stove top, ovens, microwave, dishwasher).
- 2022 House and garage re-painted

<i>Area of Significance</i>	<i>Category C: Architecture</i>
<i>Period of Significance</i>	<i>1911</i>
<i>Built Date</i>	<i>1911</i>
<i>Architect</i>	<i>Unknown, but possibly William J. Ballard</i>
<i>Architectural Firm</i>	<i>Unknown, but possibly Ballard Plannery Company</i>
<i>Builder</i>	<i>Patrick R. Barrington</i>

SUMMARY STATEMENT

Architecturally significant as an excellent example of the Craftsman tradition with Tudor Revival-style influence, the Mulligan-Brazeau House/Garage is eligible for listing on the Spokane Register of Historic Places under Category C. The house was built in 1911, the property's period of significance.⁴ Patrick R. Barrington, a Spokane builder, constructed the property for William G. & Margaret Mulligan, the first owners of the Mulligan-Brazeau House, although it was never lived in by the Mulligans. William Mulligan was employed at different times in Spokane as a contractor for the Northern Pacific Railroad, a proprietor of the National Feed & Mill Company, and a president of the Citizens' Investment Company. The house was used as a rental for several years until well-known Spokane banker, William A. Brazeau, purchased the property in 1920 and built a one-story private garage for \$200 to match the Craftsman style of the Mulligan-Brazeau House.⁵ Admired as one of the finest residential communities in Spokane, the Resurveyed Cliff Park neighborhood was officially recognized in 1979 as the Marycliff/Cliff Park National Register Historic District. The 1911-built Mulligan-Brazeau House and its 1920-built garage were listed as contributing properties of the historic district.

HISTORIC CONTEXT

The Marycliff/Cliff Park National Register Historic District

In 1880, the residential neighborhood known as the Cliff Park Addition was an undeveloped, thickly wooded hillside located one mile south of Spokane's central business district. The hillside area was a tangle of indigenous trees, shrubs, and vines that grew south to jagged basalt bluffs and cliffs which rose to a high plateau (Manito plateau) that overlooks the city. The neighborhood begins at the base of the bluff along West Sixth, Seventh, and Eighth Avenues, follows the bluff's north face to the top of the Manito plateau, and advances south to Fourteenth Avenue. It is contained between Ben Garnett Way and Grove Street to the east, and Cliff Drive and Wall Street to the west.

During the 1880s and 1890s the acreage and city lots at the base of the bluff along Sixth, Seventh, and Eighth Avenues were developed as mostly elite properties. Grand mansions were built for some of Spokane's early millionaire pioneers, including James N. Glover, F. Rockwood Moore, F. Lewis Clark, D. C. Corbin, and his son Austin Corbin II. By 1905, development along Sixth, Seventh, and Eighth Avenues had spread south up and

⁴ City/County of Spokane Tax Assessor. Spokane, WA.

⁵ City of Spokane Building Permit #12315, June 17, 1920.

over the top of the basalt bluff to the flat Manito plateau. The area was characterized with panoramic views along the bluff's edge and rocky basalt outcroppings, including a basalt butte. Thrusting upward from 75 to 100 feet in height,⁶ the rocky basalt butte dominated the landscape in the center of the neighborhood as one of the highest points of elevation in Spokane. The butte, surrounded by evergreen trees and wild native shrubbery, was included in Spokane's first all-city park plan proposed by the famed Olmsted Brothers Landscape Architects of Brookline, Massachusetts. Concerning the natural butte, the Olmsted Brothers suggested "the aim should be to preserve most of it in as natural a condition as possible. Vines may be planted...and a narrow rustic [basalt] stone stairway may be made to wind up the summit of the little butte where a terrace-like concourse with a rustic [basalt] stone parapet may be designed to accentuate the cliff..."⁷ The Olmsted's plan was adopted, and the area was called Cliff Park, which has become a beloved Spokane public park and community focal point.

Today, the city's Resurveyed Cliff Park Addition is recognized as the Marycliff-Cliff Park National Register Historic District, officially listed in 1979. It includes a prominent eclectic mix of single-family residences built for the middle class, upper middle class, and the wealthiest elite social classes of Spokane during the late 19th and early 20th centuries.⁸ As stated in the National Register nomination, "the Marycliff-Cliff Park National Register Historic District developed in two distinct stages: the first between 1889 and 1908 which centered along Sixth, Seventh, and Eighth Avenues below the cliff, and the latter between 1910 and 1940 above the cliff." The area was collectively described as a "cohesive and beautiful historic district" with a "high architectural quality of homes."⁹

Above the cliff on the Manito plateau, residences were built along Thirteenth Avenue, Sound and Cotta Streets, and around Cliff Park as more modest dwellings for middle and upper-middle class residents. Although smaller and less pretentious than the extravagant homes built on Sumner Avenue at the bluff's crest and below, the houses around Cliff Park remain well-preserved with excellent architectural integrity—including the Mulligan-Brazeau House/Garage at 511 West 13th Avenue.

The Mulligan-Brazeau House/Garage

The Mulligan-Brazeau House/Garage is located in the Resurveyed Cliff Park Addition on West 13th Avenue across from Cliff Park on block 15, lot 7. Planned at the beginning of the 20th century by Harl J. Cook, founder and president of the Cook-Clarke Development Company in Spokane, the area was platted with 50-foot-wide lots and was intended for upscale residential development in 1906. Restrictive neighborhood covenants were written and adopted, which acted as early land use controls, protecting the use and architectural compatibility of the residential area. Initiated in 1904-1907, neighborhood

⁶ Olmsted Brothers Landscape Architects. *1909 Report to Spokane Park Board*. Brookline, Mass, p. 87.

⁷ Ibid.

⁸ Compau, Nancy. *Marycliff-Cliff Park National Register Historic District Nomination, 1978*. Spokane Office of Historic Preservation, Spokane, WA. p. 7:5.

⁹ Ibid, p. 8:1.

covenants specified that dwellings must cost at least \$2,500 (*a cost two-and-a-half-times higher than the average single-family home at that time*); must be set back at least 25 feet from the street; and outbuildings on the property must conform to the “exterior architecture and finish” of the main house.¹⁰ Promotional advertisements intended to entice prospective buyers were printed by the Cook-Clarke Development Company on flyers and in Spokane newspapers, including the following 1905 advertisement in the *Spokesman-Review* newspaper:

CLIFF PARK

Scenic Addition of Spokane

*We have petitioned the city to grade every street in the addition. It is our intention to have all improvements made at the earliest possible date so that those contemplating building in the early spring will find the streets graded, walks down, and water in front of their houses as soon as they are completed. If you want a choice lot in the choicest addition to Spokane, select it now and get the benefit of the advance in values which are sure to come.*¹¹

Four years later on September 28, 1909, a *Spokesman-Review* article described the successful and brisk development realized in the neighborhood:

*Housing for investment is practically a thing of the past in Cliff Park Addition, one of the most exclusive sections of Spokane where there are more than 30 homes built or being built... Development has been rapid in the last year, and with neither apartment houses nor stores, the addition is beginning to loom up as a strictly fine residence section of the city.*¹²

William G. Mulligan & Margaret A. Mulligan

William G. Mulligan worked various jobs as a Northern Pacific Railroad conductor, a proprietor of the National Feed & Mill Company, and as a president of the Citizens Investment Company of Spokane. Previous to coming to Spokane, Mulligan was a street commissioner and railroad contractor in St. Paul, Minnesota. On December 21, 1909, W. G. Mulligan and his wife Margaret A. Mulligan purchased Lot 7 on Block 15 in the Resurveyed Cliff Park Addition for \$1,260 from WW Parr.¹³ The lot was 50 feet wide, 110 feet deep, and faced north towards Cliff Park. At the time of the purchase by the Mulligans, the lot was vacant. It appears that the Mulligans may have hired contractor Patrick R. Barrington to build the house at 511 W 13th which was completed in January/February of 1911. In turn, the Mulligans purchased a newly built house on the corner lot (lot 9, block 15) of the block that had been designed by architect Alfred Jones and was also built by contractor, Barrington in April of 1911. It is possible that the Mulligans watched the progress of the house on lot 9 (now addressed as 503 W 13th) and

¹⁰ “Cliff Park.” *Spokesman-Review*, 17 December 1905.

¹¹ *Ibid.*

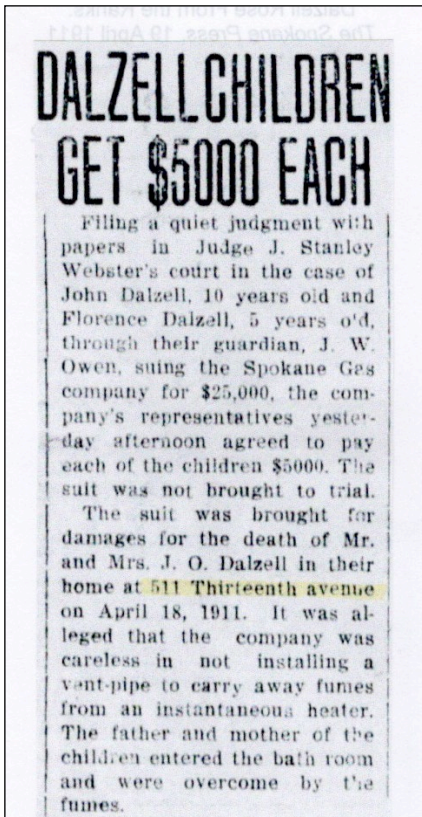
¹² “50,000 for New Cliff Park Homes.” *Spokesman-Review*, 28 September 1909.

¹³ Spokane County Warranty Deed #264890, filed 29 December 1909.

decided to buy that house as well. It does not appear that the Mulligans (according to the City Directories in 1910, 1911 or 1912) ever lived in either property on 13th Avenue.

Mr. & Mrs. John O. Dalzell & Family

After the Mulligan-Brazeau House was built in 1911, the Mulligans leased it to Mr. & Mrs. John O. Dalzell and their two children. John Dalzell worked as a general agent for the Northern Pacific Railroad and had very recently relocated to Spokane from St. Paul, Minnesota (February of 1911). It is quite possible that Dalzell and Mulligan knew each other from their railroad employment in St. Paul. The house at 511 W 13th had probably just been completed when the Dalzells moved into it in early February. Tragically, Mr. & Mrs. Dalzell were both overcome by natural gas poisoning in the home's second floor bathroom and died on April 19, 1911. Their two young children, a boy and a girl, survived.

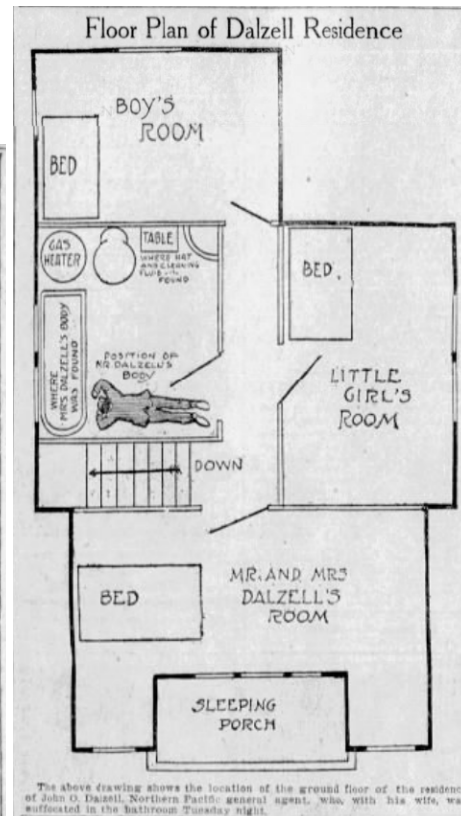


"Dalzell Children Get \$5,000 Each."
The Spokane Press, 30 January 1912



"N. P. Agent and Wife Are Found Dead."
The Spokane Press, 19 April 1911

Spokesman-Review, April 20, 1911



Successive Homeowners

From 1912 to 1914 Walter E. & Annie Frederick leased the house at 511 W. 13th Avenue. W. G. Mulligan sold both of his properties on W. 13th Avenue to J. A. Yeomans in June of 1914 (*in 1917, Yeomans quit claimed the two properties back to Mulligan, who in turn, gave the properties to Old National Bank – Warranty Deed 507487*).

The property was rented from 1914 to 1920 by Frances McCarthy and her husband, Dr. H. H. McCarthy, a Spokane physician and surgeon.

In May 1920, William A. Brazeau, a Wisconsin manufacturer who relocated to Spokane, purchased the house at 511 W. 13th Avenue from the Old National Bank of Spokane. In 1920, he applied for and received a Spokane building permit to erect a \$200 single-story private garage behind the house. The garage was designed and built to match the house, including a low-pitched front-gable roof, widely overhanging eaves, house-matching building materials and paint colors. Initially employed in Spokane as a banker and businessman, Brazeau later worked as a secretary and sales manager for the Spokane Inland Empire Paper Company in Millwood, and was soon elected as Millwood, Washington's first mayor. The Brazeaus only lived in the house for one year as they were building a house in Otis Orchards nearer the Millwood plant.

Walter H. & Jennie John bought the Mulligan-Brazeau House/Garage in July 1921 from William Brazeau. Walter John worked as an accountant and cashier for the Crowley Company in Spokane.

Viletta Gritman & Harry E. Gritman, Ritzville, Washington’s first druggist in 1907 and later a successful banker in Ritzville and Lind, purchased the Mulligan-Brazeau House/Garage in 1926, and owned the property for 13 years.¹⁴ Edwin M. Wolfe and his wife Doris Thompson Wolfe bought the property in 1939. Edwin Wolfe was employed as assistant manager for Prudential Insurance Company of America in Spokane.

HOUSE SCORCHED — An early morning fire at the home of A. G. Gregman, W511 Thirteenth avenue, destroyed a portion of the first floor of the residence. The blaze is believed to have started from sparks from the furnace. Damage is estimated at \$500.

Spokane Chronicle, January 12, 1927

Louis & Virginia August bought the property from the Wolfe family on July 15, 1946, and sold it the next day on July 16th to Ivan L. & Ernestine Conner. Ivan Conner worked as the president/treasurer for Spokane Sporting Goods & Cycle Distribution, Inc. The successful business was advertised as “retail bicycles, sporting goods, toys and toy vehicles, industrial casters, wheel chairs,” and was located at 217 North Post Street in downtown Spokane. By 1953, the sporting goods outlet had relocated to 1206 North Howard Street. Ernestine Conner worked for Lloyd’s Food Store in Spokane.

John Robert & Virginia Henderson purchased the Mulligan-Brazeau House/Garage in 1955. J. R. Henderson worked as a real estate broker for Home Locaters in Spokane until 1964, when he was employed by the Washington State Department of Highways. He retired in 1987. Dean & Katherine Wiles bought the property on March 2, 1987 for \$72,900. Dean Wiles worked as a software engineer for Olivetti ‘n America. Eastern Washington State University professors Robert Werckle & Kathryn Lose bought the house from the Wiles in 2002 for \$187,500.

On October 12, 2015, Thomas & Patricia Stice purchased the historic Mulligan-Brazeau House/Garage for \$342,000. Thomas is employed as a principal agent in a telecommunication agency, and Patti is a retired casualty adjuster for an insurance company.

ARCHITECTURAL SIGNIFICANCE—CATEGORY C
Architecture and Design, Architect, High Artistic Values

Category C of the Spokane Register of Historic Places applies to “properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork.”¹⁵ To be eligible for historic register

¹⁴ Ritzville, WA Journal-Times. May 8, 1941.

¹⁵ National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation. Page 17.

listing under Category C, “a property must meet at least one of the following requirements:

1. *Embody distinctive characteristics of a type, period, or method of construction.*
2. *Represent the work of a master.*
3. *Possess high artistic value.*

A fine example of the Craftsman style with Tudor Revival detailing, the Mulligan-Brazeau House is nominated under Requirement #1.¹⁶ In addition, the property meets Requirement #3 because it “fully articulates” the Craftsman tradition, which is a “particular concept of design that expresses an aesthetic ideal.”¹⁷

The Bungalow House Form

In her book, *Bungalow: American Restoration Style*, architectural historian Jan Cigliano defines *bungalow* as a “form of house—a type of structure designed in a number of architectural styles.”¹⁸ She also explains that “*style*, by contrast, is a particular period and genre of design.” The *Old House Dictionary* further defines the term bungalow as a low-slung house form characterized by overall simplicity and broad gables that usually face the street.¹⁹ Bungalow designs vary greatly according to geographic location, climate, and architectural vernacular, but all bungalows are usually limited to a house with one story or one-and-a-half stories with a partial or full-width front porch covered by an extension of the principal roof. The bungalow form emerged as an independent movement in American architecture and became popular as an affordable home in reaction to the more elaborate Victorian styles that preceded it.

The Craftsman Style

Author Rachel Carley states in her book *The Visual Dictionary of American Domestic Architecture* that the “Craftsman style represented an independent western movement in American architecture” and explained that its “guiding force was the English Arts & Crafts movement, which rejected the mass reproduction and mediocre design associated with the Industrial Revolution in favor of the beauty and honesty of traditional handcraftsmanship and natural finishes.”²⁰ Traditional handcraftsmanship and “natural” building materials such as native field stone or basalt rock, cut granite or other rock, irregular clinker brick, coarsely textured stucco, hand-split wood shingles, and smooth-finish hand-rubbed natural woodwork were revered and used. Identifying features of the Craftsman style include a broad house form with a strong horizontal design emphasis achieved by a low-pitched roof, widely overhanging eaves, covered front porch, horizontal bands that separate different wall claddings, decorative roof eave brackets, exposed rafter tails and beams, massive square or tapered porch piers-posts-columns,

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Cigliano, Jan. *Bungalow: American Restoration Style*. Salt Lake City: Gibbs-Smith, 1998.

¹⁹ Carley, Rachel. *The Dictionary of American Domestic Architecture*. New York: Henry Holt Publishing, 1994.

²⁰ Carley, Rachel. *The Dictionary of American Domestic Architecture*. New York: Henry Holt Publ, 1994.

battered walls, and “back to nature” natural building materials. The Craftsman style quickly spread throughout the United States by builder’s pattern books, pre-cut house packages, and home design magazines, including Gustav Stickley’s magazine called *The Craftsman (1901-1916)*. Hundreds of thousands of Craftsman-style bungalows were built in American cities from 1905 to 1930. The Craftsman architectural style was acclaimed to be one of the most popular and fashionable small house designs in America. By 1930, however, its popularity had faded.²¹

Craftsman-Style Elements & Features of the Mulligan-Brazeau House/Garage

The Mulligan-Brazeau House/Garage is an artistic expression of the above-described bungalow house form and Craftsman-style. Bungalow-form elements and Craftsman-style features of the Mulligan-Brazeau House/Garage include the following:

- House built in 1911 during the Craftsman-style period, 1900-1930
- Garage built in 1920 during the Craftsman-style period, 1900-1930
- Low-slung horizontal *house* form with low-pitched front-gable roof
- Low-slung horizontal *garage* form with low-pitched front-gable roof
- Full-width covered front porch
- Thick square porch piers
- Unenclosed widely overhanging roof eaves
- Exposed roof rafters and rafter tails
- Deep bargeboards
- Knee-brace brackets under bargeboards
- Three exterior horizontal bands of basalt, clapboard, and stucco cladding that emphasize the house and the garage’s broad ground-hugging design—all tenants of the bungalow house form and the Craftsman architectural style
- Horizontal belt courses between horizontal cladding courses of basalt, stucco, and clapboard,
- Natural building materials (wood, stucco, brick, basalt stone, nickel chrome, brass, wrought iron)
- Horizontal rows or “ribbons” of multiple windows (home’s library/den and sleeping porch)
- Multi-paned double-hung windows
- Multi-paned casement windows in horizontal rows
- Solid oak front door with multiple lights, circa 1911
- Original 5-panel wood interior doors, circa 1911
- Original Craftsman-style woodwork, 5-paneled wood (horizontal) interior doors, boxed ceiling beams, staircase newel post and balustrade all plain and square-cut, built-in bookcases; and bookcase/fireplace wood mantel plain and square-cut
- Expansive interior at home’s first floor with reception-living-dining rooms as one open living space—popular design feature of the Craftsman-style

²¹ McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Knopf Publishing, 1989.

- Sleeping porch on home’s second floor—popular during Craftsman bungalow period from 1900-1930
- Concrete steps descend from the backyard to the basement entrance
- Small one-story detached garage with original form, horizontal siding, and wood-paneled garage doors
- Tudor Revival design elements at home exterior—horizontal bands of stucco with false half-timbering

Patrick R. Barrington, Building Contractor

Patrick R. Barrington worked as a building contractor in Spokane during the early 1900s. He was especially active in the Resurveyed Cliff Park neighborhood. During this time, Barrington and his wife, Catherine Barrington, lived in at least two homes at different times in the Cliff Park neighborhood, including their home at 724 W. 14th Avenue in 1909, and later the house at 608 W. 13th Avenue in 1911. Hired by railroad contractor William G. Mulligan, Patrick Barrington built the Mulligan/Brazeau House at 511 West 13th Avenue which was completed in early 1911. Another home Barrington built was the house at 503 West 13th Avenue, two homes east of the Mulligan-Brazeau House on the corner which was also purchased by Mulligan and had been designed for Barrington by architect Alfred Jones. The architect of the house at 511 W 13th cannot be confirmed at this time, although the design is similar to House Plan #149—of *The Modern Bungalow*, a book written and published in 1910 by the Ballard Plannery Company in Spokane.



Plan #149 in the Ballard Plannery, *The Modern Bungalow* (left) and the Mulligan/Brazeau House (right) Spokane County Assessor’s Office 2023

No specific newspaper articles, magazine articles, letters and/or other correspondence, licenses or certificates, photographs, pictures/prints, artists’ renderings, or any proof has to date been discovered to corroborate the theory that perhaps William James Ballard and/or his Ballard Plannery Company in Spokane was responsible for designing the Mulligan/Brazeau House at 511 West 13th Avenue. The mystery remains unsolved.²²

²² Ballard, William James. *The Modern Bungalow, House Plan #149*. Spokane: Ballard Plannery Company, 1910. Page 29.

BIBLIOGRAPHY

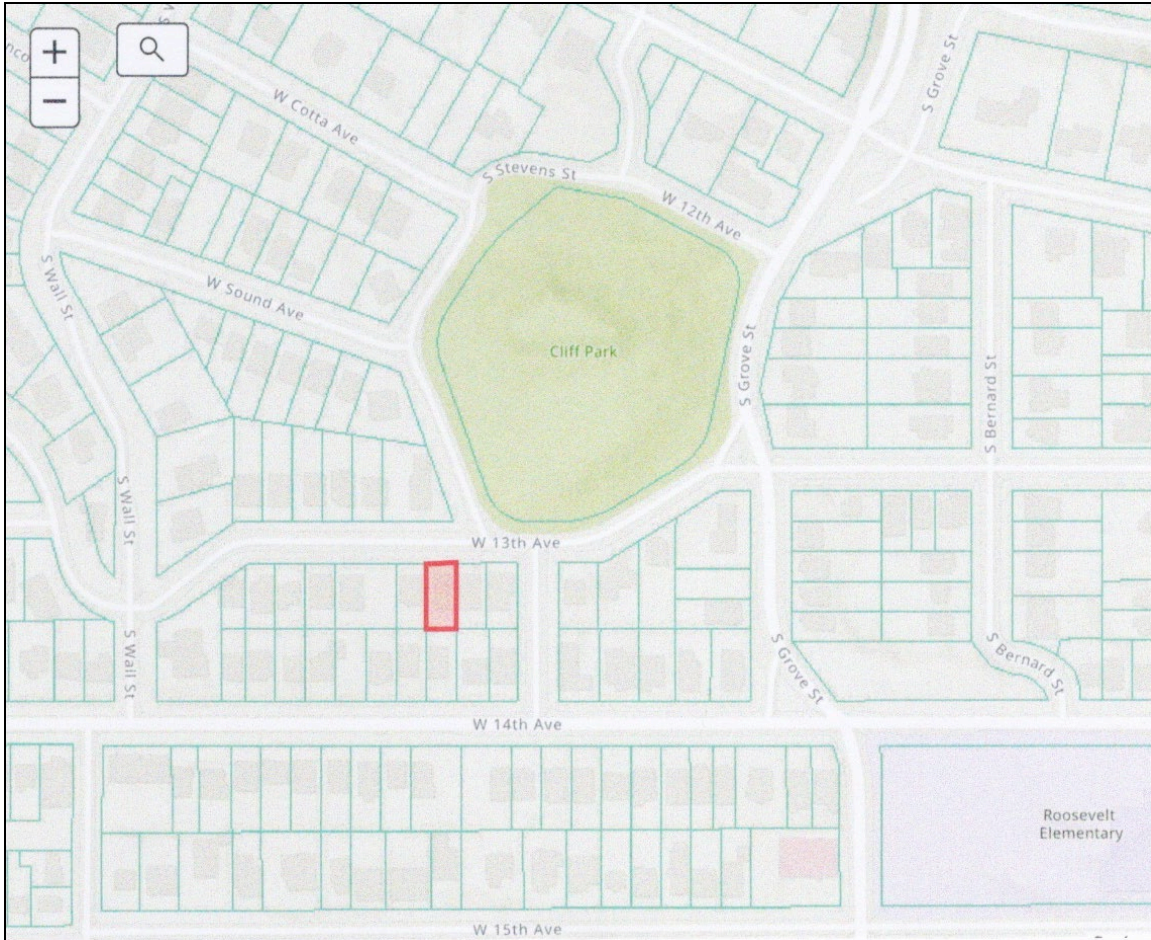
- Ballard, William J. *The Modern Bungalow*. Spokane: Ballard Plannery, 1910.
- Carley, Rachel. *The Visual Dictionary of American Domestic Architecture*.
New York: Henry Holt, 1994.
- Duchscherer, Paul & Douglas Keister. *The Bungalow: America's Arts & Crafts Home*
New York: Penguin Group, 1995.
- _____. *Inside the Bungalow: America's Arts & Crafts
Interior*. New York: Penguin Group, 1997.
- Durham, Nelson W. *History of the City of Spokane Country, Vol. 2*. 1912.
- McAlester, Lee & Virginia. *A Field Guide to American Houses*. New York: Knopf
Publishers, 1989.
- Olmsted Brothers. *1909 Report to Spokane Park Board*. Brookline, Massachusetts,
Page 87.
- Phillips, Steven J. *Old House Dictionary*. Washington DC: Preservation Press, 1994.
- Polk, R.L. *Spokane City Directories, 1900-2023*.
Sanborn Fire Insurance Maps, 1910 and 1952.
Spokane Building Permits. Spokane City Hall.
- Spokane County Assessor records. Spokane County Courthouse, Spokane, WA.
- Taylor, Joe. *The Heritage Foundation* (foundation@tileheritage.org), 24 January 2014.
- U.S. Department of the Interior, National Park Service.
“Secretary of the Interior’s Standards for Rehabilitation.” Washington DC:
Preservation Press, 1976.
“Secretary of the Interior’s Standards for Rehabilitation. “Bulletin 15.”
Washington DC: Preservation Press, 1998.

Newspaper articles, Photos—Chronological Order

- “Organize Paper Company.” *Spokesman-Review*, 18 August 1910
- “Chosen President of Inland Empire Paper Company.” *Spokane Daily Chronicle*,
18 Feb 1911
- “Dalzell Rose From the Ranks.” *Spokane Press*, 19 April 1911
- “Gas Kills Two in South Side Home—Parents Dragged Son From Death.” *Spokane
Daily Chronicle*, 19 April 1911
- “Lad Finds His Father and Mother Lying Dead.” *Spokesman-Review*, 19 April 1911
- “N. P. Agent and Wife Are Found Dead.” *Spokane Press*, 19 April 1911
- “Small Child Saw Tragedy.” *Spokane Daily Chronicle*, 19 April 1911
- “John W. Dalzell and Residence with Floor Plan.” *Spokesman-Review*, 20 April 1911
- “One of Spokane’s Growing Manufacturing Concerns.” *Spokane Daily Chronicle*,
16 Mar 1912
- “Dalzell Children Get \$5000 Each.” *Spokane Press*, 30 January 1912
- “Arts Crafts Metal Work.” *SR*, 7 Oct 1912

“University Will Aid Local Girls.” *SDC*, 19 Aug 1913
“Mrs. W. A. Brazeau Succumbs.” *SR*, 4 Oct 1914
“Cliff Dwellers’ Luncheon.” *SR*, 17 April 1915
“Mrs. Amy Walker to Wed W. A. Brazeau Next Week.” *SDC*, 10 Feb 1917
Roye Photo Studio in Spokane. 1918
“Dinner Dance This Evening at the Spokane City Club.” *SDC*, 20 Dec 1919
“Mrs. Kelley Honored at Valentine Tea.” *SDC*, 13 Feb 1919
“Hostess to Club.” *SDC*, 30 June 1921
“Used As A Snow Plow.” *SR*, 18 Feb 1923
“Returns from the South.” *SDC*, 5 Dec 1923
“Millwood Picks First Officers.” *SR*, 16 Oct 1927
“Cliff Dwellers’ Party.” *SR*, 18 March 1931
“Return From Portland.” *Spokane Press*, 19 July 1933
Libby Photo Studio in Spokane. 1934
“...Her Home, W. 511 Thirteenth.” *SR*, 12 July 1939
“Next Week’s Club Parties.” *SDC*, 25 Oct 1940
“Life Insurance Unit Elects Officers.” *SR*, 12 Jan 1941
Ritzville Journal-Times, 8 May 1941
“Spokane Life Underwriters Name Their Officers.” *SDC*, 2 July 1942
“Girl Reserves Service Goal of Group.” *SR*, 3 Oct 1943
“W. A. Brazeau Taken by Death.” *SR*, 6 Feb 1944
“William A. Brazeau.” *Seattle Star*, 7 Feb 1944
“Cliff Park Open Today at West 511-13th Avenue.” *SR*, 3 Feb 1946
“Manager Named for Toy Firm.” *SR*, 3 July 1946
“Houses Sought by Outsiders.” *SR*, 24 March 1946
“Girls’ Cabinet to Plan Big Fall Project.” *SR*, 15 Oct 1950
“Christmas Party Wednesday.” *SDC*, 4 Dec 1950
“Story League to Meet.” *SDC*, 23 Mary 1951
“Ivan Conner, Jr.” *SDC*, 17 Jan 1953
“Miss Conner to be Bride of R. Starry.” *SDC*, 16 Feb 1954
“Compete for Sales Awards.” *SR*, 25 April 1954
“Pinecrest Garden Club Names Leaders.” *SDC*, 8 Oct 1956
“Bicycling Keeps Executive Young.” *SDC*, Dec 1965
“Ex-Resident: Designer Eyes 100.” *Spokane Daily Chronicle*, 27 Oct 1970.
“A Salute to 17 Outstanding Young People.” *SR*, 1977
“Dean Wiles.” *SR*, 14 Oct 1978
“Wiles-Jennings.” *SR*, 1985
“John R. Henderson.” *SR*, 1 Jan 1987
“Henderson, Virginia Jane (age 94).” *SR*, 27 Nov 2009
“Spokane’s Wiles Skates Way to National Title.” *SR*, 9 May 2022

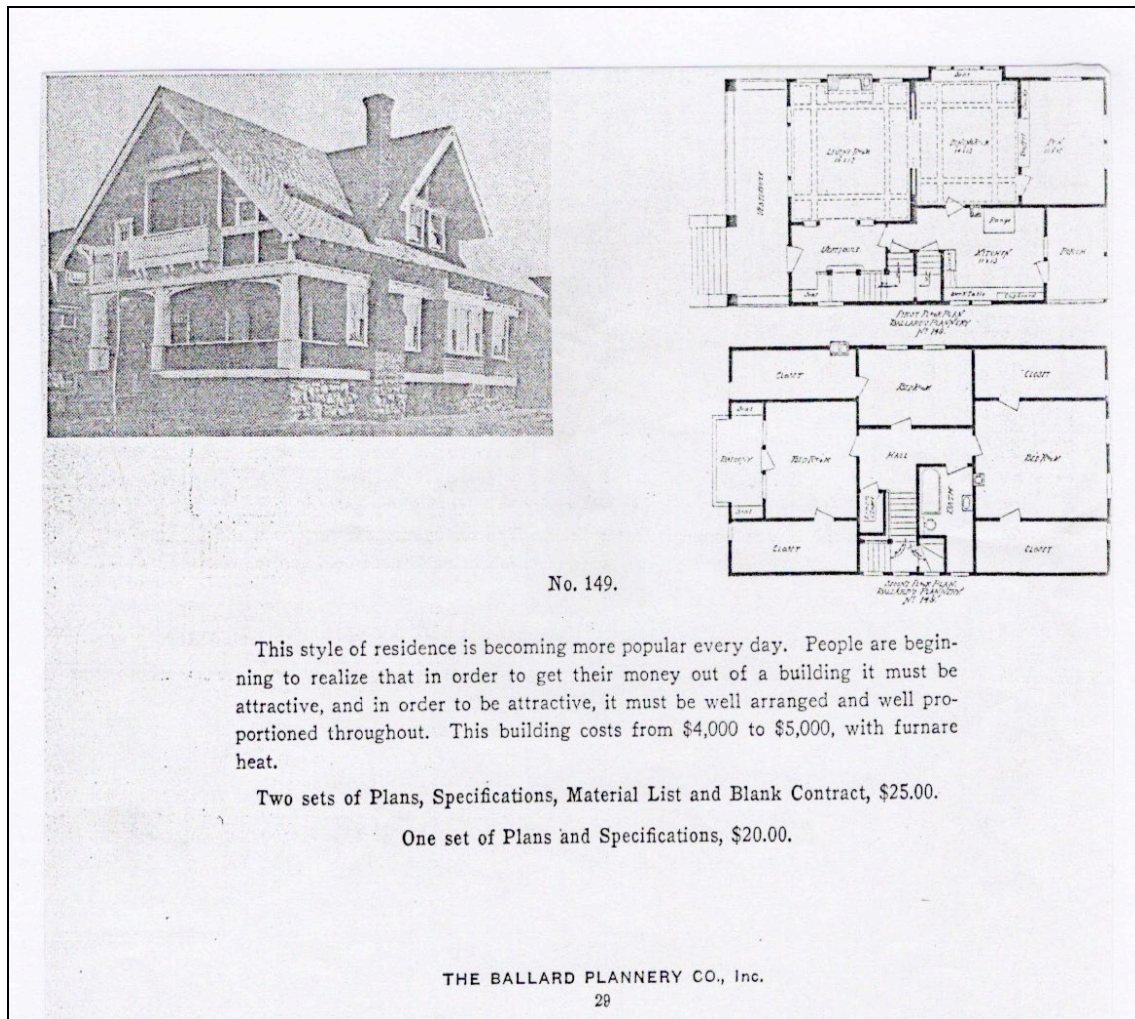
north



2024
SPOKANE PLAT MAP
Resurveyed Cliff Park Addition

MULLIGAN-BRAZEAU HOUSE
511 West 13th Avenue
Spokane, WA 99204

Source: City of Spokane



Ballard, William J. *The Modern Bungalow*. Spokane: Ballard Plannery, 1910, page 29.

The above photocopy is of Plan #149 from the *The Modern Bungalow*, a book of architectural house plans designed by Spokane architect, William J. Ballard. It is possible that the above-noted architectural plan was reversed and used to build the Mulligan-Brazeau House at 511 West 13th Avenue but cannot be confirmed.



**“John O. Dalzell and Residence”
Spokesman-Review
20 April 1911**

The Mulligan-Brazeau House is pictured above at 511 West 13th Avenue with a photograph of Mr. Dalzell

**W. A. BRAZEAU
TAKEN BY DEATH**

By Associated Press

SEATTLE, Feb. 6.—Funeral services for William A. Brazeau, 72, Seattle apartment house owner and retired former Spokane district business man and banker, will be held here tomorrow.

Brazeau, who retired in 1936 as secretary and sales manager of the Inland Empire Paper company,



died at his home Thursday after a long illness. Services will be held at 11 a. m. Monday at Forkner's chapel.

He entered the paper business in Spokane in 1909, coming from his home at Wisconsin Rapids, Wis., to join the company at Millwood, where he was the first mayor and was one of the founders and first president of the Spokane Valley State bank.

He was a member of Rotary, the Masons, Spokane City club and was active in church work. Besides the widow, his son, Wendell P. Brazeau of Seattle, survives.

“W. A. Brazeau Taken by Death.”

Seattle Times
6 February 1944



Photo 1
2024 photograph of the north façade of the Mulligan-Brazeau House



Photo 2
2024 photograph of the Mulligan-Brazeau House and its garage behind house



Photo 3
2024 photo of east elevation of house and garage behind house



Photo 4
2024 photograph of south rear elevation of house



Photo 5
2024 photo of west elevation of the house



Photo 6
2024 photo of the north face of the garage in southeast corner of property



Photo 7
2024 photo of front porch, looking west



Photo 8
2024 photo of living room, looking west



Photo 9
2024 photo looking south at stairway, and southwest into dining room



Photo 10
2024 photo looking south into dining room



Photo 11
2024 photo of library, looking southwest at back yard



Photo 12
2024 photo, looking south from library into dining room



Photo 13
2024 photo of kitchen, looking north



Photo 14
2024 photo of kitchen, looking southeast



Photo 15
2024 photo of kitchen, looking southwest



Photo 16
2024 photo of master bedroom and sleeping porch, looking north



Photo 17
2024 photo of sleeping porch, looking east



Photo 18
2024 photo of sleeping porch, looking west



Photo 19

2024 photo, showing fire damage to ceiling beams in basement

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0572

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

HISTORIC PRESERVATION

Bid #**Contact Name/Phone**

MEGAN 6543

Requisition #**Contact E-Mail**

MDUVALL@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0470 – MACK-HAYFIELD-KANE HOUSE, GARAGE & GARDEN NOMINATION TO

Agenda Wording

MACK-HAYFIELD-KANE HOUSE, GARAGE & GARDEN NOMINATION TO THE REGISTER OF HISTORIC PLACES

Summary (Background)

The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100. The Mack-Hayfield-Kane House, Garage & Garden at 734 E. 23rd Avenue was constructed in 1912 (house) and 1918 (garden) and has been found to meet the criteria set forth for such designation, and an updated management agreement has been signed by the owner. This property is being updated to include the garden as a

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

Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.

Amount**Budget Account**

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	7/8/2024
Submitting Department	Historic Preservation
Contact Name	Megan Duvall
Contact Email & Phone	mduvall@spokanecity.org
Council Sponsor(s)	CM Zappone; CM Klitzke; CM Bingle
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	0470 – MACK-HAYFIELD-KANE HOUSE, GARAGE & GARDEN NOMINATION TO THE REGISTER OF HISTORIC PLACES
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>The Spokane Historic Landmarks Commission reviews properties for listing on the Spokane Register of Historic Places to ensure that they meet the criteria set out in SMC 17D.100.</p> <p>The Mack-Hayfield-Kane House, Garage & Garden at 734 E. 23rd Avenue was constructed in 1912 (house) and 1918 (garden) and has been found to meet the criteria set forth for such designation, and an updated management agreement has been signed by the owner. This property is being updated to include the garden as a protected element which required an update to the original nomination and Management Agreement.</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>0</u></p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: <u>Property listing on the Spokane Register of Historic Places does not have a direct impact on City revenues or expenses.</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? N/A</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> <p>Properties listed on the Spokane Register are subject to design review in the future which does generate revenue through small fees. Tax incentives are available to listed properties and also can generate future revenue.</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>This contract would have no meaningful impact on historically excluded communities.</p>	
<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?</p>	

That specific data is not something that is collected by the Historic Preservation Department.

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

The Historic Preservation Office's primary responsibility is to protect historic properties and neighborhoods in Spokane. The more properties that are listed on the Spokane Register, the more ability we have to offer incentives that help keep those properties viable and in use. As we list additional properties, we increase our ability to protect Spokane's historic resources.

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?

SMC 04.35.010 Spokane Historic Landmarks Commission Findings and Purpose:

The City and Spokane County find that the establishment of a landmarks commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the City and County is a public necessity.

Comprehensive Plan Goals

DP 1.1: Landmark Structures, Buildings, and Sites

Recognize and preserve unique or outstanding landmark structures, buildings, and sites.

DP 3.3: Identification and Protection of Resources

Identify historic resources to guide decision making in planning.

DP 3.11: Rehabilitation of Historic Properties

Assist and cooperate with owners of historic properties to identify, recognize, and plan for the use of their property to ensure compatibility with preservation objectives.

N 2.4: Neighborhood Improvement

Encourage revitalization and improvement programs to conserve and upgrade existing properties and buildings.

Findings of Fact and Decision for Council Review for the Nomination to the Spokane Register of Historic Places Update to the Mack-Hayfield-Kane House, Garage & Garden – 734 E 23rd Avenue

FINDINGS OF FACT

1. **SMC 17D.100.090: "Generally a building, structure, object, site, or district which is more than fifty years old may be designated an historic landmark or historic district if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, county, state, or nation."**
 - Originally built in 1912 and 1918; the Mack-Hayfield-Kane House, Garage & Garden meets the age criteria for listing on the Spokane Register of Historic Places.

2. **SMC 17D.100.090: The property must qualify under one or more categories for the Spokane Register (A, B, C, D, E).**
 - This is an update to an existing property already listed on the Spokane Register of Historic Places – the Mack-Kane House and Garage which was listed under Category C. The updated nomination includes more narrative concerning the 1918 garden developed by the Hayfields. The property owner is interested in protecting the attached garden through the nomination and Management Agreement. As a result of an updated nomination, the name of the house is changing to the Mack-Hayfield-Kane House, Garage & Garden and the protections are denoted in the updated Management Agreement.
 - The 1918 Hayfield developed garden, consisting of a variety of perennial plants, lawns, ornamental or flowering shrubs, trees, pathways and a reflecting pond still exists to the west of the house on a vacant lot purchased by the Hayfields. This landscaped garden has remained as an undeveloped parcel since its inception.
 - It is unknown if the Hayfield's garden was professionally designed, but the winding path, small pond with bench and planting arrangement suggest that it has remained much as it was when first developed. The mid-block greenspace has become a neighborhood oasis used as a place of quiet contemplation by its owners and neighbors alike.

3. **SMC17D.100.090: "The property must also possess integrity of location, design, materials, workmanship, and association." From NPS Bulletin 15: "Integrity is the ability of a property to convey its significance...it is not necessary for a property to retain all its historic physical features...the property must retain, however, the essential physical features that enable it to convey its historic identity."**
 - The Mack-Hayfield-Kane House, Garage & Garden retain excellent integrity of location, design, materials, and workmanship to convey its historic character from the period of significance.

4. **Once listed, this property will be eligible to apply for incentives, including:**
Special Valuation (property tax abatement), Façade Improvement Grants, Spokane Register historic property plaque, and special code considerations.

RECOMMENDATION

The **Mack-Hayfield-Kane House, Garage & Garden** should continue to be listed on the Spokane Register of Historic Places with the addition of the Hayfield Garden as a significant and protected resource of the property. The Spokane Historic Landmarks Commission will evaluate the updated nomination and Management Agreement at a public hearing on 6/20/2024 and are expected to find the garden eligible for inclusion as a protected resource.

After Recording Return to:
City of Spokane Clerk
808 W Spokane Falls Blvd
Spokane, WA 99201

NOTICE OF MANAGEMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the property legally described as:

MANITO PK 2ND L3-4 B15

Parcel Number(s) 35294.0703, is governed by a Management Agreement between the City of Spokane and the Owner, James D. Price, of the subject property, The Mack-Hayfield-Kane House, Garage & Garden.

The Management Agreement is intended to constitute a covenant that runs with the land and is entered into pursuant to Spokane Municipal Code Chapter 6.05. The Management Agreement requires the Owner of the property to abide by the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (36 CFR Part 67) and other standards promulgated by the Historic Landmarks Commission.

Said Management Agreement was approved by the Spokane City Council on July 23, 2024. I certify that the original Management Agreement is on file in the Office of the City Clerk under File No. _____.

I certify that the above is true and correct.

Spokane City Clerk

Historic Preservation Officer

Dated: _____

Dated: _____

MANAGEMENT AGREEMENT

The Management Agreement is entered into this **20th** day of **June 2024**, by and between the City of Spokane (hereinafter “City”), acting through its Historic Landmarks Commission (“Commission”), and **James D. Price** (hereinafter “Owner(s)”), the owner of the property located at **734 E. 23rd Avenue** commonly known as the **Mack-Hayfield-Kane House, Garage & Garden** in the City of Spokane.

WHEREAS, the City of Spokane has enacted Chapter 4.35 of the Spokane Municipal Code (SMC) and Spokane has enacted Chapter 1.48 of the Spokane County Code (SCC), both regarding the establishment of the Historic Landmarks Commission with specific duties to recognize, protect, enhance and preserve those buildings, districts, objects, sites and structures which serve as visible reminders of the historical, archaeological, architectural, educational and cultural heritage of the city and county is a public necessity and.

WHEREAS, both Ch. 17D.100 SMC and Ch. 1.48 SCC provide that the City/County Historic Landmarks Commission (hereinafter “Commission”) is responsible for the stewardship of historic and architecturally significant properties in the City of Spokane and Spokane County; and

WHEREAS, the City has authority to contract with property owners to assure that any owner who directly benefits by action taken pursuant to City ordinance will bind her/his benefited property to mutually agreeable management standards assuring the property will retain those characteristics which make it architecturally or historically significant;

NOW THEREFORE, -- the City and the Owner(s), for mutual consideration hereby agree to the following covenants and conditions:

1. CONSIDERATION. The City agrees to designate the Owner’s property an Historic Landmark on the Spokane Register of Historic Places, with all the rights, duties, and privileges attendant thereto. In return, the Owner(s) agrees to abide by the below referenced Management Standards for his/her property.

2. COVENANT. This Agreement shall be filed as a public record. The parties intend this Agreement to constitute a covenant that runs with the land, and that the land is bound by this Agreement. Owner intends his/her successors and assigns to be bound by this instrument. This covenant benefits and burdens the property of both parties.

3. ALTERATION OR EXTINGUISHMENT. The covenant and servitude and all attendant rights and obligations created by this Agreement may be altered or extinguished by mutual agreement of the parties or their successors or assigns. In the event Owner(s) fails to comply with the Management Standards or any City ordinances governing historic landmarks, the Commission may revoke, after notice and an opportunity for a hearing, this Agreement.

4. PROMISE OF OWNERS. The Owner(s) agrees to and promises to fulfill the following Management Standards for his/her property which is the subject of the Agreement. Owner intends to bind his/her land and all successors and assigns. The Management Standards are: "THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (36 CFR Part 67)." Compliance with the Management Standards shall be monitored by the Historic Landmarks Commission.

5. HISTORIC LANDMARKS COMMISSION. The Owner(s) must first obtain from the Commission a "Certificate of Appropriateness" for any action which would affect any of the following:

- (A) demolition;
- (B) relocation;
- (C) change in use;
- (D) any work that affects the exterior appearance of the historic landmark; or
- (E) any work affecting items described in Exhibit A.

6. In the case of an application for a "Certificate of Appropriateness" for the demolition of a landmark, the Owner(s) agrees to the provisions as set forth in SMC 17D100.220.

This Agreement is entered into the year and date first above written.

Owner

Owner

CITY OF SPOKANE

HISTORIC PRESERVATION OFFICER

CITY ADMINISTRATOR

Megan M.K. Duvall

City Administrator

ATTEST:

City Clerk

Approved as to form:

Assistant City Attorney

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that _____(he/she/they) signed the same as _____ (his/her/their) free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of _____, residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared GARRETT JONES, CITY ADMINISTRATOR and TERRI L. PFISTER, to me known to be the City Administrator and the City Clerk, respectively, of the CITY OF SPOKANE, the municipal corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2024.

Notary Public in and for the State
of Washington, residing at Spokane
My commission expires _____

Attachment A

This Management Agreement also includes:

Interior:

1. Living Room
2. Inglenook
3. Dining Room

Exterior:

1. Carriage House
2. No building shall ever be constructed on the Hayfield Garden (lot 4)

Secretary of The Interior's Standards

- 1.** A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2.** The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3.** Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4.** Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5.** Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- 7.** Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8.** Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9.** New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10.** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Spokane Register of Historic Places Nomination

*Spokane City/County Historic Preservation Office, City Hall, Sixth Floor
808 Spokane Falls Boulevard, Spokane, Washington 99201-3337*

1. Name of Property

Historic Name **MACK-HAYFIELD-KANE HOUSE & GARDEN**

2. Location

Street & Number 734 East 23rd Avenue
City, State, Zip Code Spokane, WA 99203
Parcel Number 35294.0703

3. Classification

Category of Property	Ownership of Property	Status of Property	Present Use of Property	
<input checked="" type="checkbox"/> building	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agricultural	<input type="checkbox"/> museum
<input type="checkbox"/> site	<input checked="" type="checkbox"/> private	<input type="checkbox"/> work in progress	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both		<input type="checkbox"/> educational	<input checked="" type="checkbox"/> residential
<input type="checkbox"/> object	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
	<input type="checkbox"/> in process	<input checked="" type="checkbox"/> yes, restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input type="checkbox"/> yes, unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other

4. Owner of Property

Name James D. Price
Street & Number 734 East 23rd Avenue
City, State, Zip Code Spokane, WA 99203
Telephone Number/E-mail 509-624-1957; zinlovers@msn.com

5. Location of Legal Description

Courthouse, Registry of Deeds Spokane County Courthouse
Street Number 1116 West Broadway
City, State, Zip Code Spokane, WA 99201
County Spokane

6. Representation in Existing Surveys

Title City of Spokane Historic Landmarks Survey
Date Local 1979 and 1996
Depository for Survey Records Spokane Historic Preservation Office

7. Description

Architectural Classification

(enter categories from instructions)

Condition

excellent
 good
 fair
 deteriorated
 ruins
 unexposed

Check One

unaltered
 altered

Check One

original site
 moved & date _____

Narrative description of present and original physical appearance is found on one or more continuation sheets.

8. Spokane Register Criteria and Statement of Significance

Applicable Spokane Register of Historic Places Criteria--mark "x" in one or more boxes for the criteria qualifying the property for Spokane Register listing:

- A Property is associated with events that have made a significant contribution to the broad patterns of Spokane history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory history.

Narrative statement of significance is found on one or more continuation sheets.

9. Major Bibliographical References

Bibliography is found on one or more continuation sheets.

10. Geographical Data

Acreage of Property	Less than one acre.
Verbal Boundary Description	Manito Park 2nd Addition, Lots 3-4, Block 15
Verbal Boundary Justification	Nominated property includes entire parcel and urban legal description.

11. Form Prepared By

Name and Title	Linda Yeomans, Consultant (amended by HPO Staff 2024)
Organization	Historic Preservation Planning Services
Telephone Number/E-mail	509-456-3828 or lyeomans@uswest.net
Street and Number	501 West 27th Avenue
City, State, Zip Code	Spokane, WA 99203
Date	15 November 2000

12. Additional Documentation

Map	Spokane City/County plat map, 2000
Photographs and Slides	20 color slides; 17 black & white photo prints

13. Signature of Owner(s)

14. For Official Use Only:

Date nomination application filed: _____

Date of Landmarks Commission Hearing: _____

Landmarks Commission decision: _____

Date of City Council/Board of County Commissioners' hearing: _____

I hereby certify that this property has been listed in the Spokane Register of Historic Places based upon the action of either the City Council or the Board of County Commissioners as set forth above.

Megan Duvall
City/County Historic Preservation Officer
City/County Historic Preservation Office
Third Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Date

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Narrative Description

Built in 1912, the Mack-Hayfield-Kane House & Garden is an excellent example of a bungalow designed in the Craftsman style, with a remaining designed landscape in the adjacent lot west. It is a contributing property in the Rockwood National Register Historic District, a tree-lined neighborhood whose street plan was designed by the Olmsted Brothers landscape architectural firm. The house is distinguished by a unique design, an original garage that echoes the quality, materials, and architectural elements of the house, and by the grounds and basalt rock wall remnants that comprise the property. Both the house and garage incorporate classic Craftsman-style architectural elements and building materials designed to produce exaggerated horizontal emphasis and multiple organic textures resulting in buildings that seem to grow out of the ground. Distinctive elements of the house include a very low-pitched roof with widely overhanging eaves, a deep, wide front porch that simulates an outdoor living room, battered porch columns supported by irregularly textured clinker brick porch piers and porch wall, decorative vergeboards, false half-timbering, exterior cladding composed of cedar shingles set above a battered stucco foundation wall, and multi-paned windows with an unusual design unique to the home. The interior of the house features a large open living room, oak inglenook, and finely crafted built-in wood cabinets, bookcases, and bench seats that are a trademark of the Craftsman style. The garden was designed to include a small pond, bench, winding paths, lawns, ornamental and flowering shrubs, and perennial plantings and trees. The Mack-Hayfield-Kane House, garage and garden retain excellent historic integrity of original location, setting, design, materials, workmanship, and association with building practices used in early 20th century Spokane.

Current Appearance and Condition

Site

The Mack-Hayfield-Kane House and garage are located on the east half of two lots that together measure 100 feet wide and 140 feet deep. Mature deciduous and evergreen trees surround the house. Remnants of a reflecting pool and a basalt rock wall border the perimeter of the property to the west, south, and east are an important feature of the property and were created as a landscaped garden by the Hayfields ca. 1918. The house faces northwest and is surrounded by single-family homes.

Exterior

The one-and-one-half-story wood frame Mack-Hayfield-Kane House reveals a typical Craftsman form with a prominent recessed partial-width front porch protected by a shallow-pitched roof. The home's rectangular footprint includes covered front and back porches and measures 34 feet wide and 59 feet deep with 1700 square feet of interior space on the first floor and 260 square feet in the attic. One of the strongest distinguishing features of the home's exterior is the facade. It reveals an unusual design that features a very shallow-pitched roof with four front-facing, intersecting gables supported by large beams and triangular braced supports. The gable peaks are embellished with false half-timbering and stucco infill. Widely overhanging eaves are faced with decorative vergeboards accentuated with diamond-shaped cut-outs and saw-tooth-shaped pointed ends. The front-gabled roof shelters a twelve-foot-deep, recessed front porch and is supported by massive, tapered columns anchored by clinker brick porch piers. A clinker brick

balustrade and porch wall surrounds the front porch and flanks two steps that rise from the front walkway. A clinker brick chimney rises from the west elevation of the house. Another distinguishing feature of the Mack-Hayfield-Kane House is a decorative battered stucco-clad foundation wall that hides a structural basalt rock foundation that forms a full basement. The battered stucco wall slopes five feet up the house to a wooden belt course. A double course of cedar shingles clads the wall above the belt course, forming a horizontal linear design. Another wider belt course embellished with dentils separates the shingle wall cladding from the gable peaks. Widely overhanging, unenclosed roof eaves with decorative exposed rafter tails shade the east and west elevations of the home.

Among the home's most unusual features are its windows. All of the windows were manufactured with wood frames and sashes and were installed in 1912. They include large plate-glass picture windows and one-over-one double-hung units embellished with a decorative multi-paned pattern of divided lights on the upper sash that resembles diamond-in-the-square patterns used in 19th-century quilt blocks.

The facade of the house has three plate-glass picture windows. The west elevation features a low-pitched gabled dormer with two pairs of double-hung windows and a first-floor bay window with a pair of double-hung units. Large triangular knee braces support the dormer's widely overhanging eaves. The east elevation has double-hung windows and a bay window with a plate-glass unit. The south elevation features the roof's gable end, asymmetrically placed double-hung windows on the first floor, and a pair of double-hung units in the gable peak. The gable face is embellished with false half-timbering and stucco infill. An enclosed back porch/mud room is located on the southeast corner of the house and is illuminated with multi-paned casement windows. A wood-paneled door with upper-sash glazing opens to the porch.

Interior

Located under the porch roof at the front of the house, a 40-inch-wide solid oak door, with three vertical beveled-glass lights and a circa-1912 brass filigree door handle, opens to a large open living room. The living room opens to the home's interior focal point: a northwest corner inglenook with a fireplace, built-in bookcases, and window seat. Craftsman-style mottled green and brown matte-finish glazed ceramic tile (thought to be manufactured by Grueby Co.) clads the fireplace surround. The living room also opens to a library/study in the northeast corner of the house and to a formal dining room in the center of the house. The dining room features a plate rail and two built-in serving buffets with original brass hardware and glass doors that repeat the same unique multi-paned design found in the windows. The dining room leads to a bedroom on the west, and a hall, bath, additional bedroom, kitchen, and back porch to the south. The kitchen retains its original floor plan, built-in cabinets, hardware, doors, windows, and wood floor. Ceilings on the first floor are eight feet high, and the floors are made of solid oak and maple. Original and period light fixtures illuminate the interior. The woodwork in the Mack-Hayfield-Kane House is exceptional and features fine-grade tiger-sawn oak in the inglenook, living room, dining room, and boxed beams in the ceiling. Deep floor and crown molding and four-to-six-inch wide door and window trim define the rooms. An unusual feature is found in the oak trim that frames each door and window. Instead of stopping at the corners, vertical trim

The interior of the home was severely water-damaged due to burst radiator pipes and water leaking from roof damage. The boxed ceiling beams and oak and maple floors were refinished, part of the ceiling and walls were replastered and all interior wall surfaces were repainted, the plumbing and wiring was repaired and updated, the coal-fired boiler was replaced with a gas-fired boiler and radiant heat was restored throughout the house, and original light fixtures were re-hung. Where original light fixtures were missing, architecturally appropriate period lighting was installed. The original wood-burning cast-iron cook stove was replaced with an electric range, and a new ceramic sink was installed in the kitchen. A bathtub, toilet, and wash basin were installed in the upstairs bathroom, and a second bedroom was built and finished in the attic.

Statement of Significance

Period of Significance	1912-1918 (when the garden was completed)
Significant Dates	1912, 1918
Architect, Designer, Builder	Ivan Abraham, carpenter/general contractor

Summary Statement

Built in 1912 for early Spokane attorney Mansfield Mack and his wife Gertrude, the Mack-Hayfield-Kane House was constructed by Ivan Abraham, an accomplished Spokane builder and finish carpenter responsible for many area homes. The house was later home for nearly 60 years to Spokane furniture maker Owen Kane and his daughter Katherine. The property is located in the Rockwood National Register Historic District, the city's only neighborhood designed by the famed Olmsted Brothers firm of Brookline, Massachusetts. Compared to bungalows in Spokane, the Mack-Hayfield-Kane House is an excellent example of the Craftsman style and is eligible for listing on the Spokane Register of Historic Places for architectural significance under Criterion C. The house, along with the adjacent garden, retains impressive integrity of location, design, materials, workmanship and association.

Historical Context

Early Spokane pioneer Jay P. Graves arrived in Spokane in 1887, and within two decades, had risen to prominence as a mining and railroad developer. He recognized potential real estate bargains available in Spokane for those who had money to invest, and early in 1903, he formed a real estate development corporation called the Spokane-Washington Improvement Company. For an investment of \$250,000, the company purchased almost 800 acres on the top of Cook's Hill--mostly undeveloped South Hill land. Promising to add improvements and take full advantage of scenic possibilities, Graves developed the acreage as the Manito Park Addition and donated 90 acres of rocky land to the City of Spokane. Graves also bought and developed an additional 100 acres east of the park between Hatch and Arthur Streets and between 11th and 29th Avenues. Today, this neighborhood is called the Rockwood National Register Historic District.

The Rockwood National Register Historic District

Graves amassed every resource to ensure success in the new Rockwood neighborhood. He hired the world-renowned architectural landscape firm--the Olmsted Brothers of Brookline, Massachusetts--to design the subdivision. His principal associate was Aubrey L. White, about to become the president of a newly created Spokane Park Board. Fred B. Grinnell, a successful and aggressive real estate promoter, was chosen as the Improvement Company's sales agent.

By the end of 1909, Rockwood homesites were being actively marketed. Advertisements announcing contracts for paving, water and sewer, the planting of trees, and landscaping alternated with news of the latest purchases and upcoming homes in local real estate sections of Spokane newspapers. Streetcar lines, street lamps, sidewalks, and a school were built. Neighborhood amenities were plentiful, and the curvilinear tree-lined streets designed by the Olmsted Brothers were being more than noticed by potential property purchasers. By mid-1910, it was proclaimed that six-month sales had totaled \$160,000 for single lots ranging in price from

\$1250 to as high as \$8000 for large double lots with exceptional investment purposes in Spokane's escalating real estate market for homesites. Sixteen homes were completed in 1911 in the Rockwood neighborhood, more than twice the figure for 1910. In 1912, over twenty more homes were finished. Various house styles and sizes ranged from large Neoclassical, Tudor Revival, and Colonial Revival homes to smaller Tudor-style cottages, Craftsman bungalows, and vernacular dwellings. Homes were built from designs rendered by architects, builders, and from house plans found in plan books. The houses were constructed by independent contractors hired by architects or property owners and by builders employed by the Improvement Company.

Ivan Abraham and the Mack-Hayfield-Kane House

In 1912, finish carpenter, home builder, and general contractor Ivan H. Abraham purchased the east half of the Mack-Hayfield-Kane property for \$1500 from Graves's Spokane-Washington Improvement Company. Abraham began working with his father in 1906, and they advertised their business as W. W. Abraham and Son Building Contractors. He also contracted with the Spokane-Washington Improvement Company during the same time. By 1910, Abraham had formed his own general contracting business called the Spokane Home Building Company, and Ivan listed himself as president of the corporation. Along with his employees, Abraham was responsible for building hundreds of homes in Spokane from the early 1900s through the 1950s. He built seven homes in the Rockwood subdivision including the Mack-Hayfield-Kane House.

It is not known if Abraham constructed the Mack-Hayfield-Kane House from a local architect's plans, from plans found in a magazine or houseplan book, or from his own design. In any event, Ivan Abraham was an experienced builder and built the house for attorney Mansfield E. Mack and his wife Gertrude in 1912 for \$7500. Strict subdivision covenants, which were implemented as early land use controls, governed the neighborhood and specified the following:

1. Each residence shall cost at least \$4000 or more.
2. Each dwelling "shall be of modern style architecture."
3. "No barn or outhouse shall be erected."
4. "No building erected...shall be used for business purposes."

Construction of the house was completed in 1912, and it was the first home built on the south side of 23rd Avenue between Hatch Street and Garfield Road. Described as "artistic," a photograph of the house was featured in an October 2, 1912 article in the *Spokesman-Review*. Less than two years after moving into her new home, Gertrude Mack died in California in late March of 1914 of tuberculosis. Her husband sold the house in April of that year to merchant and real estate investor Frederick J. Hayfield and his wife Elizabeth Marie for \$6000.

After they settled in their new home, the Hayfields built a garage for \$200, and in 1918, they purchased the adjacent lot to the west of the property for \$425 and landscaped the grounds with trees, shrubs, flowers, a reflecting pool, and a basalt rock wall that encircled three sides of the property. This garden has remained

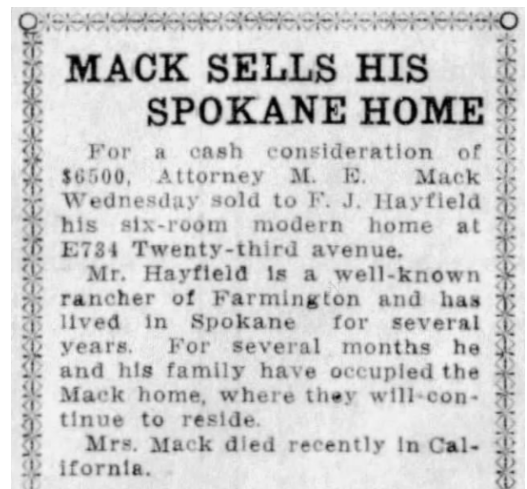


Figure 2: Spokane Chronicle April 16, 1914

as an oasis to the neighborhood ever since it was developed by the Hayfields and has never had electricity, sewer or water brought to it. At the time of the purchase of the adjacent lot, Mr. Hayfield was 66 years old, while his wife, Elizabeth was 53. The Hayfields had owned extensive farm property in Farmington, Washington, some of which they sold when they moved to the house on 23rd Avenue. The 1920 Census shows Frederick, Elizabeth and a servant, Essie Smith living at the house. The Hayfields lived in the house until Elizabeth's death at which time Frederick moved to Seattle. He leased the house to various tenants from 1929 to 1941, and then sold the home and the additional lot to Owen J. Kane for \$4000.



Figure 3: Property owners, Jim and Ann Price receive the first Centennial Certificate in the garden from former Historic Preservation Officer, Kristen Griffin in 2012

The Kane Family

Owen Kane and his wife Margaret immigrated to America from Ireland and came to Spokane in 1907. He began working as a furniture maker and was employed by various prominent Spokane furniture manufacturers including the F. S. Harmon Company, the Pratt Furniture Company, and the Liberty Furniture Company. In addition to making furniture, Kane was also paid for his experience and skill as an upholsterer by Culbertson's Department Store, one of early Spokane's largest mercantile establishments. Just before the Kanes were to assume

ownership of their new home, Margaret died, and Owen moved into the house with his daughter Katherine and his son Ben. He used the upstairs maid's quarters as his sewing and work room where he conducted an upholstery business in addition to making custom furniture. He used a foot-operated treadle sewing machine that after nearly two decades of constant use ground a large groove in the wood floor. During his life in Spokane, Owen Kane made a significant contribution to the community as he designed, upholstered and hand-finished hundreds of pieces of furniture as an independent furniture maker/upholsterer, and as an employee for various furniture manufacturers for over 50 years from 1907 to 1958.

Owen Kane died in 1958. His son Ben was a dentist who practiced in Spokane and lived a few blocks away on Garfield Road. Owen's daughter Katherine, however, never married and worked as an attendant for various dry cleaners in the Manito area for over 25 years. She stayed in the house until 1999 when she turned 91. Altogether, the Kane family lived in the Mack-Hayfield-Kane House for nearly 60 years, the longest time span of the home's four owners.

Due to several decades of neglect and severe structural and mechanical damage caused by water, weather, vermin, and deterioration, the property was condemned and demolition was ordered by the City of Spokane in 1999. Committed to rescuing the property before the buildings were demolished and before the two lots could be split for speculative real estate purposes, Spokane businesswoman Rebecca Mack (no relation to original homeowner) bought the property and began a complete restoration of the house and garage. In May, 2000, Avista Utilities professional Clarice Robertson purchased the property, completed the restoration begun by Rebecca Mack, and began plans to restore the grounds including the circa-1918 reflecting pool and basalt rock wall. In November 2002, longtime Spokane residents James D. and Ann M. Price bought the restored house and its long-neglected garden. Jim, on the verge of retirement from The Spokesman-Review, had a long career as a writer, copy editor, sports publicist and announcer. Ann served nonprofit agencies as a fundraiser and community relations director. In May 2018, celebrating years of revitalization work with a lawn party, the Prices dedicated the historic garden to the memory of Frederick and Elizabeth Hayfield. Although Ann died in 2019, planning continues for a full restoration of the century-old lawns, pathways and flowering shrubs.

Architectural Significance

The Craftsman Bungalow Style

The Mack-Hayfield-Kane House is one of Spokane's finest examples of the bungalow form built in the Craftsman style. Author Jan Cigliano (*Bungalow: American Restoration Style*) defines *bungalow* as "a form of house--a type of structure designed in a number of architectural styles," but states that "*style*, by contrast, is a particular period and genre of design." *The Old House Dictionary* further explains that the term bungalow refers to a low-slung house form characterized by small size, overall simplicity, and broad gables that usually face the street. Bungalow designs vary greatly according to geographic location, climate, and architectural vernacular, but all bungalows are usually limited to one or one-and-one-half-stories and have a partial or full-width front porch covered by an extension of the principal roof or by a lower porch roof. The origin for the term bungalow began in 19th-century British East India and is derived from the Indian word *bungali* which means "covered porch," and from *bangla* which means "low house with surrounding porches."

The bungalow emerged as an independent movement in American architecture and became popular as an affordable home in reaction to the more elaborate Victorian styles that preceded it. The bungalow house form was embellished in many different ways resulting in various stylistic treatments that reflect Mediterranean, Prairie, Colonial Revival, Swiss Chalet, and Craftsman. Heavily influenced by the 19th-century English Arts and Crafts Movement which rejected the mass reproduction and mediocre design associated with the Industrial Revolution, bungalows built particularly in the *Craftsman style* were designed to harmonize with nature and the environment. Traditional handcraftsmanship and natural materials such as native field stone or basalt rock, irregularly textured clinker brick, hand-split wood shingles, and smooth-finished, hand-rubbed woodwork were revered and used. Identifying features of the Craftsman style include a broad low-slung form with a shallow-pitched roof, widely overhanging eaves, a deep porch, decorative eave brackets and exposed rafter tails, and battered porch piers, columns, and

foundation walls that all work together, forming the illusion of a ground-hugging house that appears to emerge out of its building site. The style quickly spread throughout the United States by builder's pattern books, pre-cut house packages, and home design magazines, especially Gustav Stickley's magazine called *The Craftsman* (1901-1916). Hundreds of thousands of Craftsman-style bungalows were built in American cities from 1905 to 1930 (*A Field Guide to American Houses*). The architectural style became the most popular and fashionable small house design in America, but by 1930, it had quickly faded from favor.

The Mack-Hayfield-Kane House

Hundreds of bungalows were built in Spokane during the first three decades of the 20th century. A few bungalows represent a variety of stylistic treatments including Mediterranean, Swiss Chalet, Colonial Revival, Prairie, and Craftsman, but the majority of bungalows in Spokane are plain vernacular examples with no stylistic embellishment. In contrast, the Mack-Hayfield-Kane House stands out as an exceptionally fine example of the Craftsman-style bungalow. During his visit to Spokane, noted author and artist Paul Duchscherer (*The Bungalow: America's Arts and Crafts Home*) described the Mack-Hayfield-Kane House as an "ultimate bungalow," a term he reserves for the finest Craftsman-style bungalows. He identifies these "ultimate" Craftsman-style bungalows through their architectural integrity and degree of stylistic embellishment.

Many bungalows in Spokane have been altered, but the Mack-Hayfield-Kane House is well preserved and reveals original handcraftsmanship, materials, and methods typical of Craftsman-style architecture used during the early 20th century in American home-building. Other than maintenance and repair, the house has had no changes to its original footprint or exterior design for over 85 years. In addition, the property's original garage echoes the home's design and remains unaltered except for a roof replacement.

The Mack-Hayfield-Kane House is distinctive for its unusual four front-facing gables and facade design, and for its "artistic" interpretation of identifying features of the Craftsman style (*Spokesman-Review*, 2 Oct. 1912). These features include a flattened, horizontal emphasis that roots the house to the ground, the liberal use of natural building materials, and an open, spacious interior floor plan. Horizontal emphasis for the Mack-Hayfield-Kane House is achieved through a very low-pitched roof, widely overhanging eaves that produce deep horizontal shadows, exposed rafter tails, decorative verge boards tapered to points, a wide recessed front porch, two exterior wall claddings and colors separated by multiple belt courses, battered porch columns, and decorative battered foundation walls. Natural building materials found in the home's design include exterior wood shingles and finely textured stucco cladding, native basalt stone foundation, clinker brick porch piers and chimney, and solid oak and maple floors. The interior design of the house espouses the Craftsman ethic found in superior quality custom-designed woodwork, built-in cabinets, bookcase and inglenook, and a "modern" circa-1912 open floor plan. Another feature unique to the Mack-Hayfield-Kane House are the home's windows. Custom-made for the house in 1912, multiple divided lights form an unusual diamond-in-the-square pattern in the upper sash of most of the home's windows. The same window pattern is repeated in glass-doored bookcases and buffets in the house and is found in windows and doors

on the garage. Like the unusual gable design for the home's facade, the home's window design has not been found on other Craftsman bungalows in Spokane.

Compare and Contrast

Spokane builder Ivan Abraham built the Mack-Hayfield-Kane House and six other homes in the Rockwood National Register Historic District: the Crow House (712 E. 19th Avenue), the C. Smith House (729 E. 23rd Avenue), the DeVries House (919 E. 26th Avenue), the Charlton House (2637 S. Garfield Road), the Teters House (2618 S. Scott Street), and the Kenney House (2626 S. Scott Street). Of the seven houses, only three--the Crow House, the Smith House, and the Mack-Hayfield-Kane House--are Craftsman-style bungalows. Of those three, the Mack-Hayfield-Kane House retains excellent architectural integrity and reflects more identifying elements of the style than the other two houses. For example, the Mack-Hayfield-Kane and Smith houses appear much more flattened and lower to the ground than the Crow House. In further contrast to the Mack-Hayfield-Kane House, neither the Crow House nor the Smith House feature a battered foundation wall--a design element of the Craftsman style. The exterior of the Mack-Hayfield-Kane House makes use of various natural building materials including clinker brick, stucco, and cedar shingles while the Crow and Smith houses use only two. In addition, both the Crow and Smith houses have been respectively altered with inappropriate window/door treatments and the application of aluminum siding. Finally, in contrast to the Crow and Smith houses, the Mack-Hayfield-Kane House features original windows with an unusual pattern of divided lights repeated on the garage and in built-ins throughout the house.

The Mack-Hayfield-Kane House can also be compared to other bungalows within the Rockwood National Register Historic District. Of the 52 bungalows in the district, 29 are examples of the Craftsman style, while the remaining bungalows represent Colonial Revival, Prairie and Mediterranean styles, or vernacular examples of the bungalow form. The District's Craftsman-style bungalows were built between 1908 and 1926, with over 65% erected from 1910 to 1912--the same time period the Mack-Hayfield-Kane House was constructed. Compared to the District's 29 Craftsman bungalows, the Mack-Hayfield-Kane House is one of the finest examples of its type. More than the others, it more closely reflects the Craftsman tradition found in the home's exaggerated horizontality and flattened appearance, a variety of natural building materials, unique window design, decorative vergeboards, and excellent architectural integrity. In addition, the Mack-Hayfield-Kane House is the only house in the district that features decorative battered foundation walls.

Outside of the Rockwood National Register Historic District, the Mack-Hayfield-Kane House can also be compared to the Levesque-Majer House, another "ultimate bungalow" noted by Paul Duchscherer in Spokane. Like the Mack-Hayfield-Kane House, the Levesque-Majer House is well preserved, was built in 1912, and was also featured in a circa-1912 Spokane newspaper as an "artistic" and "unique" example of "modern" homes. Both houses have similar original features including very low-slung forms, widely overhanging eaves with exposed rafter tails, deeply recessed front porches, multiple front-facing gables, and liberal use of natural materials found in wood shingles, clinker brick, and basalt stone. Another feature shared by the two homes--but rarely found in examples in Spokane--is the use of battered foundation walls.

Finally, the Mack-Hayfield-Kane House can be compared to two bungalows located at 1905 S. Lincoln Street and 29 East 14th Avenue. Including the Mack-Hayfield-Kane House, all three homes feature distinctive original windows that form unusual, decorative, one-of-a-kind divided-light patterns in their upper sashes. Although the designs are different from each other, they are unique and have not been found in other Craftsman bungalows in Spokane. In conclusion, the Mack-Hayfield-Kane House is similar to other Craftsman bungalows in the Rockwood National Register Historic District and the Spokane area, but the house reflects a unique design and is one of the best examples of its type in Spokane.

The Garden

According to the Spokane Register nomination for the Moore-Turner Gardens between Cliff Drive and 7th Avenue, little documentation exists for residential gardens in Spokane after 1912, and for a period after 1916, landscape architects disappear altogether from city directory listings. The Olmsted firm did complete smaller Sumner Avenue landscapes for Walter Leuthold in 1926, and for William Powell in 1931. The June 1921 edition of Architect and Engineer recognized Aubrey White's Browne's Addition garden and the Edward Lindsley grounds at 2314 East Altamont Circle.

Society ladies formed the Rockwood Garden Club in 1930 as a way to recognize some of the most beautiful gardens in the neighborhood, as well as a social group. Interestingly, Mrs. M.E. Mack (the original owner of the subject house's second wife, Morfydd) was a founding member of the club. The club encouraged the owners of new homes being built each summer to beautify their surroundings with flowers and other plantings. Since the Hayfields were no longer living in the house at the time the garden club was founded, there is no mention of their garden in newspaper records.

It is unknown if the Hayfield's garden was professionally designed, but the winding path, small pond with bench and planting arrangement suggest that it has remained much as it was when first developed. The mid-block greenspace has become a neighborhood oasis used as a place of quiet contemplation by its owners and neighbors alike.

Bibliography

Cigliano, Jan. *Bungalow: American Restoration Style*, Salt Lake City: Gibbs-Smith Publisher, 1998.

Duchscherer, Paul and Keister, Douglas. *The Bungalow: America's Arts and Crafts Home*, New York: Penguin Group, 1995.

First American Title Company, warranty deeds.

McAlester, Virginia and Lee. *A Field Guide to American Houses*, New York: Alfred A. Knopf, 1989.

Phillips, Steven J. *Old House Dictionary*, Washington DC: Preservation Press, 1994.

Spokane Spokesman-Review, 2 October 1912.

Yeomans, Linda. *Levesque-Majer House Spokane Register of Historic Places Nomination*, 1997.

Yeomans, Linda and Sally Reynolds. *Moore-Turner Gardens Spokane Register of Historic Places Nomination*, 2001.

MACK-KANE HOUSE
Front of house and carriage house



Photos 1 and 2:

North facade of house and gable detail.



Photos 3 and 4:

North facade porch detail.



Spokane Register of Historic Places Nomination Continuation Sheet
MACK-KANE HOUSE **Section 12** **Page**

Photos 5 and 6:

West elevation.



Spokane Register of Historic Places Nomination Continuation Sheet
MACK-KANE HOUSE **Section 12** **Page**

Photos 7 and 8:

South elevation and east elevation.



Photos 9 and 10:

Garage at rear, southeast corner of property.



Photo 11:

Front door on outside of house under front porch.

Photo 12:

Front door from inside house, facing north.



Photos 13 and 14:

Original light fixtures and northwest corner inglenook: notice oak woodwork, oak floors, tile fireplace, unusual multipaned windows, and built-in bookcases and window seat.



Photos 15 and 16:

Dining room buffet and doors leading to hallway and bedroom.



Photos 17 and 18: Kitchen built-in cabinets and door to cellar.





Mack-Hayfield-Kane Garden, 2024



Mack-Hayfield-Kane Garden, view to the south, 2024

*Mack-Hayfield-Kane Garden,
view to the southwest, 2024*



*Left: Mack-Hayfield-Kane Garden showing
pond structure, 2024*



Mack-Hayfield-Kane Garden structure, 2024

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Consent**Date Rec'd**

7/8/2024

Clerk's File #

OPR 2024-0573

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

INFORMATION TECHNOLOGY

Bid #

RFP 6002-23

Contact Name/Phone

MICHAEL 625-6468

Requisition #

CR 26456

Contact E-Mail

MSLOON@SPOKANECITY.ORG

Agenda Item Type

Contract Item

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

5300 PERMITTING & LICENSING REPLACEMENT PROJECT - LAMA

Agenda Wording

Contract for a land management product called LAMA from The Davenport Group USA, Ltd. (Crystal Lake, IL). Contract term August 1, 2024 through July 31, 2029. Current year cost: \$713,260.00 inc. tax (professional services and 1 year software maint.).

Summary (Background)

Accela informed the City that it will discontinue maintenance of the On-Premises Accela Civic Platform on June 30, 2025. Subsequently, the City promulgated Permitting & Licensing System RFP 6002-23 in order to replace Accela. A formal selection process was conducted resulting in a clear front-runner with a land management product called LAMA from The Davenport Group USA, Ltd. (Crystal Lake, IL).

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost

\$ 1,824,105.99 inc tax

Current Year Cost

\$ 713,260.00 inc tax

Subsequent Year(s) Cost

\$ 522,016 inc tax

Narrative

This request is for professional services for initial implementation of the software and then annual software maintenance and support which is contractually required by the software vendor.

Amount**Budget Account**

Expense

\$ 713,260.00 inc tax

4700-30210-94240-56403-53107 2024 Funds

Expense

\$ 522,016.00 inc tax

4700-30210-94240-56403-53107 2025 Funds

Expense

\$ 188,631.04 inc tax

5300-73300-18850-54820-99999 2026 Funds

Expense

\$ 196,176.02 inc tax

5300-73300-18850-54820-99999 2027 Funds

Expense

\$ 204,022.93 inc tax

5300-73300-18850-54820-99999 2028 Funds

Select

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	MARTINEZ, LAZ
<u>Division Director</u>	SLOON, MICHAEL
<u>Accounting Manager</u>	BUSTOS, KIM
<u>Legal</u>	HARRINGTON,
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>PURCHASING</u>	NECHANICKY, JASON

Distribution List

Ben Davenport, ben@davengis.net	Accounting - ywang@spokanecity.org
Contract Accounting - ddaniels@spokanecity.org	Legal - mharrington@spokanecity.org
Purchasing - cwahl@spokanecity.org	IT - itadmin@spokanecity.org
Tax & Licenses	

Background

The City of Spokane was notified that Accela will only support our on-premises Civic Platform until December 31, 2025. Subsequently the City promulgated RFP 6002-23 Permitting & Licensing System.

The City received 15 proposals with 5-year costs ranging from \$544,745 to \$5,574,031. After initial review of all the proposals, eight were selected to participate in the demonstration phase of the RFP.

After the eight demonstrations were completed, there were three candidates that scored very close together. So, the selection team choose to have an additional demonstration from the three finalists. The Davenport Group’s Land Management (LAMA) software was unanimously selected.

LAMA Highlights

- GIS-based solution which manages all local government functions with an intuitive user interface and easy-to-use reporting, tracking, and time management functions, all on one centralized system.
- LAMA consists of Permitting & Inspections, Planning, Projects and Development Review, Licensing, Code Enforcement, Public Web, Mobility and much more.
- LAMA’s public web portal will provide our customers with greater transparency into the permitting process and overall timeline. All applications, payments and next actions will be available in one place on their own personal dashboards.
- Permit workflow will be optimized using today’s best practices, saving staff and applicant’s time.
- Greater visibility and collaboration among city departments and different application types as there will no longer be siloed modules.

Cost Impact

Overall costs were a significant decision factor for the team. After participating in the final three demonstrations, Davenport and Tyler Tech demonstrated world class, leading-edge systems. However, Tyler Tech was significantly higher. The difference in pricing is that Tyler Tech was offering a SaaS (Software as a Service) solution whereas Davenport offered us an on-premises solution. Typically, SaaS solutions can be two to three times the cost. The team all agreed that Tyler was not worth three times the cost of Davenport.

Finalist Cost Comparisons						
	2024	2025	2026	2027	2028	5-yr
Davenport	\$ 614,150.00	\$ 621,126.00	\$ 188,631.04	\$ 196,176.02	\$ 204,022.93	\$ 1,824,105.99
Tyler Tech	\$989,981.43	\$1,238,148.09	\$741,814.76	\$741,814.76	\$741,814.76	\$ 4,453,573.80

Savings Impact

By choosing Davenport, the City will also be able to reduce some existing O&M Costs.

Associated Reductions in O&M Costs					
	2024	2025	2026	2027	2028
Truepoint (Budget Amt)	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
DigiPlan	\$ 23,312.64	\$ 23,312.64	\$ 23,312.64	\$ 23,312.64	\$ 23,312.64
BlueBeam	\$ (15,000.00)	\$ (15,000.00)	\$ (15,000.00)	\$ (15,000.00)	\$ (15,000.00)
1 IT FTE Reduction by 2026	\$ 37,740.00	\$ 77,767.00	\$ 160,245.70	\$ 165,101.14	\$ 170,103.71
Total Savings	\$ 146,052.64	\$ 186,079.64	\$ 268,558.34	\$ 273,413.78	\$ 278,416.34

Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024																		
Submitting Department	IT																		
Contact Name	Michael Sloon																		
Contact Email & Phone	msloon@spokanecity.org 625-6468																		
Council Sponsor(s)	CM Zappone, CM Klitzke, CM Bingle																		
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:																		
Agenda Item Name	Permitting & Licensing Replacement Project - LAMA																		
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only																		
Summary (Background)	<p>Accela informed the City that it will discontinue maintenance of the On-Premises Accela Civic Platform on June 30, 2025. Subsequently, the City promulgated Permitting & Licensing System RFP 6002-23 in order to replace Accela. A formal selection process was conducted resulting in a clear front-runner with a land management product called LAMA from The Davenport Group USA, Ltd. (Crystal Lake, IL). Contract term August 1, 2024 through July 31, 2029.</p> <p>*use the Fiscal Impact box below for relevant financial information</p>																		
<p>Fiscal Impact</p> <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>\$1,824,105.99 including tax</u></p> <p style="padding-left: 20px;">Current year cost: \$713,260.00 including tax (professional services and 1st year software maintenance).</p> <p style="padding-left: 20px;">Subsequent year(s) cost: \$522,016.00 including tax (professional services and 2nd year software Maintenance)</p> <p>Total Contract Cost Detail before Taxes</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Professional Services</td> <td style="text-align: right;">\$879,500.00</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Annual Software</td> <td></td> </tr> <tr> <td>Year 1</td> <td style="text-align: right;">\$160,000.00 plus tax</td> </tr> <tr> <td>Year 2</td> <td style="text-align: right;">\$166,400.00 plus tax</td> </tr> <tr> <td>Year 3</td> <td style="text-align: right;">\$173,056.00 plus tax</td> </tr> <tr> <td>Year 4</td> <td style="text-align: right;">\$179,978.00 plus tax</td> </tr> <tr> <td>Year 5</td> <td style="text-align: right;">\$187,177.00 plus tax</td> </tr> <tr> <td style="padding-left: 20px;">Total</td> <td style="text-align: right;">\$1,746,111.00 plus tax</td> </tr> </table> <p>Narrative: This request is for professional services for initial implementation of the software and then annual software maintenance and support which is contractually required by the software vendor.</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" 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 type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring <input type="checkbox"/> N/A</p>		Professional Services	\$879,500.00	 		Annual Software		Year 1	\$160,000.00 plus tax	Year 2	\$166,400.00 plus tax	Year 3	\$173,056.00 plus tax	Year 4	\$179,978.00 plus tax	Year 5	\$187,177.00 plus tax	Total	\$1,746,111.00 plus tax
Professional Services	\$879,500.00																		
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Year 4	\$179,978.00 plus tax																		
Year 5	\$187,177.00 plus tax																		
Total	\$1,746,111.00 plus tax																		

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?
Not applicable – annual maintenance
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 – annual maintenance
How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?
Not applicable – annual maintenance
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 service aligns with the Sustainable Resources strategic initiative based on sound financial objectives, and quality customer service for our Permitting & Licensing software.



City of Spokane
CONTRACT
PERMITTING AND LICENSING SYSTEM
SOFTWARE AND MAINTENANCE

THIS CONTRACT is between the **CITY OF SPOKANE** as ("City"), a Washington municipal corporation, and **THE DAVENPORT GROUP USA, LTD.**, whose address is 651 West Terra Cotta Avenue, Suite 231, Crystal Lake, Illinois, 60025, as ("Company"), individually hereafter referenced as a "party", and together as the "parties".

The parties agree as follows:

1. **PERFORMANCE.** The Company will provide Permitting and Licensing System Software and Maintenance – LAMA, in accordance with the Spokane LAMA Professional Services Agreement attached as Exhibit B. Company was selected through Request for Proposal No. 6002-23. In the event of a discrepancy between the documents this City Contract controls.
2. **CONTRACT TERMS.** The Contract shall begin August 1, 2024, and run through July 31, 2029, unless amended by written agreement or terminated earlier under the provisions.
3. **COMPENSATION.** Total compensation under this Contract shall not exceed **ONE MILLION SEVEN HUNDRED FORTY-SIX THOUSAND ONE HUNDRED ELEVEN AND 00/100 DOLLARS (\$1,746,111.00)**, plus applicable sales tax; payable in accordance with the Cost Proposal in Exhibit B, for everything furnished and done under 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.
4. **PAYMENT.** The Company shall send its application for payment to Information Technology, Administration Office, Seventh Floor, City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201. **Payment will be made via direct deposit/ACH** within thirty (30) days after receipt of the Company's application except as provided by state law.
5. **COMPLIANCE WITH LAWS.** Each party shall comply with all applicable federal, state, and local laws and regulations.
6. **ASSIGNMENTS.** This Contract is binding on the parties and their heirs, successors, and assigns. Neither party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent.

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

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

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

10. INSURANCE. During the term of the Agreement, the Company shall maintain in force at its own expense, the following insurance coverages:

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers; and

B. General Liability Insurance on an occurrence basis, with a combined single limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. It shall include contractual liability coverage for the indemnity provided under this contract. It shall provide that the City, its officers and employees are additional insureds, but only with respect to the Company's services to be provided under this contract;

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

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than \$1,000,000 each accident for bodily injury and property damage, including coverage for owned, hired and non-owned vehicles.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from the Company or its insurer(s) to the City. As evidence of the insurance coverage(s) required by this Agreement, the Company shall furnish acceptable Certificates of Insurance (COI) to the City at the time it returns this signed Agreement. **The certificate shall specify the City of Spokane as "Additional Insured"** specifically for Company's services under this Agreement, as well as all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

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

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

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

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

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

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

16. 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 Company shall be responsible for contacting the State of Washington Business License Services at www.dor.wa.gov or 360-705-6741 to obtain a business registration. If the Company does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at (509) 625-6070 to request an exemption status determination.

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

18. CONFIDENTIALITY/PUBLIC RECORDS. Notwithstanding anything to the contrary, City will maintain the confidentiality of Company's materials and information only to the extent that is legally allowed in the State of Washington. City is bound by the State Public Records Act, RCW Ch. 42.56. That law presumptively makes all records in the possession of the City public records

which are freely available upon request by anyone. In the event that City gets a valid public records request for Company's materials or information and the City determines there are exemptions only the Company can assert, City will endeavor to give Company notice. Company, at its own expense, will be required to go to Court to get an injunction preventing the release of the requested records. In the event that Company does not get a timely injunction preventing the release of the records, the City will comply with the Public Records Act and release the records.

19. 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.

THE DAVENPORT GROUP USA, LTD.

CITY OF SPOKANE

By _____
Signature Date

By _____
Signature Date

Type or Print Name

Type or Print Name

Title

Title

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Attachments that are part of this Agreement:
Exhibit A – Certificate Regarding Debarment
Exhibit B – Company's Proposal and Professional Services Agreement

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

1. The undersigned (i.e., signatory for the Subrecipient / Contractor / Consultant) certifies, to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Have not within a three-year period preceding this contract been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 - c. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
 - d. Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

2. The undersigned agrees by signing this contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

3. The undersigned further agrees by signing this contract that it will include the following clause, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

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

1. The lower tier contractor certified, by signing this contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

 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

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement") is entered into by and between The Davenport Group USA Ltd ("Company"), an Illinois corporation, and the City of Spokane ("Client"), a Washington municipal corporation.

1. Definitions

- 1.1. **Pronouns.** The terms "we," "us" or "our" mean the Company. The terms "you" or "your" mean the Client.
- 1.2. **"Professional Services"** means the Implementation work provided by Company to Client as described in Exhibit A and the Software Assurance and Support Services described in Exhibit B
- 1.3. **"Services Fee"** means the fees paid by Client to Company for the Professional Services.
- 1.4. **"Effective Date"** means the date this Agreement is signed by both parties.
- 1.5. **"Anniversary Date"** is defined as the first day of the first month following the Effective Date.
- 1.6. **"Day" or "Days"** shall be interpreted as Calendar Days unless otherwise specifically noted as "Business Days". The term Business Days excludes Saturdays and Sundays and Public Holidays.
- 1.7. **"Data"** means all electronic data or information created by or in any way originating with the Customer and the Authorized Users, and all information that is the output of any computer processing or other electronic manipulation, of any information that is the output of any computer processing, or other electronic manipulation, of any information that was created by or in any way originating with the Customer and the Authorized Users , in the course of using the Subscription Services provided under this Agreement.
- 1.8. **"Data Compromise"** means any actual or reasonably suspected unauthorized access to, or acquisition of, computerized Data that compromises the security, confidentiality, or integrity of the Data, or the ability of the Customer to access the Data.

2. License

You are granted the perpetual right to use the software only for your internal business purposes and the number of defined Users.

3. Professional Services

Professional Services are scheduled to be completed according to the Milestone dates, as outlined in Exhibit D. The successful and timely rendering of the Professional Services requires good faith cooperation from you. You shall provide reasonable cooperation to us, including, without limitation, making available, as may be reasonably required, or requested (a) information concerning your business as it relates to the Professional Services; (b) qualified personnel of Client; and (c) sufficient access to your data and systems. Where Client Data is required to perform the Professional Services, and unless specified otherwise, you shall provide such Client Data in a timely fashion and in no more than ten (10) business days. The Project Schedule Milestones as shown in Exhibit D reflect the major deliverables, deadlines, and onsite visits in the project timeline. The parties anticipate the project timeline will have minor adjustments during implementation. However, substantial delays caused by you that result in a thirty (30) day or more cumulative delay to the project timeline, shall require an amendment to adjust the Project Schedule and the additional resource allocations to this project.

4. Billing and Payment

We will invoice Professional Services monthly based on milestones completed the prior month, as illustrated in Exhibit D, the Project Schedule. Payments are due thirty (45) days from the invoice date. Professional Services shall be suspended for invoices over ninety (90) days past due. For any disputes arising from Professional Services, you will invoke the Dispute Resolution clause described in Section 13.

4.1. Annual Software Assurance and Support

The Year 1 Annual Software Assurance and Support Fee, Item I in Exhibit C, is invoiced monthly based on the pro-rata monthly portion of the annual fee. After the Initial Term, the Annual Software Assurance and Support Fee is due annually on the Anniversary Date and adjusted annually for inflation based on the Bureau of Labor CPI-U.

5. Term and Termination

5.1. Term

The term of this Agreement starts on the Effective Date and ends on the Anniversary Date of the following year. This Agreement will automatically renew for additional one (1) year renewal terms, unless terminated in writing by either party at least sixty (60) days prior to the end of the then-current renewal term.

5.2. Termination

This Agreement may be terminated as described below by either party upon written notice to the other party. Upon termination, you shall pay all undisputed fees and expenses related to the software or services you have received, or have been incurred, prior to the effective date of termination. Disputed fees and expenses in all terminations must have been submitted as invoice disputes in accordance with Section 13.

5.2.1 For Cause. If you believe we have materially breached this Agreement, you will invoke the Dispute Resolution clause described in Section 13. You may terminate this Agreement for cause in the event we do not cure or create a mutually agreeable action plan to remedy a material breach of this Agreement within the thirty (30) day window set forth Section 13.

5.2.2 For Convenience. Either party may terminate this Agreement for convenience upon 30 days written notice to the other party.

6. Indemnification

We shall indemnify, defend, and hold you harmless from and against any claims, based upon infringement of any United States copyright, trademark or patent by the Software. You agree to notify us of any such claim as soon as reasonably practicable under the circumstances in writing. You agree to cooperate as fully as reasonably possible with us during such proceedings. We shall defend at our sole expense all proceedings arising out of the foregoing. In the event of such infringement, we may replace, in whole or in part, Software with a substantially compatible and functionally equivalent computer program or modify Software to avoid the infringement.

We shall defend, indemnify, and save you, your officers, agents, and employees, harmless from or on account of any liabilities, damages, losses, and costs received or sustained by any person or persons by or in consequence of any negligence, other than the negligence of the Client, recklessness or intentional misconduct of Davenport, and any persons employed or utilized by us in the performance of this Project. We agree that negligent, reckless, or intentional wrongful misconduct includes, but is not limited to the use of any improper materials or liabilities, damages, losses or costs caused by or on account of the use of any improper materials.

The indemnification provided above shall obligate us to defend at our own expense or to provide such defense, at the Client's option, any and all claims or liability and all suits and actions of every name and description that may be brought against the Client which may result from the operations and activities under this Contract whether the construction operations be performed by us, our subcontractors or by anyone directly or indirectly employed by either. The indemnification includes all costs and fees including attorneys' fees and costs at trial or at appellate levels.

You agree to indemnify, defend, and hold us harmless from and against any claims by a third party alleging that your data violates the privacy rights of a third party or violates applicable law. We agree to notify you of any such claim promptly in writing. We agree to cooperate fully with you during such proceedings. You shall defend at your sole expense all proceedings arising out of the foregoing. The indemnification includes all costs and fees including attorney's fees and costs at trial or at appellate levels.

7. Disclaimer

Apart from the explicit warranties contained herein and to the fullest extent allowed by law, we explicitly disclaim all other warranties and conditions, whether expressed, implied, or statutory. This includes merchantability or fitness for a particular purpose or errors arising from user error.

8. Future Functionality

Except as stated herein, you recognize that this purchase is not dependent on the inclusion of any future functionality or features.

9. Limitation of Liability

Neither party shall be liable to the other party for any indirect or punitive damages regardless of whether notice of the possibility of such damages was provided. Our liability for damages, whether based on contract or tort, including negligence and strict liability, shall be limited to your actual direct damages. This limitation of liability shall not apply to claims subject to Section 6, which addresses exclusion of certain damages.

10. Ownership

10.1 Ownership of Software

We maintain ownership and intellectual property rights to the LAMA Software, and any resources created by us pursuant to this Agreement. You do not gain any license beyond the scope of this Agreement to use the LAMA Software. The Documentation is licensed to you for internal, non-commercial reference purposes only, and may be used and copied by your employees accordingly.

10.2 Ownership of Client Data

We have no right, title, or interest in your Data. You grant us a non-exclusive license to use your data for purpose of completing the services related to this Agreement. We shall protect the security, confidentiality, and integrity of your Data.

11. Insurance

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

- A. **Worker's Compensation Insurance** in compliance with RCW.51.12.020, which requires subject employers to provide worker's 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 agreement. It shall provide that the Client, its officers and employees are additional insureds but only with respect to the Company's services to be provided under this Agreement;
- 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 material and supplies are furnished by the Company. The amount of the insurance coverage shall be the value of the materials and supplies of the completed value of improvement. Hazard or XCU (explosion, collapse, underground) insurance should be provided if any hazard exists.

There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without sixty (60) days written notice from the Company or its insurer(s) to the Client. As evidence of the insurance coverages required by this Agreement, the Company shall furnish acceptable insurance certificates to the Client at the time it returns the signed Agreement. The certificate shall specify all of the parties who are additional insureds, and include applicable policy endorsements, the sixty (60) day cancellation clause, and the deduction or retention level. The Company shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

All policies are to be written through companies duly approved to transact that class of insurance and placed with carriers with an A rating or better. The Client, its officers, and agents, shall be endorsed as an additional Insured under our General Liability Insurance. We hereby waive subrogation rights for loss or damage to the extent same are covered by insurance. Insurers shall have no right of recovery or subrogation against you, it being the intention that the insurance policies shall protect both parties and be primary coverage for all losses covered by the policies. We shall provide you with evidence of Certificates of Insurance promptly upon request. We will not modify any policies by reducing the coverage below the minimum terms provided for above. We shall not create a lapse in insurance coverage.

12. Restrictions

You are prohibited from: (a) making the LAMA Software or Documentation resulting from the software services available to any third party for use in business operations unrelated to your operations or your successful use of services; (b) reverse engineer, decompile, or otherwise attempt to derive the source code, techniques, processes, algorithms, know-how or other information from the executable code portions of the Licensed Software (collectively, “Reverse Engineering”); (c) using the software or documentation resulting from the software services to develop or assist a third party in developing, products or services that compete with us; or (d) licensing, selling, leasing, transferring, assigning, displaying, hosting, outsourcing, disclosing, or otherwise commercially exploiting the LAMA Software or Documentation to any third party other than as expressly permitted by this Agreement.

13. Dispute Resolution

You agree to notify us in writing within thirty (30) days upon becoming aware of a dispute. You also agree to cooperate with us in attempting to reasonably resolve all disputes. This includes, if requested by either party, appointing a senior representative to engage in good faith negotiations with our appointed senior representative. Senior representatives will meet within thirty (30) days of the written dispute notice, unless otherwise agreed. All discussions between senior representatives will be considered confidential settlement discussions, not subject to disclosure under Federal Rule of Evidence 408 or any similar applicable state rule. If we fail to resolve the dispute, the parties will participate in non-binding mediation to attempt resolution. If the dispute remains unresolved after mediation, either party may pursue their rights and remedies in a court of competent jurisdiction. This section does not prevent either party from seeking necessary injunctive relief during the dispute resolution procedures.

14. Nondiscrimination

We comply with applicable federal and state civil rights laws and do not exclude, deny benefits to, or otherwise discriminate against any individual on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability in employment, admission or access to, treatment or participation in, or receipt of the services and benefits under any of its programs, services and activities, whether carried out by the department directly or through a contractor or any other entity with which it arranges to carry out its programs, services and activities. We do not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

15. E-Verify

We comply with the E-Verify procedures administered by the USCIS for all of our employees assigned to your project.

16. Subcontractors

We will not subcontract any services under this Agreement without your prior written consent, not to be unreasonably withheld.

17. Binding Effect No Assignment

This Agreement shall bind and confer benefits upon the successors or permitted assigns of either party. Neither party may assign this Agreement without the prior written consent of the other party; however, your consent is not required for an assignment by us due to a corporate reorganization, merger, acquisition, or purchase of some or all our assets.

18. Force Majeure

Except for your payment obligations, neither party shall be held liable for delays in fulfilling its obligations under this Agreement to the extent that such delays are caused by Force Majeure. However, in the event of a Force Majeure event, the party experiencing the delay must, within ten (10) business days, provide the other party with written notice detailing the cause and extent of the delay, along with a request for a reasonable time extension equivalent to the estimated duration of the Force Majeure event.

19. No Intended Third-Party Beneficiaries

This Agreement is established solely for the benefit of you and us. No third party shall be considered a beneficiary of this Agreement, nor shall any third party have the right to make any claim or assert any right under this Agreement. However, this provision does not affect the rights of third parties under any Third-Party Terms.

20. Severability

If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement will be considered valid and enforceable to the fullest extent permitted by law.

21. No Waiver

Failure by either party to strictly enforce the terms and conditions of this Agreement shall not constitute a waiver or modification of the Agreement. Furthermore, such failure shall not prevent either party from enforcing each and every term of the Agreement thereafter.

22. Independent Contractor

We are an independent contractor for all purposes under this Agreement.

23. Notices

All notices or communications required or permitted under this Agreement, including notice of an alleged material breach for termination or a dispute to be submitted to dispute resolution, must be in writing and shall be deemed delivered upon the earlier of the following: (a) actual receipt by the receiving party; (b) receipt by the sender of a certified mail, return receipt signed by an employee or agent of the receiving party; (c) receipt by the sender of proof of email delivery; or (d) if not actually received, five (5) days after deposit with the United States Postal Service authorized mail center with proper postage (certified mail, return receipt requested) affixed and addressed to the other party at the address specified on the signature page or such other address as the party may have designated by proper notice. The consequences for the failure to receive a notice due to improper notification by the intended receiving party of a change in address shall be borne by the intended receiving party.

24. Client Lists

You agree that we may identify you by name in client lists, marketing presentations, and promotional materials.

25. Confidentiality

Both parties acknowledge that their respective employees and agents, while performing this Agreement, may be exposed to confidential information, the disclosure of which could infringe upon the rights of private individuals and entities, including the parties themselves. Confidential information includes nonpublic information that a reasonable person would deem confidential, encompassing personal identifying information (e.g., social security numbers) and trade secrets, as defined by applicable state law.

Subject to the state Public Records Act and federal FOIA statute, each party agrees not to disclose any confidential information of the other party and undertakes to take all reasonable and appropriate measures to prevent such disclosure by its employees or agents. The confidentiality obligations outlined herein shall survive the termination or cancellation of this Agreement.

However, this obligation of confidentiality does not extend to information that:

- (a) is in the public domain, either at the time of disclosure or thereafter, except due to breach of this Agreement by a party or its employees or agents
- (b) a party can demonstrate by reasonable evidence was in its possession at the time of initial disclosure
- (c) a party receives from a third party who has the right to disclose it to the receiving party; or
- (d) is the subject of a legitimate disclosure request under open records laws or similar applicable public disclosure laws governing this Agreement. In such cases, if you receive an open records or similar request, you agree to promptly notify us and fulfill the obligations required by applicable law.

26. Order of Precedence

All Exhibits are hereby incorporated into this document by reference as if fully set out therein. The parties acknowledge and agree that in creating this document from a complex process of requests and submissions, the Agreement with all its exhibits and supplemental documents, particularly the Proposal and the Request for Proposal (RFP), may include some conflicts in terms, provisions and language. It is the intent of the parties that subsequent Modifications to the Agreement take precedence over the Agreement; that the Exhibits to the Agreement, exclusive of the Proposal and RFP, take precedence over the rest of the Agreement; that the Agreement takes precedence over the Proposal and RFP; and, that the Proposal takes precedence over the RFP.

- Exhibit A. Implementation Scope of Work
- Exhibit B. Annual Software Assurance and Support Scope of Work
- Exhibit C. Cost Proposal
- Exhibit D. Project Schedule for Professional Services
- Exhibit E. Hourly Rates for Services and Travel Costs
- Exhibit F. Company Proposal
- Exhibit G. Client RFP

27. Business License

If a local business license is required for us to perform any services under this agreement, you will promptly notify us and provide us with the necessary paperwork so that we may obtain the license in a timely manner.

28. Governing Law and Venue

This Agreement shall be governed by and interpreted in accordance with the laws of the state where you are domiciled, without regard to its conflicts of law principles. In the event of any

legal proceedings, jurisdiction shall lie exclusively in the state or federal courts situated in McHenry County.

29. Multiple Originals and Authorized Signatures

The parties may sign any number of copies of this Agreement. Each signed copy shall be an original, but all of them together represent the same agreement. One signed copy is enough to prove this Agreement. The exchange of copies and of signature pages by facsimile or email, in PDF format or otherwise, shall constitute effective execution and delivery of this Agreement as to the parties hereto and may be used in lieu of the original Agreement for all purposes. Signatures of the parties hereto transmitted by facsimile or email, in PDF format or otherwise, shall be deemed to be their original signatures for all purposes.

30. Cooperative Procurement

To the extent permitted by applicable law, we agree that this Agreement may be used as a cooperative procurement by eligible jurisdictions. We reserve the right to negotiate and customize the terms and conditions set forth herein, including but not limited to pricing, to the scope and circumstances of that cooperative procurement.

31. Anti-Corruption

You certify that you have not received or been offered any illegal payment or gift from us or anyone acting on our behalf in connection with this Agreement.

32. Warranty

We warrant that the LAMA Software will perform consistent with the Proposal and without significant defects during the term of this Agreement. If the LAMA Software does not perform as warranted, we will use all reasonable efforts, consistent with industry standards, to cure the defect in accordance with the maintenance and support process set forth in Exhibit A.

32.1 Data Security

We represent the LAMA Software complies with all applicable federal and state privacy and data protection laws, as well as all other applicable regulations and directives. However, the LAMA Software includes the ability to for you to generate and publish reports and other data for public consumption. You should verify that all published reports and data do not contain information that would violate privacy and data protection laws.

32.2 Fee Calculation

The Software includes fee calculations that can be configured by either party. You agree to always check the fees to ensure that they are accurate before taking any action based on them. We shall not be liable for any mistakes in fees.

33. Entire Agreement

33.1 General

This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings, whether written, oral, expressed, implied or statutory.

33.2 Amendments

Any amendments to this agreement must be in writing and signed by both Parties. Waiver of any provision under this Agreement will not be deemed a future waiver of that, or any other, provision herein, nor will waiver of any breach of this Agreement be construed as a continuing waiver of other breaches of the same or other provisions of this Agreement. Purchase orders submitted by you, if any, are for your internal administrative purposes only, and the terms and conditions contained in those purchase orders will have no force or effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date, noted by the date of the last signatory below.

The Davenport Group USA Ltd

City of Spokane

Name: Benjamin Davenport _____

Name: _____

Title: CEO _____

Title: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

EXHIBIT A – IMPLEMENTATION SCOPE OF WORK

Services set out in the Cost Proposal are based on the number of users, predicted case types, test plans, integrations, data migrations, persons being trained, and the perceived complexity of every one of the above.

Services shall include weekly meetings between representatives of both parties who have authority to make configuration decisions on your behalf. All weekly meetings shall occur between the hours of 11am and 4pm ET to accommodate staff in different time zones.

There are seventy (70) predicated case types as follows: 30 permit types, 20 planning case types, 10 license types, and 10 code enforcement case types. These numbers are based on our other customers of similar size.

1. Implementation

1.1 Kick-Off Meeting. The project kickoff meeting shall be scheduled in accordance with the Project Schedule in Exhibit D. The purpose of the kickoff meeting is to introduce team members and set expectations for all personnel involved. Questionnaires submitted to you will be reviewed at this meeting and shall be returned approximately fourteen (14) days after the kick-off meeting.

1.2 Configuration Study. We will produce a Configuration Study document which describes the case types, review divisions, inspection types, fees, forms, reports, code sections, and users that will require configuration in the software. The Configuration Study Draft will be submitted to you approximately (14) days after the receipt of all your Questionnaire documents. The Configuration Study Draft shall be reviewed together on conference call to identify any required changes. The Configuration Study shall then be submitted to you for your Acceptance approximately 30 days after the kick-off meeting. You shall have seven (7) days to review the Configuration Study and request changes. If no revisions or changes are submitted to us within the allocated time, the Configuration Study shall be deemed to be Accepted. If the number of Case Packets identified in the Configuration Study or later in the process exceeds 20% of the anticipated number (Threshold), the Parties hereby acknowledge and agree that additional Services shall be required to configure case types above the Threshold using the procedures described herein. The parties will work together to either (a) identify mutually agreed upon services to configure the case types that may deviate from the services described herein; (b) identify the case types to exclude from the services described herein such that the number of case types is within the Threshold; (c) enter into an Amendment of \$1,200 per case type to cover the time and other resources necessary to complete the configuration of excess case types.

1.3 Case Packets. We will produce a Case Packet document for each case type defined in the Configuration Study. The Case Packet will document the workflow, fees, required and optional data points, inspections, document submittals, document outputs, required contractors, and public web related help-text and Before You Begin text. Five (5) Case Packets for each module shall

be identified by us and submitted to you as Initial Case Packets. Initial Case Packet drafts shall be reviewed in a conference with both parties and submitted approximately (14) days from Configuration Study Acceptance. We shall then visit your offices for an in-person review of the Case Packets. We shall submit all Case Packets documents to you within seven (7) days of the in-person visit. You shall review the submitted case packets within fourteen (14) days of receipt of the same. Subsequent submittals of Case Packets shall be reviewed and either revised or accepted by the receiving party within three (3) business days of receipt. A lack of response within the allotted timeframe shall constitute Acceptance.

1.4 Configuration. We shall configure the software based for each of the Accepted Case Packets generated by us in accordance with the Milestones. While you have considerably more experience in your business processes, we have considerably more experience in best practices in configuration of the LAMA software. We reserve the right to configure the Case Packets using best practices and to avoid certain configurations that will cause the system to not work as intended. If configuration intentionally deviates from that of the Case Packet, we shall notify you and work together on identifying a configuration path mutually agreeable to both parties. Both parties shall work together in good faith to reach agreement.

1.5 Test Plans. We shall record Test Plan Videos of each case type configured by us and provide you with the Test Plan Video and Test Plan Feedback Form. We will initially select five (5) Test Plans for each of our joint review at weekly meetings. All Test Plan Videos will be submitted to you in accordance with the Project Schedule. You shall have fourteen (14) days to review the test plan video and submit revisions to us. A lack of response within the allotted timeframe shall constitute Acceptance. Revisions needed in the configuration shall be performed by us and a video resubmitted. Configuration changes shall be updated on the associated Case Packet document. Substantial configuration changes requested which deviate from the Case Packet may require an amendment to the project timeline and costs.

1.6 Training. We shall conduct software training at your offices after all Test Plans have been accepted. We shall provide group classroom training for the specified days in the Cost Proposal and provide electronic training materials in the form of user guides, training guides, and training videos.

1.7 Go-Live. We shall visit your offices for in-person Go-Live assistance for the number of days specified in the Cost Proposal. Go-Live will be scheduled for Monday morning.

1.8 Post Go-Live. Following Go-Live, we will address any configuration issues that might occur. At the same time, we will discuss with your key staff what works well and what does not. We will look specifically at why certain processes are working well and determine how concepts of those processes can be applied to things that are not working well. Working together, we will formulate a path to resolving any remaining issues with the software configuration.

2. Data Migration

We shall migrate the data sources described in the Cost Proposal. Data Migrations defined in the Cost Proposal are best guess estimates of the time and resources required to complete the migration based on similar data migration efforts for other clients. You are responsible for providing us with two data exports for each data source identified. You shall provide us with the first data export within twenty-one (21) days of the Kick-Off meeting. The second data export shall be provided by 11pm ET on the Thursday prior to Go-Live. We will write a program to migrate the data and it is critical the data export format does not change between the exports. We will review the 2nd data export for schema conformity and notify you by Friday 5pm ET if the schema has changed. Any costs related to delays or cancellations resulting from incompatible or changed exports shall be borne by you. One additional data migration can be run on the existing data sources provided at your request. Other data migration efforts not set out above, including new data exports or data sources not included in the Cost Proposal shall require an amendment to this Agreement for the time and resources required to complete such efforts.

The software provides for the import of code sections and Table of Uses from your adopted ordinances. These code sections and Table of Uses can be imported directly from the required Excel import format by either party. You are responsible for providing or importing applicable code sections in a timely manner.

3. Software Integrations

We shall integrate with the sources described in the Cost Proposal. A software integration may require you to provide us with documentation and specification details of the integration. Requested documentation and data shall be provided to us within twenty-one (21) days of receipt of the request. Custom software integrations in the Cost Proposal are best guess estimates of the time and resources required to complete the integration based on the anticipated scope of the integration and our Hourly Rates in Exhibit E. A more detailed scope of work for each integration shall be developed in coordination with both parties during the project after more details and access to the third-party system being integrated is obtained. If an integration cannot be completed due to factors outside our control, we shall deduct the costs of the proposed integration or work together to find a mutually acceptable solution.

4. Forms and Reports

We shall configure standard Forms and Reports during the Implementation Services. If you wish us to configure any forms or reports you currently use, these custom forms and reports must be identified and submitted to us in Microsoft Word or Excel format during the Configuration Study phase. All submitted custom forms and reports shall be submitted with the populated dataset. While you can configure custom forms and reports in the software, some complex custom forms

and reports require software scripting or programming. Custom reports submitted later in the implementation process may require an amendment for associated development costs and may impact the project timeline.

4. GIS Data

LAMA requires GIS Data and GIS Services to operate. At a minimum, we require Address and Parcel GIS data. Parcel GIS data must include owner information including Name, Address, City, State, and Zip. If an ArcGIS Server is available, we will write a program to import Address data no greater than a daily interval, and Parcel and owner data imported at no less than a weekly interval. In the absence of available ArcGIS Map Services, we will migrate either Shapefile or File Geodatabase GIS data twice during the Implementation process. Additional GIS data imports may require an amendment to this Agreement for the time and resources required to complete such efforts.

EXHIBIT B – SOFTWARE ASSURANCE AND SUPPORT SCOPE OF WORK

Ticketing Support: You will have access to an online help desk system accessible round the clock, seven days a week. During our defined Hours of Operation, a proficient support specialist will exert commercially reasonable efforts to address inquiries and troubleshoot issues for Standard Support customers concerning our Services.

Telephone Support: During our specified Hours of Operation, your designated Authorized Support Personnel will have access to a live technical support technician. Telephone support will be facilitated through a dedicated support line. Additionally, 24x7 access to self-service resources is provided via the LAMA customer portal. Cases may initially be assessed by a support or triage agent, who will document and route them to a suitable support specialist for resolution. The support specialist will then manage the case for the Authorized Support Personnel. Please note that the actual time required for resolution may vary. Resolutions may encompass various forms such as workarounds, code updates, user training, or other applicable solutions.

Feature	Support
Hours of Operation	7:00 A.M. until 7:00 P.M. Central Standard Time, Monday through Friday, excluding our observed holidays
Authorized Support Personnel	5
Manual GIS Imports	Annual
Account Manager	Yes
Regular Meetings / Check-ins	Every 4 weeks

Online Support Material: Our LAMA Knowledge Base and online support materials are available to our customers round the clock, seven days a week.

Authorized Support Personnel (ASP): These are the individuals you designate to be the primary contacts with our Technical Support. You shall specify the ASPs according to the Support Plan and must inform us promptly of any changes. ASP are responsible for initiating and managing support cases, requesting system or configuration changes, and serve as the primary contact for support-related communications from us.

It is expected that your ASPs have completed our LAMA Admin Training as well as demonstrate a deep understanding of the agency's configured solution to help with technical issues. ASPs should be able to readily understand and replicate reported issues with our support staff to assist in effective troubleshooting.

Submitting a Case: Authorized Support Personnel may submit cases via our online support portal or via a telephone call to Customer Support as described below. For Severity Level 1 and Severity Level 2 issues, the ASP must call Customer Support.

Updates: Software updates address security patches, critical dependency updates, bug fixes, and new or revised functionality. Software updates shall be produced and provided at our discretion. We are under no obligation to develop any future functionality or enhancements unless otherwise specified in the Agreement. We will provide you with notice and release notes of applicable releases along with update instructions. You are responsible for applying the software updates to your environment.

Severity Level: If the reported either demands a higher severity level than currently assigned or no longer justifies the severity level based on its current impact, then the severity level will be adjusted accordingly to reflect its current impact most appropriately.

Customer Cooperation: For us to resolve errors effectively, our support staff must be able to accurately reproduce the issue. We count on your collaboration in this process, which may entail diagnostic or troubleshooting tasks, applying fixes or updates provided by us, or promptly providing requested information.

Third-Party Product Support: We are not responsible for any support obligations regarding any third-party software. Any required changes to our software to accommodate or resolve issues arising from the use of, or a change in, third-party software, is outside the scope of this Agreement.

Project Manager (PM): We will provide a named PM to you. They will facilitate the following scheduled calls based on your Support Plan to review open support tickets with us and to review overall support performance.

Technical Support Advisor: We will provide a technical support advisor with knowledge of your system to provide oversight for any support cases created with us. They will also facilitate the scheduled calls to review open support tickets and review overall support performance.

Manual GIS Data Import: Customers with ArcGIS Map Servers shall have automated APO data imports. In the absence of ArcGIS Map Servers, the support plan includes an annual upload of APO data to your environment. This must be requested following the methods outlined in the case submission process in this document. All imports will be addressed as a Level-3 severity-level case.

Exclusions: This Support Policy does not extend to the following Support Exclusions:

- a. Assistance necessitated by your misuse of the software.
- b. Support provided outside of regular business hours.
- c. Support required due to external factors beyond our reasonable control.
- d. Assistance with customizations or configuration against our best practices, or scripting or data issues caused directly or indirectly by you.

- e. Support related to your third-party software or technology not under our direct control.
- f. Resolution of conditions that cannot be replicated in our support environment.

Any support services falling within these Support Exclusions may be provided by us at our discretion and, if so provided, may be subject to additional pricing and support terms as specified by us.

Support Request (SR) Classifications: The table below provides our classification of support request and the Target Response Time (TRT). Severity Level 1 and 2 cases must be submitted via telephone as described above. Severity Level 1 and 2 target initial response times do not apply to cases submitted via email or electronically via the LAMA customer portal.

Severity	Definition	TRT
Level 1	Supported Product is non-functional or seriously affected and there is no reasonable workaround available (e.g. business is halted)	1 hour
Level 2	Supported Product is affected and there is no workaround available, or the workaround is impractical (e.g. Supported Product response is very slow, day to day operations continue but are impacted by the work around)	4 hours
Level 3	Supported Product is non-functional however a convenient workaround exists (e.g. non-critical feature is unavailable or requires additional user intervention)	8 hours
Level 4	Supported Product works, but there is a minor problem (e.g. incorrect label, or cosmetic defect)	24 hours

EXHIBIT C – COST PROPOSAL

LAMA Solution Framework Implementation Price Quote

Prepared for City of Spokane, Washington on November 28, 2023



A. Modules

Core	Map, Addresses and Parcels, Contacts and Owners, Calendar, Notifications, Document Manager, Reports
Permitting	Building permits, public works, engineering permits, inspections, fees, reviews, workflows, and contractor profiles
Code Compliance	Compliance and inspection cases, notices, citations, communications, adjudication
Projects & Planning	Development review, routing, workflows, board meetings and hearings
Licensing	Location-based, equipment-based, individual, and business licenses. Includes contractor licensing, special events, food-carts, taxicabs, etc. Workflows, reviews, inspections, and fee calculations. Licenses can be easily renewed.
Work Orders	Service requests including invoicing and reports. GIS associated features, labor, part and materials, contractual work, tasks, and inventory
Citizen Access Portal	Allows citizens and contractors to submit online and track statuses for applications, upload documents, request inspections, and pay fees. Includes Open Data portal.
Mobile App	Android, iOS, and Windows mobile applications. Work offline or connected. Includes routing and navigation, nearby activity via mapping, and voice recognition
E-Plan Review	Allows electronic document mark-up of plan submittals. Facilitates concise communication between plan reviewers
Outlook Integration	Integrates Microsoft Exchange Server calendars with the LAMA calendars
Costs: All Included	

B. Implementation Services

Configuration Analysis Study and Documentation: Information Collection, Documents (Forms and Reports), Workflows	
GIS and Database Setup: Setup and configuration of the database and schema including mapping and integration with GIS datasets.	
Case Type Documentation: Includes the design and revisions to documentation packets for each object type in the system.	
Software Configuration: Configuration of codes and objects from the case type documentation.	
User Acceptance Testing: Preparation and execution of Test Plans. The goal is to demonstrate that the software works properly.	
Standard Forms and Reports: LAMA Standard Forms and Reports to MS Word and Excel are included.	
Training and Launch Preparations: Training Plan and Training Materials and launch readiness.	
Project Management and Coordination: Project management services and deliverables to ensure successful on time and on budget implementation. Includes regular status reports.	
Custom Forms and Reports: LAMA Standard Forms and Report are included. 15 Custom are included with each proposed module	
Costs: Included	

C. Onsite Services

Kick-off Meeting	2 Professional	1 day
Case Packet Review	2 Professionals	4 days
Test Plans Review	2 Professionals	4 days
Training	4 Professionals	5 days
Go-Live	2 Professionals	5 days
Costs: Included		

D. Standard Integrations

GIS	integrate seamlessly with ESRI technologies and formats including ArcGIS Server or ArcGIS Online
Financial System	Setup and configuration of an export format that is compatible with the financial systems import to Mitchell Humphries
Payment Gateway	Integration with Persolvent online payment gateway for the Public Web Portal Extension
e-Markup	LAMA ePlan Review and Markup
Costs: All Included	

E. Implementation Package

Includes all software modules, services, and integrations listed above. Implementation package costs start at \$480,000 for up to 100 named users, then \$3,000 for each additional named user.

Named Users: 200 **Costs: \$780,000.**

F. Custom Integrations

City Works	Asset Management; 2-way	\$15,000.
Salesforce	2-way Integration	\$15,000.
Crystal Reports	Uses SQL Server Report Writer	N/A
OnBase	Document Manager (1-way)	\$7,500.
Bluebeam	2-way Integration	\$15,000.
Enquesta	2-way Integration	\$15,000.
Costs:		\$67,500.

3rd party interfaces typically require an API for integration. If the product does not have an API, then the integration may not be possible or may only support a 1-way integration. Custom integrations may be removed from the scope of services if the 3rd party application lacks an API for retrieving and updating the required data.

G. Data Migration

Accela Civic On-Premises Platform (Permitting, Planning, Code Enforcement, Licensing, Inspections)	
Costs: \$32,000.	

H. Grand Totals

Implementation Package	\$780,000.
Custom Integrations	\$67,500.
Data Migration	\$32,000.
Travel Expenses (Estimated at \$22,500.)	Included
Costs: \$879,500.	

I. Annual Software Assurance and Support *

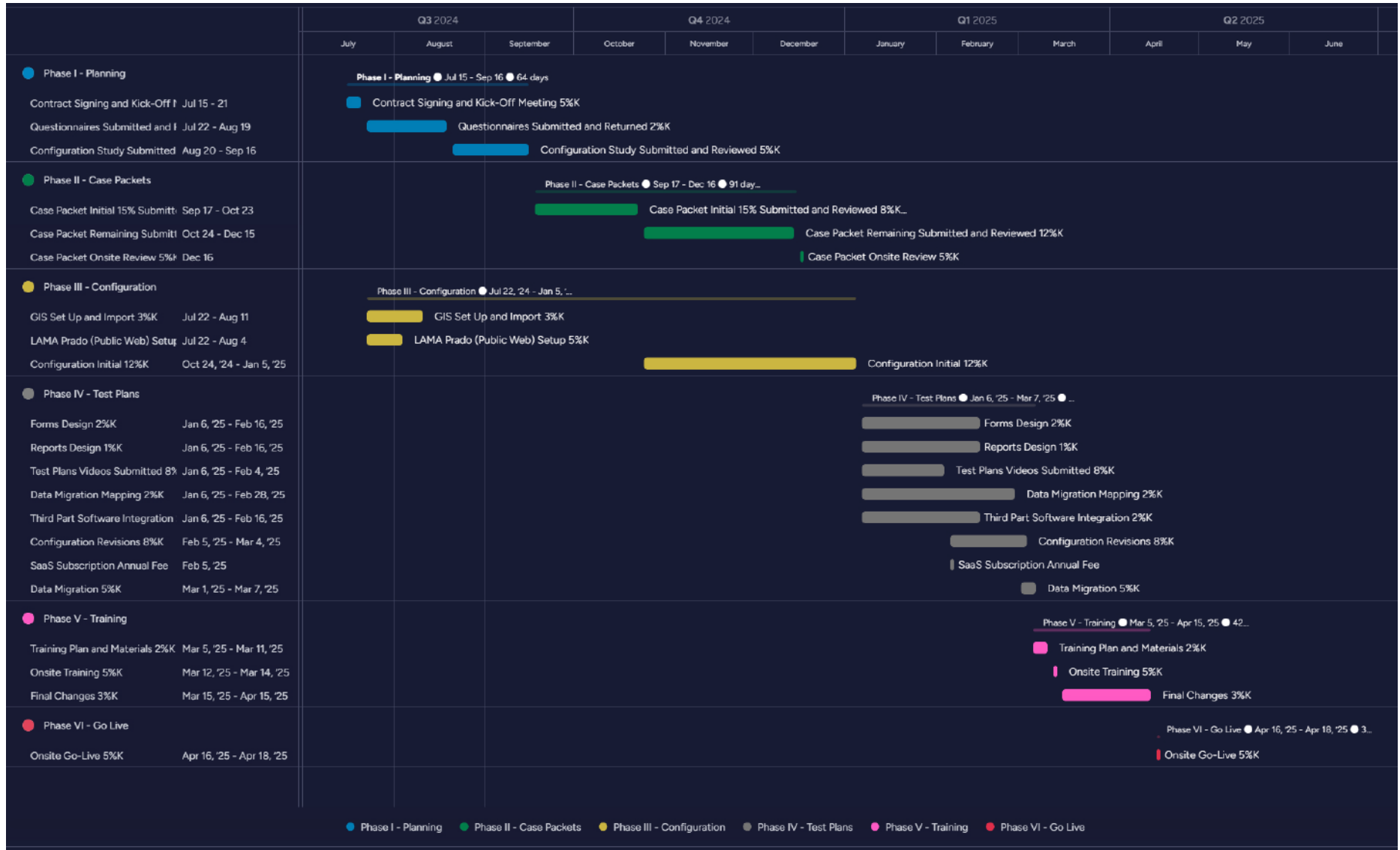
Year 1	\$160,000.
Year 2	\$166,400.
Year 3	\$173,056.
Year 4	\$179,978.
Year 5	\$187,177.
Total 5 Year Costs: \$866,611.	

* Includes new software updates and releases. Pricing is \$800 per named user after Go-Live. ASAS Includes toll-free phone and email support.

Benjamin K. Davenport
 Benjamin K. Davenport, CEO
 The Davenport Group USA, Ltd.

2024-05-21
 Date

EXHIBIT D – PROJECT SCHEDULE FOR PROFESSIONAL SERVICES



01 Contract Signing (5%) Fixed price	:
02 Questionnaire (2%) Fixed price	:
03 Configuration Study (5%) Fixed price	:
04 Case Packets Initial 15% (9%) Fixed price	:
05 Case Packets Remaining (12.5%) Fixed price	:
06 Case Packet Onsite Review (5.5%) Fixed price	:
07 GIS Setup and Import (3%) Fixed price	:
08 Configuration Initial (18%) Fixed price	:
09 Public Web Setup (3%) Fixed price	:
10 Form Design (2%) Fixed price	:
11 Reports Designed (1%) Fixed price	:
12 Test Plans Initial (5%) Fixed price	:
13 Test Plans Remaining (7%) Fixed price	:
14 Configuration Revisions (2%) Fixed price	:
15 Data Migration Mapping (2.5%) Fixed price	:
16 Data Migration (2.5%) Fixed price	:
17 Third Party Software Integration (2.0%) Fixed price	:
18 Training Plan and Materials (2.0%) Fixed price	:
19 Onsite Training (6.0%) Fixed price	:
20 Final Changes (1.0%) Fixed price	:
21 Onsite Go-Live (4.0%) Fixed price	:

EXHIBIT E – HOURLY RATES FOR SERVICES AND TRAVEL COSTS

Rate Sheet

Effective January 1, 2024

Position	Rate per hour (USD)
Executive Officers	\$180.00
Chief Software Engineer	\$180.00
Chief Project Officer	\$160.00
Systems Engineer / Security Engineer	\$160.00
Database Administrator / Network Administrator	\$160.00
Technical Support Advisor	\$140.00
Support Team Lead	\$140.00
Software Engineer	\$140.00
Project Manager	\$120.00
Configuration Specialist	\$120.00
GIS Specialist	\$120.00
Support Specialist	\$100.00

Travel Costs (per person)

Airfare	Reimbursement for window or aisle economy plus seating and bag check.
Parking	Reimbursement based on charges from airports.
Auto Rental	Reimbursement for mid-size or intermediate auto. Reimbursement for gas charges.
Transportation	Reimbursement for Taxi or Ride-share. Mileage for personal vehicle @ \$0.585 / mile.
Lodging	Reimbursement for hotel, usually at Courtyard or similar.
Food	\$79 per day

EXHIBIT F – COMPANY PROPOSAL

[insert Company Proposal]

EXHIBIT G – CLIENT RFP

[insert Client FRP]



STATE OF WASHINGTON

BUSINESS LICENSE

Profit Corporation

THE DAVENPORT GROUP USA, LTD.
THE DAVENPORT GROUP USA, LTD
STE 231
651 W TERRA COTTA AVE
CRYSTAL LAKE IL 60014-3405

UNEMPLOYMENT INSURANCE - ACTIVE

TAX REGISTRATION - ACTIVE

Issue Date: Oct 06, 2023

Unified Business ID #: 604637455

Business ID #: 001

Location: 0001

REGISTERED TRADE NAMES:

THE DAVENPORT GROUP USA, LTD

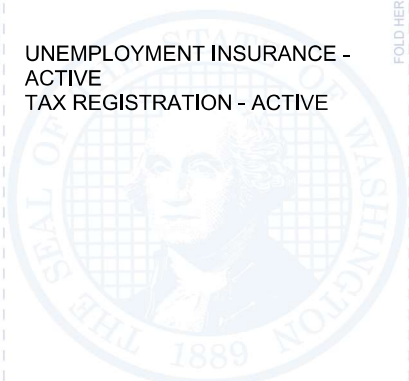
This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue

UBI: 604637455 001 0001

THE DAVENPORT GROUP USA,
LTD.
THE DAVENPORT GROUP USA,
LTD
STE 231
651 W TERRA COTTA AVE
CRYSTAL LAKE IL 60014-3405

FOLD HERE



FOLD HERE

STATE OF WASHINGTON

UNEMPLOYMENT INSURANCE -
ACTIVE
TAX REGISTRATION - ACTIVE

Director, Department of Revenue

IMPORTANT!

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY BEFORE POSTING THIS LICENSE

General Information

Post this Business License in a visible location at your place of business.

If you were issued a Business License previously, **destroy the old one and post this one in its place.**

Login to My DOR at dor.wa.gov if you need to make changes to your business name, location, mailing address, telephone number, or business ownership.

Telephone: 360-705-6741

Endorsements

All endorsements should be renewed by the expiration date that appears on the front of this license to avoid any late fees.

If there is no expiration date, the endorsements remain active as long as you continue required reporting. Tax Registration, Unemployment Insurance, and Industrial Insurance endorsements require you to submit periodic reports. Each agency will send you the necessary reporting forms and instructions.

For assistance or to request this document in an alternate format, visit <http://business.wa.gov/BLS> or call (360) 705-6741. Teletype (TTY) users may use the Washington Relay Service by calling 711.

BLS-700-107 (07/27/20)

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

ORD C36545

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

COMMUNITY, HOUSING & HUMAN

Bid #**Contact Name/Phone**

ADAM 6053

Requisition #**Contact E-Mail**

ASCHOOLEY@SPOKANECITY.ORG

Agenda Item Type

Special Budget Ordinance

Council Sponsor(s)

MCATHCART BWILKERSON ZZAPPONE

Agenda Item Name

1680- SBO- 2023-2025 DEPARTMENT OF COMMERCE SUPPLEMENTAL OP

Agenda Wording

This is an SBO for a separate agenda item that was included in the UE Committee meeting on June 10, 2024. If acceptance of the award(s) is approved, we will need to create additional budget capacity to record awarded revenues & to spend awarded funds

Summary (Background)

CHHS requested permission to accept the 2023-2025 Supplemental Operating Budget that has been granted to the city by the Department of Commerce. These include funds that will be added to existing CHG contracts. The City of Spokane Community, Housing, and Human Services will receive \$9,100,203.00 in funds for the specified state fiscal years (SFY). The purpose of this grant is to maintain current levels of emergency housing services, homeless subsidies, and shelter bed space.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 9,100,203

Current Year Cost \$ TBD

Subsequent Year(s) Cost \$ TBD

Narrative

The Department of Commerce has reported this is a temporary funding source dedicated to keeping shelter and emergency beds that were added during the COVID-19 pandemic from closing or being reduced.

Amount**Budget Account**

Revenue \$ 9,100,203

1540-95XXX-99999-33442-99999

Expense \$ 8,761,526

1540-95XXX-65410-54201-99999

Expense \$ 338,677

1540-95XXX-65430-5XXXX-99999

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	ANDERSON, ARIELLE M.
<u>Division Director</u>	KINDER, DAWN
<u>Accounting Manager</u>	MURRAY, MICHELLE
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>MANAGEMENT &</u>	STRATTON, JESSICA
<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

jstratton@spokanecity.org	sbrown@spokanecity.org
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jmiller@spokanecity.org	arielleanderson@spokanecity.org
dkinder@spokanecity.org	dnorman@spokanecity.org
kclifton@spokanecity.org	

Council Briefing Paper

Finance & Administration Committee

Committee Date	June 24, 2024										
Submitting Department	Community, Housing, and Human Services										
Contact Name	Adam Schooley										
Contact Email & Phone	aschooley@spokanecity.org										
Council Sponsor(s)	Cathcart, Wilkerson, Zappone										
Select Agenda Item Type	<input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes										
Agenda Item Name	Special Budget Ordinance – 2023-2025 Department of Commerce Supplemental Operating Budget										
Grant Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No										
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda										
<p>Summary</p> <p>What is the specific purpose or need for the budget adjustment?</p> <p>What changes or developments have triggered this request?</p>	<p>This is an SBO for a separate agenda item that was included in the Urban Experience Committee meeting on June 10, 2024. If acceptance of the award(s) is approved, we will need to create additional budget capacity to record awarded revenues, and to spend awarded funds.</p> <p>The supplemental operating budget awards the following:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Consolidated Homeless Grant (CHG), 7/1/24 - 6/30/25:</td> <td style="text-align: right; padding-left: 20px;">\$4,000,000</td> </tr> <tr> <td style="padding-left: 20px;">Inflation Increase for 2024, 4/1/24 – 6/30/24:</td> <td style="text-align: right; padding-left: 20px;">\$ 191,705</td> </tr> <tr> <td style="padding-left: 20px;">Inflation Increase for 2025, 7/1/24 – 6/30/25:</td> <td style="text-align: right; padding-left: 20px;">\$ 191,705</td> </tr> <tr> <td style="padding-left: 20px;">Local Document Recording Fees (DRF) Support, 7/1/24 – 6/30/25:</td> <td style="text-align: right; padding-left: 20px;">\$ 695,660</td> </tr> <tr> <td style="padding-left: 20px;">Emergency Housing Funds, 7/1/24 – 6/30/25:</td> <td style="text-align: right; padding-left: 20px;">\$4,021,133</td> </tr> </table> <p>The original description of the award(s) is included below:</p> <p>CHHS requested permission to accept the 2023-2025 Supplemental Operating Budget that has been granted to the city by the Department of Commerce. These include funds that will be added to existing CHG contracts. The City of Spokane Community, Housing, and Human Services will receive \$9,100,203.00 in funds for the specified state fiscal years (SFY). The purpose of this grant is to maintain current levels of emergency housing services, homeless subsidies, and shelter bed space.</p> <p>The additional CHG/SDG funds will be added to the new budget category, “Additional CHG SFY 25”. These funds can be expended on any activity that is allowable under CHG, including the standard 15% of the award for administrative costs.</p> <p>Inflation Increase and Local DRF Support funds will be added to existing budget categories. Please note that Inflation Increase 2024 funds must be spent out by June 30, 2024. SFY 2025 funds will not be available for use until July 1, 2024.</p> <p>Current Emergency Housing Funds (EHF) contracts end June 30, 2024. Unspent funds will not roll over into new contracts. SFY 2025 EHF funds will be added to CHG contracts and funds will be available starting July 1, 2024.</p>	Consolidated Homeless Grant (CHG), 7/1/24 - 6/30/25:	\$4,000,000	Inflation Increase for 2024, 4/1/24 – 6/30/24:	\$ 191,705	Inflation Increase for 2025, 7/1/24 – 6/30/25:	\$ 191,705	Local Document Recording Fees (DRF) Support, 7/1/24 – 6/30/25:	\$ 695,660	Emergency Housing Funds, 7/1/24 – 6/30/25:	\$4,021,133
Consolidated Homeless Grant (CHG), 7/1/24 - 6/30/25:	\$4,000,000										
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Local Document Recording Fees (DRF) Support, 7/1/24 – 6/30/25:	\$ 695,660										
Emergency Housing Funds, 7/1/24 – 6/30/25:	\$4,021,133										

Fiscal Impact

Approved in current year budget? Yes No N/A

Total Cost: \$9,100,203

Current year cost: TBD

Subsequent year(s) cost: TBD, all funds should be spent by the end of the City's 2025 fiscal year.

Funding Source One-time Recurring N/A

Specify funding source: Grant

Is this funding source sustainable for future years, months, etc? The Department of Commerce has reported this is a temporary funding source dedicated to keeping shelter and emergency beds that were added during the COVID-19 pandemic from closing or being reduced.

Expense Occurrence One-time Recurring N/A

Other budget impacts: There are no match requirements for this funding.

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

- What are the net impacts this adjustment will have on the specifically affected line items?
The change will allow the City to fund additional services.
- What operational changes will occur because of this adjustment?
This should not impact operations.
- What are the potential risks or consequences of not approving the budget adjustment?
The consequence would be reduced funding for services in the City of Spokane.
- 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 aligns with the 5-year strategy to end homelessness.

What current racial and other inequities might this special budget ordinance address?

These grants are focused on the homeless population, so to the extent inequities exist in that population they may be addressed through this additional funding.

ORDINANCE NO C36545

An ordinance amending Ordinance No. C36467, passed by the City Council November 27, 2023, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2024 budget Ordinance No. C36467, as above entitled, and which passed the City Council November 27, 2023, it is necessary to make changes in the appropriations of the Human Services Grants Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$9,100,203.
 - A) Of the increased revenue, \$9,100,203 is provided solely for grant revenue from the Department of Commerce.
- 2) Increase appropriation by \$9,100,203.
 - A) Of the increased appropriation, \$8,761,526 is provided solely for contractual services.
 - B) Of the increased appropriation, \$338,677 is provided solely for the City's administrative costs, including salaries, benefits, supplies, and equipment.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the award and acceptance of the Dept. of Commerce's supplemental operating budget grant funds, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date


Effective Date



**Washington State Department of Commerce
 Housing Division
 Homelessness Assistance Unit
 System Demonstration Grant (SDG)**

1. Contractor City of Spokane, Community Housing & Human Services 808 W. Spokane Falls Blvd Spokane, WA 99201		2. Contractor Doing Business As (optional) N/A	
3. Contractor Representative Adam Schooley Program Manager (509) 625-6053 aschooley@spokanecity.org		4. COMMERCE Representative Leeanne Montoya Housing Contract Manager (564) 233-5700 Leeanne.montoya@commerce.wa.gov PO Box 42525 1011 Plum St SE Olympia, WA 98504-2525	
5. Original Contract Amount (and any previous amendments) \$15,820,937.00	6. Amendment Amount \$9,100,203.00	7. New Contract Amount \$24,921,140.00	
8. Amendment Funding Source Federal: State: X Other: N/A:		9. Amendment Start Date April 1, 2024 (SFY 2024 funding) July 1, 2025 (SFY 2025 funding)	10. Amendment End Date June 30, 2025
11. Federal Funds (as applicable): N/A	Federal Agency: N/A	CFDA Number: N/A	
12. Amendment Purpose: <ul style="list-style-type: none"> Adds SFY 24 and SFY 25 "Inflation Increase" funds, SFY 25 "CHG /SDG Standard" funds, and SFY 25 "Local DRF Support" funds. Funds must be prioritized for existing programs and grantees must affirmatively communicate with the largest city to understand what existing programs are experiencing a shortfall. SFY 24 funds are available April 1, 2024 and must be spent by June 30, 2024. SFY 25 funds are available July 1, 2024 and must be spent by June 30, 2025. Additional SFY25 SDG funds must go towards providing temporary emergency shelter for homeless individuals and for costs associated with transitioning individuals from their current shelter location to smaller shelters and inclement weather centers. 			

COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract As Amended and attachments and have executed this Contract Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Contract As Amended are governed by this Contract Amendment and the following other documents incorporated by reference: Attachment "A" – Budget. A copy of this Contract Amendment shall be attached to and made a part of the original Contract between COMMERCE and the Contractor. Any reference in the original Contract to the "Contract" shall mean the "Contract as Amended".

FOR GRANTEE <hr/> Mayor Lisa Brown <hr/> Date	FOR COMMERCE <div style="text-align: right;">  </div> <hr/> Corina Grigoras, Assistant Director Housing Division <hr/> Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE
--	--

Amendment

This Contract is **amended** as follows:

Attachment A Budget

Budget Categories	Current Contract Amount (and any previous amendments and revisions)	Amendment A	New Total
SDG			
Admin	\$222,488.00		\$222,488.00
Rent	\$654,111.00		\$654,111.00
Operations	\$874,681.00		\$874,681.00
CHG/SDG FY 2025 Supplemental funds	\$0.00	\$4,000,000.00	\$4,000,000.00
PSH CHF			
PSH CHF Rent / Fac Support	\$247,952.00		\$247,952.00
PSH CHF Operations	\$114,068.00		\$114,068.00
HEN (SFY 2024)			
HEN Admin 2024	\$265,284.00		\$265,284.00
HEN Rent/Fac Support 2024	\$1,926,469.92		\$1,926,469.92
HEN Operations 2024	\$1,598,036.08		\$1,598,036.08
HEN (SFY 2025)			
HEN Admin 2025	\$265,284.00		\$265,284.00
HEN Rent/Fac Support 2025	\$1,653,988.00		\$1,653,988.00
HEN Operations 2025	\$1,870,518.00		\$1,870,518.00
Eviction Prevention (SFY 23, 24, and 25)			
Eviction Prevention Admin	\$865,099.00		\$865,099.00
Eviction Prevention Rent	\$993,000.00		\$993,000.00
Eviction Prevention Operations	\$1,604,000.00		\$1,604,000.00
HEN FCS Bridge (SFY 2024)			
HEN FCS Bridge Admin 2024	\$15,072.00		\$15,072.00
HEN FCS Bridge Rent 2024	\$38,212.00		\$38,212.00
HEN FCS Bridge Operations 2024	\$162,038.00		\$162,038.00
HEN FCS Bridge (SFY 2025)			
HEN FCS Bridge Admin 2025	\$15,072.00		\$15,072.00
HEN FCS Bridge Rent 2025	\$95,692.00		\$95,692.00
HEN FCS Bridge Operations 2025	\$104,558.00		\$104,558.00
Inflation Increase (SFY 2024 and SFY 2025)			
Inflation Increase 2024	\$892,263.00	\$191,705.00	\$1,083,968.00
Inflationary Costs 2025	\$892,263.00	\$191,705.00	\$1,083,968.00
Local Document Recording Fees Support (SFY 2024 and SFY 2025)			
Local DRF Support 2024	\$225,394.00		\$225,394.00
Local DRF Support 2025	\$225,394.00	\$695,660.00	\$921,054.00
Emergency Housing Funds (SFY 2025)			

Amendment

EHF FY 25 Admin	\$0.00	\$524,495.00	\$524,495.00
EHF FY 25 Facility	\$0.00	\$641,955.00	\$641,955.00
EHF FY 25 Operations	\$0.00	\$2,844,027.00	\$2,844,027.00
EHF FY 25 Rent Assistance	\$0.00	\$10,656.00	\$10,656.00
Total	\$15,820,937.00	\$9,100,203.00	\$24,921,140.00

ALL OTHER TERMS AND CONDITIONS OF THIS CONTRACT REMAIN IN FULL FORCE AND EFFECT

Certificate Of Completion

Envelope Id: 4EB725CD179C40688FAC1F437C65DAC8	Status: Completed
Subject: Complete with DocuSign: Supplemental Amendment_A_Spokane City draft.docx	
Division: Community Services and Housing	
Program: SDG	
ContractNumber: 24-46108-30	
DocumentType: Contract Amendment	
Source Envelope:	
Document Pages: 3	Signatures: 0
Certificate Pages: 2	Initials: 1
AutoNav: Enabled	Envelope Originator: Leeanne Montoya 1011 Plum Street SE MS 42525 Olympia, WA 98504-2525 leeanne.montoya@commerce.wa.gov IP Address: 198.239.10.246
EnvelopeId Stamping: Enabled	
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	

Record Tracking

Status: Original 6/13/2024 2:53:34 PM	Holder: Leeanne Montoya leeanne.montoya@commerce.wa.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Washington State Department of Commerce	Location: DocuSign

Signer Events

Kathryn Dodge
kathryn.dodge@commerce.wa.gov
Security Level: Email, Account Authentication (None)

Signature



Signature Adoption: Pre-selected Style
Using IP Address: 198.239.106.153

Timestamp

Sent: 6/13/2024 2:54:29 PM
Viewed: 6/13/2024 3:43:15 PM
Signed: 6/13/2024 3:43:58 PM

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/13/2024 2:54:29 PM
Certified Delivered	Security Checked	6/13/2024 3:43:15 PM
Signing Complete	Security Checked	6/13/2024 3:43:58 PM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	6/13/2024 3:43:58 PM

Payment Events	Status	Timestamps
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Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36546

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

COMMUNITY, HOUSING & HUMAN

Bid #

Contact Name/Phone

HEATHER PAGE 6578

Requisition #

Contact E-Mail

HPAGE@SPOKANECITY.ORG

Agenda Item Type

Special Budget Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

1680- SPECIAL BUDGET ORDINANCE- HOME- ARP GRANT

Agenda Wording

The City of Spokane's CHHS department has been awarded \$4,628,671 of grant funding through the United States Department of Housing and Urban Development's (HUD) HOME-American Rescue Plan (HOME-ARP) program.

Summary (Background)

The purpose of this grant is to provide housing and services to vulnerable populations. On October 21, 2023, City Council accepted the \$4,628,671 grant from HUD. This grant follows the requirements of HUD's HOME Investment Partnership program, 24 CFR 92 and CPD Notice 21-10.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 4,628,671

Current Year Cost \$ 4,628,671

Subsequent Year(s) Cost \$ TBD if funding remains after 2024

Narrative

Amount

Budget Account

Revenue \$ 4,628,671

1710-95657-99999-33114-99999

Expense \$ 4,207,883

1710-95657-51030-54201-99999

Expense \$ 420,788

1710-95657-5XXXX-99999

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

<u>Dept Head</u>	ANDERSON, ARIELLE M.
<u>Division Director</u>	KINDER, DAWN
<u>Accounting Manager</u>	MURRAY, MICHELLE
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

<u>MANAGEMENT &</u>	STRATTON, JESSICA
<u>ACCOUNTING -</u>	MURRAY, MICHELLE

Distribution List

	jstratton@spokanecity.org
hpage@spokanecity.org	sbrown@spokanecity.org
aduffey@spokanecity.org	jmiller@spokanecity.org
arielleanderson@spokanecity.org	dkinder@spokanecity.org
dnorman@spokanecity.org	kclifton@spokanecity.org

Council Briefing Paper

Public Infrastructure, Environment & Sustainability Committee

Committee Date	July 8, 2024						
Submitting Department	Community, Housing and Human Services						
Contact Name	Arielle Anderson						
Contact Email & Phone	arielleanderson@spokanecity.org 509-564-5278						
Council Sponsor(s)	Council President Wilkerson, Councilmembers Bingle and Klitzke						
Select Agenda Item Type	<input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes						
Agenda Item Name	Special Budget Ordinance – HOME-ARP Grant						
Grant Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda						
<p>Summary</p> <p>What is the specific purpose or need for the budget adjustment?</p> <p>What changes or developments have triggered this request?</p>	<p>The City of Spokane’s CHHS department has been awarded \$4,628,671 of grant funding through the United States Department of Housing and Urban Development’s (HUD) HOME-American Rescue Plan (HOME-ARP) program. The purpose of this grant is to provide housing and services to vulnerable populations.</p> <p>On October 21, 2023, City Council accepted the \$4,628,671 grant from HUD.</p> <p>The City of Spokane’s CHHS department will budget the money as follows:</p> <table style="margin-left: 20px;"> <tr> <td style="padding-right: 20px;">\$4,207,883</td> <td>To Grantees for contractual services including administration, supportive services, and the development of affordable housing</td> </tr> <tr> <td>\$260,398</td> <td>Salaries & Benefits</td> </tr> <tr> <td>\$160,390</td> <td>Supplies, Services, and Equipment</td> </tr> </table> <p>This grant follows the requirements of HUD’s HOME Investment Partnership program, 24 CFR 92 and CPD Notice 21-10.</p>	\$4,207,883	To Grantees for contractual services including administration, supportive services, and the development of affordable housing	\$260,398	Salaries & Benefits	\$160,390	Supplies, Services, and Equipment
\$4,207,883	To Grantees for contractual services including administration, supportive services, and the development of affordable housing						
\$260,398	Salaries & Benefits						
\$160,390	Supplies, Services, and Equipment						
<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>\$4,628,671</u></p> <p style="margin-left: 20px;">Current year cost: \$4,628,671</p> <p style="margin-left: 20px;">Subsequent year(s) cost: TBD, if funding remains after 2024.</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, this is not recurring.</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 are the net impacts this adjustment will have on the specifically affected line items?
 - This grant will allow the City to increase funding for housing and housing-related services with revenues to offset allowable expenses.

- What operational changes will occur because of this adjustment?
 - There aren't any operational changes that are anticipated specifically related to this award. It will have an administrative cost in the form of employee time and effort which is an expense that is funded by the grant.

- What are the potential risks or consequences of not approving the budget adjustment?
 - The City will not be able to receive the grant funding which would prevent the City from providing additional funding for housing-related programs.

- 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 award will assist in the City's efforts to reduce homelessness and provide affordable housing to the citizens of Spokane.

What current racial and other inequities might this special budget ordinance address?

The purpose of this grant is to provide housing and housing-related services to vulnerable populations. Addressing this is one of the primary objectives of the HOME-ARP program.

ORDINANCE NO C36546

An ordinance amending Ordinance No. C36467, passed by the City Council November 27, 2023, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2024 budget Ordinance No. C36467, as above entitled, and which passed the City Council November 27, 2023, it is necessary to make changes in the appropriations of the HOME Program Grant Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$4,628,671
 - A) Of the increased revenue, \$4,628,671 is provided by the U.S. Department of Housing and Urban Development (HUD) as part of the HOME – American Rescue Plan (HOME-ARP) program.
- 2) Increase appropriation by \$4,628,671
 - A) Of the increased appropriation, \$4,207,883 is provided solely for contractual services to be provided by the City's sub-recipients to deliver housing and housing-related services to the community.
 - B) Of the increased appropriation, \$260,398 is provided solely for salaries and benefits for the City of Spokane's employees who will be administering the programs.
 - C) Of the increased appropriation, \$160,390 is provided solely for other supplies, services, and equipment required for the administration of the programs.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to accept and receive grant funding from HUD to provide housing and housing-related services for the citizens of Spokane, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36547

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

POLICE

Bid #

Contact Name/Phone

SHAWNA 4106

Requisition #

Contact E-Mail

SERNST@SPOKANEPOLICE.ORG

Agenda Item Type

Special Budget Ordinance

Council Sponsor(s)

MCATHCART PDILLON LNAVARRETE

Agenda Item Name

0680 - SBO WATPA GRANT AWARD

Agenda Wording

Special Budget Ordinance for WATPA grant award.

Summary (Background)

The Spokane Police Department has been awarded \$150,000 from the Washington Auto Theft Prevention Authority (WATPA) to be used to procure automated license plate readers as well as public outreach campaigns. The grant period is June 1, 2024 through June 30, 2025. Police are requesting approval of grant acceptance along with a special budget ordinance to recognize revenues and expenditures.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 150,000

Current Year Cost \$ 150,000

Subsequent Year(s) Cost \$ Dependent on success of the pilot project and available funding

Narrative

Amount

Budget Account

Revenue \$ 150,000

1620-91824-99999-33469-99999

Expense \$ 25,000

1620-91824-21700-54201-99999

Expense \$ 125,000

1620-91824-94210-56401-99999

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals		Additional Approvals	
<u>Dept Head</u>	GBYRD	<u>PS EXEC REVIEW</u>	GBYRD
<u>Division Director</u>	GBYRD	<u>MANAGEMENT &</u>	STRATTON, JESSICA
<u>Accounting Manager</u>	GBYRD	<u>ACCOUNTING -</u>	GBYRD
<u>Legal</u>	GBYRD		
<u>For the Mayor</u>	GBYRD		

Distribution List

SPDFinance@spokanecity.org

ORDINANCE NO C36547

An ordinance amending Ordinance No. C36467, passed by the City Council November 27, 2023, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2024 budget Ordinance No. C36467, as above entitled, and which passed the City Council November 27, 2023, it is necessary to make changes in the appropriations of the Public Safety and Judicial Grant Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

- 1) Increase revenue by \$150,000.
 - A) Of the increased revenue, \$150,000 is provided by the Washington Auto Theft Prevention Authority (WATPA) through their Auto Theft Grant Program.
- 2) Increase appropriation by \$150,000.
 - A) Of the increased appropriation, \$125,000 is to be provided solely for equipment.
 - B) Of the increased appropriation, \$25,000 is to be provided solely for contractual services.

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to accept grant funding from WATPA for the expansion of license plate reader technology, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

Council Briefing Paper

Public Safety & Community Health Committee

Committee Date	July 8 th , 2024
Submitting Department	Police
Contact Name	Shawna Ernst
Contact Email & Phone	sernst@spokanepolice.org 509-370-8534
Council Sponsor(s)	Councilmembers Dillion and Cathcart, Council President Wilkerson
Select Agenda Item Type	<input checked="" type="checkbox"/> Discussion Time Requested: 5min
Agenda Item Name	Special Budget Ordinance – WATPA Grant Award
Grant Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda
Summary What is the specific purpose or need for the budget adjustment? What changes or developments have triggered this request?	<p>The Spokane Police Department has been awarded \$150,000 from the Washington Auto Theft Prevention Authority (WATPA) to be used to procure automated license plate readers as well as public outreach campaigns.</p> <p>The grant period is June 1, 2024 through June 30, 2025.</p> <p>Police are requesting approval of grant acceptance along with a special budget ordinance to recognize revenues and expenditures.</p> <p>The projects funded with the WATPA grant are:</p> <ol style="list-style-type: none"> 1.) Public Outreach: In partnership with law enforcement agencies throughout Spokane County (including Spokane County Sheriff’s Office, Airway Heights Police Department, Liberty Lake Police Department, etc...) we will design a public information campaign to include presentations at community events (ex: Spokane County Fair, Hoopfest, etc...), educational videos for social media and traditional news outlets, and mailings that can be distributed with vehicle tabs and/or utility bills. <ol style="list-style-type: none"> a. Budget Requested: \$25,000 2.) Automated License Plate Readers (ALPR): Spokane Police Department will migrate from our current ALPR vendor to Flock for fixed camera locations and Axon Fleet 3 for in-car cameras. Flock cameras will be installed at high traffic locations throughout the City of Spokane with a focus on the investigative value of each location (for vehicle theft, missing persons, and violent crime). SPD will align our ALPR policy with WATPA’s model policy. In-car cameras will be installed with our parking enforcement team as a pilot. Our parking enforcement team routinely travel throughout the City of Spokane to handle tows of abandoned vehicles. The nature of their work makes them ideal for this pilot program. <ol style="list-style-type: none"> a. Budget Requested: \$125,000 <p>NOTE: An additional briefing to Council will be scheduled for the ALPR implementation after camera locations are selected. This funding will allow the City to install 24 fixed location cameras and acquire 6 movable cameras.</p>

Fiscal Impact

Approved in current year budget? Yes No N/A

Total Cost: \$150,000

Current year cost: \$150,000

Subsequent year(s) cost: Dependent on success of the pilot project and available funding.

Funding Source One-time Recurring N/A

Specify funding source: Grant

Is this funding source sustainable for future years, months, etc?

We can potentially apply for future WATPA funding (released annually).

Expense Occurrence One-time Recurring N/A

There is potential for recurring expense dependent on availability of funding and success of this pilot program. We would like to discuss the use of traffic calming funding in the future.

Other budget impacts: (revenue generating, match requirements, etc.)

No other budget impacts.

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

- What are the net impacts this adjustment will have on the specifically affected line items?

Net zero impact to SPD Grant Fund.

- What operational changes will occur because of this adjustment?

This funding will improve operations at the department in multiple ways:

- SPD will be able to locate stolen vehicles more quickly.
- SPD will be able to more quickly locate missing persons including vehicles identified in Amber Alerts, Silver Alerts, and Indigenous Alerts.
- SPD will have license plate data available to solve violent crimes.
- SPD will work with our partner agencies to develop a centralized website to post crime prevention tips to the greater Spokane community.

- What are the potential risks or consequences of not approving the budget adjustment?

SPD will not be able to procure equipment and will not be able to conduct public outreach utilizing mailings/presentations at community events.

- 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 funding and related projects will fully comply with SMC Chapter 18.04.

What current racial and other inequities might this special budget ordinance address?

Development of the public information campaign utilizing multiple in person and online communication methods will ensure we reach a wide audience and mitigate inequities.

The ALPR cameras and resulting data will be utilized to help victims from all backgrounds and finding missing persons of all demographics. In the future ALPR purchase and camera location briefing paper, SPD will fully describe how this project will manage data responsibly to safeguard privacy and ensure all Spokane residents are treated equitably.

**Agenda Sheet for City Council:****Committee:** PIES **Date:** 06/24/2024**Committee Agenda type:** Discussion**Date Rec'd**

6/24/2024

Clerk's File #

RES 2024-0062

Cross Ref #**Project #****Council Meeting Date:** 07/08/2024**Submitting Dept**

CITY COUNCIL

Bid #**Contact Name/Phone**

ZACK ZAPPONE 6256

Requisition #**Contact E-Mail**

ZZAPPONE@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

ZZAPPONE KKLITZKE BWILKERSON

Agenda Item Name

0320 - SIDEWALK REPAIR PILOT PROGRAM RESOLUTION

Agenda Wording

A Resolution No. 2024-0000, relating to the Traffic Calming Fund requesting the mayor use current funding to establish a Sidewalk Improvement and Repair Pilot Program.

Summary (Background)

Requesting the Administration to implement a sidewalk repair pilot program using traffic calming funds that were replenished from grants secured by Integrated Capital Management.

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? NO

Total Cost \$ 500000

Current Year Cost \$ 500000

Subsequent Year(s) Cost \$ unknown

Narrative

Providing funding to hire a project employee to oversee and administer the pilot program; focusing on sidewalks near low-income households and highly utilized pedestrian corridors along arterials, schools, parks and commercial areas.

Amount**Budget Account**

Expense \$ 500000

traffic calming fund (1380)

Select \$

#

Select \$

#

Select \$

#

\$

#

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals		Additional Approvals	
<u>Dept Head</u>			
<u>Division Director</u>			
<u>Accounting Manager</u>	ORLOB, KIMBERLY		
<u>Legal</u>	SCHOEDEL, ELIZABETH		
<u>For the Mayor</u>			

Distribution List

nzollinger@spokanecity.org

korlob@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Committee Date	6/24/24
Submitting Department	COUNCIL
Contact Name	JACKSON DEESE
Contact Email & Phone	JDEESE@SPOKANECITY.ORG
Council Sponsor(s)	ZAPPONE, KLITZKE, AND WILKERSON
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 10 min
Agenda Item Name	SIDEWALK REPAIR PILOT PROGRAM RESOLUTION
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	REQUESTING ADMINISTRATION IMPLEMENT A SIDEWALK REPAIR PILOT PROGRAM USING TRAFFIC CALMING FUNDS THAT WERE REPLENISHED FROM GRANTS SECURED BY INTEGRATED CAPITAL MANAGEMENT.
<p>Fiscal Impact</p> <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>\$500,000</u></p> <p style="padding-left: 20px;">Current year cost: \$500,000</p> <p style="padding-left: 20px;">Subsequent year(s) cost: TBD</p> <p>Narrative: <u>Providing funding to hire a project employee to oversee and administer the pilot program; focusing on sidewalks near low-income households and highly utilized pedestrian corridors along arterials, schools, parks and commercial areas.</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? No, but could be allocated from future Traffic Calming Fund approvals if pilot is deemed successful.</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>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? <p>Funding would be directed towards low-income households who cannot personally afford the sidewalk improvements of their designated responsibility.</p> <ul style="list-style-type: none"> • 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? 	

The project employee will be directed to consider these criteria in their recommendation of sidewalk repair locations.

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

Regular updates by the Administration to City Council during Public Infrastructure, Environment and Sustainability Committee meetings.

- 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?

Improves sidewalks for pedestrian safety, and pilots a future recurring allocation of funding for sidewalk improvement that is financially sustainable.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

RESOLUTION NO. 2024-0062

A Resolution No. 2024-0062, relating to the Traffic Calming Fund requesting the mayor use current funding to establish a Sidewalk Improvement and Repair Pilot Program.

WHEREAS, there is an urgent need to make our streets safer; and

WHEREAS, the sidewalk network in the City of Spokane is incomplete and completed portions are in need of repair; and

WHEREAS, RCW 46.63.170 authorizes local jurisdictions to install and operate automated traffic safety cameras as a means for enforcing traffic laws; and

WHEREAS, consistent with RCW 46.63.170, the Spokane City Council adopted Spokane Municipal Code Chapter 16A.64 which, in pertinent part, authorizes the use of automated traffic safety cameras in the City of Spokane at two-arterial intersections and school speeding zones; and

WHEREAS, on August 26, 2019, the City Council enacted ordinance C35809, establishing new Section 07.08.148 in the Spokane Municipal Code to create the “Traffic Calming Fund” into which funds from automated traffic safety cameras infractions were deposited; and

WHEREAS, under SMC 07.08.148, funds in the Traffic Calming Fund as to be used to pay for “traffic calming measures” and such operational expenses associated with the automated safety camera program; and

WHEREAS, in 2024, the Washington Legislature enacted Engrossed Substitute Senate Bill 2384, expanding the allowed uses and locations of automated safety cameras, defining allowed uses of revenues generated from automated safety-camera programs, permitting the use of non-commissioned individuals to review infractions, and enacting other provisions relating to automated safety cameras; and

WHEREAS, sidewalk network improvement and repair are issues of safety and accessibility; and

WHEREAS, roadways without sidewalks are more than twice as likely to have pedestrian crashes compared to roads with sidewalks on both sides of the street; and

WHEREAS, the funds generated from automated traffic safety cameras are designed for neighborhood traffic calming projects which are applied for by neighborhoods; and

WHEREAS, the City Council historically has directed the allocation of funds generated from automated traffic safety cameras; and

WHEREAS, the Traffic Calming Fund is replenishing funds that were allocated for projects in 2025 with \$1 million in grants secured by Integrated Capital Management in 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Spokane City Council requests that the Administration create a pilot sidewalk repair program for design in 2024 and construction in 2025.

BE IT FURTHER RESOLVED, that such program should prioritize sidewalk repair for low-income households and then sidewalk infill projects along highly utilized pedestrian routes along arterials such as bus stops, parks, commercial areas, and schools in consultation with the Transportation Commission.

BE IT FURTHER RESOLVED, that the Administration may use \$500,000 from the Traffic Calming Funds to hire a project employee to help create and administer the program as well as to fund sidewalk repairs and infill.

BE IT ALSO RESOLVED, that the Administration shall regularly update the City Council at the regularly scheduled Public Infrastructure, Environment, and Sustainability Committee.

ADOPTED by the City Council this ____ day of _____, 2024.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

RES 2024-0066

Cross Ref #

ORD C36548

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

COMMUNITY AND ECONOMIC

Bid #

Contact Name/Phone

STEVE X6835

Requisition #

Contact E-Mail

SMACDONALD@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0750 - RESOLUTION FOR SALES TAX DEFERRAL PROGRAM

Agenda Wording

Resolution for a Sales Tax Deferral Program for redevelopment of underutilized commercial property

Summary (Background)

Senate Bill 6175, passed by the legislature this past session, authorizes the City to establish a sales and use tax deferral program to promote the redevelopment of underutilized commercial property for affordable housing. This resolution: • declares the City's intention to establish a sales and use tax deferral program to encourage redevelopment of underutilized commercial property for affordable housing. • Sets the public hearing date for the ordinance for August 12th.

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

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

GARDNER, SPENCER

Division Director

MACDONALD, STEVEN

Accounting Manager

ALBIN-MOORE, ANGELA

Legal

SCHOEDEL, ELIZABETH

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

smacdonald@spokanecity.org

tstripes@spokanecity.org

amcdaniel@spokanecity.org

sbishop@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	7/8/2024
Submitting Department	Mayor's Office Planning & Economic Development
Contact Name	Steve MacDonald
Contact Email & Phone	smcdonald@spokanecity.org
Council Sponsor(s)	<u>Zappone</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Resolution and Ordinance for a Sales Tax Deferral Program for redevelopment of underutilized commercial property
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>Senate Bill 6175, passed by the 2024 Washington Legislature and enacted as Chapter 332, Laws of 2024, authorizes the City to establish a sales and use tax deferral program to promote the redevelopment of underutilized commercial property for affordable housing.</p> <p>This resolution:</p> <ul style="list-style-type: none"> • declares the City's intention to establish a sales and use tax deferral program to encourage redevelopment of underutilized commercial property for affordable housing. • Sets the public hearing date for the ordinance for August 12th. <p>The ordinance:</p> <ul style="list-style-type: none"> • Updates SMC 08.07D to a new name (Sales and Use Tax Deferral Program for Underdeveloped Urban Land Redevelopment) to eliminate confusion with other sales and use tax deferral programs for affordable housing. • Consistent with SB 6175, establishes a new Chapter SMC 08.07E setting forth the application, appeals, approval process, and reporting requirements for the sales tax deferral program to encourage the redevelopment of underutilized commercial property.
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Reallocation Is this funding source sustainable for future years, months, etc?	

Expense Occurrence One-time Recurring N/A

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 purpose of this sales and use tax deferral program is to provide additional affordable housing.

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?

The Planning and Economic Development team will track affordable housing units developed as a result of this program.

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

This program automatically expires ten years from the adoption of the ordinance. Success of the program will be determined by the number of affordable housing units constructed as a result of this program.

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 program was a high legislative priority for the City of Spokane and aligns with our affordable housing goals in the Comprehensive Plan and Housing Action Plan.

**CITY OF SPOKANE
NOTICE OF HEARING**

RESOLUTION NO. 2024 - 0066

**A RESOLUTION OF INTENTION TO ESTABLISH A SALES AND USE TAX
DEFERRAL PROGRAM**

WHEREAS, Senate Bill 6175, enacted as Chapter 332, Laws of 2024 by the Washington Legislature, authorizes the City of Spokane to take legislative action to establish a sales and use tax deferral program to promote the redevelopment of underutilized commercial property in urban areas; and

WHEREAS, Senate Bill 6175 promotes the redevelopment of underutilized commercial property into affordable housing spaces by establishing a deferral of the sales and use tax for would-be developers of such housing, and

WHEREAS, there are underutilized commercial properties in the downtown center that could be redeveloped into affordable housing; and

WHEREAS, the City of Spokane desires to create a program pursuant to Senate Bill 6175 to encourage the redevelopment of underutilized commercial property into additional affordable housing units.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE SPOKANE CITY COUNCIL THAT:

1. The City Council declares its intentions to establish a sales and use tax deferral program to encourage redevelopment of underutilized commercial property in urban areas for the purposes of adding affordable housing to the Spokane community pursuant to Senate Bill 6175 by deferring the entire 9 percent sales and use tax, information relevant to the program may be found in the attached proposed ordinance.
2. A public hearing before the City Council to take public testimony and to consider the proposed program shall be held on August 12, 2024, beginning at 6:00 P.M. in the City Council Chambers in the lower level of City Hall located at 808 W. Spokane Falls Blvd.

ADOPTED by the City Council on this ____ day of July 2024.

City Clerk

Approved as to form:

Assistant City Attorney

**Agenda Sheet for City Council:****Committee:** Public Safety **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

RES 2024-0067

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

MAYOR

Bid #**Contact Name/Phone**

MAGGIE YATES 6753

Requisition #**Contact E-Mail**

MYATES@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

PDILLON BWILKERSON

Agenda Item Name

0520 COMMUNITY SAFETY RESOLUTION

Agenda Wording

Community Safety Resolution

Summary (Background)

Community Safety Resolution

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

\$

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Select

\$

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Select

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Select

\$

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\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

JONES, GARRETT

Division Director

Accounting Manager

BUSTOS, KIM

Legal

SCHOEDEL, ELIZABETH

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

myates@spokanecity.org

amcdaniel@spokanecity.org

RESOLUTION No. 2024 - 0067

A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF SPOKANE AT AN ELECTION TO BE HELD ON NOVEMBER 5, 2024 OF A PROPOSITION AUTHORIZING AN INCREASE TO THE SALES AND USE TAX IN SPOKANE OF ONE-TENTH OF ONE PERCENT (0.1%) ON THE SELLING PRICE OR VALUE OF AN ARTICLE TO FUND ENHANCED COMMUNITY SAFETY PERMITTED IN RCW 82.14.450; SETTING FORTH THE TEXT OF THE BALLOT PROPOSITION; DIRECTING PROPER CITY OFFICIALS TO TAKE NECESSARY ACTIONS; AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS.

WHEREAS, the City of Spokane, Washington ("City") is a first-class city duly organized and existing by virtue of the Constitution and laws of the state of Washington and its city charter; and

WHEREAS, the City has authority pursuant to RCW 82.14.450 to enact 1/10 of 1% sales tax to be approved by the electorate of the City, subject to applicable limitations as required by law; and

WHEREAS, the City Council and the Mayor desire to increase funding for community safety operations by submitting to the voters a proposition to increase the sales and use tax by 1/10 of 1% as permitted by state law to raise approximately \$6,500,000 for the City per year; and

WHEREAS, the revenue from the 1/10th of 1% sales and use tax will be used for enhanced community safety purposes including, but not limited to, operations and other enhancements for the Spokane Fire Department, Spokane Police Departments, Municipal Court, Office of the Police Ombudsman, emergency management and safe streets initiatives; and

WHEREAS, pursuant to Section 84 of the City Charter, the City Council of its motion may submit to popular vote for adoption or rejection at any election any proposed ordinance or measure.

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

Section 1. Purpose of Ballot Proposition. The City Council determines it to be in the public interest to fund community safety functions, which shall include, but is not

limited to, operations and other enhancements for the Spokane Fire Department, Spokane Police Departments, Municipal Court, Office of the Police Ombudsman, Emergency Management and safe street initiatives beginning as soon as practicable but no later than January of 2025.

The amounts collected pursuant to the sales tax increase authorized shall be used solely for the enhancement of community safety and other public safety purposes, which may include any additional purposes authorized by RCW 82.14.450; provided, however, that at least one-third (1/3) of all money received shall be used for criminal justice purposes. The Council reserves the right, in accordance with its biennial budget process, to determine the levels of service to be provided as permitted under applicable state law and within the available revenues collected from this increase. If revenues are sufficient, the Council reserves the right to use such additional funds to contract for, or pay personnel and related costs for recruiting, hiring, training, equipping and employing additional personnel in other capacities authorized by RCW 82.14.450.

Section 2. Calling of Election. It is hereby found that the best interests of the citizens of the City of Spokane require the submission to the qualified electors of Spokane for approval or rejection at the election to be held on November 5, 2024 of a proposition authorizing an additional sales and use tax of one-tenth of one percent (0.1%) on the selling price in the case of a sales tax or the value of the article used in the case of a use tax pursuant RCW 82.14.450(2)(a). Spokane County Elections, as ex officio supervisor of elections in the City, is hereby requested to submit to the qualified electors of Spokane the proposition hereinafter set forth.

Section 3. The following proposition shall be submitted in the following form:

CITY OF SPOKANE

PROPOSITION NO. 1

ADDITIONAL SALES AND USE TAX FOR ENHANCED COMMUNITY SAFETY
PURPOSES

The Spokane City Council adopted Resolution No. 2024-0067 concerning a proposition for funding enhanced community safety and other public safety operations. If approved, this proposition would increase the sales and use tax rate by one-tenth of one percent (0.1%) to provide ongoing funding for community safety, criminal justice and law enforcement purposes permitted under RCW 82.14.450.

SHOULD THIS PROPOSITION BE APPROVED?

YES

NO

Section 4. The Spokane County Auditor is hereby requested pursuant to RCW 29A.04.330 to hold a special election on November 5, 2024, in conjunction with the scheduled general election for the purpose of submitting to the voters of the City of Spokane for the approval or rejection a proposition to increase the sales and uses tax in the City of Spokane of one-tenth of one percent (0.1%) on the selling price in the case of a sales tax or the value of the article used in the case of a use tax to fund enhanced criminal justice and law enforcement purposes pursuant to RCW 82.14.450.

Section 5. The City Clerk of the City of Spokane is hereby authorized and directed to deliver a certified copy of this resolution to the Spokane County Auditor, as *ex officio* Supervisor of Elections for the City, no later than August 6, 2024.

Section 6. If any one or more of the provisions of this resolution shall be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason, then such provision shall be null and void, and shall be deemed separable from the remaining provisions of this resolution, and shall in no way affect the validity of the other provisions of this resolution.

Section 7. The City Attorney is authorized to make such minor adjustments to the wording of the proposition as may be necessary to effectuate the intent of the resolution or upon recommendation of the Spokane County Auditor, as long as the intent of the proposition remains clear and consistent with the intent of this resolution as approved by the City Council.

ADOPTED by the City Council this ____ day of July 2024.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/5/2024

Clerk's File #

RES 2024-0068

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

CITY COUNCIL

Bid #

Contact Name/Phone

GIACOBBE 6715

Requisition #

Contact E-Mail

GBYRD@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

BWILKERSON PDILLON

Agenda Item Name

0320 - RESOLUTION APPOINTING PRO AND CON COMMITTEES FOR

Agenda Wording

A resolution regarding the appointment of for and against committee members, relating to a proposition for funding enhanced community safety operations though an increase in the sales and use tax rate by one-tenth of one percent (0.1%)

Summary (Background)

A resolution regarding the appointment of for and against committee members, relating to a proposition for funding enhanced community safety operations though an increase in the sales and use tax rate by one-tenth of one percent (0.1%)

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

Neutral \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #

Committee Briefing Paper

Public Safety & Community Health Committee

Committee Date	07/08/2024
Submitting Department	City Council
Contact Name	Giacobbe Byrd
Contact Email & Phone	gbyrd@spokanecity.org 6715
Council Sponsor(s)	CP Wilkerson and CM Dillon
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5min
Agenda Item Name	Resolution Appointing Pro-Con Committee for Proposition 1
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>A resolution regarding the appointment of for and against committee members, relating to a proposition for funding enhanced community safety operations though an increase in the sales and use tax rate by one-tenth of one percent (0.1%)</p>
*use the Fiscal Impact box below for relevant financial information	
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
<ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? N/A – this is a resolution appointing committees to prepare statements both for and against the ballot measure pursuant to SMC 01.07.010 and the Spokane County Local Voters’ Pamphlet. • How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A – this is a resolution appointing committees to prepare statements both for and against the ballot measure pursuant to SMC 01.07.010 and the Spokane County Local Voters’ Pamphlet. • How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? 	

N/A – this is a resolution appointing committees to prepare statements both for and against the ballot measure pursuant to SMC 01.07.010 and the Spokane County Local Voters’ Pamphlet.

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

N/A – this is a resolution appointing committees to prepare statements both for and against the ballot measure pursuant to SMC 01.07.010 and the Spokane County Local Voters’ Pamphlet.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

N/A – this is a resolution appointing committees to prepare statements both for and against the ballot measure pursuant to SMC 01.07.010 and the Spokane County Local Voters’ Pamphlet.

RESOLUTION NO. 2024 -0068

A resolution regarding the appointment of for and against committee members relating to a Proposition No. 1 on the November 5, 2024, special election ballot concerning a proposition for funding enhanced community safety operations through an increase in the sales and use tax rate by one-tenth of one percent (0.1%).

WHEREAS, the City Council approved Resolution No. 2024-0068 on July 22, 2024, requesting the Spokane County Auditor to hold a special election on November 5, 2024, for the City to submit to the voters a proposition for funding enhanced community safety operations through an increase in the sales and use tax rate by one-tenth of one percent (0.1%); and

WHEREAS, pursuant to SMC 01.07.010 and the Spokane County Local Voters' Pamphlet --- Administrative Rules for Jurisdictions, the City Council shall appoint committees to prepare statements both for and against the ballot measure; and

WHEREAS, RCW 29A.32.241 (1)(d) provides that the City Attorney is to prepare an explanatory statement of certain ballot measures to be included in the local voters' pamphlet; and

NOW, THEREFORE, BE IT RESOLVED that the City Council appoints the following members to the for and against committees to prepare arguments in favor of and in opposition to Proposition No. 1 as well as rebuttal statements, consistent with SMC 01.07.010 and the Spokane County's Administrative Rules, to be voted on at the August 6, 2024 special election:

Proposition No. 1 For Committee:

- 1.
- 2.
- 3.

Proposition No. 1 Against Committee:

- 1.
- 2.
- 3.

And further resolves that the For/Against Committee Membership Appointment Form as provided for by the Spokane County Elections Department shall be attached to this resolution; and

BE IT FURTHER RESOLVED that the City Council approves that the explanatory statement provided below, as prepared by the City Attorney, be forwarded to the Spokane County Elections Department for inclusion in the local voters' pamphlet:

Explanatory Statement for City of Spokane Proposition No. 1 – Community Safety Proposition.

Proposition No. 1 submits to the voters a measure proposing an increase in the sales and use tax of one-tenth of one percent (0.1%) for enhanced community safety functions pursuant to RCW 82.14.450. This tax is estimated to generate \$7.7 million dollars annually, fifteen percent (15%) of which will go to Spokane County, resulting in approximately \$6.5 million collected each year by the City of Spokane. The funds will be dedicated to community safety and other public safety functions, which will include, but not be limited to, operations and other enhancements for the Spokane Fire Department, the Spokane Police Department, Municipal Court and the Office of Police Ombudsman.

This proposal is expected to begin no later than January 1, 2025, and will cost the average Spokane resident about \$1 per every \$1,000 they spend, with several necessities, like food and prescription drugs, not subject to the tax.

If the Community Safety proposition is not approved, the proposed operational enhancements will not occur or will have to be funded from currently unidentified sources.

and

BE IT FURTHER RESOLVED that the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2024.

ADOPTED by the City Council _____, 2024.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council:

Committee: PIES **Date:** 07/15/2024

Committee Agenda type: Discussion

Date Rec'd

7/10/2024

Clerk's File #

RES 2024-0069

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

MAYOR

Bid #

Contact Name/Phone

MAGGIE YATES 6753

Requisition #

Contact E-Mail

MYATES@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

PDILLON BWILKERSON

Agenda Item Name

COUNCIL CONFIRMATION OF MAYORAL APPOINTEE -- POLICE CHIEF

Agenda Wording

Mayor Brown appointed Assistant Police Chief Justin Lundgren as the interim police chief effective January 1, 2024.

Summary (Background)

SMC 2.005.010 A(4)b requires "persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution." The completion of the selection process, approval by the City Council, as well as the time necessary for the selected applicant to relocate to Spokane and begin employment will extend this interim appt. beyond the 180 days permitted by SMC 2.005.010 A(4)b.

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

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

JONES, GARRETT

Division Director

Accounting Manager

BUSTOS, KIM

Legal

SCHOEDEL, ELIZABETH

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

myates@spokanecity.org

amcdaniel@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Committee Date	July 15,2024
Submitting Department	Mayor's Office
Contact Name	Maggie Yates
Contact Email & Phone	myates@spokanecity.org
Council Sponsor(s)	Dillon and Wilkerson
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	Council Confirmation of Mayoral Appointee – Interim Police Chief
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>SMC 2.005.010 A(4)b requires “persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution.” Mayor Brown appointed Assistant Police Chief Justin Lundgren as the interim police chief effective January 1, 2024. The completion of the new police chief selection process, the submittal to and approval by the City Council for appointment of the new police chief, as well as the time necessary for the selected applicant to relocate to Spokane and begin employment will extend the interim appointment of Interim Chief Justin Lundgren beyond the 180 days permitted by SMC 2.005.010 A(4)b.</p> <p>This resolution fulfills interim appointment department head requirements of SMC 2.005.010 A(4)b.</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: Click or tap here to enter text.</p> <p>Current year cost:</p> <p>Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</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)	
<p>What impacts would the proposal have on historically excluded communities?</p> <p>N/A</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?

N/A

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

N/A

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

N/A

RESOLUTION 2024 – 0069

A Resolution approving an extension of the appointment of Justin Lundgren as the interim police chief for the City of Spokane.

WHEREAS, the prior permanent police chief for the City of Spokane resigned his position effective the December 31, 2023; and

WHEREAS, Mayor Lisa Brown, as the newly elected mayor, appointed then Assistant Police Chief Justin Lundgren as the interim police chief effective January 1, 2024, pursuant to SMC 2.005.010 A. 4. b., which provides that such interim appointments by the Mayor is valid for up to 180 days and that this time period may be extended for up to another 180 by City Council resolution; and

WHEREAS, Mayor Brown has initiated a national recruitment process for a new permanent police chief resulting in a review of an initial applicant pool and the selection of four finalist who are currently going through an interview process; and

WHEREAS, Mayor Brown anticipates a selection of a new permanent police chief to be submitted to the City Council pursuant to Section 24 of the City Charter and Section 2.14 of the City Council Rules of Procedure as a result of this national search and current interview process; and

WHEREAS, the completion of the selection process, the submittal to and approval by the City Council, as well as the time necessary for the selected applicant to relocate to Spokane and begin employment will extend the interim appointment of Justin Lundgren beyond the 180 days permitted by SMC 2.005.010 A. 4. b; and

WHEREAS, Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Justin Lungren as interim police chief for an additional ninety (90) days pursuant to SMC 2.005.010 A. 4. b.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the extension of the interim appointment of Justin Lungren as the interim police chief for the City of Spokane for an additional ninety (90) days beyond the original 180 days pursuant to SMC 2.005.010 A. 4. b.

ADOPTED BY THE CITY COUNCIL ON _____, 2024.

City Clerk

Approved as to form:

City Attorney



Agenda Sheet for City Council:

Committee: Public Safety **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

RES 2024-0070

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

CITY COUNCIL

Bid #

Contact Name/Phone

CM BINGLE 6719

Requisition #

Contact E-Mail

JBINGLE@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

JBINGLE MCATHCART

Agenda Item Name

0320 - RESOLUTION REGARDING ENFORCEMENT OF UNLAWFUL CAMPING

Agenda Wording

A Resolution of the City of Spokane, Washington, urging the enforcement of the City's ordinances prohibiting unlawful camping and occupation in public areas following the recent U.S. Supreme Court decision on Grants Pass v. Johnson.

Summary (Background)

on June 26, 2024, the Supreme Court of the United States issued its ruling in City of Grants Pass v. Johnson, holding that local government ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of homeless people. The effect of the Grants Pass holding is to remove the legal impediment previously imposed by the Martin v Boise precedent, thereby allowing the full and effective enforcement of SMC.

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

Neutral

\$

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Committee Briefing Paper

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	City Council
Contact Name	Councilman Jonathan Bingle or Candi Davis
Contact Email & Phone	jbingle@spokanecity.org ; cldavis@spokanecity.org
Council Sponsor(s)	Councilman Jonathan Bingle and Councilman Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	A Resolution urging the enforcement of the City’s ordinances prohibiting unlawful camping and occupation in public areas following the recent U.S. Supreme Court decision on Grants Pass v. Johnson.
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>The 2018 decision by the U.S. Court of Appeals for the Ninth Circuit, <i>Martin v. City of Boise</i>, previously limited the City’s ability to fully enforce local laws regulating camping on public lands and rights-of-way and the unlawful occupation of sidewalks and pedestrian avenues, unless adequate low-barrier shelter space was available; placing undue pressure on the City’s public spaces and resources and further endangering the general welfare of both housed and unhoused citizens.</p> <p>The central holding in <i>Martin v Boise</i> was that local ordinances prohibiting camping in public areas criminalized homelessness, in violation of the 8th Amendment to the U.S. Constitution.</p> <p>However, on June 26, 2024, the Supreme Court of the United States issued its ruling in <i>City of Grants Pass v. Johnson</i>, holding that local government ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of homeless people.</p> <p>The effect of the <i>Grants Pass</i> holding is to remove the legal impediment previously imposed by the <i>Martin v Boise</i> precedent, thereby allowing the full and effective enforcement of SMC 12.02.1010 and SMC 10.60.020, and the opportunity to create a much clearer legal framework for enforcing anti-camping and sit-and-lie ordinances, potentially allowing municipalities greater authority in managing public spaces.</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost:	

Subsequent year(s) cost:

Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue

Funding Source One-time Recurring N/A

Specify funding source: Select Funding Source*

Is this funding source sustainable for future years, months, etc? [Click or tap here to enter text.](#)

Expense Occurrence One-time Recurring N/A

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 impact should be neutral if the enforcement and implementation is consistently applied. More information on the representation of historically excluded communities in the local homelessness population in order to say more about the impact.

- 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?

Historically, Council has requested that Sit and Lie enforcement data be included in the Public Safety Committee Agendas. CMIS/HMIS data is collected and analyzed by CHHS. And specifically in this resolution a request for monitoring and evaluation has been made, “The City Council requests the Mayor direct relevant city departments to establish a monitoring and evaluation system to assess the impact of enforcement on public safety, health, and the well-being of individuals experiencing homelessness. Consistent with current ordinances requiring regular reporting of resources and performance measures relating to homelessness prevention programs, the City Council requests the Mayor direct relevant city departments to provide the City Council and the public with regular reports on enforcement actions, shelter capacity, and service utilization shall be submitted to the City Council for review.”

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

This resolution specifically requests monitoring and evaluation to be performed, “The City Council requests the Mayor direct relevant city departments to establish a monitoring and evaluation system to assess the impact of enforcement on public safety, health, and the well-being of individuals experiencing homelessness. Consistent with current ordinances requiring regular reporting of resources and performance measures relating to homelessness prevention programs, the City Council requests the Mayor direct relevant city departments to provide the City Council and the public with regular reports on enforcement actions, shelter capacity, and service utilization shall be submitted to the City Council for review.”

- 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 resolution aligns with SMC 12.02.1010; SMC 10.60.020; RES 2023-0075

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

RESOLUTION NO. 2024-0070

A Resolution of the City of Spokane, Washington, urging the enforcement of the City's ordinances prohibiting unlawful camping and occupation in public areas following the recent U.S. Supreme Court decision on *Grants Pass v. Johnson*.

WHEREAS, the City of Spokane is dedicated to the well-being, safety, and security of its residents, visitors, and businesses; and

WHEREAS, public health, safety, and community welfare are jeopardized by unauthorized encampments on public property, leading to unsanitary conditions, fire hazards, and increased crime; and

WHEREAS, the safety and well-being Spokane citizens, including both housed and unhoused individuals, as well as the viability of local businesses, are threatened by the continued unlawful occupation and use of public sidewalks and adjacent building entrances and parking areas; and

WHEREAS, the Spokane Municipal Code section 12.02.1005 regulates camping parking on public lands and rights-of-way, and Spokane Municipal Code 10.60.020, the so-called "sit-and-lie" ordinance, regulates the unlawful occupation of sidewalks and pedestrian avenues, all to promote the safe and responsible use of public spaces; and

WHEREAS, the 2018 decision by the U.S. Court of Appeals for the Ninth Circuit, *Martin v. City of Boise*, previously limited the City's ability to fully enforce these local laws unless adequate low-barrier shelter space was available; placing undue pressure on the city's public spaces and resources and further endangering the general welfare of both housed and unhoused citizens; and

WHEREAS, the central holding in *Martin v Boise* was that local ordinances prohibiting camping in public areas criminalized homelessness, in violation of the 8th Amendment to the U.S. Constitution; and

WHEREAS, on August 28, 2023, the City Council adopted Resolution 2023-0075, setting for the Council's expectations for, and support in principle of, the establishment of a regional homeless authority to better marshal local private and public resources available to alleviate persistent homelessness in the Spokane region; and

WHEREAS, since the holding in *Martin v. Boise*, Spokane voters overwhelmingly approved Proposition 1 in 2023, demonstrating broad public support for the expansion and enforcement of local laws prohibiting unauthorized camping and sit-and-lie violations; and

WHEREAS, on June 26, 2024, the Supreme Court of the United States issued its ruling in *City of Grants Pass v. Johnson*, holding that local government ordinances with civil and criminal penalties for camping on public land do not constitute cruel and unusual punishment of homeless people ; and

WHEREAS, the effect of the *Grants Pass* holding is to remove the legal impediment to full and effective enforcement of SMC 12.02.1010 and SMC 10.60.020, and to create a much clearer legal framework for enforcing anti-camping and sit-and-lie ordinances, potentially allowing municipalities greater authority in managing public spaces; and

WHEREAS, the City of Spokane remains committed to finding compassionate and effective solutions to homelessness, evidenced by substantial investments in shelter facilities, social services, and affordable housing initiatives;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Spokane that, in light of the holding in *Grants Pass v Johnson*, the City should approach the problem of homelessness, illegal camping, and unlawful occupation of property with renewed vigor, and consistent with the following principles:

1. Enforcement of Existing Laws:

- The City Council requests the Mayor direct the Spokane Police Department, the Department of Code Enforcement and Parking, and other relevant city agencies to fully enforce the City’s camping and sit-and-lie ordinances consistent with the new legal standard set forth in *Johnson v. Grants Pass*.
- The City Council requests the Mayor direct that such enforcement be conducted in a manner that prioritizes public safety while maintaining respect for individuals experiencing homelessness.

2. Coordination with Shelters and Services:

- Consistent with policies enacted by the City Council and appropriations made available for such purposes, the City Council requests the Mayor direct city agencies to continue to collaborate with local nonprofits, religious organizations, and social service agencies to coordinate homelessness services.

3. Public Education and Outreach:

- The City Council requests the Mayor direct the development and implementation of a public education campaign to inform residents, businesses, and visitors of the effect of the decision *Grants Pass v. Johnson* and the City’s approach to enforcement under the new legal framework.

- The City Council requests the Mayor continue to direct the creation and further deployment of outreach teams to connect individuals in encampments with available services and shelter options.

4. Monitoring and Evaluation:

- The City Council requests the Mayor direct relevant city departments to establish a monitoring and evaluation system to assess the impact of enforcement on public safety, health, and the well-being of individuals experiencing homelessness.
- Consistent with current ordinances requiring regular reporting of resources and performance measures relating to homelessness prevention programs, the City Council requests the Mayor direct relevant city departments to provide the City Council and the public with regular reports on enforcement actions, shelter capacity, and service utilization shall be submitted to the City Council for review.

5. Advocacy for Regional Homelessness Authority:

- Consistent with Resolution 2023-0075, the City Council requests the Mayor further pursue the creation of a regional homelessness authority to better coordinate programs and responses to address homelessness, mental health services, and affordable housing.
- The City Council urges other municipalities in Spokane County and nearby counties to similarly adopt a regional approach to homelessness prevention, creating a regional, unified response to these challenges.

ADOPTED by the City Council this ____ day of _____, 2024.

City Clerk

Approved as to form:

Assistant City Attorney



Agenda Sheet for City Council:

Committee: PIES **Date:** 07/15/2024

Committee Agenda type: Discussion

Date Rec'd

7/11/2024

Clerk's File #

RES 2024-0071

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

MAYOR

Bid #

Contact Name/Phone

ADAM 6779

Requisition #

Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

BWILKERSON JBINGLE KKLITZKE

Agenda Item Name

EXTENSION OF MAYORAL APPOINTEE – INTERIM CHIEF INNOVATION OFFICE

Agenda Wording

Mayor Brown appointed Michael Sloon as the interim Chief Innovation Officer effective January 1, 2024. Mayor Brown is requesting that Council approve the extension of the interim appointment of Michael Sloon as interim Chief Innovation Officer.

Summary (Background)

SMC 2.005.010 A(4)b requires "persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution." Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Michael Sloon as interim Chief Innovation Officer for an additional ninety (90) days pursuant to SMC 2.005.010 A.4.b.

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

JONES, GARRETT

Division Director

GBYRD

Accounting Manager

BUSTOS, KIM

Legal

GBYRD

For the Mayor

GBYRD

Additional Approvals

Distribution List

amcdaniel@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Committee Date	July 15,2024
Submitting Department	Mayor's Office
Contact Name	Adam McDaniel
Contact Email & Phone	amcdaniel@spokanecity.org
Council Sponsor(s)	Please enter the name of the Council Sponsor(s)
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	Council Confirmation of Mayoral Appointee – Interim Chief Innovation Officer
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	SMC 2.005.010 A(4)b requires “persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution.” Mayor Brown appointed Michael Sloon as the interim Chief Innovation Officer effective January 1, 2024. Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Michael Sloon as interim Chief Innovation Officer for up to an additional ninety (90) days pursuant to SMC 2.005.010 A. 4. b. This resolution fulfills interim appointment department head requirements of SMC 2.005.010 A(4)b.
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
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? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A 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? N/A	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A	

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

N/A

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

N/A

RESOLUTION 2024 - 0071

A Resolution approving an extension of the appointment of Michael Sloon as the interim Chief Innovation Officer for the City of Spokane.

WHEREAS, Mayor Brown, as the newly elected mayor, appointed Michael Sloon as the interim Chief Innovation Officer effective January 1, 2024, pursuant to SMC 2.005.010 A. 4. b., which provides that such interim appointments by the Mayor is valid for up to 180 days and that this time period may be extended for up to another 180 by City Council resolution; and

WHEREAS, Section 24 of the City Charter provides that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, Section 2.14 F of the City Council Rules of Procedures states that approval of appointment of department heads shall be by resolution during the City Council's legislative session; and

WHEREAS, Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Michael Sloon as interim Chief Innovation Officer pursuant to SMC 2.005.010 A. 4. B; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the extension of the appointment of Michael Sloon as the interim Chief Innovation Officer for the City of Spokane for up to an additional (90) days beyond the original 180 days pursuant to SMC 2.005.010 A. 4. b.

ADOPTED BY THE CITY COUNCIL ON _____, 2024.

City Clerk

Approved as to form:

City Attorney



Agenda Sheet for City Council:

Committee: PIES **Date:** 07/15/2024

Committee Agenda type: Discussion

Date Rec'd

7/11/2024

Clerk's File #

RES 2024-0072

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

MAYOR

Bid #

Contact Name/Phone

ADAM 6779

Requisition #

Contact E-Mail

AMCDANIEL@SPOKANECITY.ORG

Agenda Item Type

Resolutions

Council Sponsor(s)

BWILKERSON JBINGLE KKLITZKE

Agenda Item Name

EXTENSION OF MAYORAL APPOINTEE -- INTERIM PARKS DIRECTOR

Agenda Wording

Mayor Brown appointed Jason Conley as the interim Director of Spokane Parks and Recreation effective January 1, 2024. Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Jason Conley as interim Director

Summary (Background)

SMC 2.005.010 A(4)b requires "persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution." Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Jason Conley as interim Director of Spokane Parks and Recreation up to an additional ninety (90) days pursuant to SMC 2.005.010 A. 4. b.

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

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Narrative

Amount

Budget Account

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

GBYRD

Division Director

GBYRD

Accounting Manager

GBYRD

Legal

GBYRD

For the Mayor

GBYRD

Additional Approvals

Distribution List

amcdaniel@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Committee Date	July 15,2024
Submitting Department	Mayor’s Office
Contact Name	Adam McDaniel
Contact Email & Phone	amcdaniel@spokanecity.org
Council Sponsor(s)	Please enter the name of the Council Sponsor(s)
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	Council Confirmation of Mayoral Appointee – Jason Conley as Interim Director of Spokane Parks and Recreation
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	SMC 2.005.010 A(4)b requires “persons appointed for the job positions of interim or acting department head shall serve as such for up to 180 days, which period can be extended for up to an additional 180 days by city council resolution.” Mayor Brown appointed Jason Conley as the interim Director of Spokane Parks and Recreation effective January 1, 2024. Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Jason Conley as interim Director of Spokane Parks and Recreation up to an additional ninety (90) days pursuant to SMC 2.005.010 A. 4. b. This resolution fulfills interim appointment department head requirements of SMC 2.005.010 A(4)b.
<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: Click or tap here to enter text.</p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</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? N/A	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	

N/A

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

N/A

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

N/A

RESOLUTION 2024 - 0072

A Resolution approving an extension of the appointment of Jason Conley as the interim Director of Spokane Parks and Recreation for the City of Spokane.

WHEREAS, Mayor Brown, as the newly elected mayor, appointed Jason Conley as the interim Director of Spokane Parks and Recreation effective January 1, 2024, pursuant to SMC 2.005.010 A. 4. b., which provides that such interim appointments by the Mayor is valid for up to 180 days and that this time period may be extended for up to another 180 days by City Council resolution; and

WHEREAS, Section 24 of the City Charter provides that the Mayor shall have the power to appoint department heads subject to the approval of the City Council; and

WHEREAS, Section 2.14 F of the City Council Rules of Procedures states that approval of appointment of department heads shall be by resolution during the City Council's legislative session; and

WHEREAS, Mayor Brown is requesting that the City Council approve the extension of the interim appointment of Jason Conley as the interim Director of Spokane Parks and Recreation pursuant to SMC 2.005.010 A. 4. b.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Spokane that it hereby approves the extension of the interim appointment of Jason Conley as the interim Director of Spokane Parks and Recreation for the City of Spokane up to an additional ninety (90) days beyond the original 180 days pursuant to SMC 2.005.010 A. 4. b.

ADOPTED BY THE CITY COUNCIL ON _____, 2024.

City Clerk

Approved as to form:

City Attorney



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Consent

Date Rec'd 7/8/2024

Clerk's File # ORD C36548

Cross Ref # RES 2024-0066

Project #

Council Meeting Date: 07/22/2024

Submitting Dept COMMUNITY AND ECONOMIC

Bid #

Contact Name/Phone STEVE X6835

Requisition #

Contact E-Mail SMACDONALD@SPOKANECITY.ORG

Agenda Item Type First Reading Ordinance

Council Sponsor(s) ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name 0750 - ORDINANCE FOR SALES TAX DEFERRAL PROGRAM

Agenda Wording

Ordinance for a Sales Tax Deferral Program for redevelopment of underutilized commercial property

Summary (Background)

Senate Bill 6175, passed by the legislature this past session, authorizes the City to establish a sales and use tax deferral program to promote the redevelopment of underutilized commercial property for affordable housing. The ordinance: • Updates SMC 08.07D to a new name (Sales and Use Tax Deferral Program for Underdeveloped Urban Land Redevelopment) to eliminate confusion with other sales and use tax deferral programs for affordable housing.

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 \$ #

Select \$ #

Select \$ #

Committee Agenda Sheet

Urban Experience Committee

Committee Date	7/8/2024
Submitting Department	Mayor's Office Planning & Economic Development
Contact Name	Steve MacDonald
Contact Email & Phone	smcdonald@spokanecity.org
Council Sponsor(s)	<u>Zappone</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Resolution and Ordinance for a Sales Tax Deferral Program for redevelopment of underutilized commercial property
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	Senate Bill 6175, passed by the 2024 Washington Legislature and enacted as Chapter 332, Laws of 2024, authorizes the City to establish a sales and use tax deferral program to promote the redevelopment of underutilized commercial property for affordable housing. This resolution: <ul style="list-style-type: none"> declares the City's intention to establish a sales and use tax deferral program to encourage redevelopment of underutilized commercial property for affordable housing. Sets the public hearing date for the ordinance for August 12th. The ordinance: <ul style="list-style-type: none"> Updates SMC 08.07D to a new name (Sales and Use Tax Deferral Program for Underdeveloped Urban Land Redevelopment) to eliminate confusion with other sales and use tax deferral programs for affordable housing. Consistent with SB 6175, establishes a new Chapter SMC 08.07E setting forth the application, appeals, approval process, and reporting requirements for the sales tax deferral program to encourage the redevelopment of underutilized commercial property.
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: Click or tap here to enter text. Current year cost: Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Reallocation Is this funding source sustainable for future years, months, etc?	

Expense Occurrence One-time Recurring N/A

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 purpose of this sales and use tax deferral program is to provide additional affordable housing.

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?

The Planning and Economic Development team will track affordable housing units developed as a result of this program.

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

This program automatically expires ten years from the adoption of the ordinance. Success of the program will be determined by the number of affordable housing units constructed as a result of this program.

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 program was a high legislative priority for the City of Spokane and aligns with our affordable housing goals in the Comprehensive Plan and Housing Action Plan.

ORDINANCE C36548

An ordinance relating to the establishment of a sales and use tax deferral program for affordable housing; retitling chapter 08.07D of the Spokane Municipal Code (SMC); and enacting a new chapter 08.07E to Title 08 of the SMC.

WHEREAS, in 2023, the City established chapter 08.07D SMC titled “Sales and Use Tax Deferral Program for Affordable Housing” to address redevelopment of underdeveloped urban land consistent with chapter 82.92 RCW; and

WHEREAS, chapter 8.07D SMC allows for infill development of former surface parking lots for to create affordable housing; and

WHEREAS, in 2024, the Washington State Legislature enacted Senate Bill 6175, which provides qualifying cities the legislative authority to enact a sales and use tax deferral program to encourage redevelopment of underutilized commercial property located in urban areas; and

WHEREAS, the State of Washington’s sales and use tax is 6.5 percent, while the City of Spokane’s is an additional 2.5 percent, thus equaling a 9 percent sales and use tax; and

WHEREAS, the deferral amount is the entire 9 percent sales and use tax; and

WHEREAS, there are many existing buildings located in downtown centers near work and services where there is underutilized commercial property that can be redeveloped into affordable housing; and

WHEREAS, to encourage the redevelopment of underutilized commercial property in the downtown center, the City of Spokane may create a sales and use tax deferral program to align with Senate Bill 6175 and hereby does; and

WHEREAS, as required pursuant to Senate Bill 6175, the City Council adopted Resolution 2024-0066, the Resolution of Intent to establish this program, at the July 22, 2024 Legislative Session and notices for the August 12, 2024 hearing were published on _____, 2024 in the City of Spokane Official Gazette; and

WHEREAS, to align with chapter 82.92 RCW and avoid confusion within the SMC with the establishment of the new chapter 08.07E SMC, which will also create a sales and use tax deferral program for affordable housing, Chapter 08.07D SMC needs to be renamed to identify it is for the redevelopment of underdeveloped urban land.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That the title to chapter 08.07D of Title 08 of the Spokane Municipal Code is retitled as follows:

Chapter 08.07D Sales and Use Tax Deferral Program for ((Affordable Housing)) Underdeveloped Urban Land Redevelopment

Section 2. That there is enacted a new chapter 08.07E to Title 08 of the Spokane Municipal Code to read as follows:

Chapter 08.07E Sales and Use Tax Deferral Program for Underutilized Commercial Property

SMC 08.07E.010	Purpose and Intent
SMC 08.07E.020	Definitions
SMC 08.07E.030	Application Process
SMC 08.07E.040	Approval Process
SMC 08.07E.050	Appeals Process
SMC 08.07E.060	Application Fee
SMC 08.07E.070	Additional Requirements, Conditions, and Obligations
SMC 08.07E.080	Annual Report
SMC 08.07E.090	Application to the Department
SMC 08.07E.100	Voluntary Discontinuance
SMC 08.07E.110	Transfer of Ownership
SMC 08.07E.120	Multi-family Tax Exemption
SMC 08.07E.130	Sunset

Section 08.07E.010 Purpose and Intent

The purpose of this chapter is to authorize a sales and use tax deferral program to assist the City of Spokane and increase more affordable housing units in targeted urban areas by incentivizing the redevelopment of underutilized commercial property in the urban core.

Section 08.07E.020 Definitions

As used in this chapter:

A. "Affordable housing" means:

1. Homeownership housing intended for owner occupancy to low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income;

2. "Rental housing" for low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income.
- B. "Applicant" means an owner of commercial property.
 - C. "City" means the City of Spokane, acting through the Director of Community and Economic Development and/or the City Council, as provided in this chapter.
 - D. "Conditional recipient" means an owner of commercial property granted a conditional certificate of program approval under this chapter, which includes any successor owner of the property.
 - E. "Department" means the Washington State Department of Revenue.
 - F. "Director" means the Director of Spokane Department of Community and Economic Development or the Director's designee.
 - G. "Eligible investment project" means an investment project that is located in a city and receiving a conditional certificate of program approval.
 - H. "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which a deferral may be granted under this chapter.
 - I. "Household" means a single person, family, or unrelated persons living together.
 - J. "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral.
 1. "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.
 2. If the investment project is a phased project, "initiation of construction" applies separately to each phase.
 - K. "Investment project" means an investment in multifamily housing, including labor, services, and materials incorporated in the planning, installation, and

construction of the project. "Investment project" includes investment in related facilities such as playgrounds and sidewalks as well as facilities used for business use for mixed-use development.

- G. "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median family income adjusted for family size, for the county, city, or metropolitan statistical area, where the project is located, as reported by the United States department of housing and urban development.
- H. "Multifamily housing" means a building or a group of buildings having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing.
- I. "Owner" means the property owner of record.
- J. "Underutilized commercial property" means an entire property, or portion thereof, currently used or intended to be used by a business for retailing or office-related or administrative activities. If the property is used partly for a qualifying use and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department. For the purposes of this subsection, "qualifying use" means used or intended to be used by a business for retailing or office-related or administrative activities.

Section 08.07E.030 Application Process

An owner of underutilized commercial property seeking a sales and use tax deferral for conversion of a commercial building to provide affordable housing under this chapter on an investment project must complete the following procedures:

- A. The owner must apply to the City in writing, on forms adopted by the Spokane Department of Community and Economic Development. The application must contain the following:
 - 1. Information setting forth the grounds supporting the requested deferral including information indicated on the application form or in the guidelines;
 - 2. A description of the investment project and site plan, and other information requested;
 - 3. A statement of the expected number of affordable housing units to be created;

4. A statement that the applicant is aware of the potential tax liability involved if the investment project ceases to be used for eligible uses under this chapter;
 5. A statement that the applicant is aware that the investment project must be completed within three years from the date of approval of the application;
 6. A statement that the applicant is aware that the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed 24 consecutive months; and
 7. A statement that the applicant would not have built in this location but for the availability of the tax deferral under this chapter.
- B. The applicant must verify the application by oath or affirmation; and
- C. The application must be accompanied by the application fee, if any, required under this chapter; and.
- D. The Director, with the approval of the Spokane City Council, may permit the applicant to revise an application before final action by the City on the application.

Section 08.07E.040 Approval Process

The Director may approve the application and grant a conditional certificate of program approval if it finds that:

- A. (1) The investment project is set aside primarily for multifamily housing units and the applicant commits to renting or selling at least 10 percent of the units as affordable housing to low-income households. In a mixed use project, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units; and (2) the applicant commits to any additional affordability and income eligibility conditions adopted by the local government under this chapter not otherwise inconsistent with this chapter;
- B. The investment project is, or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;
- C. The investment project will occur on land that constitutes, at the time of application, underutilized commercial property;
- D. The area where the investment project will occur is located within an area zoned for residential or mixed uses;

- E. The terms and conditions of the implementation of the development meets the requirements of this chapter and any requirements of the city that are not otherwise inconsistent with this chapter;
- F. The land where the investment project will occur was not acquired through a condemnation proceeding under Title 8 RCW; and
- G. All other requirements of this chapter have been satisfied as well as any other requirements of the city that are not otherwise inconsistent with this chapter.;

Section 08.07E.050 Appeals Process

- A. The City must approve or deny an application filed under this chapter within 90 days after receipt of the application.
- B. If the application is approved, the City must issue the applicant a conditional certificate of program approval. The certificate must contain a statement by the Director of Community and Economic Development that the investment project as described in the application will comply with the required criteria of this chapter.
- C. If the application is denied by the City, the City must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within 10 days of the denial.
- D. Upon denial of an application by the City, an applicant may appeal the denial to the City's Hearing Examiner within 30 days after receipt of the denial. The appeal before the Hearing Examiner must be based upon the record made before the City with the burden of proof on the applicant to show that there was no substantial evidence to support the City's decision.
- E. The decision of the City on appeal is final.

Section 08.07E.060 Application Fee

The City may establish an application fee. This fee shall not exceed an amount determined to be required to cover the cost to be incurred by the City in administering the program under this chapter and shall be reviewed and approved by the City Council on an annual basis. The application fee must be paid at the time the application for program approval is filed.

Section 08.07E.070 Additional Requirements, Conditions, and Obligations

- A. Within 30 days of the issuance of a certificate of occupancy by the City for an eligible investment project, the conditional recipient must file with the City the following:

1. A description of the work that has been completed and a statement that the eligible investment project qualifies the property for a sales and use tax deferral under this chapter;
 2. A statement of the new affordable housing to be offered as a result of the conversion of underutilized commercial property to multifamily housing; and
 3. A statement that the work has been completed within three years of the issuance of the conditional certificate of program approval.
- B. Within 30 days after receipt of the statements required under subsection (A) of this section, the City must determine and notify the conditional recipient as to whether the work completed and the affordable housing to be offered are consistent with the application and the contract approved by the City, and the investment project continues to qualify for a tax deferral under this chapter. The conditional recipient must notify the Department within 30 days from receiving the City's determination.
- C. The City must notify the conditional recipient within 30 days that a tax deferral under this chapter is denied if the City determines that:
1. The work was not completed within three years of the application date;
 2. The work was not constructed consistent with the application or other applicable requirements;
 3. The affordable housing units to be offered are not consistent with the application and criteria of this chapter; or
 4. The owner's property is otherwise not qualified for a sales and use tax deferral under this chapter.
- D. If the City finds that the work was not completed within the required time period due to circumstances beyond the control of the conditional recipient and that the conditional recipient has been acting and could reasonably be expected to act in good faith and with due diligence, the Director, with the approval of the City Council, may extend the deadline for completion of the work for a period not to exceed 24 consecutive months, and must notify the Department of the extension.
- F. In the event the City determines the conditional recipient is not entitled to a sales and use tax deferral under this Section 08.07D.080, the conditional recipient may appeal a decision by the City to the City's Hearing Examiner within 30 days after receipt of the denial. The appeal before the Hearing Examiner must be based upon the record made before the City with the burden of proof on the applicant to show that there was no substantial evidence to support the City's decision. The conditional recipient may appeal a decision by the City's Hearing Examiner to deny

a deferral of sales and use taxes in superior court under RCW 34.05.510 through 34.05.598 if the appeal is filed within 30 days of notification by the City to the conditional recipient.

- G. Upon denial of the sales and use tax deferral by the City under this Section 08.07D.070, the City shall notify the Department, upon which taxes deferred under this chapter are immediately due and payable, subject to any appeal by the conditional recipient.

Section 08.07E.080 Annual Report

- A. Thirty days after the anniversary of the date of issuance of the certificate of occupancy and each year thereafter for ten years, the conditional recipient must file with the Director an annual report indicating the following:
1. A statement of the affordable housing units constructed in the property as of the anniversary date;
 2. A certification by the conditional recipient that the property has not changed use;
 3. A description of changes or improvements constructed after issuance of the certificate of occupancy; and
 4. Any additional information requested by the City.
- B. The conditional recipient of a deferral of taxes under this chapter must file a complete annual tax performance report with the Department pursuant to RCW 82.32.534 beginning the year the certificate of occupancy is issued and each year thereafter for 10 years.
- C. In the event the City issues a certificate of program approval under this chapter, it shall report annually by December 31st of each year, beginning in 2025, to the Washington Department of Commerce the following information:
1. The number of program approval certificates granted;
 2. The total number and type of buildings converted;
 3. The number of affordable housing units resulting from the conversion of underutilized commercial property to multifamily housing; and
 4. The estimated value of the sales and use tax deferral for each investment project receiving a program approval and the total estimated value of sales and use tax deferrals granted.

Section 08.07E.090 Application to the Department

- A. A conditional recipient must submit an application to the Department for a sales and use tax deferral before initiation of the construction of the investment project. In the case of an investment project involving multiple qualified buildings, applications must be made for, and before the initiation of construction of, each qualified building. The application must be made to the Department of Revenue in the form and manner prescribed by the Department. The application must include a copy of the conditional certificate of program approval issued by the City, estimated construction costs, time schedules for completion and operation, and any other information required by the Department.

Section 08.07E.100 Voluntary Discontinuance

- A. If a conditional recipient voluntarily opts to discontinue compliance with the requirements of this chapter, the recipient must notify the City and Department within 60 days of the change in use or intended discontinuance.
- B. If, after the Department has issued a sales and use tax deferral certificate and the conditional recipient has received a certificate of occupancy, the City finds that a portion of an investment project is changed or will be changed to disqualify the recipient for sales and use tax deferral eligibility under this chapter, the City must notify the Department and all deferred sales and use taxes are immediately due and payable.
- C. This section does not apply after ten years from the date of the certificate of occupancy.

Section 08.07E.110 Transfer of Ownership

- A. Transfer of investment project ownership does not terminate the deferral. The deferral is transferred subject to the successor meeting the eligibility requirements of this Section 08.07E and Chapter 82. ___RCW.
- B. The transferor of an eligible project must notify the City and the Department of such transfer, in writing and whereupon the City will certify to the Department whether the successor meets the requirements of the deferral. The transferor must provide the information necessary for the Department to transfer the deferral. If the transferor fails to notify the City and the Department, all deferred sales and use taxes are immediately due and payable as provided in Chapter 82. ___RCW.

Section 08.07E.120 Multi-family Tax Exemption

An owner of underutilized commercial property claiming a sales and use tax deferral under this chapter may also apply for the multiple-unit housing property tax exemption program under chapter 08.15 SMC and chapter 84.14 RCW. For applicants receiving the

property tax exemption under chapter 08.15 SMC and chapter 84.14 RCW, the amount of affordable housing units required for eligibility under this chapter is in addition to the affordability conditions in chapter 08.15 SMC and chapter 84.14 RCW.

Section 08.07E.130 Sunset

This sales and use tax deferral program shall expire ten (10) years from the effective date of this ordinance.

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 words of this ordinance.

Section 4. Clerk Corrections. 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 renumbering or referencing of ordinances or their sections and subsections.

ADOPTED 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:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36549

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

CITY COUNCIL

Bid #

Contact Name/Phone

ANDRES 651-0855

Requisition #

Contact E-Mail

AGRAGEDA@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

LNAVARRETE KKLITZKE

Agenda Item Name

0320 - HUMAN RIGHTS OF INDIVIDUALS EXPERIENCING HOMELESSNESS

Agenda Wording

An ordinance relating to the human rights and basic dignity of individuals experiencing homelessness; amending sections 9.02.050, 18.01.010, 18.01.020, 18.01.030 of the Spokane Municipal Code; and enacting a new Section 18.05.040 of the Spokane Munic

Summary (Background)

The Spokane Human Rights Commission adopted a resolution relating to the human rights and basic dignities of individuals experiencing homelessness in 2023. City Council, with help from Legal, created an ordinance with refined parameters based on the resolution. This ordinance adds "housing status" to the city's list of protected classes and strengthens protections against discriminatory hiring and employment practices, property rights and privacy rights of individuals experiencing homelessness.

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

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
	\$	#
	\$	#

Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	City Council
Contact Name	Andres Grageda
Contact Email & Phone	agrageda@spokanecity.org (509)651-0855
Council Sponsor(s)	CM Navarrete, CM Klitzke
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	HUMAN RIGHTS OF INDIVIDUALS EXPERIENCING HOMELESSNESS
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>*use the Fiscal Impact box below for relevant financial information</p> <p>The Spokane Human Rights Commission adopted a resolution relating to the human rights and basic dignities of individuals experiencing homelessness in October of 2023. Since then, the City Council, with help from Legal, has created an ordinance with refined parameters based on the resolution. This ordinance adds “housing status” to the city’s list of protected classes and strengthens protections against discriminatory hiring and employment practices, property rights and privacy rights of individuals experiencing homelessness.</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: Click or tap here to enter text.</p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</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>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? <p>Individuals experiencing homelessness have experienced discrimination throughout history. This ordinance aims to add protections against these practices to ensure the human rights and basic dignities of these individuals.</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?

We depend on community members to report instances of discrimination through crime check, to our Office of Civil Rights, Equity and Inclusion or to the Spokane Human Rights Commission. This ordinance should make it clearer when and how an individual is being discriminated against based on their housing status and makes them more likely to report it.

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

We will be depending on individuals to report instances of discrimination.

- 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 aligns with the Comprehensive Plan in many areas. Chapter 10 on social health mentions coordination with public and private agencies to evaluate existing needs and programs relative to health and human services. Chapter 6 on housing also discusses socioeconomic integration including people of all demographics, including economic status, which is impossible without elimination discrimination based on housing status.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

We will present the Ordinance at the Spokane Human Rights Commission and at the Equity Subcommittee

ORDINANCE NO. C-36549

An ordinance relating to the human rights and basic dignity of individuals experiencing homelessness; amending sections 9.02.050, 18.01.010, 18.01.020, and 18.01.030 of the Spokane Municipal Code; and enacting a new Section 18.05.040 of the Spokane Municipal Code.

WHEREAS, the City of Spokane knows the issue of homelessness is one of the most pressing and complex situations encountered by our society; and

WHEREAS, in developing public policy to address homelessness, emphasis should be given to attending to the basic needs of the homeless and unhoused while preserving the dignity of these individuals in their circumstances; and

WHEREAS, unhoused and homeless individuals represent a diverse range of ages, education and backgrounds, and vary in their unmet basic needs, talents and dreams, and but all are possessed of inner and outer strengths that can be harnessed to improve their situation and benefit society as a whole; and

WHEREAS, homelessness threatens healthy community living among people, and as it grows it can generate and heighten attitudes of insensitivity, contempt, harshness, shunning, and

WHEREAS, the basic human and legal rights of the unhoused and homeless are frequently infringed because of such attitudes; and

WHEREAS, respect for the dignity of human beings and equality before the law are principles which are fundamental and nonexpendable to guarantee the common good and healthy community living as a people; and

WHEREAS, the City of Spokane should reassert its commitment to the constitutional principle that all people are equal before the law and that there must be no discrimination whatsoever on the basis of protected status as recognized in state and federal law, and in the Spokane Municipal Code; and

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 9.02.050 of the Spokane Municipal Code is amended to read as follows:

Section 09.02.050 Prohibition

A. No employer shall:

1. advertise applicable employment openings in a way that excludes people with arrest or conviction records from applying, such as using advertisements which state “no felons,” “no criminal background,” or which otherwise convey similar messages; provided, employers may advertise the requirement for a criminal history inquiry and/or background check during or after the interview process as long as such advertisement does not state that an arrest or conviction record will automatically preclude the applicant from consideration for employment;
 2. include any question in an application for applicable employment, inquire orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant’s arrest or conviction record prior to an in-person, telephonic, or video interview or received a conditional offer of employment;
 3. use, distribute, or disseminate an applicant’s or employee’s arrest or conviction record except as required or otherwise allowed by law;
 4. disqualify an applicant from applicable employment prior to an in-person, telephonic, or video interview solely because of a prior arrest or conviction unless the conviction is related to significant duties of the job or disqualification is otherwise allowed by this chapter; or
 5. reject or disqualify an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position; or
 6. reject or disqualify an applicant solely because the individual does not have a fixed or regular residence, or because the individual is homeless or unhoused, or because the individual lives on the street, in a shelter, or in a temporary residence, unless the individual’s housing status has a bona fide and legitimate relation to the primary duties of the job and such rejection or disqualification would also violate state or federal employment laws or regulations.
- B. Nothing in this chapter prohibits an employer from inquiring into or obtaining information about a job applicant’s criminal conviction or arrest record or background, and considering the information received regarding such record during an in-person, telephonic, or video interview, or after the conclusion of such a job interview, or after a conditional offer of employment, and using such information in a hiring decision.

Section 2. That section 18.01.010 of the Spokane Municipal Code is amended to read as follows:

Section 18.01.010 Findings

The City of Spokane finds that discrimination based on race, religion, creed, color, sex, national origin, marital status, familial status, housing 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 Disabilities 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.

Section 3. That section 18.01.020 of the Spokane Municipal Code is amended to read as follows:

Section 18.01.020 Purpose and Intent

- A. The City values the dignity and worth of all human beings and is committed to promoting justice, equity and an inclusive environment for all by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, religion, creed, color, sex, national origin, marital status, familial status, housing 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 Disabilities Act and/or the Washington State Law Against Discrimination, or the receipt of, or eligibility for the receipt of, funds from any housing choice or other subsidy program or alternative source of income.
- B. It is the intent of the City that all people have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodations be removed. The City has a compelling interest in eradicating and preventing such discrimination and in ensuring equal opportunity in employment, housing, and public accommodations. This Title 18 represents the least restrictive means of achieving the City's objectives.
- C. The provisions of this Title 18 are to be broadly and liberally construed to effectuate this Title's remedial purpose and the City's legislative intent.

- D. These sections are not intended to establish or require affirmative action or quotas of any kind, or to infringe upon the authority vested in the civil service commission and City departments pursuant to the City Charter.
- E. By enacting this title, the City expresses its intent to ensure that Spokane generally, as well as the City itself, is free from bias or discrimination on the basis of race, religion, creed, color, sex, national origin, marital status, familial status, housing 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 Disabilities Act and/or the Washington State Law Against Discrimination, and free from sexual harassment.
- F. Nothing in this chapter shall constitute a cause of action under state law or form a basis for relief in the state courts. It is the intent of this chapter that all causes of action for violations of the chapter shall lie with the City of Spokane's Hearing Examiner, Municipal Court, or Superior Court, as specified in this Title 18.
- G. Nothing in this Title 18 shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights. Nothing in this Title 18 shall limit or expand any cause of action available to any person under federal or state law.

Section 4. That section 18.01.030 of the Spokane Municipal Code is amended to read as follows:

Section 18.01.030 Definitions

- A. "Commission" means the Spokane Human Rights Commission.
- B. "Data management protocols" means the procedures governing how data collected by surveillance equipment will be retained, stored, indexed and accessed. Information comprising data management protocols includes, at a minimum, the information required in SMC 18.04.020.
- C. "Disability" means the presence of a sensory, mental, or physical impairment that, whether temporary or permanent, common or uncommon, mitigated or unmitigated, a limitation or not on the ability to work generally or work at a particular job, or a limitation or not on the ability to engage in any other activity within the scope of this Title 18:

1. is medically cognizable or diagnosable; or
 2. exists as a record or history; or
 3. is perceived to exist whether or not it exists in fact.
 4. For the purposes of reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:
 - a. The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or
 - b. The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.
 5. For purposes of this definition, a limitation is not substantial if it has only a trivial effect.
 6. For purposes of housing, a "reasonable accommodation" is an adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, where there is an identifiable relationship or nexus between the requested accommodation and the person's disability.
- D. "Discrimination" means different or unequal treatment because of race, religion, creed, color, sex, national origin, marital status, familial status, housing status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, disability, the use of a guide dog or service animal, or the use or eligibility for the use of housing choice or other subsidy program or alternative source of income. "Discriminate" means to treat differently or unequally because of race, religion, creed, color, sex, national origin, marital status, familial status, housing 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 Disabilities Act and/or the Washington State Law Against Discrimination, or the use or eligibility for the use of housing choice or

other subsidy program or alternative source of income. For purposes of this definition, it is discriminatory to fail to offer reasonable accommodation in housing or employment to an otherwise qualified applicant or employee with a disability, absent a showing that the accommodation would impose an undue hardship.

- E. “Dog guide” means a dog that is specifically trained for the purpose of guiding persons who are blind or a dog trained for the purpose of assisting persons with disabilities.
- F. “Domestic Violence Victim Status” means a family or household member, as defined in RCW 10.99.020 (3), who has been subjected to domestic violence as defined in RCW 10.99.020 (5) or who is a victim of sexual assault as defined in RCW 70.125.030.
- G. “Employee” means an individual who works for wages, salary or commission, or a combination thereof, in the service of an employer, but does not include a person employed by a parent, grandparent, brother, sister, spouse or child. The term includes an individual who is seeking or applying for employment. This definition does not include independent contractors.
- H. “Employer” means any person acting in the interest of an employer, directly or indirectly, who employs employees within the City, or who solicits individuals within the City to apply for employment within the City, including the City of Spokane and all its boards, commissions and authorities.
- I. “Entities under common ownership” means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like which are: owned by the same person(s); in which the same person(s) serve as officers and/or directors; or the majority of one of which is owned by one or more of the others. For example, if a single person owns controlling interests in several limited liability companies, all of those limited liability companies are entities under common ownership.
- J. “Family with children status” means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- K. “Federally-recognized tribe” means an entity listed on the Department of the Interior's list under the Federally Recognized Indian Tribe List Act of 1994, which

the Secretary currently acknowledges as an Indian tribe and with which the United States maintains a government-to-government relationship.

- L. "Gender Identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- M. "Housing choice or other subsidy program((or alternative source of income))" means, without limitation: (i) any short or long term federal, state or local government, private nonprofit, or other assistance program in which a tenant's rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program; or (ii) HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.
- N. "Housing status" means the status of having or not having a fixed or regular residence, including the status of being homeless or unhoused, living on the streets, in a shelter, or in a temporary residence.
- O. "Impairment" includes, without limitation, any:
 - 1. physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin and endocrine; or
 - 2. mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- P. "Income" means lawful, verifiable income derived from all sources, including without limitation wages, salaries or other compensation for employment; Social Security benefits; supplemental security income; unemployment benefits; retirement programs; child support; payments from the Aged, Blind or Disabled Cash Assistance Program; Refugee Cash Assistance; any federal, state, local government, private, or nonprofit-administered benefit program, including without limitation payments from any housing choice or other subsidy program as defined in this chapter; financial aid for college students; and per capita payments or distributions received from a federally-recognized tribe.

- Q. "Labor organization" means an organization which is constituted for the purpose, in whole or in part, of collective bargaining or for dealing with an employer concerning grievances, terms or conditions of employment, or for other mutual aid or protection in connection with an employer.
- R. "Marital status" means the status of being married, single, separated, divorced or widowed.
- S. "National origin" includes ancestry.
- T. "Operational protocols" means the procedures governing how and when surveillance equipment may be used and by whom and includes, at a minimum, the information required in SMC 18.04.010.
- U. "Person" includes:
1. A natural individual, partnership, association, organization, corporation, cooperative, legal representative, trustee and receiver, and any group of persons acting in concert;
 2. an owner, lessee, proprietor, manager, agent or employee, of a person, whether consisting of one or more natural persons;
 3. entities under common ownership; and
 4. any political or civil subdivisions of the City and any agency or instrumentality of the City or of any political or civil subdivision thereof.

This definition does not include the federal government or any federally-recognized tribe.

- V. "Place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public

washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps, provided that nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this section; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

- W. "Profiling" means actions of the Spokane Police Department, its members, or officers commissioned by the Spokane Police Department to rely on actual or perceived race, religion, national origin, color, creed, age, citizenship status, immigration status, refugee status, gender, sexual orientation, gender identity, disability, socio-economic status, housing status, or membership in any protected class under federal, state or local law as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity.
- X. "Refugee status" means the status of a person who, under the provisions of 8 USC 1101(a)(42), is outside a country of that person's nationality or, in the case of a person having no nationality, is outside any country in which that person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.
- Y. "Service animal" means an animal that is trained for the purposes of assisting or accommodating a person with a disability.
- Z. "Sex" means gender.
- AA. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- BB. "Surveillance equipment" means equipment capable of capturing or recording data, including images, videos, photographs or audio operated by or at

the direction of a City department that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether "masking" or other technology might be used to obscure or prevent the equipment from capturing certain views. "Surveillance equipment" includes drones or unmanned aircraft and any attached equipment used to collect data. "Surveillance equipment" does not include the following equipment which are in use by the City of Spokane as of March 1, 2017:

1. handheld or body-worn devices (e.g., "bodycams") used by law enforcement;
2. cameras installed in or on a police vehicle (e.g., "dashcams");
3. cameras installed in or on any City-owned vehicle, including without limitation fire trucks, emergency vehicles, utility vehicles and street maintenance vehicles, which are intended to ensure the safe operation of the vehicle;
4. cameras installed along a public right-of-way to record traffic patterns and/or traffic violations;
5. cameras intended to record activity inside or at the entrances to City buildings for security purposes; or
6. cameras installed to monitor and protect the physical integrity of City infrastructure, including without limitation fire stations and utility service facilities.

Section 5. That there is enacted a new section 18.05.040 of the Spokane Municipal Code to read as follows:

Section 18.05.040 Human Rights of Individuals Experiencing Homelessness

No person's rights, privileges, or access to public services and accommodations may be denied or abridged in violation of applicable laws solely because of their housing status. Such a person shall enjoy the same rights, privileges, and responsibilities as any other resident of the City of Spokane. A person experiencing homelessness:

1. Has the right to use and move freely in public spaces, including, but not limited to, public sidewalks, public parks, public transportation, and public buildings in the same manner as any other person, and without discrimination on the basis of the person's housing status, and while in public spaces such persons shall be subject to the same applicable rules and regulations regarding the use or occupancy of such space and property;

2. Has the right to equal treatment by all municipal agencies, without discrimination on the basis of housing status;
3. Has the right not to face discrimination while seeking or maintaining employment in the City of Spokane based on the person's housing status, lack of permanent mailing address, or having a mailing address of a shelter or social service provider unless the individual's housing status has a bona fide and legitimate relation to the primary duties of the job;
4. Has the right to be free from unreasonable searches of their person or property when seeking or receiving homelessness services, including shelter services; and
5. Has the right to retain control of their personal papers and other essential personal property when seeking or receiving homelessness services, including shelter services.

Section 6. 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 7. 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.

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:** 08/12/2024

Committee Agenda type: Discussion

Date Rec'd

7/9/2024

Clerk's File #

ORD C36550

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

DEVELOPMENT SERVICES CENTER

Bid #

Contact Name/Phone

ELDON BROWN 509-625-6305

Requisition #

Contact E-Mail

EBROWN@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE

Agenda Item Name

AMENDING ORD C-26051 TO RELEASE AN EASEMENT

Agenda Wording

Amending Ord C-26051 to Release an Easement

Summary (Background)

On June 8, 1981 Spokane City Council passed Ordinance C-26051 that vacated various rights-of-way south of I-90. Easements for public & private utilities were reserved in that vacation ordinance. The Prose Development Project Building Permits are currently under review and the Developer is requesting that easements encumbering that property be released. The City of Spokane has received letters of support from the utility purveyors.

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

Neutral

\$

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Select

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

PALMQUIST, TAMI

Division Director

MACDONALD, STEVEN

Accounting Manager

ALBIN-MOORE, ANGELA

Legal

RICHMAN, JAMES

For the Mayor

PICCOLO, MIKE

Additional Approvals

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Kim Kuchlenz kkuchlenz@spokanecity.org

Elizabeth Rivera erivera@spokanecity.org

AGENDA ITEM PROCESSING SHEET

PLEASE FILL IN AS MUCH INFORMATION AS POSSIBLE – IF YOU NEED ASSISTANCE PLEASE CONTACT THE ADMIN GROUP

City Council Meeting Date: August 12, 2024

Submitting Dept: DSC - Development Services Center Other:

Name of Staff Member Presenting to Council: Eldon Brown x6305

Agenda Type: First Reading Ordinance

Agenda Item Name: Amending Ord C-26051 to Release an Easement

Agenda Wording (250 Character Max): Amending Ord C-26051 to Release an Easement

Summary Background (500 Character Limit): On June 8, 1981 Spokane City Council passed Ordinance C-26051 that vacated various rights-of-way south of I-90. Easements for public & private utilities were reserved in that vacation ordinance. The Prose Development Project Building Permits are currently under review and the Developer is requesting that easements encumbering that property be released. The City of Spokane has received letters of support from the utility purveyors.

Grant Related? Yes No

Public Works Related? Yes No

Fiscal Impact: Neutral

If Revenue or Expense:

**** If the item is an expense, please complete & include an Expenditure Control Form with the other documents.**

Council Notifications: Urban Experience – 7/8/2024

**** City Council Sponsor:**

Any Additional Approvals Required:

Distribution List: I add the Submitter, Department Head, and Division Head to all agenda submittals.


jeliason@spokanecity.org, ebrown@spokanecity.org, mnilsson@spokanecity.org

PLEASE PROVIDE DOCUMENTS (ELECTRONIC IF AVAILABLE) THAT NEED TO BE SUBMITTED WITH THE AGENDA ITEM

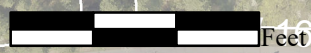
Amending Ordinance C-26051



Legend

 Vacated Evergreen Dr.

0 90 180 270



Amending Ordinance C-26051 to release the utility easement that was reserved in Ordinance C-26051 across vacated Evergreen Drive.

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.



City of Spokane
Development Services Center
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6300

ORDINANCE NO. C36550

An ordinance amending Ordinance C-26051 that vacated Thirteenth Avenue and Woodland Boulevard from the southeast right of way line of I-90 to the west line of "A" Street, Evergreen Drive from the southeast right of way line of I-90 to the north line of Fourteenth Avenue and the unnamed strip of land south of Lot 12 and north of Lots 17, 18, and 19, Block 16, Woodland Heights Addition, from the west line of Evergreen Drive to the extended west line of said Lots 12 and 17, and providing for an effective date.

WHEREAS, a petition for the vacation of Thirteenth Avenue and Woodland Boulevard from the southeast right of way line of I-90 to the west line of "A" Street; Evergreen Drive from the southeast right of way line of I-90 to the north line of Fourteenth Avenue and the unnamed strip of land south of Lot 12 and north of Lots 17, 18, and 19, Block 16, Woodland Heights Addition, from the west line of Evergreen Drive to the extended west line of said lots 12, and 17, has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

WHEREAS, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; - NOW THEREFORE,

The City of Spokane does ordain:

Section 1. That Thirteenth Avenue and Woodland Boulevard from the southeast right of way line of I-90 to the west line of "A" Street; Evergreen Drive from the southeast right of way line of I-90 to the north line of Fourteenth Avenue and the unnamed strip of land south of Lot 12 and north of Lots 17, 18, and 19, Block 16, Woodland Heights Addition, from the west line of Evergreen Drive to the extended west line of said lots 12, and 17 are hereby vacated.

Section 2. That the City reserves and retains easement for utilities over Woodland Boulevard ~~and Evergreen Drive~~ as herein vacated and no buildings or structures shall be erected thereon without written permission of the Public Works Director.

Section 3. Passage of this ordinance shall be subject to the approval of the City Zoning Board of the special permit application for the Planned Unit Development being

proposed for this area.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 08/12/2024

Committee Agenda type: Discussion

Date Rec'd

7/9/2024

Clerk's File #

ORD C36551

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

DEVELOPMENT SERVICES CENTER

Bid #

Contact Name/Phone

ELDON BROWN 509-625-6305

Requisition #

Contact E-Mail

EBROWN@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE

Agenda Item Name

AMENDING ORD C-22045 TO RELEASE EASEMENTS

Agenda Wording

Amending Ord C-22045 to Release Easements

Summary (Background)

On June 25, 1973 Spokane City Council passed Ordinance C-22045 that vacated various rights-of-way south of I-90. Easements for public & private utilities were reserved in that vacation ordinance. The Prose Development Project Building Permits are currently under review and the Developer is requesting that easements encumbering that property be released. The City of Spokane has received letters of support from the utility purveyors.

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

Neutral

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

PALMQUIST, TAMI

Division Director

MACDONALD, STEVEN

Accounting Manager

ALBIN-MOORE, ANGELA

Legal

RICHMAN, JAMES

For the Mayor

PICCOLO, MIKE

Additional Approvals

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Kim Kuchlenz kkuchlenz@spokanecity.org

Elizabeth Rivera erivera@spokanecity.org

AGENDA ITEM PROCESSING SHEET

PLEASE FILL IN AS MUCH INFORMATION AS POSSIBLE – IF YOU NEED ASSISTANCE PLEASE CONTACT THE ADMIN GROUP

City Council Meeting Date: August 12, 2024

Submitting Dept: DSC - Development Services Center Other:

Name of Staff Member Presenting to Council: Eldon Brown x6305

Agenda Type: First Reading Ordinance

Agenda Item Name: Amending Ord C-22045 to Release Easements

Agenda Wording (250 Character Max): Amending Ord C-22045 to Release Easements

Summary Background (500 Character Limit): On June 25, 1973 Spokane City Council passed Ordinance C-22045 that vacated various rights-of-way south of I-90. Easements for public & private utilities were reserved in that vacation ordinance. The Prose Development Project Building Permits are currently under review and the Developer is requesting that easements encumbering that property be released. The City of Spokane has received letters of support from the utility purveyors.

Grant Related? Yes No

Public Works Related? Yes No

Fiscal Impact: Neutral

If Revenue or Expense:

**** If the item is an expense, please complete & include an Expenditure Control Form with the other documents.**

Council Notifications: Urban Experience – 7/8/2024

**** City Council Sponsor:**

Any Additional Approvals Required:

Distribution List: I add the Submitter, Department Head, and Division Head to all agenda submittals.

jeliason@spokanecity.org, ebrown@spokanecity.org, mnilsson@spokanecity.org

PLEASE PROVIDE DOCUMENTS (ELECTRONIC IF AVAILABLE) THAT NEED TO BE SUBMITTED WITH THE AGENDA ITEM

Amending Ordinance C-22045



Amending Ordinance C-22045 to release the utility easements that were reserved in Ordinance C-22045 across vacated C St. and 15th Ave

*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.*



City of Spokane
Development Services Center
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6300

ORDINANCE NO. C36551

And ordinance amending Ordinance C-22045 that vacated "C" Street from the north line of Sixteenth Avenue to the south line of Fourteenth Avenue and Fifteenth Avenue from the east line of "C" Street to a line drawn parallel to and 330 feet east of the east line of "C" Street, in the City and County of Spokane, Washington, and providing for the effective date of this ordinance.

WHEREAS, the City Council of the City of Spokane having found that the public use and benefit will be served; - NOW THEREFORE,

The City of Spokane does ordain:

Section 1. That "C" Street from the north line of Sixteenth Avenue to the south line of Fourteenth Avenue, and Fifteenth Avenue from the east line of "C" Street to a line drawn parallel to and 330 feet east of the east line of "C" Street. In the City and County of Spokane, Washington, be, and the same are hereby vacated, subject to the following conditions:

- ~~1. Easements shall be reserved for the construction, repair and maintenance of existing public and private utilities and services.~~
- ~~2. No buildings or structures shall be constructed over, or closer than ten feet from, any existing storm and/or sanitary sewer line now constructed within the area to be vacated.~~

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its passage.

Passed the City Council _____

Council President

Attest: _____
City Clerk

Approved as to Form:

Assistant City Attorney

Mayor

Date: _____

Effective Date: _____

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

ORD C36552

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

PLANNING & ECONOMIC

Bid #**Contact Name/Phone**

KAYCEE X6194

Requisition #**Contact E-Mail**

KDOWNNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

0650HIGHER INTENSITY RES. CODE UPDATE ASSOCIATED W/S LOGAN TOD

Agenda Wording

Higher intensity residential code update to amend SMC Sections 17C.111.205 and 17C.111.420 for South Logan TOD Implementation.

Summary (Background)

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact. The proposed higher intensity residential code update to amend SMC Sections 17C.111.205 and 17C.111.420 align with the goals and recommendations of the South Logan

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

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources

Amount**Budget Account**

Neutral

\$

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Select

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

TOD Plan and the City of Spokane Comprehensive Plan. The proposed amendments include increasing the maximum heights in the Residential Multifamily (RMF) and Residential High Density (RHD) zones and modifying open space requirements to support increased feasibility of higher intensity residential development. For the full code amendments please visit: <https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

Approvals

<u>Dept Head</u>	GARDNER, SPENCER
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ALBIN-MOORE, ANGELA
<u>Legal</u>	RICHMAN, JAMES
<u>For the Mayor</u>	JONES, GARRETT

Additional Approvals

Distribution List

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sgardner@spokanecity.org	tblack@spokanecity.org
tkimbrell@spokanecity.org	amccall@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , x6194
Council Sponsor(s)	<u>CM Zappone, CM Klitzke and CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Higher Intensity Residential Code Update Associated with South Logan TOD Implementation
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>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact.</p> <p>The proposed higher intensity residential code update to amend SMC Sections 17C.111.205 and 17C.111.420 align with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>The proposed amendments include increasing the maximum heights in the Residential Multifamily (RMF) and Residential High Density (RHD) zones and modifying open space requirements to support increased feasibility of higher intensity residential development.</p> <p>For the full code amendments please visit: https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</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: Click or tap here to enter text.</p> <p>Narrative: The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program via the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources.</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)	
<i>What impacts would the proposal have on historically excluded communities?</i>	

The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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?

The South Logan TOD Plan 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 proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

ORDINANCE NO. C36552

AN ORDINANCE relating to maximum residential heights and multi-unit open space standards amending Spokane Municipal Code (SMC) Sections 17C.111.205 and 17C.111.420.

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition; and

WHEREAS, in order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for a review of higher intensity residential design standards, as well as permitted heights; and

WHEREAS, based on feedback from developers and the community, it was determined that modifications were required to the open space standards to increase feasibility of higher intensity residential development within the South Logan TOD project area while ensuring open space access for all residents; and

WHEREAS, based on feedback from developers and the community, it was determined that modifications were required to the maximum heights permitted in the

higher intensity residential zones to increase feasibility of development within the South Logan TOD project area; and

WHEREAS, for regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility and access to open space, the amendments affect citywide development regulations; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC Section 17C.111.205 be amended to read as follows:

Section 17C.111.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1
LOT DEVELOPMENT STANDARDS [1]

	RA	R1	R2	RMF	RHD
DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.
Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A
Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
Notes:					
[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.					

[2] See SMC 17C.111.210 for applicability of minimum and maximum density standards in the residential zones.

[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.

[4] Lots with vehicle access only from an alley are not considered to have a “driveway approach” for the purposes of this standard.

[5] Lot and building coverage calculation includes all primary and accessory structures.

[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.

[7] Developments meeting certain criteria relating to transit, Centers & Corridors, or housing affordability are given a bonus for building coverage. See SMC 17C.111.225 for detailed eligibility criteria.

[8] Projects may exceed impervious coverage requirements by including an engineer’s drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. “ADC” means Area of Drainage Concern.

TABLE 17C.111.205-2					
BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	((40)) <u>55</u> ft.	((40)) <u>75</u> ft.
Minimum Setbacks					
Front	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [3]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [4] [5]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.

Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side lot line setbacks [5] [6]	Same as Primary Structure				
Minimum rear setback with alley [4] [5] [6]	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					
Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks [4] [5] [6]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE [7]					

Minimum ((outdoor area)) <u>open space</u> per unit (([7])) [8]	250 sq. ft.	250 sq. ft.	250 sq. ft.	((200-sq-ft.)) Studio: 48 sq. ft. per unit 1- bedroom: 75 sq. ft. per unit 2+ bedrooms: 150 sq. ft. per unit	Studio: 48 sq. ft. per unit 1-bedroom: 75 sq. ft. per unit 2+ bedrooms: 100 sq. ft. per unit Sites 20,000 sq. ft. or less: 36 sq. ft. per unit
Minimum common ((outdoor area)) <u>open space</u> per unit as a substitute for private area - first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	((150-sq-ft.)) Studio: 48 sq. ft. per unit 1- bedroom: 75 sq. ft. per unit 2+ bedrooms: 150 sq. ft. per unit	Studio: 48 sq. ft. per unit 1-bedroom: 75 sq. ft. per unit 2+ bedrooms: 100 sq. ft. per unit Sites 20,000 sq. ft. or less: 36 sq. ft. per unit
Minimum common ((outdoor area)) <u>open space</u> per unit as a substitute for private area - all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	((100-sq-ft.)) Studio: 36 sq. ft. per unit 1- bedroom: 48 sq. ft. per unit 2+ bedrooms:	Studio: ((48)) 36 sq. ft. per unit 1-bedroom: 48 sq. ft. per unit 2+ bedrooms: 48 sq. ft. per unit Sites 20,000 sq. ft. or less: 25 sq. ft. per unit

				48 sq. ft. per unit	
Notes:					
[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.					
[2] Base zone height may be modified according to SMC 17C.111.230, Height.					
[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.					
[4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail.					
[5] Setbacks for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner as specified in SMC 17C.111.240(C).					
[6] Accessory structures may be subject to an additional side setback adjacent to streets as specified in 17C.111.240(C)(5).					
[7] Residential units with a continuous pedestrian route as defined in SMC Section 17C.111.420(B) from the property boundary to a public park within 800 feet shall have a minimum of not more than 36 square feet of open space per unit.					
([7]) [8] Common ((outdoor area)) open space may be substituted for private ((outdoor area)) open space according to SMC 17C.111.310.					

TABLE 17C.111.205-3 DEVELOPMENT STANDARDS FOR PROPERTIES QUALIFYING FOR DEVELOPMENT BONUS [1] [2]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A

Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes:					
[1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.					
[2] Criteria to qualify for Development Bonuses is outlined in SMC 17C.111.225.					

Section 2. That SMC Section 17C.111.420 be amended to read as follows:

Section 17C.111.420 ((Outdoor)) Open Spaces

A. Purpose.

To create pedestrian friendly, usable areas through the use of plazas, courtyards, rooftop decks, and other ((outdoors)) open spaces for the enjoyment and health of the residents.

B. ((Outdoor)) Open Spaces Implementation.

1. Minimum Required Space.

((4))a. Each multifamily development shall ((set)) provide ((a minimum of forty-eight square feet of)) the minimum ((outdoor)) open space area for each living unit in the complex, including those units occupied by the owner or building management personnel, as identified in Table 17C.111.205-2. Open spaces may be provided individually, such as by balconies, or combined into a larger common open space. ((Private outdoor spaces can count towards this outdoor common space provision.)) Developments in RMF and RHD may provide both private and common open space to meet the minimum requirement; however, each unit must provide either the full private or common open space to count towards the minimum required space. (R)

b. Residential units with a continuous pedestrian route from the building entrance to a public park within 800 ft are not required to provide more than 36 square feet of open space per unit. For purposes of this requirement, an unsignalized crossing of a minor arterial road or greater shall not be considered a continuous pedestrian route.



Trellis and special landscape defines private courtyard area

[NOTE: Delete graphic above]

2. ((Ground Level Units)) Private Open Space.

~~((The outdoor area for ground level units is a type of private outdoor space and must be directly accessible from the unit. The area must be surfaced with lawn, pavers, decking or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. (R)))~~

Private open space area is typically developed for passive recreational use. Examples include balconies, patios, and private rooftop decks.



[NOTE: Delete graphic above]

- a. Private open space must be directly accessible from the unit. (R)
- b. Private open space must be surfaced with landscaping, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. (R)
- c. Private open space may be covered, such as a covered balcony, but may not be fully enclosed. (R)
- d. Berms, low walls, fences, hedges and/or landscaping shall be used to define private open spaces such as yards, decks, terraces, and

patios from each other and from the street right-of-way. The material or plantings between private open spaces shall be a maximum of four feet in height and visually permeable, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors. Material or plantings between units and right-of-way shall meet applicable fencing restrictions. (P)

3. ~~((Upper Level Units))~~ Common Open Space.

~~((Upper level units are a type of private outdoor space. For upper level units, the required outdoor area may be provided individually, such as by balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements. (R)))~~

Common open space area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts, and open recreational facilities.

- a. ~~The total amount of required ((outdoor area for upper level units))~~ common open space is the cumulative amount of the required area per dwelling unit for ~~((individual))~~ common areas, minus any ~~((upper level))~~ units that provide individual ~~((outdoor areas))~~ open space (if provided). However, a combined required ~~((outdoor area))~~ open space must comply with the minimum area ~~((and dimension requirements for combined outdoor areas))~~ and meet ADA Standards for Accessible Design.
- b. ~~((The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts, and open recreational facilities. The area))~~ Common open space must be surfaced with ~~((lawn))~~ landscaping, pavers, decking, or sport court paving, which allows the area to be used for recreational purposes. ~~((User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.))~~ (R).
- c. Common open space may be covered, such as a covered patio, but may not be fully enclosed unless the open space is an equipped interior fitness area or furnished meeting space not reservable by individual residents. (R)
- d. Common open spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)

- e. Common open spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)
- i. Site furnishings (benches, tables, bike racks)
 - ii. Picnic or outdoor grilling areas
 - iii. Patios, plazas, or courtyards
 - iv. Tot lots or other children's play areas
 - v. Enclosed pet areas that make up no more than fifty percent of the required common open space
 - vi. Community gardens accessible for use by residents
 - vii. Open lawn
 - viii. Play fields
 - ix. Sports courts, such as tennis or basketball courts, and pools that make up no more than fifty percent of the required common open space
 - x. Interior equipped fitness areas that make up no more than fifty percent of the required common open space
- f. If common open spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (P)

~~((4. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)~~

- ~~a. Site furnishings (benches, tables, bike racks).~~
- ~~b. Picnic areas.~~
- ~~c. Patios, plazas or courtyards.~~
- ~~d. Tot lots.~~
- ~~e. Gardens.~~
- ~~f. Open lawn.~~
- ~~g. Play fields.~~

- h. Sports courts, such as tennis or basketball courts (no more than fifty percent of required outdoor common space), equipped interior fitness areas, or pools.)



[NOTE: Delete graphic above]



Basketball court provided in common outdoor area

[NOTE: Delete graphic above]

- ~~((5. Common outdoor spaces shall be easily visible and accessible to multifamily residents. (P)~~
6. ~~Berms, low walls, fences, hedges and/or landscaping shall be used to define private ((outdoor)) open spaces such as yards, decks, terraces, and patios from each other and from the street right-of-way. (P)~~
7. ~~Walls, hedges, and fences shall be used to define and ensure a sense of privacy in outdoor private spaces. The material or plantings should be a maximum of four feet (high and visually permeable, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors.) (P))~~
- ~~((8))~~4. Lighting shall be provided within ((outdoor)) open spaces to provide visual interest, as well as an additional security function. Lighting should not cause off-site glare. (R)

~~((9. If outdoor spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (C)))~~



[NOTE: Delete graphic above]

~~((10. Common outdoor spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)))~~

~~((14))~~5. ~~((Outdoor))~~ Open spaces should not be located adjacent to dumpster enclosures, loading/service areas or other ~~((incompatible uses))~~ facility and/or utility enclosures. (C)

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



STAFF REPORT

PLANNING AND ECONOMIC DEVELOPMENT SERVICES DEPARTMENT

To:	City of Spokane Plan Commission
Subject:	South Logan TOD Implementation SMC Text Amendments
Staff Contact:	KayCee Downey, Planner II kdowney@spokanecity.org
Report Date:	June 19, 2024
Hearing Date:	June 26, 2024
Recommendation:	Approval

I. SUMMARY

The South Logan Transit-Oriented Development (TOD) Project will support more connectivity and livability in the South Logan area for the community, businesses, and organizations in the Logan Neighborhood through area-specific and citywide proposals. These City-initiated text amendments are proposed to update the Spokane Municipal Code (SMC) Unified Development Code to implement the focused community vision and policies recommended through the South Logan TOD Subarea Plan to encourage mixed-use, walkable places close to transit. The proposed draft code would amend SMC Sections 17A.20.160, 17C.111.205, 17C.111.230, 17C.111.420, 17C.120.220, 17C.122, 17C.122T, 17C.123, 17C.230, and 17C.300. The proposal also creates a new SMC Chapter, 17C.420. The proposed draft code has been developed by City staff with the input from various groups and public feedback. For ease and transparency, a Text Amendment Tracking Sheet has been included as **Exhibit A**. The full-text amendments can be found attached as **Exhibit B**.

II. BACKGROUND

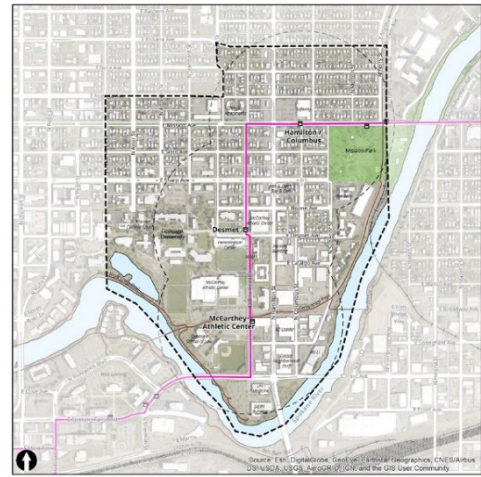
The South Logan Transit-Oriented Development (TOD) project leverages the investment and analysis of prior work to propose citywide and area-specific text amendments to the Spokane Municipal Code.

The City Line, the six-mile, corridor-based Bus Rapid Transit line running from Browne's Addition, through Downtown and the University District to the Logan and Chief Garry Neighborhoods includes three stops in what is referred to as the South Logan Subarea. Opened in the Summer of 2023, this \$92 million investment created a premium transit service estimated to host more than 1 million rides per year. The potential to positively impact adjacent land use and redevelopment through Transit-Oriented Development, or TOD, played a central role in the City Line's development and advancement.

Building on recommendations from past assessments such as the 2014 "Economic and Land Use Impacts of the Spokane Central City Line" report and the 2016 "City Line Strategic Overlay" study, the Transit-Oriented Development (TOD) Framework Study evaluated a portion of the City Line Bus Rapid Transit project to develop a process for identifying infrastructure improvements and land use policy changes to support Transit-Oriented Development in the project area. The resulting Action Plan provides a guide for future processes for planning accessible improvements and regulatory changes to support equitable TOD along existing and future high-frequency transit corridors.

The 2021 Washington Legislature appropriated \$2.5 million for cities to facilitate Transit-Oriented Development in areas with high-capacity transit. The City of Spokane was one of 11 communities to be awarded \$250,000 in grant funds from the Transit-Oriented Development and Implementation (TODI) grant program through the Washington Department of Commerce. Using guidance from the TOD Framework Study Action Plan, the South Logan subarea was identified for the project funds.

The South Logan TOD Project kicked off in early 2022 to support more connectivity and livability in the South Logan Subarea for the community, businesses, and organizations in the Logan Neighborhood. Three City Line stations are located within the Subarea, with a mix of uses within the area including residential, commercial, and universities, as well as a mix of zones including Center and Corridor and Spokane's only pilot Form-Based Code. Throughout a 20-month planning process, which included the development and review of four project alternatives, a range of subject matter experts and community members provided input towards the Preferred Alternative, of which the [South Logan TOD Plan](#) and [Final Environmental Impact Statement \(FEIS\)](#) were based off. The Plan and FEIS were recommended for approval by the Spokane Plan Commission on December 13, 2024 and [approved through resolution](#) by City Council on January 29, 2024.



The South Logan subarea extends North to Indiana Avenue and South to the river, and includes Mission Park, Gonzaga University, and portions of Mission Avenue and Hamilton Street.

As implementation of the South Logan TOD Plan, both citywide and area-specific Development Code text amendments are being proposed at this time, as outlined through the following analysis.

III. PROCESS

DEVELOPMENT CODE AMENDMENT PROCEDURE

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 amendments, 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

The proposed text amendments to the Unified Development Code (UDC) were shaped by established goals and policy recommendations, as well as direct feedback. Prior community engagement, which formed the foundation of the draft text amendments, occurred during the development of the South Logan TOD Plan and Final Environmental Impact Statement. Those efforts included a community survey, numerous virtual and in-person open houses, a three-day planning studio, and community pop up tabling, and are documented on the project webpage. Below is a list summarizing the engagement and

outreach efforts conducted exclusively for the Implementation phase of the project. Where recordings are available, external web links are provided.

Logan Neighborhood Council Meeting	February 13, 2024
Plan Commission Workshop	March 13, 2024
STA Open House – NE Community Center	March 19, 2024
STA Open House – Downtown Plaza	April 9, 2024
Plan Commission Workshop	April 10, 2024
Plan Commission Workshop	April 24, 2024
Virtual Information Session	April 30, 2024
Coffee Chat Pop Up	May 4, 2024
Expo '74 Climate Tabling	May 18, 2024
Plan Commission Workshop	May 22, 2024
Coffee Chat Pop Up	May 23, 2024
Coffee Chat Pop Up	June 1, 2024
Plan Commission Workshop	June 12, 2024

In addition to the specific engagement efforts noted above, the South Logan newsletter, project webpage, and City of Spokane social media posts were used throughout the project to inform the public on the process of South Logan TOD Implementation. A full list of South Logan newsletters can be found at my.spokanecity.org/SouthLoganTOD under Recent Updates.

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 C** for the SEPA Determination of Non-significance issued on June 12, 2024.

COMMENTS RECEIVED

A public comment period occurred May 17, 2024 to June 17, 2024, however comments were accepted throughout the project. Any written comments received prior to 3 PM on June 19, 2024 are attached to the agenda packet for the scheduled public hearing as **Exhibit D**. All written public comments received by the Planning Department between 3 PM on June 19, 2024 to June 26, 2024 by 4:00 p.m. will be circulated to the Plan Commission prior to the public hearing scheduled at 4:00 p.m. June 26, 2024.

No comments were received prior to 3 PM on June 19, 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 E**. No Agency/City department comments were received regarding this application.

IV. ANALYSIS

PROPOSAL DESCRIPTION

The first phase of the South Logan TOD Project was the creation and adoption of the [South Logan TOD Plan](#) and [Final Environmental Impact Statement \(FEIS\)](#), which were approved by City Council on January 29, 2024. The second phase of Implementation will result in citywide and area-specific amendments to the Spokane Municipal Code, as well as land use and zone changes.

The South Logan TOD Plan includes specific policy recommendations, as well as more general directions for the form and type of envisioned development. This proposal implements the South Logan TOD Plan by amending SMC Sections 17A.020.160 “P” Definitions, 17C.111.205 Development Standards Tables, 17C.111.230 Height, 17C.111.420 Open Spaces, 17C.120.220 Height, 17C.122.070 Center and Corridor Zone Allowed Uses, 17C.122.090 Public Amenities Allowing Bonus FAR, 17C.123.010 Purpose, 17C.123.020 Code Organization, 17C.123.030 Regulating & Street Section Plans, 17C.123.040 Land Use, Height, Placement and Parking, 17C.123.050 Streetscape Requirements, 17C.123.060 Architectural Requirements, 17C.123.070 Additional Requirements, 17C.123.080 Building Type Catalogs, 17C.230.120 Maximum Required Parking Spaces, 17C.230.130 Parking Exceptions, and 17C.300.130 Development Standards.

This proposal, in large part for improved reorganization, repeals SMC Sections 17C.122.080 Floor Area Ratios (FAR), 17C.122.100 Maximum Building Height, 17C.122.110 Setbacks and Required Sidewalk Width, and Chapter 17C.122T Center and Corridor Zone Development Tables.

This proposal also creates SMC Sections 17C.122.200 Development Standards Table, 17C.122.210 Height, 17C.122.220 Height Transition, 17C.122.230 Floor Area Ratio, 17C.122.240 Setbacks, 17C.122.250 Sidewalks, and SMC Chapter 17C.420 South Logan Planned Action Ordinance.

Those amendments amount to five code amendment packages, with a summary of the amendments included as **Exhibit A** and the full drafts included as **Exhibit B**. The proposed area-specific text amendments to the Spokane Municipal Code affect development within the South Logan Project Area only, while the proposed citywide text amendments affect development citywide, including properties with Center and Corridor zoning, properties with RMF/RHD zoning, and multifamily developments.

Area-Specific Code Proposals	Citywide Code Proposals
Hamilton Form-Based Code	Center and Corridor Code
Planned Action Ordinance	Height and Height Transitions
	Multi-Unit Open Space Standards

The land use and zone changes are being proposed as a City-sponsored proposal of the 2023/2024 Comprehensive Plan Amendment docket, under [File Z24-105COMP](#). The Comprehensive Plan Amendment docket is expected to be before Plan Commission in September 2024.

PLANNED ACTION ORDINANCE

The proposed South Logan TOD Planned Action Ordinance is an area-specific text amendment, establishing a new SMC Chapter, identified in the South Logan TOD Plan as a future action.¹ Planned Actions, defined in [WAC 197-11-164](#), allow local governments to review potential impacts of development in a defined geographic area during the planning stage, rather than the development review stage. The South Logan TOD [Final Environment Impact Statement \(FEIS\)](#) approved by resolution on January 29, 2024 provides the environmental analysis and mitigation of the Preferred Alternative and serves as the foundation of the proposed Planned Action Ordinance. Any projects that fall under an adopted Planned Action Ordinance do not require additional environmental review through the State Environmental Policy Act (SEPA).

The South Logan TOD Planned Action Ordinance includes thresholds and criteria to determine what projects are covered by the existing FEIS. Historical and archaeological considerations are addressed through Inadvertent Discovery Plan and Site Inventory Form requirements. City Departments and partner agencies will receive notification of proposed projects that

¹ [South Logan TOD Plan](#), pg. 1

meet the Planned Action Ordinance Criteria. Any future development proposed under the Planned Action Ordinance shall meet all mitigation requirements as determined appropriate at time of submittal.

Future development proposals within areas subject to the Shoreline Master Program, as well as proposed drive-thrus or projects not meeting the established criteria, are not covered by the Planned Action Ordinance and must submit additional SEPA review, as necessary by state and local law.

HAMILTON FORM-BASED CODE

The Hamilton Form-Based Code (FBC) is an existing SMC Chapter, adopted in 2015 to serve as a model form-based code intended to foster an economically vibrant, walkable, mixed-use environment.² However, engagement conducted for the South Logan TOD Plan found that the current Hamilton FBC involves regulations that may create barriers to the envisioned future for the area. These potential barriers include the number of regulatory variables within a consolidated area of the city and code sections that use terms and organizational choices not found elsewhere in the SMC, which can lead to confusion. Proposed amendments to the Hamilton FBC are included in the South Logan TOD Plan Action Plan.³

The text amendment proposals include:

- Consolidating the Hamilton FBC to one implementing zone and Shopfront designations
- Increased permitted heights
- Minor design standard and street improvement modifications
- Reorganization to reflect standard SMC Chapters

CENTER AND CORRIDOR REGULATIONS

The proposed Center and Corridor text amendments primarily make permanent the current interim ordinance, with modifications, and have a citywide impact. SMC Section 17C.400.040 Pilot Center and Corridors Development Standards was adopted in July 2022, extended in December 2023, and expires June 28, 2024.⁴ The South Logan TOD Plan anticipated the continuation of the interim ordinance regulations, with all considered Alternatives including the interim ordinance as a baseline.⁵ As an interim ordinance, to make permanent there is an expectation that the regulations may need modifications to reflect feedback received during the pilot program timeline. Additionally, these proposed text amendments are also informed by relevant recommendations from the [Center and Corridor Study](#).

The targeted Center and Corridor text amendments include:

- Removing minimum parking requirements for all Center and Corridor zones
- Removing maximum FAR standards and implementing minimum FAR standards
- Replacing FAR incentives with height incentives
- Not permitting drive-thrus in CC1 zones and along Pedestrian Streets
- Increasing heights within Center types and adjusting the height transition ratio
- Reorganization to improve useability

The proposed text amendments also include proposals outside of the Center and Corridor SMC Section but are related to and/or are located within portions of SMC already being modified for the Center and Corridor specific amendments. Those proposals include:

- Removing minimum parking requirements to all Downtown zones

² [Ordinance No. C35212](#)

³ [South Logan TOD Plan](#), pg. 55

⁴ [Ordinance No. C36458](#), section 3

⁵ [South Logan TOD Plan](#), pg. 87

- Modifying Accessory Dwelling Unit standards and Residential parking requirements to reflect existing parking standards in a more clear and consistent manner, without making policy changes

HEIGHTS AND HEIGHT TRANSITIONS

The South Logan TOD Preferred Alternative calls for a height of 75-feet for a portion of the Residential High Density (RHD) zones proposed within the subarea.⁶ However, the current SMC allows for heights of 40-feet, 55-feet, 70-feet, and 150-feet, depending on location. The proposed amendments include modifying the 70-feet to be 75-feet. Of note, any zones currently zoned with a height modifier of 70-feet, e.g. RHD-70, will not be rezoned with the proposal and will still have a maximum height of 70-feet.

In addition to allowing 75-feet, the proposed amendments include increasing the permitted base height within the Residential Multifamily (RMF) and Residential High Density (RHD) zones citywide. Discussions and framing of the higher intensity residential zones anticipate a different built form within those zones when compared to the lower intensity residential zones (Residential 1, or R1, and Residential 2, or R2). However, the current base height allowances found within the Development Standards Table 17C.111.205-2 are the same for R1, R2, RMF, and RHD zones – 40-feet. A height exception does allow for an additional 15-feet of height in RMF and RHD depending on roof form standards.⁷ The proposed amendments modify the base heights in RMF and RHD to allow for the envisioned built form without requiring a rezone or other process to permit increased heights. RMF is proposed to have a maximum base height of 55-feet. RHD is proposed to have a maximum base height of 75-feet. Of note, there are portions of the South Logan TOD Preferred Alternative that calls for RMF-40 and RHD-55 zones, which would restrict those heights to 40- and 55-feet, respectively. Additionally, any properties with RMF or RHD zones with a height modifier will not be rezoned with the proposal and will have the existing maximum height limit.

In order to make more feasible the permitted base heights, the height transition requirements for higher intensity residential, commercial, and Center and Corridor development adjacent to Residential 1 (R1) and Residential 2 (R2) zones are proposed to be modified. The proposal reduces the distance of the height transition for higher intensity residential and commercial zones from 150-feet to 40-feet, after which the base height for the zone applies without transition requirements. The 150-foot transition distance was maintained for Center and Corridor zones due to their anticipated intensity. The transition ratio is also proposed to be modified, from 1:2 (one additional foot of building height for every two feet of additional horizontal distance from closest R1 and or R2 residential zone) to 2:1 (two additional feet of building height for every one foot of additional horizontal distance). Graphics illustrating the height transition can be found in the proposed text amendments in **Exhibit B**.

HIGHER INTENSITY RESIDENTIAL OPEN SPACE REGULATIONS

The South Logan TOD Plan calls for a review of residential development design standards to determine compatibility with the desired built form of the area.⁸ Residential design standards for single-unit and middle housing recently went through an extensive public engagement process as part of the [Building Opportunity for Housing](#) code amendment project. The higher intensity residential design standards are similar to those regulations, with many of the lower intensity residential design standards directly borrowed from the multi-unit code. As such, a significant modification of the design standards is not proposed at this time. A larger look at all design standards within all zones may be considered at a future date.

Feedback received from developers and various project consultants since the Building Opportunity for Housing adoption have identified a potential barrier within the existing multi-unit design standards to the envisioned built form of the higher intensity residential zones. The existing open space standards have been found to potentially cause feasibility issues for higher intensity residential zones, particularly on smaller infill lots. The proposed amendments reduce the square footage of open space per unit, for both common and private open space, from existing standards. However, of note, the proposal is at or above open space standards prior to the Building Opportunity for Housing code adoption. The proposal also incorporates different square footage requirements based on the unit type, with a studio unit requiring less open space than a three bedroom unit, and clarifies that private and common open space may both be used to meet a development's

⁶ [South Logan TOD Plan](#), pg. 42

⁷ [Spokane Municipal Code](#), 17C.111.230 Height

⁸ [South Logan TOD Plan](#), pg. 37

requirements. Adjustments to the open space standards reorganize the regulations by private and common open space, rather than ground floor and upper units, make standards more objective where necessary, and add pet areas as an allowed open space amenity.

IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND POLICIES

Section [17G.025.010](#) SMC establishes the review criteria for text amendments to the Unified Development Code. In order to approve a text amendment, City Council shall consider the findings and recommendations of the Plan Commission along with the approval criteria outlined in the Code. The applicable criteria are shown below in *bold and italic* with staff analysis following the list. 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 their Comprehensive Plan discussion points, are contained in **Exhibit F**.

17G.025.010(G) APPROVAL CRITERIA

1. **The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan.**

Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors

Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers

Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation

Chapter 3: Land Use – Goal 4 – Transportation Policy LU 4.6 Transit-Supported Development

Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment

Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation

Chapter 8: Urban Design and Historic Preservation – Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development

Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design

Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design

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. Leveraging recent investment in the City Line Bus Rapid Transit by Spokane Transit Authority, the amendments implement and support the South Logan TOD Plan, with citywide and area-specific development implications that support transit-oriented development and infill development near existing infrastructure. The proposed text amendments are derived from stakeholder and community engagement during the development of the South Logan TOD Plan and Final Environmental Impact Statement, as well as during text amendment development and revisions, allowing staff to identify and address concerns or additional barriers to ensure successful implementation of the proposed regulations. As stated above, these changes are consistent with the Comprehensive Plan and statutes protecting public health, safety, and the environment.

V. DISCUSSION

The proposed text amendments are intended to support the transit-oriented development envisioned by the South Logan TOD Plan and make feasible infill and pedestrian supportive development throughout Spokane.

Adopted January 29, 2024, the South Logan TOD Plan and Final Environmental Impact Statement created the framework for future development, leveraging the proximity of the City Line Bus Rapid Transit investment through the subarea. The proposed text amendments are intended to implement the specific recommendations as well as overall vision for the South Logan Subarea approved in the Plan. Citywide changes, as necessary to implement the South Logan TOD Plan recommendations in a consistent and efficient manner, support transit-oriented and Center and Corridor development throughout Spokane. In order to accommodate anticipated future development in the South Logan Subarea and citywide, the proposed text amendments were developed following community feedback and local best practices.

VI. CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed text amendments to the Unified Development Code satisfy the applicable criteria for approval as set forth in SMC Section 17G.025.010. To comply with RCW 36.70A.370 the proposed text amendments have been evaluated to ensure proposed changes do not result in unconstitutional takings of private property.

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 code amendments to the Unified Development Code.

Staff **recommends approval** of the proposed text amendments and recommends that the Plan Commission adopt the facts and findings of the staff report.

VIII. LIST OF EXHIBITS

- A. Text Amendment Tracking Sheet
- B. Proposed Draft Text Amendments
- C. SEPA Determination of Non-Significance
- D. Public Comments
- E. Agency Comments
- F. Comprehensive Plan Goals and Policies

EXHIBIT A

South Logan TOD Implementation

Proposed Text Amendment Tracker



The text amendment tracking sheet provides a summary of proposed changes in each section of the Spokane Municipal Code. The text amendment tracking sheet does not replace reviewing the draft code text amendments as there may be additional details and/or minor changes that were not captured in this document.

Existing SMC Section	New SMC Section	Description of Change
SMC 17A.20.160 “P” Definitions		
Section 17A.20.160 “P” Definitions		<ul style="list-style-type: none"> ○ Added “PAO Responsible Official” to the definitions ○ Added “Planned Action” to the definitions
SMC 17C.111.205 Development Standards Tables		
Section 17C.111.205 Development Standards Tables Table 17C.111.205-2 Building and Siting Standards		<ul style="list-style-type: none"> ○ Increased standard height in RMF to 55-feet from 40-feet ○ Increased standard height in RHD to 75-feet from 40-feet ○ Reduced open space requirements in RMF and RHD depending on unit size, with the minimum being 48 sq. ft. per unit. Prior to housing code changes passed in January 2024, the minimum open space required was 48 sq. ft. ○ Reduced open space requirements in RHD for sites 20,000 sq. ft. or less, allowing a minimum of 36 sq. ft. ○ Added residential units with a continuous pedestrian route to a public park within 200 feet to have a maximum open space requirement per unit of 48 sq. ft.

SMC 17C.111.230 Height

Section 17C.111.230 Height		<ul style="list-style-type: none">○ Replaced the permitted height of 70-feet to 75-feet, allowing for the increased height envisioned for podium development○ Properties currently zoned -70 will not increase to 75-feet with this amendment; a rezone of the property would be required○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones○ Increased starting height from 30-feet to 40-feet○ Removed height exception of an extra 15-feet for RMF/RHD zones with a maximum height of 40-feet; unnecessary with base height increase proposed in SMC 17C.111.205
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SMC 17C.111.420 Open Spaces

(section name changed from Outdoor Spaces)

Section 17C.111.410 Outdoor Spaces	Section 17C.111.410 Open Spaces	<ul style="list-style-type: none">○ Rename outdoor spaces to open spaces to more accurately reflect spaces already permitted to meet minimums○ Reorganized open space standards by private and common space, rather than ground floor and upper floor space○ Emphasized that open space must be useable and accessible to residents of the development○ Add enclosed pet areas, children’s play areas, and community gardens as permitted common open space amenities○ Removed unnecessary and non-descriptive photographs found in the code
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SMC 17C.120.220 Height

Section 17C.120.220 Height		<ul style="list-style-type: none"> ○ Replaced the permitted height of 70-feet to 75-feet, allowing for the increased height envisioned for podium development ○ Properties currently zoned -70 will not increase to 75-feet with this amendment; a rezone of the property would be required ○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones ○ Increased starting height from 30 ft to 40ft
SMC 17C.122 Center and Corridor Zones		
Section 17C.122.070 Center and Corridor Zone Allowed Uses		<ul style="list-style-type: none"> ○ Amended to not allow drive-through businesses in CC1 ○ Drive-through businesses still allowed in CC2 and CC3 except for along designated pedestrian streets ○ Removed unnecessary footnote language
Section 17C.122.080 Floor Area Ratios (FAR)		<ul style="list-style-type: none"> ○ REPEALED ○ Floor Area Ratio (FAR) standards relocated to 17C.122.230
Section 17C.122.090 Public Amenities Allowing Bonus FAR	Section 17C.120.090 Public Amenities Allowing Bonus Height	<ul style="list-style-type: none"> ○ Modified to allow bonus height instead of FAR ○ Allows for 15 feet of additional height if all parking is within an entirely below-grade structure, behind the building, or in an above-ground parking garage; or if at least 20% of the residential units are Affordable; or if public art of 1% of development costs is provided ○ Removed other bonus incentives for public spaces and public art
Section 17C.122.100 Maximum Building Height		<ul style="list-style-type: none"> ○ REPEALED ○ Height standards relocated to 17C.122.210
Section 17C.122.110 Setbacks and Required Sidewalk Width		<ul style="list-style-type: none"> ○ REPEALED ○ Setbacks and sidewalk widths relocated to 17C.122.240 and 17C.122.250

	Section 17C.122.200 Development Standards Table	<ul style="list-style-type: none"> ○ NEW SECTION ○ Consolidates development standards tables ○ Increases heights in NC, DC, and EC from 40ft/55ft/150ft to 55ft/75ft/150ft ○ Removes maximum FAR standards ○ Includes minimum FAR standards in District Centers and Employment Centers
	Section 17C.122.210 Height	<ul style="list-style-type: none"> ○ NEW SECTION ○ Height standards relocated from 17C.122.210 ○ Clarifies how height is measured for code consistency
	Section 17C.122.220 Height Transition	<ul style="list-style-type: none"> ○ NEW SECTION ○ Height Transition standards relocated from 17C.122.100 ○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones ○ Increased starting height from 30 ft to 40ft
	Section 17C.122.230 Floor Area Ratio	<ul style="list-style-type: none"> ○ NEW SECTION ○ Floor Area Ratio (FAR) standards relocated from 17C.122.070 ○ Explains how FAR is measured.
	Section 17C.122.240 Setbacks	<ul style="list-style-type: none"> ○ NEW SECTION ○ Setback standards relocated from 17C.122.110
	Section 17C.122.250 Sidewalks	<ul style="list-style-type: none"> ○ NEW SECTION ○ Sidewalk standards relocated from 17C.122.110

SMC 17C.122T Center and Corridor Zone Development Tables

Chapter 17C.122T Center and Corridor Zone Development Tables		<ul style="list-style-type: none"> ○ REPEALED ○ Development tables consolidated and relocated to 17C.122.200
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SMC 17C.123 Form Based Code Zones

Section 17C.123.010 Purpose		<ul style="list-style-type: none"> ○ Minor language updates to reflect the Transit-Oriented Development (TOD) emphasis of the South Logan area
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Section 17C.123.020 Code Organization	17C.123.020 Context Area and Shopfront Designations	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.030 ○ Consolidation of the four Context Areas in the Hamilton Form-Based Code to one Context Area ○ Removal of Street Types for less variable development patterns; replaced with Shopfront designations for high interest street corners
Section 17C.123.030 Regulating & Street Section Plans	17C.123.030 Building Form	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.040 ○ Created Table 17C.123.030-1 to better illustrate development regulations outside of graphics ○ Implemented maximum setback in place of build-to lines for code consistency ○ Established exception to maximum setback for public plazas
Section 17C.123.040 Land Use, Height, Placement and Parking	Section 17C.123.040 Permitted Uses	<ul style="list-style-type: none"> ○ NEW SECTION ○ Changed from a list of prohibited uses to a table of permitted uses to reflect standard organization of code and assist in the implementation and transparency of the Hamilton Form-Based Code
Section 17C.123.050 Streetscape Requirements	Section 17C.123.050 Parking and Pedestrian Connectivity	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.040
Section 17C.123.060 Architectural Requirements	Section 17C.123.060 Streetscape Requirements	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.050 ○ Consolidated regulations to one Context Area and the Shopfront Designation
Section 17C.123.070 Additional Requirements	Section 17C.123.070 Design Standards	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.050 ○ Made some regulations more objective by providing specific guidance meeting the intent of the design standard ○ Incorporated guidelines consistent with the South Logan TOD Subarea Plan
Section 17C.123.080 Building Type Catalogs	17C.123.080 Additional Requirements	<ul style="list-style-type: none"> ○ Removed the visual character catalogs as they did not fully encapsulate the permitted designs

		<p>within the Hamilton Form-Based Code and did not include enforceable regulations</p> <ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.070 ○ Removed allowance of barbed wire within the Hamilton Form-Based Code ○ Permitted accessory outdoor sales so long as the Clear Pedestrian Zone and Buffer Zones are maintained
SMC 17C.230 Parking and Loading		
Section 17C.230.120 Maximum Required Parking Spaces		<ul style="list-style-type: none"> ○ Modified CC parking standards, removing minimum parking requirements but keeping maximum parking standards
Section 17C.230.130 Parking Exceptions		<ul style="list-style-type: none"> ○ Text changes aligning with the modified parking table in 17C.230.120 ○ Remove minimum parking in Center and Corridor, Downtown, and Form Based Code zones ○ Changes to make clear when and where parking requirements apply to residential units and Accessory Dwelling Units for improved code useability
SMC 17C.300 Accessory Dwelling Units		
Section 17C.300.130 Development Standards		<ul style="list-style-type: none"> ○ Text changes to align with 17C.230.130 Parking Exceptions ○ Proposed change made for code consistency
SMC 17C.420 South Logan Planned Action Ordinance		
(please note, the chapter number may change before adoption)		
	Section 17C.420.010 Purpose	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the purpose of the South Logan TOD Planned Action Ordinance
	Section 17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Action	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the Planned Action Area ○ Identifies the South Logan TOD Final EIS as the regulating environmental analysis for the Planned Action Ordinance

		<ul style="list-style-type: none"> ○ Identifies thresholds and criteria to qualify for the Planned Action Ordinance ○ Reinforces the requirement of an Inadvertent Discovery Plan and the process for Historic properties ○ Exempts projects subject to the Shoreline Master Program from qualifying ○ Exempts drive thru facilities from qualifying
	Section 17C.420.020 Planned Action Permit Process and Application	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the permit and application process for the Planned Action Ordinance
	Section 17C.420.025 Monitoring and Review	<ul style="list-style-type: none"> ○ NEW SECTION ○ Establishes a mandate for the City to monitor the progress of development in the Planned Action area and to review the state of the Planned Action Ordinance no later than 5 years from the effective date

EXHIBIT B

17C.420* SOUTH LOGAN TOD PLANNED ACTION ORDINANCE

The proposed South Logan TOD Planned Action Ordinance is an area-specific Spokane Municipal Code Text Amendment that will apply to new development covered by the [South Logan Final Environmental Impact Statement \(FEIS\)](#). Projects that meet the threshold criteria found within the Planned Action Ordinance and comply with any required mitigation as identified in the FEIS are exempt from additional State Environmental Policy Act (SEPA) application and review.

The Planned Action Ordinance is a new code chapter, with no pre-existing language. The proposal also includes the addition of two definitions, in Section 2. Underlined text represents the proposed additions. Text without an underline in Section 2 is existing and not proposed to be modified.

Section 1. That there is adopted Chapter 17C.420 SMC to read as follows:

Chapter 17C.420 South Logan TOD Planned Action 17C.420.010 Purpose

The purposes of this chapter are to:

- A. Designate the South Logan TOD Subarea shown in Figure 17C.420.015-A of this Chapter as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action projects pursuant to RCW.43.21C.440;
- B. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the South Logan TOD Final Environmental Impact Statement (FEIS) to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- C. Confirm that the South Logan TOD FEIS meets the requirements of a Planned Action FEIS pursuant to SEPA;
- D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as Planned Action projects consistent with RCW 43.21C.440;
- E. Provide clear definition as to what constitutes a Planned Action project within the Planned Action Area, identify the criteria for Planned Action project approval, and determine how development project applications that qualify as Planned Action projects will be processed by the City;
- F. Streamline and expediate the land use permit review process by relying on the South Logan TOD FEIS; and

* Please note, the chapter number may change before adoption

- G. Apply the mitigation framework contained in this Ordinance for the processing of Planned Action project applications and incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Actions

To qualify for a Planned Action designation, a project application shall comply with the following procedures and criteria for evaluation.

- A. Planned Action Area.

The Planned Action designation shall apply to the approximately 342-acre South Logan TOD area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, and that is specifically shown in Figure 17C.420.015-A, “Planned Action Area.”

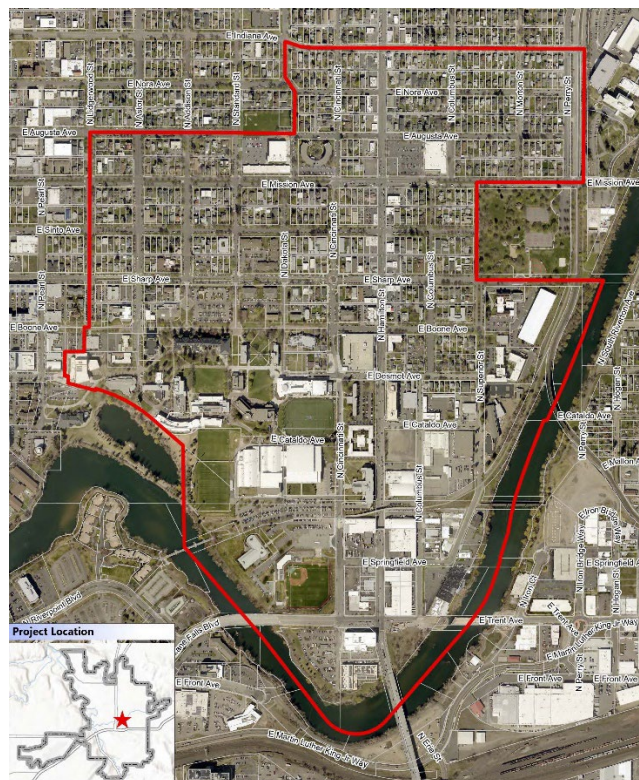


Figure 17C.420.015-A: Map of Planned Action Area

- B. Environmental Document.

* Please note, the chapter number may change before adoption

A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the South Logan TOD Final EIS adopted by the City on January 29, 2024 (RES 2024-0015), which adequately identified and addressed environmental impacts of the Planned Action. The mitigation measures contained in the FEIS, [Exhibit A](#), are based upon the findings of the South Logan TOD EIS and shall, along with adopted City regulations, provide the framework that the City will use to review and to impose appropriate conditions on qualifying Planned Action projects.

C. Planned Action Projects Designation.

Land uses and activities described in the South Logan TOD FEIS, subject to the thresholds described in subsection D of this section and the mitigation measures contained in [Exhibit A](#), are designated Planned Actions or Planned Action projects pursuant to [RCW 43.21C.440](#) and [WAC 197-11-172](#) (“Planned Action Project”). A development application for a site-specific Planned Action project located within the South Logan TOD Planned Action area that meets the criteria set forth in subsection D of this section and applicable laws, codes, development regulations and standards, may be designated a Planned Action Project pursuant to the process in SMC Section 17C.420.020.

D. Planned Action Qualifications.

The following thresholds shall be used to determine if a site-specific development proposed within the South Logan TOD Planned Action area qualifies as a Planned Action Project and has had its environmental impacts evaluated in the South Logan TOD FEIS:

1. Qualifying Uses.

a. Planned Action Categories.

The primary land uses and levels of development as envisioned in the South Logan TOD Preferred Alternative and as reviewed in the South Logan TOD FEIS, along with conditional and accessory uses permitted in the associated zones, are considered Planned Actions. The primary uses include residential, commercial, and mixed-use development.

2. Planned Action Project Primary Uses.

* Please note, the chapter number may change before adoption

A Planned Action Project may be a single Planned Action use, or a combination of Planned Action uses within a mixed-use development. A land use can qualify as a Planned Action Project when:

- a. It is within the Planned Action Area; and
 - b. It complies with the land use plan map designation of the property identified in the South Logan TOD Preferred Alternative or has a lower intensity designation; and
 - c. Is within one or more of the primary uses described in Subsection D.1 above; or
 - d. It is a permitted accessory use or appurtenant to a permitted use.
3. Public Services.

The following public services, infrastructure, and utilities may also qualify as Planned Action Projects: streets and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the South Logan TOD FEIS mitigation measures, City design standards, critical area regulations, and the Spokane Municipal Code.

4. Development Thresholds.
- a. The following amount of increase in housing is contemplated by the Planned Action:

Increase in New Housing Units ¹	2,954
Associated Population Increase	6,735

¹ Includes equivalent housing added in college dormitories.

- b. If future development proposals in the South Logan TOD Planned Action area exceed the development thresholds specified in this chapter, further environmental review may be required pursuant to [WAC 197-11-172](#). Further, if the proposed development would alter the assumptions and analysis in the South Logan TOD FEIS, further environmental review may be required.
5. Building Heights.

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Building heights shall not exceed the maximums identified and reviewed in the South Logan TOD Final FEIS and South Logan TOD Plan.

6. Transportation.

- a. The Preferred Alternative is anticipated to generate approximately 928 new PM peak-hour vehicle trips. This equates to approximately 9 percent higher traffic volumes in the area compared to the 2045 No Action alternative.

- b. Trip Threshold.

Uses or activities that would exceed the forecasted trips shown above would not qualify as Planned Actions and would require additional transportation review.

- c. City Engineer Discretion.

The City Engineer or their designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer, for each project permit application proposed under this planned action.

- d. Transportation Improvements and Mitigation.

- i. On-Site and Off-Site Improvements.

The Planned Action may require on-site and off-site transportation improvements to mitigate significant adverse impacts as development occurs. These transportation improvements are identified in the South Logan TOD FEIS and South Logan TOD Plan. The City shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action projects based on their identified impacts.

- ii. Hamilton and Trent.

The intersection of N Hamilton Street/E Trent Avenue is forecasted to operate at LOS E during the 2045 No Action and LOS F with full development of Planned Action projects. Any

development must implement measures to restore the LOS and delay to its pre-development level of LOS E.

7. Elements of the Environment and Degree of Impacts.

A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the South Logan TOD FEIS, EIS addendum, and/or supplemental EIS, would not qualify as a Planned Action.

8. Changed Conditions.

Should environmental conditions change significantly from those analyzed in the FEIS, the City's PAO Responsible Official may determine that the Planned Action designation is no longer applicable until a supplemental environmental review is conducted.

9. Additional Mitigation Fees.

The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the Planned Action area and to accommodate planned growth. Such fees, if adopted, shall be in addition to the fee required in subsection (D)(4)(d) of this section, and shall apply only to required improvements that are not addressed in this subsection.

10. Inadvertent Discovery Plan.

An Inadvertent Discovery Plan (IDP) should be implemented into the scope of work for all projects within the Planned Action area. The IDP should outline procedures to perform in the event of a discovery of archaeological materials or human remains. The IDP should always be kept at the project site during all project activities. If any artifacts or human remains are found upon excavation, the Tribal Historic Preservation Office (THPO), Washington State Department of Archaeology and Historic Preservation (DAHP), and Spokane Historic Preservation Office shall be immediately notified and the work in the immediate area cease.

11. Historic Preservation Design Review.

Properties individually placed on the Spokane Register of Historic Places or located within one of Spokane's designated historic districts must meet all requirements of the Spokane Historic Preservation Office, including

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obtaining a Certificate of Appropriateness from the Spokane Historic Landmarks Commission or the Historic Preservation Officer for proposed changes or additions to historic structures when necessary.

12. Demolitions.

Buildings fifty years of age or greater at time of demolition permit submittal shall provide a Level 2 Site Inventory Form unless determined by the Historic Preservation Officer and Planning Director to not be of historic significance.

13. Shoreline Master Program.

Areas within the Planned Action area subject to the Shoreline Master Program are not exempt from permitting or SEPA review through the FEIS and must comply with Chapter 17E.060 SMC Shoreline Regulations.

14. Uses.

Drive-thru facilities, including accessory drive-thru features, are not exempt from SEPA review and do not qualify as Planned Action Projects.

E. Planned Action Review Criteria.

1. The City's PAO Responsible Official may designate as "Planned Actions," pursuant to RCW 43.21C.030, applications that meet all of the following conditions:

- a. The proposal is located within the Planned Action Area identified in SMC 17C.420.015, or is an off-site improvement directly related to the proposed development within the Planned Action Area; and
- b. The proposed uses and activities are consistent with those described in the FEIS and subsection D of this section; and
- c. The proposal is within the Planned Action thresholds and other criteria of subsection D of this section; and
- d. The proposal is consistent with the City of Spokane Comprehensive Plan and the South Logan TOD Plan; and
- e. The proposal's significant adverse environmental impacts have been identified in the South Logan TOD FEIS; and

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- f. The proposal's significant impacts have been mitigated by the application of measures identified in Exhibit A, and other applicable City regulations, together with any modifications or variances or special permits that may be required; and
 - g. The proposal complies with all applicable local, state, and/or federal laws and regulations, and the PAO Responsible Official determines that these constitute adequate mitigation; and
 - h. Adequate infrastructure improvements are in place, or will be in place at completion of the project, to support the development of the project; and
 - i. The proposal is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is part of or accessory to a residential, office, school, commercial, recreational, or service that is designated as a Planned Action.
- 2. The City shall base its decision on designation as a Planned Action project on review of a Planned Action checklist, or an alternative form developed consistent with applicable provisions of Chapter 43.21C RCW, and review of the application and supporting documentation.
 - 3. A proposal that meets the criteria of this section shall be considered to qualify and be designated as a Planned Action, consistent with the requirements of RCW 43.21C.440, WAC 197-11-164 et seq., and this chapter.

F. Effect of Planned Action.

- 1. Designation as a Planned Action project means that a qualifying proposal has been reviewed in accordance with this chapter and found to be consistent with its development parameters and thresholds, and with the environmental analysis contained in the South Logan TOD FEIS.
- 2. Upon determination by the City's PAO Responsible Official that the proposal meets the criteria of section (D) of this section and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

17C.420.020 Planned Action Permit Process and Application

Applications for Planned Actions shall be reviewed pursuant to the following process:

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- A. Applications shall be made on forms provided by the City, including an approved Planned Action Checklist, and shall meet the applicable requirements of the Spokane Municipal Code.
- B. After the City receives a complete application, the PAO Responsible Official shall determine whether the project qualifies as a Planned Action Project under this chapter.
- C. Once a project is determined to qualify as a Planned Action Project under this chapter, the City shall:
 - 1. Notify the applicant and the project shall proceed in accordance with the applicable permit review procedures; and
 - 2. Notify Spokane Tribe of Indians, Spokane Historic Preservation Office, internal City Departments, utility providers, and other partner agencies as deemed appropriate by the assigned project manager of the pending development under South Logan TOD FEIS. The notice required by this section may be combined with the public notice required or provided with the underlying permit and may take the form of the environmental checklist or other project review form. Notice provided shall not be less than 14 days.
- D. If a project does not qualify as a Planned Action under this chapter, the City shall notify the applicant. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.
 - 1. Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the South Logan TOD Plan and FEIS to meet SEPA requirements. The City may limit the scope of the SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action.

17C.420.025 Monitoring and Review

- A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this chapter and the South Logan TOD FEIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed no later than five (5) years from its effective date to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the

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impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the South Logan TOD FEIS.

Section 2. That SMC Section 17A.20.160 is amended to read as follows:

17A.20.160 “P” Definitions

A. Painted Wall Highlights.

[See SMC 17C.240.015.](#)

B. Painted Wall Sign.

[See SMC 17C.240.015.](#)

C. PAO Responsible Official.

The Planning Director, serving in the capacity of administrative official of the lead agency.

D. Parcel.

See “Lot” ([SMC 17A.020.120](#)).

E. Parkway.

A thoroughfare designated as a collector or arterial, with a median reflecting the park-like character implied in the name - [SMC 17D.050A.040.U](#).

F. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

G. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy-impact uses.

2. Graveled areas are not paved areas.

H. Pedestrian Buffer Strips (PBS).

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A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

I. Pedestrian Path.

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in [Section 17C.123.040](#) of the FBC.

J. Pedestrian-Scaled Fixtures (lighting).

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

K. Pedestrian-Scaled Signs.

[See SMC 17C.240.015.](#)

L. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

M. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

N. Performance/Warranty Retainer.

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.

O. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

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P. Permanent Sign.

[See SMC 17C.240.015.](#)

Q. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

R. Permeable Sediment.

Sediment permitting the flow of water.

S. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

T. Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

U. Planned Action.

A Planned Action means one or more types of project action that:

1. Are designated Planned Actions by an ordinance or resolution; and
2. In conjunction with, or to implement, an adopted comprehensive plan or subarea plan that have had the significant impacts adequately addressed in an Environmental Impact Statement under the requirements of WAC 197-11-64; and
3. Is exempt from additional SEPA review for all elements covered under the Environmental Impact Statement of the adopted comprehensive plan or subarea plan.
4. Is defined in WAC 197-11-164.

V. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane

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comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

W. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
 - a. increased public transportation service,
 - b. ride sharing programs,
 - c. demand management, and
 - d. other transportation systems management strategies.
2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

X. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

Y. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Z. Planting Zone.

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

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AA. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

BB. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

CC. Plaza.

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

DD. Plinth.

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

EE. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

FF. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

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GG. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning and economic development services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

HH. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

II. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

JJ. Principal Buildings.

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

KK. Primary Building Entry.

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

LL. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

MM. Primary Container.

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The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

NN. Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

OO. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PP. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

QQ. Principal Arterials.

A street serving major activity centers, providing a high degree of mobility and serving the longest trip demands within the urban area.

RR. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.

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3. Important wildlife breeding habitat.
4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

SS. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

TT. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

UU. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

VV. Projecting Sign.

[See SMC 17C.240.015.](#)

WW. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

XX. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

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YY. Public Access.

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

ZZ. Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

AAA. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

BBB. Public Way.

1. A dedicated "public way" is a tract of land:
 - a. conveyed or reserved by deed,
 - b. dedicated by plat, or

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- c. acquired by decree of court,
 - d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An “alley” is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

17C.123 FORM BASED CODE ZONES

The proposed amendments to the Hamilton Form-Based Code (FBC) is an area-specific Spokane Municipal Code Text Amendment that implement recommendations from the [South Logan TOD Plan](#). These changes are intended to make strategic adjustments to the existing FBC to enhance transit-oriented development opportunities, while retaining standards that ensure future development is pedestrian-oriented and contributes to the area. The proposal includes consolidating the context areas and street types within the area to improve useability and predictability, identifying Shopfront designations for targeted intensity, integrating visual regulations into standard tables and code format, and general reorganization. The reorganization of the code has resulted in large sections of the Hamilton FBC to be “repealed” and relocated, as noted in the text amendment tracking sheet.

*Text with ~~((**strikethrough**))~~ is proposed to be repealed/modified with underlined text representing proposed text. Text without a strikethrough or underline is existing and not proposed to be modified.*

Section 1. That SMC Section 17C.123.010 is amended to read as follows:

Section 17C.123.010 Purpose

~~((The form-based zoning categories implement the centers and corridors goals and policies and land use map designations of the comprehensive plan. This form-based code))~~ The Hamilton Form-Based Code (FBC) is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of the code. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and ~~((density))~~ intensity. ~~((This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses.))~~ Through emphasis on physical form, the Hamilton FBC promotes connectivity and livability with safe, accessible public spaces, a healthy mix of uses, and access to transit.

~~((The FBC is a pilot program and is configured as a plug-in set of regulations, replacing existing zoning and design guidelines within the FBC Limits. This pilot program is consistent with the Logan Identify Plan. All code provisions expressed herein present development requirements unless otherwise indicated, including information preceded by the word “Guidelines.” Additional, specific City of Spokane standards may be required as referenced.))~~

Where not otherwise regulated within this Chapter, development within the Hamilton FBC area shall meet all applicable regulations of the Spokane Municipal Code.

Section 2. That SMC Section 17C.123.020 is amended to read as follows:

17C.123.020 ((~~Code Organization~~)) Context Area and Store Front Designations

~~((Using this code: Criteria for development within the code boundaries is expressed in six sections. Use of the FBC, relating to each of these sections, is described below:~~

~~A. Regulating & Street Section Plans.~~

~~Find the property of interest, noting its location relative to the “Context Areas” established by the Regulating Plan, as well as the location of any “Shopfront Streets” abutting the property. These elements direct many of the allowances provided in the FBC.~~

~~B. Height, Placement & Coverage.~~

~~Using criteria from the Regulating Plan, note the allowed maximum building heights; build-to-lines; minimum building frontages, and impervious surface coverage allowances detailed in this section.~~

~~C. Parking Criteria & Site Access.~~

~~Using criteria from the Regulating Plan and the Street Section Plan, note the various allowances regarding off-street surface parking, lot placement, lot and site lighting.~~

~~D. Streetscape Requirements.~~

~~Using type criteria from the Street Section Plan, note the basic configuration and feature specifications for sidewalks and pedestrian buffer zones within the FBC Limits.~~

~~E. Architectural Requirements.~~

~~Using criteria from the Regulating Plan, note the various façade treatments, screening, detailing and other requirements specific to the appearance and public-realm function of buildings.~~

~~F. Additional Requirements.~~

~~This section identifies additional requirement not covered by the HFBC.~~

~~G. Building Type Catalogs.~~

~~This section provides a visual catalog of desired building characteristics.))~~

The Hamilton Form-Based Code (FBC) area is regulated by a Context Area. Identified intersections are assigned Shopfront designations, which include additional requirements and allowances.

A. Context Area.

Context Area 1 (CA1) is the implementing zone of the Hamilton FBC. Figure 17C.123.010-A illustrates the location of the C1 zoning.



Figure 17C.123.010-A
Context Area Map

B. Shopfront Designations.

Shopfront designations are assigned to key intersections within the Hamilton FBC to allow for increased height and pedestrian-oriented design. Figure 17C.123.010-B illustrates the location of the Shopfront designations.



Figure 17C.123.010-B
Shopfront Designations

Section 3. That SMC Section 17C.123.030 is amended to read as follows:

17C.123.030 ((Regulating & Street Section Plans)) Building Form

~~((This section provides and describes the FBC Regulating Plan and Street Section Plan –two map illustrations showing the location and limits of various features and physical characteristics required under this code. The Regulating Plan also indicates placement and extents of “Shopfront Street” areas, triggering specific use, building placement and other requirements.~~

A.——Regulating Plan.

~~The Regulating Plan for the FBC is included here as Figure 17C.123.030-1, and provides the organizing framework for many of the requirements described herein. The Regulating Plan divides land within the code boundaries into four distinctive context areas and identifies shopfront streets, listed and described as follows:~~

- ~~1.—— CA 1: Context Area 1 provides for and supports the most intense development patterns, generally allowing greater height and building intensities than other context areas. CA-1 is intended to grow as a mixed-use center and focal point for the neighborhood and corridor, supporting significant commercial offerings, service activities, and high-density housing.~~

- ~~2. CA-2: Context Area 2 provides for and supports mid-range development intensities, allowing somewhat lesser height and building intensities than CA-1. CA-2 is intended to grow as a second-tier mixed-use center for the neighborhood and corridor, supporting commercial offerings, service activities, and high-density housing.~~
- ~~3. CA-3: Context Area 3 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than CA-1 or CA-2. CA-3 is intended to grow as a second-tier mixed-use area for the neighborhood and corridor, providing continuity along Hamilton by linking CA-1 and CA-2, while at the same time acting as a transition zone between the corridor environment and CA-4 and neighborhood areas immediately outside the HFBC Limits.~~
- ~~4. CA-4: Context Area 4 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than other context areas. CA-4 is intended to grow as a third-tier mixed-use area for the neighborhood and corridor, acting as a transition zone between the corridor environment and lower-density residential development immediately outside the FBC Limits. Though a mix of uses are allowed in CA-4, the area is envisioned as generally residential in scale and character.~~
- ~~5. Shopfront Street: provides for areas where specific uses, building placement, and other requirements apply. The shopfront street is generally applied to areas where business or retail use level with and directly along the public right-of-way is seen as critical.~~

~~B. Street Section Plan.~~

~~The Context Area Zones are complemented by the Street Section Plan which is included here as Figure 17C.123.030-2 and guides public and private development within the FBC Limits. The Street Section Plan defines four section types and describes amenities based upon the intended use, desired qualities, and community objectives. Right-of-ways shall not be vacated as the space is needed to incorporate the elements described in street designations below. Curb to property line and the sidewalk width shall not be reduced in order to allow for future Street Section elements. The four section types are listed and generally described in order of intensity, as follows:~~

- ~~1. Street Type 1 (Hamilton Street): Type 1 provides for and supports a mixed-use corridor environment (CA-1, CA-2, CA-3). Type 1 streets have wide, well-maintained sidewalks and pedestrian amenities to encourage strolling, walking, and shopping. They maintain a Planting Zone and Clear Pedestrian Zone on each side of the street.~~

2. ~~Street Type 2 (Mission Avenue): Type 2 provides for and supports a blend of mixed-use and residential environments (CA-1, CA-4). Type 2 serves existing east/west arterial needs, and includes a median with turn lanes (at Hamilton), a Planting Zone and Clear Pedestrian Zone on each side of the street.~~

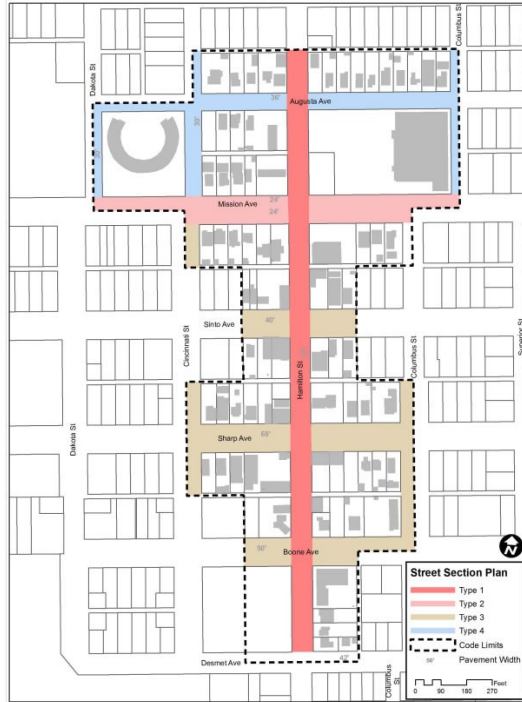
3. ~~Street Type 3 (Includes Sinto, Sharp, Boone): Type 3 provides for and supports a mixed-use district environment (CA-2, CA-3, CA-4). Type 3 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.~~

4. ~~Street Type 4 (Includes Augusta and Dakota): Type 4 provides for and supports an environment bridging between mixed-use and residential areas (CA-4). Type 4 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.))~~



~~((Figure 17C.123.030-1 Regulating Plan for the Form Based Code))~~

[NOTE: Delete graphic above]



((Figure 17C.123.030-2 Street Section Plan for the Form Based Code))

[NOTE: Delete graphic above]

Within the Hamilton Form-Based Code (FBC), an emphasis is placed on building form and location in order to ensure a vibrant mixed-use environment that supports a range of transportation options, including transit, walking, and rolling.

A. Building Form Standards.

Table 17C.123.030-1 Hamilton FBC Building Form		
	<u>CA1</u>	<u>Shopfront</u>
<u>Maximum Height [1]</u>	<u>75 ft.</u>	<u>150 ft.</u>
<u>Impervious Surface Maximum</u>	<u>100%</u>	<u>100%</u>
<u>Setbacks</u>		
<u>Minimum Front Setback [2]</u>	<u>0 ft.</u>	<u>0 ft.</u>
<u>Maximum Front Setback [2] [3]</u>	<u>15 ft.</u>	<u>0 ft.</u> <u>10 ft. along Hamilton</u>
<u>Minimum Interior Side Lot Line</u>		<u>0 ft.</u>
<u>Minimum Interior Side Lot Line – adjacent to RMF or RHD</u>		<u>5 ft.</u>
<u>Minimum Rear</u>		<u>0 ft.</u>

[1] Development of 70 feet or more shall meet all applicable requirements of SMC 17C.250 Tall Building Standards.

[2] When the existing sidewalk width is less than 12 feet, structures shall be allowed no closer than 12 feet from the back of the curb.

[3] A public plaza meeting all requirements of SMC 17C.123.030C(1)(2)(i) may extend the maximum setback an additional 10 feet

B. Height.

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure.

2. Height Exceptions.

a. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.

b. For flat roofs, open roof structures (pergolas, arbors) and architectural roof structures (turrets, etc.) may extend beyond the height limit by no more than 12'.

c. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back at least 20' from all street lot lines.

C. Building Placement.

1. Shopfront Designations.

a. Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces, or other lot features at street corners.

b. Exceptions.

i. Public Plaza.

A plaza or courtyard, with a minimum area of four hundred square feet or two percent of the total interior floor space of the development, whichever is greater, may be located between a building and the street corner so long as the plaza:

a. is a level space accessible to the public;

b. is at least ten feet in width;

c. is within thirty inches of the grade of the sidewalk providing access to it;

d. has no more than sixty percent of the area covered in vegetation; and

- e. includes seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings.

Section 4. That SMC Section 17C.123.040 is amended to read as follows:

17C.123.040 ((~~Land Use, Height, Placement and Parking~~)) Permitted Uses

~~((This section provides a broad range of allowable use categories within the Regulating Plan limits, specifying permitted and prohibited uses according to building story reflecting the development patterns expressed in the Regulating Plan. This section also regulates building height, placement, frontage and impervious surface coverage, specifying each within the Context Areas provided in the Regulating Plan and managing the transition between high-intensity mixed-use areas and low-intensity residential areas outside the limits of this form-based code. This section also regulates parking, parking lot location and treatment, and site lighting, consistent with the Regulating Plan. Conformance with these standards is critical to establishing the type of pedestrian and vehicular access patterns needed for the area to thrive as a vibrant, walkable district.~~

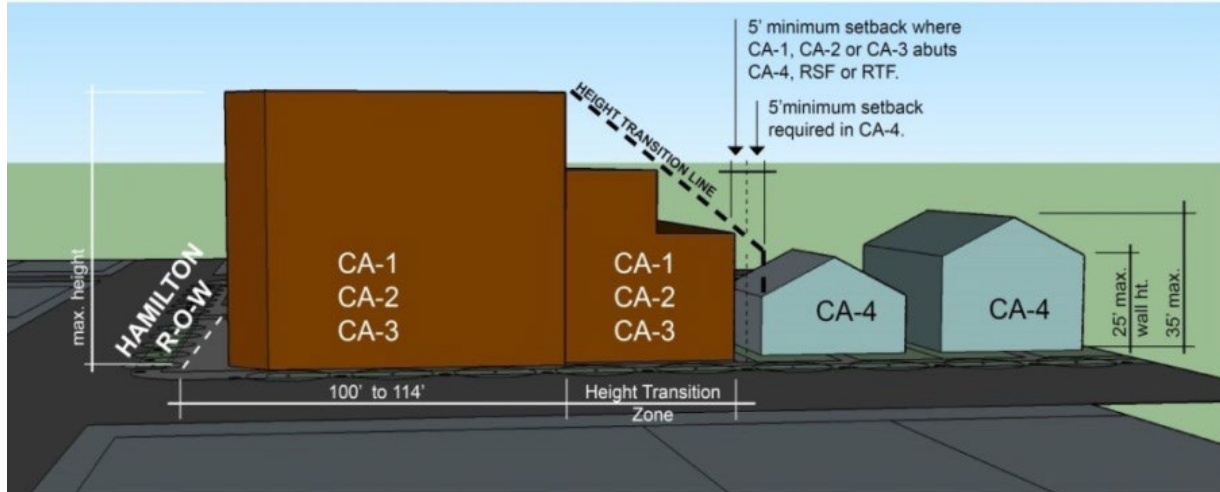
~~A. Use Provisions.~~

~~Use regulations are provided in figures 17.123.040-D through 17.123.040-G for all areas within the Regulating Plan. Uses deemed unsuitable for areas within the Regulating Plan area are specifically identified.~~

~~B. Building Height.~~

~~The height of buildings shall be measured from mean grade to top of cornice or roof eave and shall meet the specifications provided in figures 17.123.040-D through 17.123.040G. Building height measurements express regulatory standards.~~

- ~~1. Maximum height limits in CA-1, CA-2, and CA-3 are allowed only within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond 100' from Hamilton, proposals shall be designed with respect for the height, scale and character of adjacent zone as described in Figure 17C.123.040-A:))~~



((Figure 17C.123.040A: The maximum height designation for CA-1, CA-2, CA-3 is allowed within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond this point, the maximum height may not exceed a transition line to the maximum wall height allowed in the adjacent zone.))

[NOTE: Delete graphic above]

~~((C. Story listings are provided for reference purposes only, expressing typical outcomes for listed heights. Allowable height exceptions apply to the overall distance extending beyond the measured building height, as follows:~~

- ~~1. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.~~
- ~~2. For flat roofs, Open Roof Structures (pergolas, arbors) and Architectural Roof Structures (turrets, etc.) may extend beyond the height limit by no more than 12'.~~
- ~~3. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back no less than 20'.~~

~~D. Shopfront Street Provisions.~~

~~Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces or other lot features at street corners.~~

~~E. Impervious Surface Coverage.~~

~~Impervious surfaces shall not exceed the maximum impervious surface percentages (calculated on the basis of the lot) specified in Table 17C.123.040-4.))~~

((Table 17C.123.040-1 Impervious Surface Coverage				
	CA-1	CA-2	CA-3	CA-4
Maximum Impervious Surface	90%	80%	70%	50%))

~~((F.—Parking~~

- ~~1.—Off-Street Surface Parking: Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.~~
- ~~2.—Parking Space and Aisle Dimensions: Standards for parking space and aisle dimension can be found in SMC 17C.230.140.~~
- ~~3.—Bicycle Parking: Requirements for bicycle parking are found in SMC 17C.230.200. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.~~
- ~~4.—Other Provisions: Additional parking requirements are stated in 17C.230 SMC, Parking and Loading. The FBC supersedes the location and amount requirements for parking; these standards are identified for each context area in figures 17.123.040-D through 17.123.040-G.~~

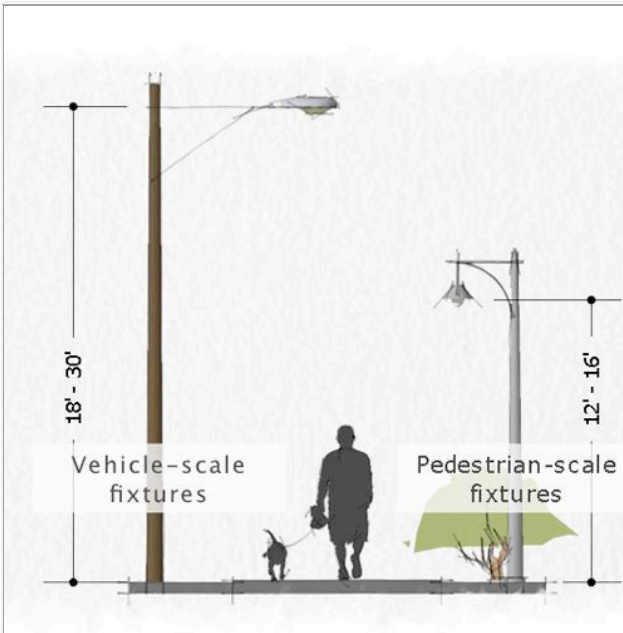
~~G.—Surface parking and site lighting.~~

~~Surface parking lot and site lighting shall contribute to the character and safety of the site and adjacent rights of way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:—~~

- ~~1.—Lighting types — Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. (See Figure 17C.123.040-B)~~
- ~~2.—Performance — Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.~~
- ~~3.—Driveways/Site Access — Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.—~~
- ~~4.—Pedestrian Walkways — Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:—~~
 - ~~a.—Six-inch vertical curbing~~
 - ~~b.—Textured paving, including across vehicle lanes~~

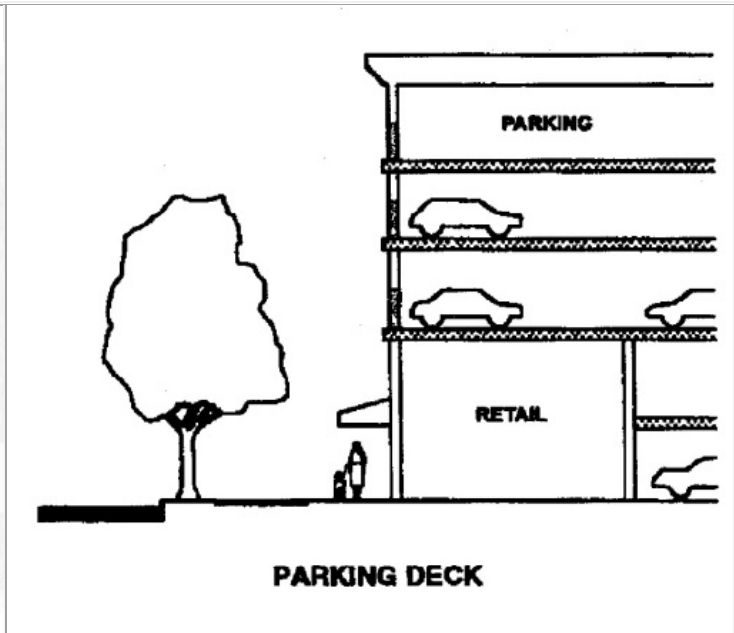
c. ~~Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway~~

H. ~~Shopfront Street Provisions – If fronting on a Shopfront Street, above-ground parking structures shall provide continuous ground-level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-C.)~~



~~((Figure 17C.123.040-B: Unless otherwise specified, Vehicle-Scale and Pedestrian Scale lighting fixtures must meet height criteria illustrated here.))~~

~~[NOTE: Delete graphic above]~~



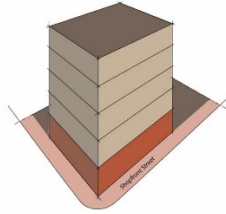
~~((Figure 17C.123.040-C: Parking garages (decks) along shopfront streets must provide ground-level retail, commercial or office space fronting the street.))~~

~~[NOTE: Delete graphic above]~~

~~((I. Regulatory Cutsheets – The information presented in the tables in figures 17.123.040-D through 17.123.040-G represent the regulations for height, parking, land uses, build-to-lines, and building frontage for all Context Areas.~~

~~J. Figure 17C.123.040-H supplements the regulatory cutsheets by providing visual representation for build-to-lines, interior lot lines and other standards.))~~

Figure 17C.123.040-D
Context Area 1 (CA-1)



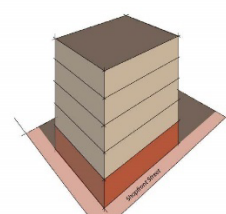
Images above are representational only and are not to be considered regulatory. The Rendering Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, back to line, coverage and setbacks.

¹Build-to-line shall establish a 12-foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type 1. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shoptone within 100' 114' of rear boundary line	66' (five stories)	Height max.
Beyond 100' 114' Hamilton property line	Transition Standards as identified in 17C.123.060-A	
Maximum surface parking	2 spaces/500 of floor area	Parking
Landscaping	See Section SMC 17C.200	
Location	To side or rear of building	Land uses
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.200	
Residential, except where prohibited		
Non-residential all floors		
Prohibited uses		
Single-family detached and townhouses		
Retail, restaurant, storage or warehouse		
Adult businesses		
Residential uses on adjacent street (ground floor)		
Structural parking on shoptone (ground floor)		
Auto-rental lots		
Drive-through facilities		
Street Type 1	3' or 12' setback	Build-to-line
Street Type 2 and 4	0'	
When within 50' of CA-1	0'	Setback from
Street Type 3	See applicable	
Alley	0'	Building coverage from
Interior lot line	0'	
Interior lot line if abutting CA-4	0'	Building coverage from
Street Type 1	80%	
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	0%	

[NOTE: Delete graphic above]

Figure 17C.123.040-E
Context Area 2 (CA-2)



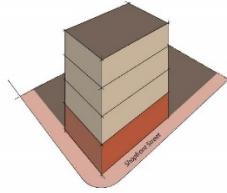
Images above are representational only and are not to be considered regulatory. The Rendering Plan, this chapter's general provisions and the information contained in the table to the right constitute the regulatory framework related to land use, height, parking, setbacks (at this level), coverage and setbacks.

¹Build-to-line shall establish a 12-foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type 1. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shoptone within 100' 114' of rear property line	66' (five stories)	Height max.
Beyond 100' 114' Hamilton property line	Transition Standards as identified in 17C.123.060-A	
Maximum surface parking	2 spaces/500 of floor area	Parking
Landscaping	See Section SMC 17C.200	
Location	To side or rear of building	Land uses
Additional Parking Requirements	See Sections: SMC 17C.230.100 SMC 17C.230.120 SMC 17C.230.130 SMC 17C.230.140 SMC 17C.230.200	
Residential, except where prohibited		
Non-residential all floors		
Prohibited uses		
Single-family detached and townhouses		
Retail, restaurant, storage or warehouse		
Adult businesses		
Residential uses on adjacent street (ground floor)		
Structural parking on shoptone (ground floor)		
Auto-rental lots		
Drive-through facilities		
Street Type 1	3' or 12' setback	Build-to-line
Street Type 2	0'	
Street Type 3	0'	Setback from
When within 50' of CA-1	See applicable	
Street Type 4	0'	Building coverage from
Alley	0'	
Interior lot line	0'	Building coverage from
Interior lot line if abutting CA-4	0'	
Street Type 1	80%	
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

[NOTE: Delete graphic above]

Figure 17C.123.040-F
Context Area 3 (CA-3)



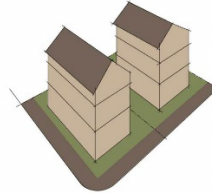
Images above are representational only and are not to be considered regulatory. The Regulatory Plan, this chapter's general provisions and the information contained in the table to the right control the regulatory framework related to land use, height, parking, setbacks, building form, coverage and formage.

¹ Build no floor shall be less than 12 feet minimum and up to 22' maximum space from the back of the curb to the building along Street Type 1. If building width is less than 17' meters, it shall be allowed no closer than 12' from the back of the curb.

Shoofront of 21st 100'-114' of frame from property line	54' (four stories)	Height max.
Beyond 100'-114' Shoofront	Transitions 5' increments as identified in 17C.123.040-A	
Property line	2 spaces/500 of floor area	Parking
Minimum surface parking		
Landscaping	Section SMC 17C.200	Land Uses
Location	To side or rear of building	
Additional Parking Requirements	See Sections SMC 17C.200.100 SMC 17C.200.120 SMC 17C.200.140 SMC 17C.200.140 SMC 17C.200.200	Build to line
Street Type 1	None, 10' min. ¹	
Street Type 2	10'	
Street Type 3, 4	0'	
Where within 10' of ADA, RSL, or RTT	0'	
Alley	0'	Setback line
Interior lot line	0'	
Interior lot line of attached CA4, RSL, or RTT	0'	
Street Type 1	75%	Building Formage min.
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

[NOTE: Delete graphic above]

Figure 17C.123.040-F
Context Area 4 (CA-4)



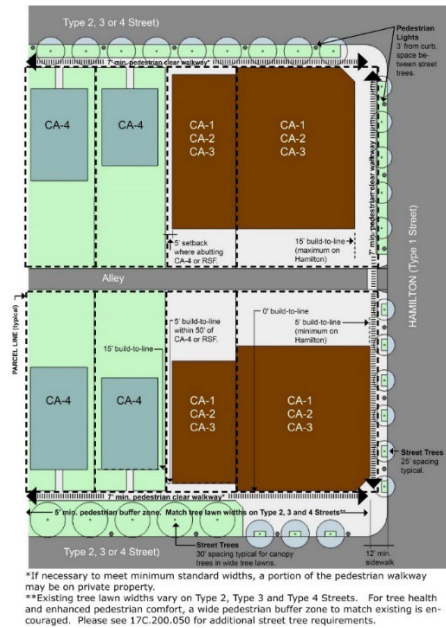
Images above are representational only and are not to be considered regulatory. The Regulatory Plan, this chapter's general provisions and the information contained in the table to the right control the regulatory framework related to land use, height, parking, setbacks, building form, coverage and formage.

¹ Attached garage or carport entrance is required to be setback twenty feet from the property line.

² See SMC 17C.116.220(E)(1) setbacks regarding the use of front yard averaging.

Roof Height	35 feet	Height max.
Wall Height	25 feet	
Minimum off-street parking	1 space/ dwelling unit	Parking
Landscaping	See Section SMC 17C.200	
Location	See Section SMC 17C.200	Land Uses
Additional Parking Requirements	See Sections SMC 17C.200.100 SMC 17C.200.120 SMC 17C.200.140 SMC 17C.200.145	
Residential	Non-Residential (on ground floor)	Build to line
Non-Residential Development	shall have a Residential Component from Residential and be no more than 1,000 of floor area	
Prohibited uses	All industrial categories Parking garages, auto storage, commercial uses, and storage units Auto car washing and drive through Alleys Auto-Related Uses Drive Through Facilities	Setback line
Street Type 1	N/A	
Street Type 2	10'	
Street Type 3	14'	
Street Type 4	19'	
Alley	0'	Setback line
Interior lot line	0'	
Street Type 1	N/A	Building Formage min.
Street Type 2	60%	
Street Type 3	50%	
Street Type 4	None	

[NOTE: Delete graphic above]



((Figure 17C.123.040-H Visual Diagram))

[NOTE: Delete graphic above]

A. Permitted Uses.

Uses permitted in the residential zones are listed in Table 17C.123.040-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses.

Uses permitted that are subject to limitations are listed in Table 17C.123.040-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.123.040-1.

C. Conditional Uses.

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.123.040-1 with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. The conditional use review process and approval criteria are stated in SMC 17C.320, Conditional Uses.

D. Uses Not Permitted.

Uses listed in Table 17C.123.040-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter 17C.210 SMC, Nonconforming Situations.

**Table 17C.123.040-1
Hamilton Form-Based Code Primary Uses**

<u>Use is:</u>	<u>CA1</u>	<u>Shopfront</u>
<u>P – Permitted</u>		
<u>N – Not Permitted</u>		
<u>L – Allowed, but special limitations</u>		
<u>CU – Conditional Use review required</u>		
<u>Residential Categories</u>		
<u>Group Living [1]</u>	<u>L/CU</u>	<u>L/CU</u>
<u>Single-Unit Residential Household Living</u>	<u>N</u>	<u>N</u>
<u>Other Residential Household Living</u>	<u>P</u>	<u>L [2]</u>
<u>Commercial Categories</u>		
<u>Adult Business</u>	<u>N</u>	<u>N</u>
<u>Commercial Outdoor Recreation</u>	<u>N</u>	<u>N</u>
<u>Commercial Parking</u>	<u>N</u>	<u>N</u>
<u>Structured Parking</u>	<u>P</u>	<u>L [3]</u>
<u>Drive-through Facility</u>	<u>N</u>	<u>N</u>
<u>Major Event Entertainment</u>	<u>P</u>	<u>N</u>
<u>Office</u>	<u>P</u>	<u>P</u>
<u>Quick Vehicle Servicing</u>	<u>N</u>	<u>N</u>
<u>Retail Sales and Service</u>	<u>P</u>	<u>P</u>
<u>Mini-storage Facilities</u>	<u>N</u>	<u>N</u>
<u>Vehicle Repair</u>	<u>N</u>	<u>N</u>
<u>Industrial Categories</u>		
<u>High Impact Uses</u>	<u>N</u>	<u>N</u>
<u>Industrial Service</u>	<u>N</u>	<u>N</u>
<u>Manufacturing and Production</u>	<u>N</u>	<u>N</u>
<u>Railroad Yards</u>	<u>N</u>	<u>N</u>
<u>Warehouse and Freight Movement</u>	<u>N</u>	<u>N</u>
<u>Waste-related</u>	<u>N</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>N</u>	<u>N</u>
<u>Institutional Categories</u>		
<u>Basic Utilities</u>	<u>P</u>	<u>N</u>
<u>Colleges [4]</u>	<u>L</u>	<u>L</u>
<u>Community Service</u>	<u>P</u>	<u>P</u>
<u>Daycare</u>	<u>P</u>	<u>P</u>
<u>Medical Center</u>	<u>N</u>	<u>N</u>
<u>Parks and Open Areas</u>	<u>N</u>	<u>N</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>
<u>Schools</u>	<u>P</u>	<u>P</u>
<u>Other Categories</u>		
<u>Agriculture</u>	<u>N</u>	<u>N</u>
<u>Aviation and Surface Passenger Terminals</u>	<u>N</u>	<u>N</u>
<u>Detention Facilities</u>	<u>N</u>	<u>N</u>
<u>Essential Public Facilities</u>	<u>CU</u>	<u>CU</u>

<u>Mining</u>	<u>N</u>	<u>N</u>
<u>Rail Lines and Utility Corridors</u>	<u>N</u>	<u>N</u>
<u>[1] Must comply with the regulations found in SMC 17C.190.100.</u>		
<u>[2] Residential uses are not permitted on the ground floor in Shopfront designated areas.</u>		
<u>[3] Structured parking is not permitted on the ground floor in Shopfront designated areas.</u>		
<u>[4] The accessory uses of housing, retail, and offices are permitted. Lecture halls, food halls, health and sports facilities, laboratories, and other accessory uses not specifically allowed are not permitted within the Hamilton Form-Based Code. Dormitory style housing must comply with the regulations found in SMC 17C.190.100 for group living.</u>		

Section 5. That SMC Section 17C.123.050 is amended to read as follows:

Section 17C.123.050 ((~~Streetscape Requirements~~)) Parking and Pedestrian Connectivity

~~((This section identifies features and specifications for commercial and residential streets and alleys within FBC Limits, keyed to the street types identified in the Street Section Plan and to Shopfront Street areas noted on the Regulating Plan. These criteria work to establish the type of active, economically vibrant public realm sought by the community, balancing vehicular access with the safety and convenience of pedestrians and other non-motorized modes of travel.~~

~~A. — Streetscape Requirements.~~

~~Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.))~~

((Table 17C.123.050-1 Streetscape Requirements [1]					
	Type-1	Type-2	Type-3	Type-4	Alley
Sidewalks					
Overall Width (each side)	12' to 22'	12'	12'	12'	N/A
Type	A	A	A	A	N/A
Clear Pedestrian Zone	7'	7'	7'	7'	N/A
Planting Zone (each side)	5'	5'	5'	5'	N/A
[2]					
Street Furnishings					
Lighting, types	P [3]	P[3]	P[3]	P[3]	V
Planting, types	S	S/M	S/M	S	N/A
Benches	R	R	R	N/R	N/A
Trash receptacles	R	R	R	N/R	N/A
Bicycle parking	N/R	N/R	N/R	N/R	N/A

~~[1] See City of Spokane Department of Engineering Design Standards for additional specifications.~~

~~[2] Minimum size; Existing tree lawn widths vary on Type 2, 3 and 4 Streets. Additional setbacks, if any, should match existing tree lawn widths in the CA-4 zone. Please see 17C.200 for additional street tree requirements.~~

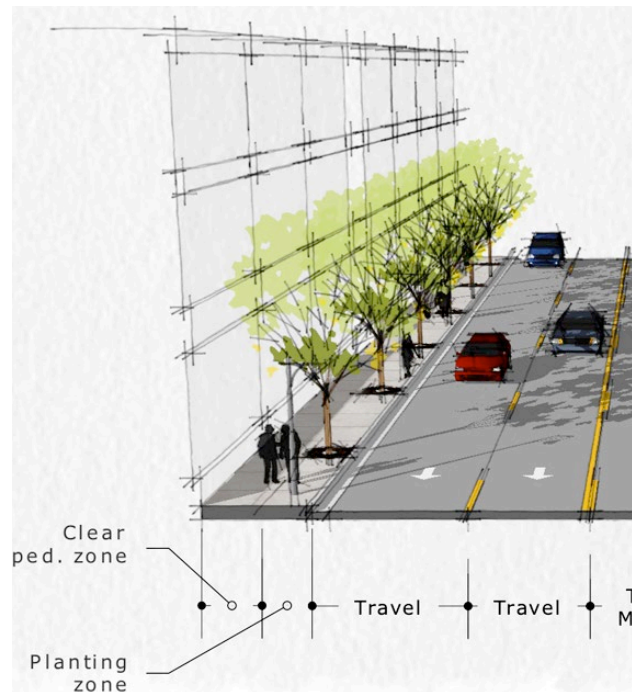
~~[3] See Figure 17C.123.050-B (below) for Pedestrian Scale Lighting Standards
Parking Stall types: "A" = 8.5' W x 18' L parallel stalls; "B" = 9' W x 16' L angled stalls, back in (60°?)~~

~~Sidewalk types: "A" = 4' x 2' scored concrete~~

~~Lighting types: "P" = Pedestrian scale; "V" = Vehicle scale~~

~~Planting types: "S" = Street trees; "M" = Median planting~~

~~Benches, Trash receptacles, Bicycle parking: "R" = Required; "N/R" = Not required))~~



~~((Figure 17C.123.050-A—Desired Frontage Characteristics.))~~

[NOTE: Delete graphic above]

~~((A.—Sidewalks:~~

~~The composition and color of sidewalks shall be as described in Table 17C.123.050-1, and shall be continued as they cross vehicular driveways (See Figure 17C.123.050-E).~~

- ~~1. When the existing sidewalk width is less than 12 feet structures shall be allowed no closer than 12 feet from the back of the curb.~~
- ~~2. When the existing sidewalk width is greater than the bare minimum of 12 feet the sidewalk environment shall be designed to meet the intent of the Street Type designation of the street. Existing sidewalk width shall not be reduced or encroached upon by new development.~~

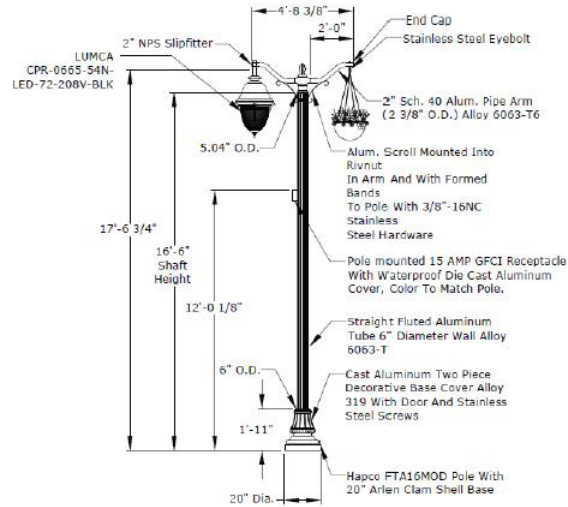
~~B. Street Furnishings, Placement.~~

~~Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-F). Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200(1)(b). Street furnishings required in Table 17C.123.050-1 are to be provided in all Context Areas as follows:~~

- ~~1. Planting — Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200, Landscaping and Screening.~~
- ~~2. Lighting — City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-B (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36") from the curb to ensure a uniform distance from the street edge along the entire street.~~
- ~~3. City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.))~~

Hamilton FBC Pedestrian Light Standards

C.1. The City of Spokane Traditional Series pedestrian acorn light (flower basket optional) shall be installed at an average 25' spacing generally spaced midway between street trees and centered thirty-six inches (36") from the curb to ensure a uniform distance from street edge along the entire street.



Traditional Series Light Fixture
Not to Scale

((Figure 17C.123.050-B))

[NOTE: Delete graphic above]



~~((Figure 17C.123.050-E: Curb cuts and driveways may not interrupt sidewalk material and pattern requirements. Ramps may not encroach on Clear Pedestrian Zones.))~~

[NOTE: Delete graphic above]



~~((Figure 17C.123.050-F: Temporary sidewalk encroachments are allowed in the Planting Zone, or in the Clear Pedestrian Zone as per Table 17C.123.050-4.))~~

[NOTE: Delete graphic above]

The Hamilton Form-Based Code (FBC) establishes parking standards that support pedestrian and vehicular movement within and through the area to provide a safe and convenient environment for transit, walking, biking, and rolling.

A. Dimensional standards and other off-street parking requirements are found in SMC 17C.230.200 unless otherwise modified in this chapter.

B. Minimum Parking.

For all uses within the Hamilton FBC area, there are no minimum vehicular off-street parking spaces.

C. Maximum Parking.

A maximum of 2 spaces for every 500 square feet of floor area is permitted.

D. Parking Location.

1. Off-Street Surface Parking.

a. Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.

2. Shopfront Designated Areas.

If fronting on a Shopfront designation, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-A).

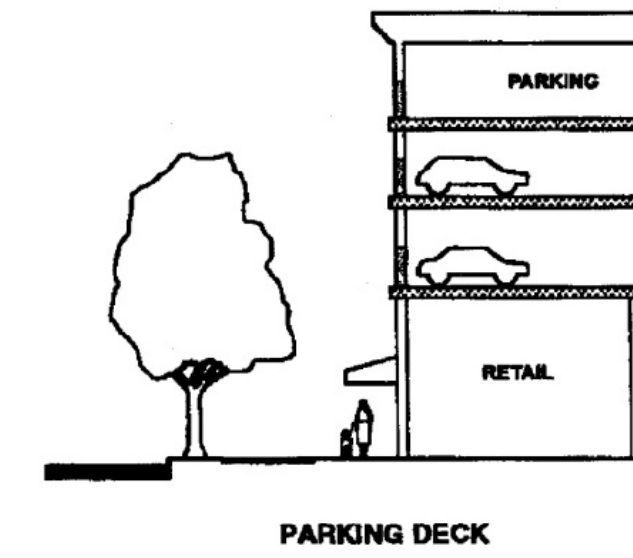


Figure 17C.123.40-A

3. Bicycle Parking.

Requirements for bicycle parking are found in SMC 17C.230.200. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.

4. Site Lighting.

Surface parking lot and site lighting shall contribute to the visibility and safety of the site and adjacent rights-of-way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:

a. Lighting types.

Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. Lighting shall meet the dimensions of Figure 17C.123.40-B.

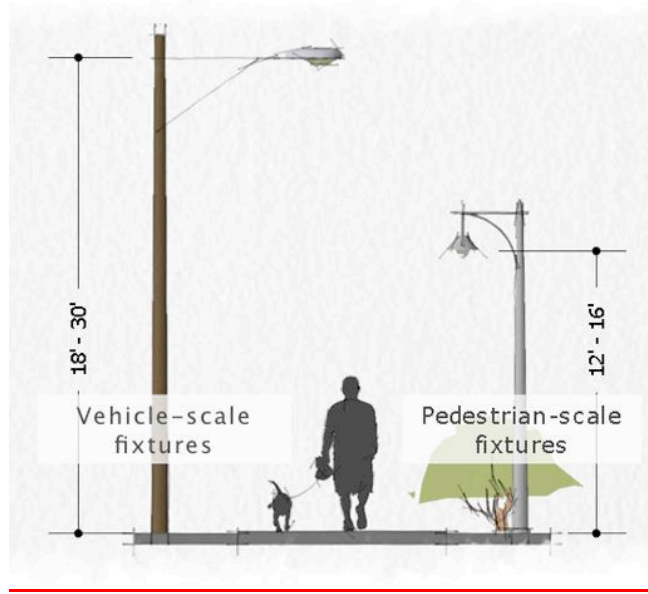


Figure 17C.123.40-B

b. Performance.

Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.

5. Driveways/Site Access.

Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.

6. Pedestrian Walkways.

a. Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances.

b. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:

i. Six-inch vertical curbing

ii. Textured paving, including across vehicle lanes

iii. Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway.

Section 6. That SMC Section 17C.123.060 is amended to read as follows:

Section 17C.123.060 (~~(Architectural Requirements)~~) Streetscape Requirements

~~((This section identifies general architectural requirements and guidelines, articulating basic façade requirements, roofline objectives, mechanical screening and other considerations. These requirements and guidelines establish important functional and aesthetic characteristics sought by the community and expressed by the Regulating Plan, ensuring the proper “fit” within the surrounding neighborhood.~~

~~A. Building Base.~~

~~For CA-1, CA2, CA3 and all Shopfront Street areas, building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9” and 16” above adjacent grade, and utilize at least one of the following:~~

- ~~1. “Heavier” material composition, such as a stronger, more permanent material than used on upper portions of the façade.~~
- ~~2. A horizontal projection showing visible thickening of the wall surface that may be accompanied by a change of material and/or color.~~
- ~~3. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing visual separation between the first two floors (See Figure 17C.123.060-A).~~

~~B. Primary Building Entries.~~

~~For CA-1, CA2, CA3 and all Shopfront Street areas, Primary Building Entries shall face the street and be made visually prominent, including the use of a recommended accent material and at least one of the following:~~

- ~~1. Recessed entrance. Recessed entrance shall be recessed at least 3’ from the building face.~~
- ~~2. Canopy or awning. Canopy or awning shall extend at least 5’ from the building face, with a minimum height clearance of 8’ above the sidewalk.~~
- ~~3. Inclusion of a volume that protrudes from the rest of building surface or an Architectural Roof Structure element physically or visually integrated with the Primary Building Entry (See Figure 17C.123.060-B).~~
- ~~4. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.))~~



~~((Figure 17C.123.060-A: Illustration of building base, pedestrian-scale signs and other building elements described in the FBC.))~~

~~[NOTE: Delete graphic above]~~



~~((Figure 17C.123.060-B: Primary Building Entrances must face the street and be made visually prominent using one or more architectural approaches listed in 17C.123.070-B.))~~

~~[NOTE: Delete graphic above]~~

~~C. Street level Detailing.~~

~~For CA-1, CA2, CA3 and all Shopfront Street areas, street level façades shall help create a more welcoming, aesthetically rich pedestrian environment by incorporating at least four of the following elements:~~

- ~~1. Canopies or awnings spanning at least 25% of the building façade. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.~~
- ~~2. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.~~
- ~~3. Decorative sconce, lantern or similar lighting, mounted to the building.~~
- ~~4. Projecting windowsills.~~
- ~~5. Decorative kick plates for entry doors.~~
- ~~6. Hanging planters supported by brackets mounted to the building.~~

~~D. Façade Transparency.~~

~~Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:~~

- ~~1. If fronting along a Shopfront Street, ground floor glazing shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.~~
- ~~2. If facing a public street, upper floor façades shall include a minimum of 30% clear glass windows.~~
- ~~3. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.~~

Table 17C.123.060-1 Glazing minimums, ground floor facades*				
	CA-1	CA-2	CA-3	CA4
Along Shopfront Street	60%	60%	50%	N/A
Along Non-Shopfront Street	40%	30%	30%	30%
*Glazing percentages may include windows and doors.				

~~E. Blank Walls.~~

~~Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. In all CA areas, blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:~~

- ~~1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.~~
- ~~2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.~~
- ~~3. Roof Lines.~~

~~F. In all CA areas, roofline elements shall adhere to the following standards:~~

- ~~1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).~~
- ~~2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.~~
- ~~3. Non-Enclosed, Enclosed and Architectural Roof Structure elements as defined by this code in are exempt from sections 17C.123.060 F.1 and~~

~~17C.123.060 F.2. Height limitations for such elements are provided in 17C.123.040.~~

~~G. Equipment Screening.~~

~~In all CA zones visible from public rights-of-way, mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes shall be screened from view, adhering to the following standards:~~

- ~~1. Rooftop mechanical and electrical equipment shall be screened by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.~~
- ~~2. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements, or screened by features designed to coordinate with the architectural character of the primary structure. Picket or chain-link fencing may not be used (See Figure 17C.123.060 C).~~

~~H. Service Area Screening.~~

~~In all CA zones, service, loading and trash collection areas shall be hidden or screened from view along public rights-of-way, and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood or metal, designed to coordinate with the architectural character of the primary structure. Screen walls shall also include one or more of the following:~~

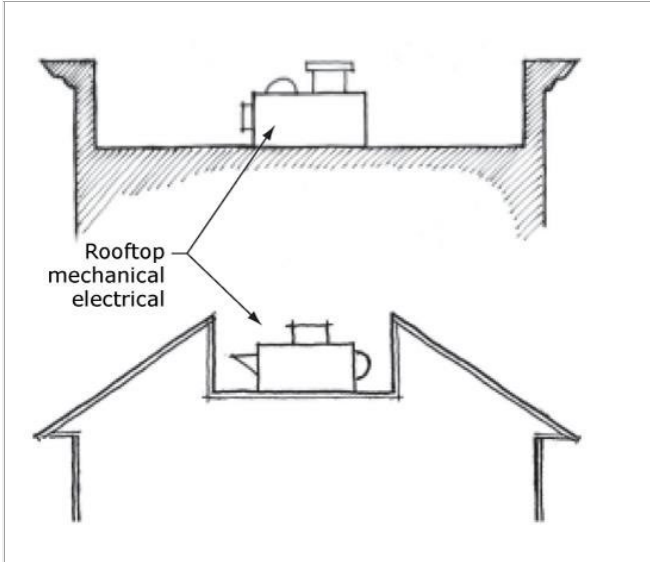
- ~~1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.~~
- ~~2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.~~

~~I. Sign Standards.~~

~~For sign standards applying to all CA zones, see City of Spokane Municipal Code, Chapter 17C.240. For the purposes of signs standards CA1 and CA2 shall be evaluated as CC1 zone; CA3 shall be evaluated as CC2; and CA4 shall be evaluated as a residential zone.~~

~~J. Materials.~~

~~Use of quality building materials ensures that projects contribute to the overall value and character of properties within and adjacent to HFBC Limits. Buildings shall employ durable and high-quality materials, such as steel, glass, brick, stone, and/or wood. (See Figure 17C.123.060 D.))~~



~~((Figure 17C.123.060-C: Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.))~~

~~[NOTE: Delete graphic above]~~



~~((Figure 17C.123.060-D: The HFBC provides standards and guidelines regarding building materials, helping realize community expectations for the corridor and neighborhood.))~~

~~[NOTE: Delete graphic above]~~

~~((K.—Guidelines.~~

~~In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within all CA zones within Regulating Plan limits. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.~~

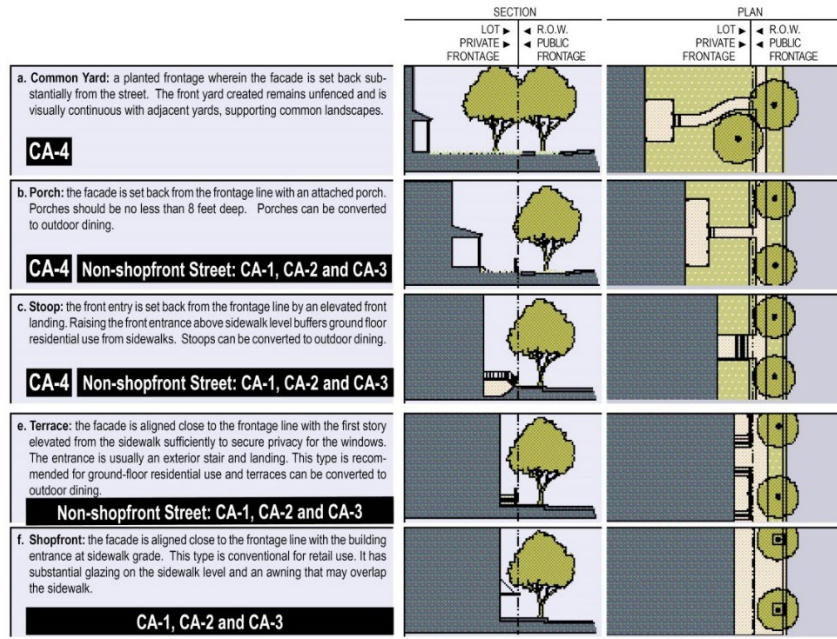
- ~~1.—The use of sustainably harvested, salvaged, recycled/reused products is encouraged wherever possible.~~
- ~~2.—Optional—Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.~~
- ~~3.—Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher value materials and construction types may be used for reasons of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.~~

- ~~4. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including use of wrap-around corner pieces.~~
- ~~5. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.~~
- ~~6. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings and site features.~~
- ~~7. Recommended cladding materials include:
 - ~~a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.~~
 - ~~b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.~~
 - ~~c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.~~
 - ~~d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.~~
 - ~~e. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.~~
 - ~~f. Fiber cement or cementitious siding. Fiber cement planks, panels and shingles and are an acceptable substitute for wood siding when used in the formats described above under "Wood."~~
 - ~~g. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.~~~~

8. ~~Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:~~
 - a. ~~Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.~~
 - b. ~~Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.~~
 - c. ~~Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.~~
 - d. ~~Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.~~
 - e. ~~Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.~~
 - f. ~~Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.~~
9. ~~Rooflines. Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.~~
10. ~~Recommended materials for roofs exposed and visible from public rights of way include:~~
 - a. ~~Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.~~
 - b. ~~Slate or slate-like materials.~~
 - c. ~~Sheet metal shingles.~~
 - d. ~~Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials, and be provided with adequate trim elements.~~

11. ~~Special Paving. Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips~~

12. ~~Frontage Types. Figure 17C.123.060E clarifies expectations for how buildings will meet the street.))~~



~~((Figure 17C.123.060 E: Frontage Types))~~

[NOTE: Delete graphic above]

This section of the Hamilton Form-Based Code (FBC) identifies features and specifications for area streets and alley. The standards work to establish the type of active, economically vibrant public realm sought by the area community, balancing vehicular access with the safety and convenience of transit, walking, biking, and rolling.

A. Streetscape Requirements.

Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.

Table 17C.123.060-1			
Streetscape Requirements [1]			
	CA1	Shopfront	Alley
Sidewalks			
Overall Width (each side)	12 ft.		N/A

<u>Type</u>	<u>4' x 2' scored concrete</u>		<u>N/A</u>
<u>Clear Pedestrian Zone</u>	<u>7 ft. [2]</u>		<u>N/A</u>
<u>Buffer Zone (each side) [3]</u>	<u>5 ft.</u>		<u>N/A</u>
<u>Street Furnishings</u>			
<u>Lighting, types [4]</u>	<u>P</u>	<u>P</u>	<u>V</u>
<u>Planting, types [5]</u>	<u>S</u>	<u>S/M</u>	<u>N/A</u>
<u>Benches [6] [7]</u>	<u>R</u>	<u>R</u>	<u>N/A</u>
<u>Trash receptacles [6] [7]</u>	<u>R</u>	<u>R</u>	<u>N/A</u>
<u>Bicycle parking [6] [7]</u>	<u>N/R</u>	<u>R</u>	<u>N/A</u>
<p><u>[1] See City of Spokane Department of Engineering Design Standards for additional specifications.</u></p> <p><u>[2] Along Columbus Street, a 10-foot wide Clear Pedestrian Zone is required.</u></p> <p><u>[3] A reduced width may be permitted with an approved alternative planting system, such as modular suspended pavement systems, with the approval of Urban Forestry.</u></p> <p><u>[4] "P" = Pedestrian scale; "V" = Vehicle scale</u></p> <p><u>[5] "S" = Street trees; "M" = Median planting</u></p> <p><u>[6] "R" = Required; "N/R" = Not required</u></p> <p><u>[7] Buildings less than 10,000 sf. are encouraged to include such amenities but are not required.</u></p>			

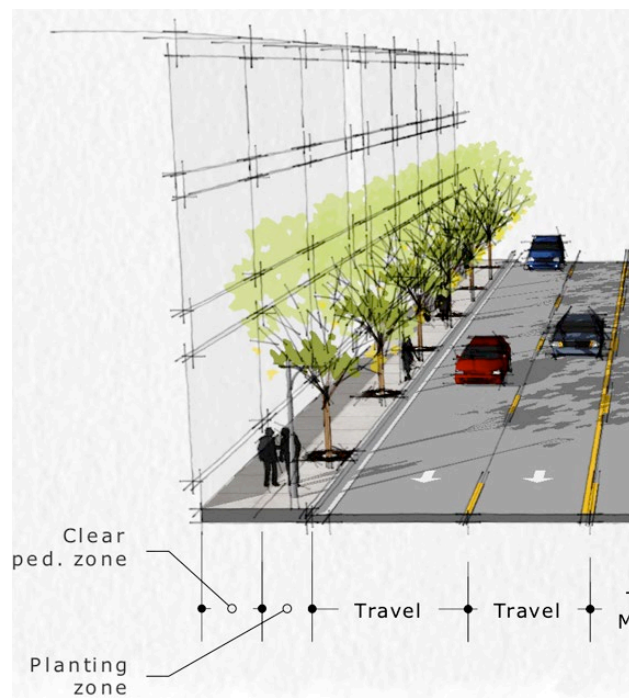


Figure 17C.123.050-A –
Desired Frontage Characteristics.

B. Sidewalks.

The composition and color of sidewalks shall be as described in Table 17C.123.050-1 and shall be continued as they cross-vehicular driveways (See Figure 17C.123.050-B).

1. When the existing sidewalk width is less than 12 feet, structures shall be allowed no closer than 12 feet from the back of the curb.
2. When the existing sidewalk width is greater than the bare minimum of 12 feet, the existing sidewalk width shall not be reduced or encroached upon by new development.

C. Street Furnishings.

Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Street furnishings required in Table 17C.123.050-1 are to be provided as follows:

1. Planting.

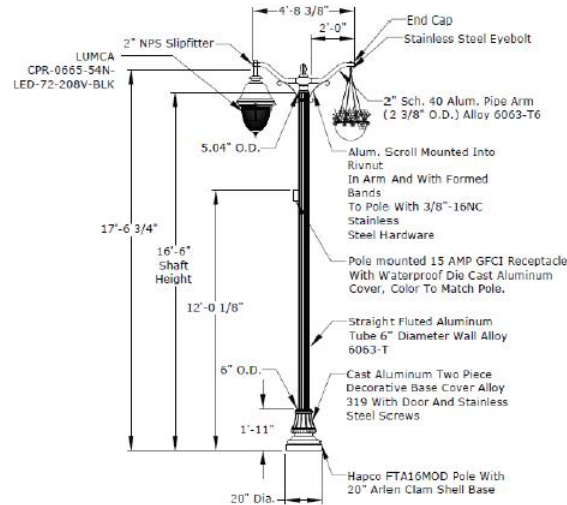
Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200 SMC, Landscaping and Screening.

2. Lighting.

City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-C (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36") from the curb to ensure a uniform distance from the street edge along the entire street.

Hamilton FBC Pedestrian Light Standards

C.1. The City of Spokane Traditional Series pedestrian acorn light (flower basket optional) shall be installed at an average 25' spacing generally spaced midway between street trees and centered thirty-six inches (36") from the curb to ensure a uniform distance from street edge along the entire street.



Traditional Series Light Fixture
Not to Scale

Figure 17C.123.050-C

D. Bicycle Parking.

Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.

E. Temporary Encroachments.

Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-D).



Figure 17C.123.050-D –
Temporary sidewalk encroachments are allowed in the Planting Zone, or
in the Clear Pedestrian Zone as per Table 17C.123.050-1.

F. City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.

Section 7. That SMC Section 17C.123.070 is amended to read as follows:

Section 17C.123.070 ((Additional Requirements)) Design Standards

~~((A.—Drive Through Facilities:~~

~~Drive-Through Facilities are prohibited in all Context Areas of the FBC.~~

~~B.—Nonconforming Situations:~~

~~Existing development that does not conform to the development standards of this chapter is subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.~~

~~C. Nuisance-related Impacts.~~

- ~~1. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 17C.220, Off-Site Impacts.~~
- ~~2. Other nuisances are further regulated by state and local laws.~~

~~D. Outdoor Activities~~

- ~~1. The standards of this section are intended to assure that outdoor sales, display, storage, and work activities:~~
 - ~~a. will be consistent with the desired character of the zone;~~
 - ~~b. will not be a detriment to the overall appearance of an area;~~
 - ~~c. will not have adverse impacts on adjacent properties, especially those with residential uses; and~~
 - ~~d. will not have an adverse impact on the environment.~~
- ~~2. Outdoor activities associated with permitted uses shall be permitted subject to the standards of the zone and as described below.~~
- ~~3. Outdoor Sales and Display Areas.~~
 - ~~a. In the CA1—CA3 zones, outdoor sales, and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.~~
 - ~~b. Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA zones.~~
 - ~~c. In the CA 4 zone, outdoor sales and display areas are prohibited.~~
- ~~4. Outdoor Storage Areas.~~
 - ~~a. Outdoor storage areas are not permitted in the CA1—CA3 zones.~~
 - ~~b. Outdoor storage areas in CA4 zones are subject to the standards of SMC 17C.110.270 Exterior Storage—Residential Zones.~~

~~5. Outdoor Activity Area Improvements.~~

- ~~a. Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.~~
- ~~b. In order to control dust and mud, all vehicle circulation areas must be paved.~~

~~E. Fences~~

- ~~1. Purpose: The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.~~
- ~~2. Type of Fences The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.~~
- ~~3. Location, Height, and Design.~~
 - ~~a. Street Setbacks.~~
 - ~~i. No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.060.~~
 - ~~ii. Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.~~
 - ~~iii. Fences up to six feet high are allowed in required setback that is measured from a side lot line.~~
 - ~~iv. Fences shall not reduce the required setback width of SMC 17C.123.060.~~
 - ~~v. Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.~~

~~vi. The height for fences that are not in required setbacks is the same as the regular height limits of the zone.~~

~~b. Sight-obscuring Fences and Walls.~~

~~i. Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 Initial Design Standards and Guidelines for Center and Corridors.~~

~~4. Prohibited Fences.~~

~~a. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.~~

~~b. No person may maintain a fence or barrier charged with electricity.~~

~~c. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.~~

~~d. No permanent fence may reduce the required sidewalk width.~~

~~5. Visibility at Intersections.~~

~~a. A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets~~

~~b. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:~~

~~i. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~

~~ii. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five-foot side along the curb line of the intersecting arterial street, except~~

~~that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~

- ~~iii. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
 - ~~1. the inside line of the sidewalk; or~~
 - ~~2. if there is no sidewalk, a line seven feet inside the curb line.~~~~

~~6. Enclosures for Pools, Hot Tubs, or Ponds.~~

- ~~a. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.~~
- ~~b. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.~~
- ~~c. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.~~
- ~~d. No opening, except a door or gate may exceed four inches in any dimension.~~
- ~~e. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.~~
- ~~f. Outside of the door or gate must be at least fifty-four inches above the ground.~~

~~7. Reference to Other Standards.~~

- ~~1. Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.~~

~~F. Creation of new lots is subject to the standards of chapter 17G.080 SMC.))~~

All development within the Hamilton Form-Based Code (FBC) must address the following design standards, administered pursuant to SMC 17C.111.015 Design Standards Administration. When existing development is expanded, only those portions of the development that are new or renovated must meet the standards in this section.

This section also includes Guidelines that further define community desires for new development and redevelopment within the Hamilton FBC area. The Guidelines are optional and intended to express the desired built form for the area.

A. Building Base.

Building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9 inches and 16 inches above adjacent grade, and utilize at least one of the following:

1. A horizontal projection of at least 3 inches that may be accompanied by a change of material and/or color.
2. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing visual separation between the first two floors (See Figure 17C.123.060-A).



Figure 17C.123.060-A – Illustration of building base, pedestrian scale signs and other building elements described in the FBC.

B. Primary Building Entries.

1. Primary building entries shall face the street and be made visually prominent, including at least one of the following:
 - a. An entrance recessed at least 3' from the building face.
 - b. A canopy or awning that extends at least 5' from the building face, with a minimum height clearance of 8' above the sidewalk.
2. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

C. Street-level Detailing.

Street-level façades shall help create a more welcoming, aesthetically rich pedestrian environment by incorporating at least four of the following elements:

1. Canopies or awnings spanning at least 25% of the building façade.
2. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.
3. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.
4. Decorative sconce, lantern, or similar lighting, mounted to the building.
5. Projecting windowsills.
6. Decorative kick plates for entry doors.
7. Hanging planters supported by brackets mounted to the building.

D. Façade Transparency.

Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:

1. If within a Shopfront Designation, ground floor glazing facing a public right-of-way shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.
2. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.

Table 17C.123.070-1		
Glazing minimums, ground floor facades [1]		
	CA1	Shopfront
<u>Non-Residential – within 10-ft. of the sidewalk</u>	<u>40%</u>	<u>60%</u>

<u>Non-Residential – more than 10-ft. from the sidewalk</u>	<u>15%</u>	<u>15%</u>
<u>Residential</u>	<u>15%</u>	<u>15%</u>
<u>[1] Glazing percentages may include windows and doors.</u>		

E. Ground Floor Residential.

In addition to other standards specific to residential development found within this chapter and in order to increase the privacy of residents and provide an effective transition between the public and private realm, ground floor residential within 10-ft. of a sidewalk shall:

1. Be elevated a minimum of 30 inches from grade, with alternatives approved by the Planning Director to accommodate units meeting residential visitability standards found in SMC 17C.111.600;
2. Incorporate a patio, porch, deck, or stoop with covered entry between the entry and sidewalk; and
3. Integrate L3 Open Area Landscaping, as defined in SMC 17C.200.030 Landscape Types, between the sidewalk and building.

F. Blank Walls.

Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. Blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:

1. Public art such as murals;
2. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces;
3. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, or decorative trellises; or
4. Roof Lines.

G. Roof Lines.

1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).
2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.
3. Non-Enclosed, Enclosed, and Architectural Roof Structure elements as defined by this code are exempt from sections 17C.123.060(G)(1) and 17C.123.060(G)(2). Height limitations for such elements are provided in Table 17C.123.030-1.

H. Equipment Screening.

Mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes visible from public rights-of-way shall be screened from view, adhering to the following standards:

1. Rooftop mechanical and electrical equipment shall be screened their full height by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.
2. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements or screened by features designed to coordinate with the architecture of the primary structure. Year-round vegetative screening the height of the equipment at planting is permitted. Picket or chain-link fencing may not be used (See Figure 17C.123.060-B).

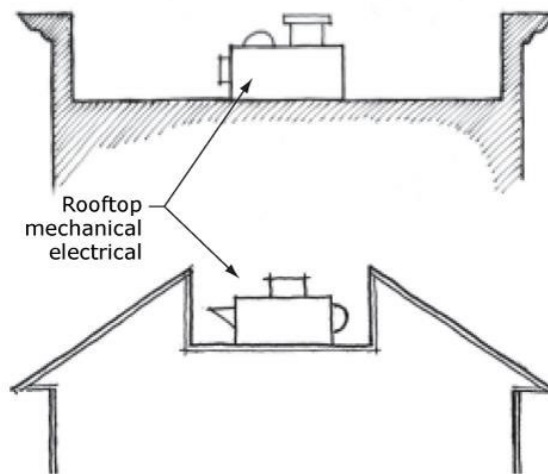


Figure 17C.123.060-B – Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.

I. Service Area Screening.

Service, loading, and trash collection areas shall be hidden or screened from view along public rights-of way and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood, or metal, designed to coordinate with the architecture of the primary structure. Screen walls shall also include one or more of the following:

1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, or decorative trellises.
3. Public art such as murals.

J. Sign Standards.

See City of Spokane Municipal Code, Chapter 17C.240 for sign standards. Signs within the CA zone are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.

- K. Swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth must be located within a fully enclosed building.

L. Guidelines.

In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within the Hamilton FBC area. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.

1. Sustainable Design.

- a. The use of sustainably harvested, salvaged, recycled, and reused products is encouraged wherever possible.
- b. The rehabilitation of older buildings should be considered before new construction. If removal is required, the deconstruction of existing development is encouraged.
- c. Integration of Green Stormwater Infrastructure (GSI) should be considered in conjunction with property redevelopment.
- d. Property owners are encouraged to replace or reduce ground cover like grass lawns and pavement with native and/or drought tolerant plantings.
- e. The installation and maintenance of green roofs is encouraged.

2. Trail-Oriented Development.

For properties along the Centennial Trail, development is encouraged to orient towards the trail, which can be accomplished by:

- a. Having patios and decks that overlook the trail.
- b. Having an increased level of façade transparency to increase “eyes on the trail”.
- c. Having a covered entry facing the trail.

d. Avoiding tall fences and blank walls facing the trail.

3. Building Entries.

Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.

4. Building Materials.

a. Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher-value materials and construction types may be used for reasons of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.

b. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including the use of wrap-around corner pieces.

c. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings, and site features.

d. Recommended cladding materials include:

i. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.

ii. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.

iii. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates, and surface textures should be exploited to achieve architectural effects.

iv. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.

v. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.

vi. Fiber-cement or cementitious siding. Fiber-cement planks, panels and shingles and are an acceptable substitute for

wood siding when used in the formats described above under "Wood."

- vii. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.
- e. Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:
 - i. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - ii. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - iii. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - iv. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - v. Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.
 - vi. Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.
- f. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.

5. Rooflines.

Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.

a. Recommended materials for roofs exposed and visible from public rights of way include:

i. Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.

ii. Slate or slate-like materials.

iii. Sheet metal shingles.

iv. Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials and be provided with adequate trim elements.

6. Special Paving.

Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips.

Section 8. That SMC Section 17C.123.080 is amended to read as follows:

Section 17C.123.080 (~~(Building Type Catalogs)~~ Additional Requirements)

A. Outdoor Activities

The standards of this section are intended to assure that outdoor sales, display, storage, and work activities will not have adverse impacts on adjacent properties or the environment, while providing the envisioned built form within the area.

1. Outdoor Sales and Display Areas.

a. Outdoor sales and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less, in the CA1 zone.

b. Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA1 zone.

c. In the Shopfront designations, accessory outdoor sales are permitted so long as the Clear Pedestrian Zone and Buffer Zone is maintained.

d. In the Shopfront designations, outdoor display areas are prohibited.

2. Outdoor Storage Areas.

a. Outdoor storage areas are not permitted.

3. Outdoor Activity Area Improvements.

- a. Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.
- b. In order to control dust and mud, all vehicle circulation areas must be paved.

B. Fences.

The fence standards avoid adverse impacts on the area while protecting public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

1. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

2. Location, Height, and Design

a. Street Setbacks.

- i. No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.050.
- ii. Fences up to three and one-half feet high are allowed in a required street setback.
- iii. Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
- iv. Fences shall not reduce the required setback width of SMC 17C.123.030.

b. Sight-obscuring Fences and Walls.

- i. Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank

walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

c. Fencing Material.

- i. Fence materials within the public right-of-way or within eight feet of a street lot line should be wrought iron or similar in appearance, aluminum, metal, or similar material.
- ii. Walls visible from streets shall be masonry, stone, brick, or similar construction.
- iii. Chain link fencing is not allowed that is visible from and/or adjacent to a public street.

3. Prohibited Fences.

- a. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire.
- b. No person may maintain a fence or barrier charged with electricity.
- c. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
- d. No permanent fence may reduce the required sidewalk width.

4. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- 6. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be located within the Clear View Triangle, as defined in Section 17A.020.030 “C” Definitions.

Context Area 1 (CA-1)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 1. Images are representational only.



CA-1 Non-Shopfront

See also CA-2, CA-3 and CA-4 Non-Shopfront.



CA-1 Corner

See also CA-2 and CA-3 Corner.



CA-1 Shopfront

See also CA-2 and CA-3 Shopfront.



CA-1 - 1 to 5 Story Buildings

[NOTE: Delete graphic above]

Context Area 2 (CA-2)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 2. Images are representational only.



CA-2 Non-Shopfront

See also CA-3 and CA-4 Non-Shopfront.



CA-2 Corner

See also CA-3 Corner.

CA-2 Shopfront

See also CA-3 Shopfront.



CA-2 - 1 to 4 Story Buildings

[NOTE: Delete graphic above]

Context Area 3 (CA-3)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 3. Images are representational only.



CA-3 Non-Shopfront

See also CA-4.



CA-3 Corner



CA-3 Shopfront



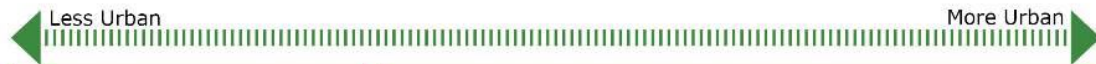
CA-3 - 1 to 2 Story Buildings

[NOTE: Delete graphic above]

Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Small Footprint



CA-4 Medium Footprint



[NOTE: Delete graphic above]

Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Large Footprint



Image borrowed from daybreakutah.com



Image borrowed from daybreakutah.com

[NOTE: Delete graphic above]

17C.111.230/17C.120.220 HEIGHT

The proposed Spokane Municipal Code Text Amendments related to building height are citywide and not limited to the South Logan Project Area. The citywide changes implement recommendations from the [South Logan TOD Plan](#), with citywide implementation ensuring consistency of height and height transitions throughout Spokane. The proposal includes replacing the allowed height of 70-feet with 75-feet to better permit podium-style development, as well as reducing the distance of and modifying the slope of required height transitions adjacent to R1 and R2 zones in order to increase the feasibility of development building to the allowed maximum height allowances.

Text with (~~strikethrough~~) is proposed to be repealed/modified with underlined text representing proposed text. Text without a strikethrough or underline is existing and not proposed to be modified.

Section 1. That SMC Section 17C.111.230 is amended to read as follows:

17C.111.230 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

B. Height Standards.

The maximum height standards for all structures are stated in Table 17C.111.205-2. The building height shall be measured using the following method (see Figure 17C.111.230-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits as listed in Section 17C.111.230(C).
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is

more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.

4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, “barrier free” ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.

FIGURE 17C.110.230-A: Height Measurement

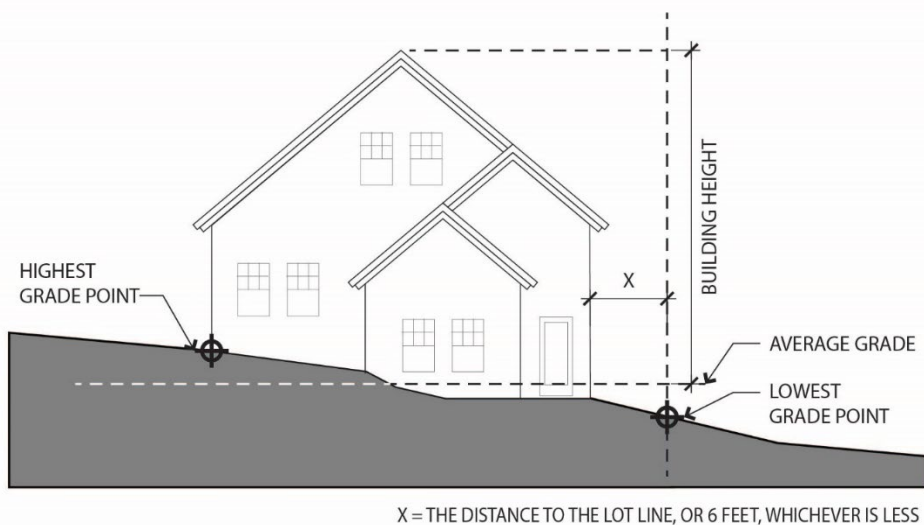


Figure 17C.111.230-A Height Measurement

6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:
 - a. “Grade” means the ground surface contour (see also “existing grade” and “finished grade”).
 - b. “Fill” means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.

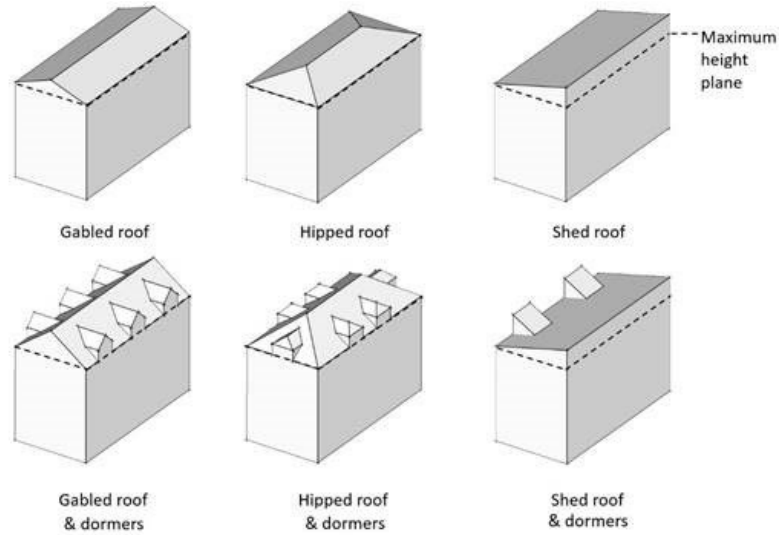
- c. "Finished grade" means the grade upon completion of the fill or excavation.
- d. "Excavation" means the mechanical removal of earth material.
- e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

C. Exceptions to the maximum height standard are stated below:

- 1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five feet, (~~seventy feet~~) seventy-five feet, or one hundred fifty feet depending on location.

~~((2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.111.205-2, provided that the roof incorporates all of the following:~~

- ~~a. pitched roof forms having slopes between 4:12 and 12:12; and~~
- ~~b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.111.230-B for eligible examples); and~~
- ~~c. establishes sense of "top" per SMC 17C.111.455.))~~



~~((Figure 17C.111.230-B: Roof Type Examples for Height Exception))~~

[NOTE: Delete graphic above]

~~((3))~~ 2. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure ~~((17C.111.230-C))~~ 17C.111.230-B.

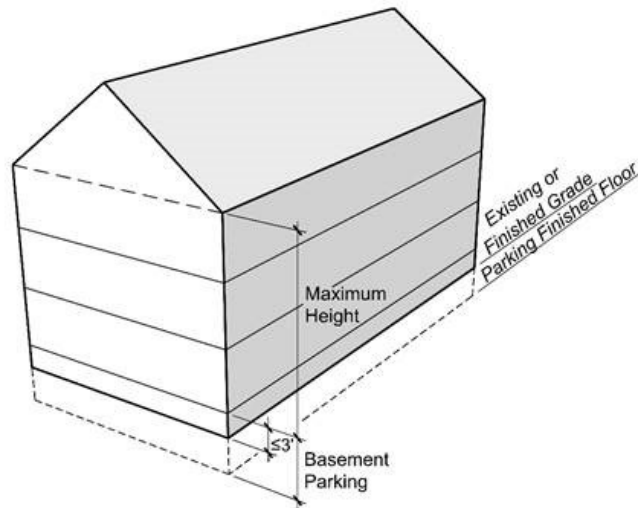


Figure ~~((17C.111.230-C))~~ 17C.111.230-B: Basement Parking Excluded from Height

~~((4))~~3. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards

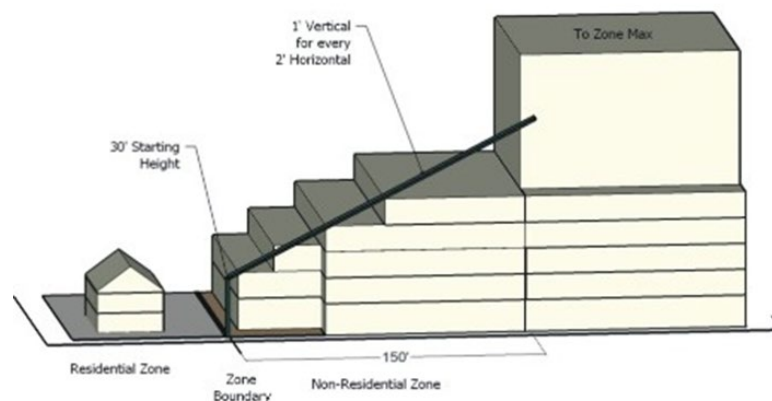
~~((5))~~4. Adjacent to R1 and R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:

a. For all development within ~~((one hundred fifty))~~ forty feet of any R1 or R2 residential zone the maximum building height is as follows:

i. Starting at a height of ~~((thirty))~~ forty feet ~~((the residential zone boundary))~~ at R1 and R2 property boundaries, additional building height may be added at a ratio of ~~((one))~~ 2 to ~~((two))~~ 1 ~~((one-foot))~~ two feet of additional building height for every ~~((two feet))~~ one foot of additional horizontal distance from the closest ~~((single-family))~~ R1 or ~~((two-family))~~ R2 ~~((residential-zone))~~ zoned property. ~~((The building height transition requirement ends one hundred fifty feet from the R1 or R2 residential zone and then full building height allowed in the zone applies.))~~

ii. The building height transition requirement ends forty feet from the R1 or R2 zoned property line and then full building height allowed in the zone applies.



[NOTE: Delete graphic above]

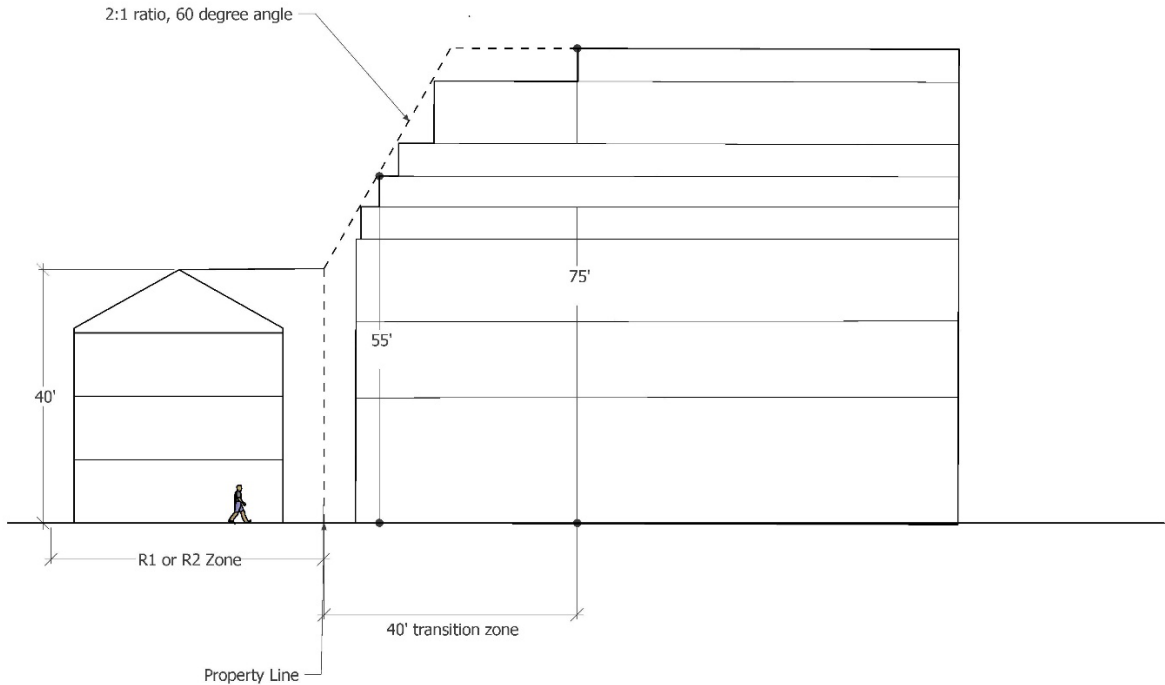


Figure 17C.111.230-C: Height Transition

~~((6.))~~ In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.

~~((7.))~~ 5. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

~~((8.))~~ 6. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:

- a. Parapets and rooftop railings may extend four feet above the height limit.
- b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.

- c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

~~((9))~~7. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

- ~~((10))~~8. Utility power poles and public safety facilities are exempt from the height limit.

- ~~((11))~~9. Radio and television antennas are subject to the height limit of the applicable zoning category.

- ~~((12))~~10. Wireless communication support towers are subject to the height requirements of [chapter 17C.355A SMC](#), Wireless Communication Facilities.

- ~~((13))~~11. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-five (25) feet in height.

Section 2. That SMC Section 17C.120.220 be amended to read as follows:

17C.120.220 Height

A. Purpose

The height limits are intended to control the overall scale of buildings. The height limits in the O, NR and NMU zones discourage buildings that visually dominate adjacent residential areas. The height limits in the OR, CB and GC zones allow for a greater building height at a scale that generally reflects Spokane's commercial areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.

B. Height Standards

The height standards for all structures are stated in [Table 17C.120-2](#). Exceptions to the maximum height standard are stated below.

1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are ~~((thirty-five feet,))~~ forty feet, fifty-five feet, ~~((seventy feet))~~ seventy-five feet, or one hundred fifty feet depending on location.

2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

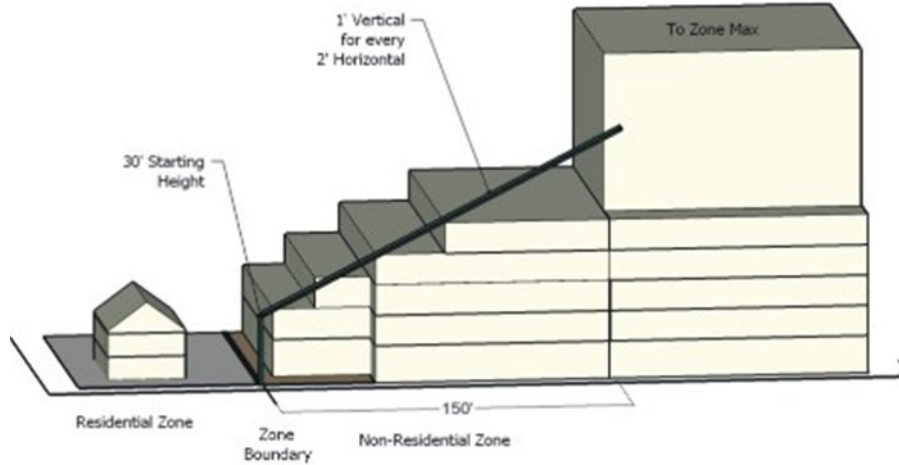
3. Adjacent to ~~((Single-family))~~ R1 and ~~((Two-family Residential))~~ R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent ~~((single-family))~~ R1 and ~~((two-family))~~ R2 residential zones:

a. For all development within one hundred fifty feet of ~~((any single-family or two-family residential zone))~~ R1 or R2 zoned properties the maximum building height is as follows:

i. Starting at a height of ~~((thirty))~~ forty feet at ~~((the residential zone boundary))~~ R1 and R2 property boundaries, additional building height may be added at a ratio of ~~((4))~~ 2 to ~~((2))~~ 1 ~~((one-foot))~~ two feet of additional building height for every ~~((two-feet))~~ one foot of additional horizontal distance from the closest ~~((single-family))~~ R1 or ~~((two-family))~~ R2 ~~((residential zone))~~ zoned property line. ~~((The building height transition~~

requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.))



[NOTE: Delete graphic above]

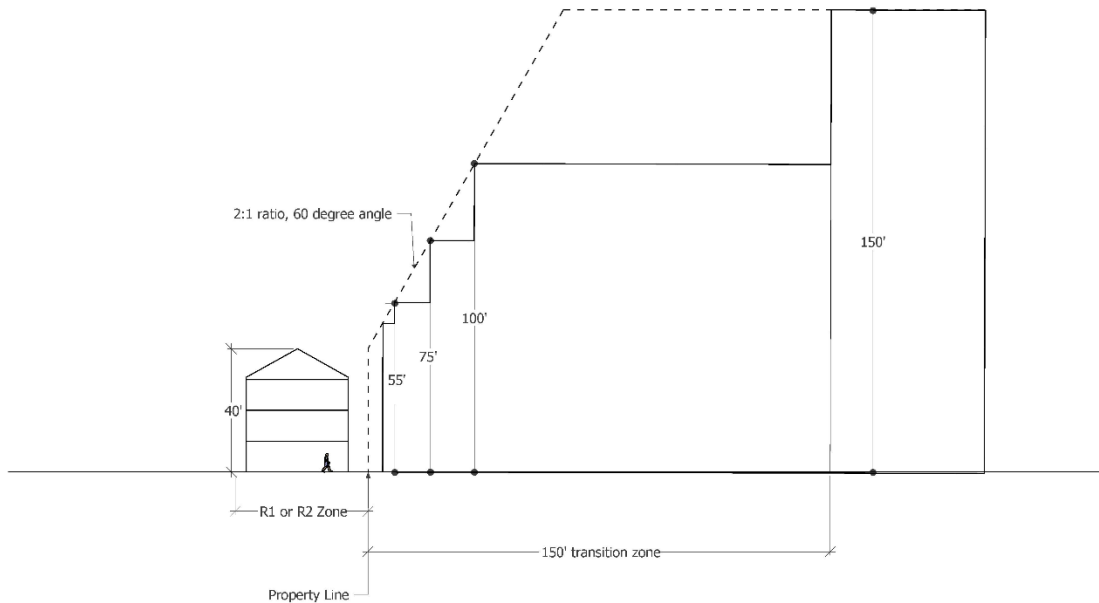


Figure 17C.120.220: Height Transition

4. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.

5. Rooftop Mechanical Equipment.

All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

6. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in chapter 17C.355A SMC, Wireless Communication Facilities.

C. Special Height Districts

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

17C.122 CENTER & CORRIDOR TEXT AMENDMENTS

The proposed Spokane Municipal Code Text Amendments related to Center and Corridor zoning are citywide and not limited to the South Logan Project Area. The citywide changes implement recommendations from the [South Logan TOD Plan](#), with citywide implementation ensuring consistency. The South Logan TOD Plan anticipated [Section 17C.400.040 Pilot Center and Corridors Development Standards](#) would be made permanent. As an interim ordinance, the purpose is to identify which regulations should be kept and which should be adjusted or removed. The proposed regulations make permanent, with adjustments informed by the pilot period and through analysis from the [Centers and Corridors Study](#), the interim citywide regulations. The proposal includes adjusting height standards, not permitting drive-thrus in the CC1 zone or along Pedestrian Street designations, implementing height bonuses instead of FAR bonuses, modifying parking requirements, as well as consolidation and reorganization for improved useability.

Text with (~~strikethrough~~) is proposed to be repealed/modified with underlined text representing proposed text. Text without a strikethrough or underline is existing and not proposed to be modified.

The proposed Center & Corridor text amendments also include a number of new sections, largely due to reorganization. These sections do not include strikethrough or underlined text. These new sections and proposed changes are noted in the text amendment tracking sheet.

Section 1. That SMC Section 17C.122.070 Center and Corridor Zone Allowed Uses is amended to read as follows:

Section 17C.122.070 Center and Corridor Zone Allowed Uses

~~((The uses allowed in the center and corridor zones are shown in Chapter 17C.122T Center and Corridor Zone Development Tables: Table 17C.122.070-1 Center and Corridor Zone Allowed Uses.))~~

The uses allowed in the Center and Corridor zones are shown in Table 17C.122.070-1.

TABLE 17C.122.070-1 CENTER AND CORRIDOR ZONE ALLOWED USES			
<u>Use is:</u> <u>P</u> – Permitted <u>N</u> – Not Permitted <u>L</u> – Allowed, but special limitations <u>CU</u> – Conditional use review required	<u>CC Zone Type</u>		
	<u>Core Zones</u>	<u>Transition Zone</u>	
	<u>CC1</u>	<u>CC2</u>	<u>CC4</u>
<u>Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hotels, including Bed and Breakfast Inns</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Commercial, Financial, Retail, Personal Services</u>	<u>P[1]</u>	<u>P[1]</u>	<u>L[4]</u>
<u>Eating and Drinking Establishments</u>	<u>P[2]</u>	<u>P[2]</u>	<u>N</u>

<u>Restaurants without Cocktail Lounges</u>	<u>P</u>	<u>P</u>	<u>L[4]</u>
<u>Professional and Medical Offices</u>	<u>P</u>	<u>P</u>	<u>L[4]</u>
<u>Entertainment, Museum and Cultural</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Government, Public Service or Utility Structures, Social Services and Education</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Parks and Open Space</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Surface Lot Commercial Parking</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Structured Commercial Parking*</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public Parking Lot</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Limited Industrial (if entirely within a building)</u>	<u>P[3]</u>	<u>P[3]</u>	<u>N</u>
<u>Heavy Industrial</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Drive-through Businesses</u>	<u>N</u>	<u>P[5]</u>	<u>P[5]</u>
<u>Motor Vehicles Sales, Rental, Repair or Washing</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Automotive Parts and Tires (with exterior storage or display)</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Gasoline Sales (serving more than six vehicles)</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Gasoline Sale (serving six vehicles or less)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Self-storage or Warehouse</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Adult Business (subject to chapter 17C.305 SMC special provisions)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Winery and Microbreweries</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Mobile Food Vending</u>	<u>P[6]</u>	<u>P[6]</u>	<u>P[6]</u>
<u>Notes:</u> <u>[1] Retail uses having more than forty thousand gross floor area are not permitted in neighborhood centers designated by the comprehensive plan.</u> <u>[2] Eating and drinking establishments larger than five thousand gross floor area are not permitted in neighborhood centers designated by the comprehensive plan.</u> <u>[3] Limited industrial uses having more than twenty thousand gross floor area are not permitted in neighborhood centers designated by the comprehensive plan.</u> <u>[4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.</u> <u>[5] Drive-through businesses are not permitted along designated Pedestrian Streets</u> <u>[6] All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.</u>			

Section 2. That SMC Section 17C.122.080 Floor Area Ratio (FAR) is repealed.

Section 3. That SMC Section 17C.122.090 is amended to read as follows:

Section 17C.122.090 Public Amenities Allowing Bonus ((FAR)) Height

~~((A.—Minor Amenities.~~

~~Each public amenity from the following list may allow an increase of two-tenths FAR from the basic allowable FAR to the maximum FAR.~~

~~1.—Additional Streetscape Features.~~

~~Seating, trees, pedestrian-scaled lighting and special paving in addition to any that are required by the design standards and guidelines.~~

~~2.—Canopy Over the Public Sidewalk.~~

~~A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.~~

~~3.—Alley Enhancements.~~

~~Decorative paving, pedestrian-scaled lighting, special paving and rear entrances intended to encourage pedestrian use of the alley.~~

~~4.—Preferred Materials on Building.~~

~~Use of brick and stone on the building facades that face streets.~~

~~5.—An amenity specifically identified and described in an adopted neighborhood plan.~~

~~6.—Building to the Street.~~

~~Buildings complying with the “Buildings Along the Street” design guidelines (page 4 of the center and corridor design guidelines) so that at least fifteen percent of the frontage of the site consists of building facades.~~

~~B.—Major Amenities.~~

~~Each public amenity from the following list may allow an increase of five-tenths FAR from the basic allowable FAR to the maximum FAR.~~

~~1. Exterior Public Space(s).~~

~~A plaza or courtyard, with a minimum area of four hundred square feet or two percent of the total interior floor space of the development, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty~~

~~percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.~~

~~2. Public Art.~~

~~Public art includes sculptures, murals, inlays, mosaics and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g, fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the FAR bonus, public art must be documented at a value that is at least one percent of the value of construction.~~

~~3. Through block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved with decorative paving and lighted for nighttime use. It may be covered or open to the sky.~~

~~4. Residential Units.~~

~~Comprising at least twenty five percent of the total floor area.~~

~~5. Structured parking.~~

~~6. If all of the standards and guidelines for Type 1 centers and pedestrian streets are incorporated into a project that is within a Type 2 center.~~

~~C. "Super Bonuses."~~

~~Any development that receives super bonuses shall also provide at least two of the major or minor amenities listed above. In return for providing either of the following, the maximum FAR's may be increased by fifty percent.~~

~~1. Underground Parking.~~

~~All of the parking is provided within a structure that is entirely below grade.~~

~~2. Affordable Housing.~~

~~At least twenty percent of the units are set aside for households making less than eighty percent of the median income for the City as defined by HUD.))~~

A. Development that meets the following conditions may be allowed an additional fifteen feet of height to the maximum height standards in Section 17C.122.200 Development Standards Table.

1. Underground Parking.

a. All off-street parking provided on the site meets one of the following conditions:

- i. Parking areas are entirely below the grade of any adjacent streets; or
- ii. Surface parking or structured parking at ground level is located entirely behind buildings relative to all adjacent streets; or
- iii. Structured parking visible from the street is above ground level with non-parking uses lining the street.

2. Affordable Housing.

- a. At least twenty percent of the residential units are set aside for households making less than eighty percent of the Spokane County Area Median Income as defined by the United States Department of Housing and Urban Development.

3. Public Art.

- a. May include sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted for the aesthetic improvement of the pedestrian realm.

- i. To receive the height bonus, public art must be documented at a value that is at least one percent of the value of construction.

Section 4. That SMC Section 17C.122.100 Maximum Building Height is repealed.

Section 5. That SMC Section 17C.122.110 Setbacks and Required Sidewalk Width is repealed.

Section 6. That there is adopted a new Section 17C.122.200 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.200 Development Standards Table

Development standards that apply within Center and Corridor Zones are provided in Table 17C.122.200-2 Center and Corridor Development Standards

Table 17C.122.200-2 Center and Corridor Development Standards			
HEIGHT STANDARDS			
	CC1	CC2	CC4
Neighborhood Center	55 ft [1][2]	55ft [1][2]	55ft [1][2]

District Center or Corridor		75 ft [1][2]	75 ft [1][2]	55 ft [1][2]
Employment Center		150 ft [2]	150 ft [2]	75 ft [2]
FLOOR AREA RATIO (FAR) STANDARDS				
		CC1	CC2	CC4
Neighborhood Center	Minimum FAR	No Minimum	No Minimum	No Minimum
	Maximum FAR	No Maximum	No Maximum	No Maximum
District Center	Minimum FAR	0.5	0.5	0.5
	Maximum FAR	No Maximum	No Maximum	No Maximum
Employment Center	Minimum FAR	1	1	1
	Maximum FAR	No Maximum	No Maximum	No Maximum
SETBACK STANDARDS				
		CC1	CC2	CC4
Minimum setback from street lot line		0 ft.	0 ft.	0 ft. (([3]))
Minimum setback from R1 and R2 zoned lots		10 ft. (((-4)) [3])	10 ft. (((-4)) [3])	10 ft. (((-4)) [3])
Minimum setback from all zones except R1 and R2		0 ft. (((-4)) [3])	0 ft. (((-4)) [3])	0 ft. (((-4)) [3])
LOT DIMENSIONS				
		CC1	CC2	CC4
Minimum front lot line width		10 ft.	10 ft.	10 ft.
<p>[1] An additional fifteen ft of height is permitted provided that at least one condition under Section 17C.122.090 Public Amenities Allowing Additional Height is met.</p> <p>[2] Structures over seventy feet in height must follow the standards in Chapter 17C.250 Tall Building Standards.</p> <p>[3] (When abutting R1 and R2 zoned lots, the minimum structure setback from street lot line is the same as the abutting residential zoning district for the first 60 ft. from the boundary of the abutting residential zoning district. See SMC 17C.120.230 for additional standards and exceptions. This does not apply when a zone boundary is within the public right-of-way.)</p> <p>(((4))) Structure setbacks are measured from the lot line.</p>				

Section 7. That there is adopted a new Section 17C.122.210 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.210 Height

A. Height.

The maximum height standards for all structures are stated in Table 17C.122.200-2. The building height shall be measured using the following method (see Figure 17C.122.210-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure.
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. "Average grade" means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, "barrier-free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
6. Public amenities allowing additional height can be found in Section 17C.122.090 Public Amenities Allowing Bonus Height.
7. For buildings over 70 feet tall, Chapter 17C.250 Tall Building Standards apply.

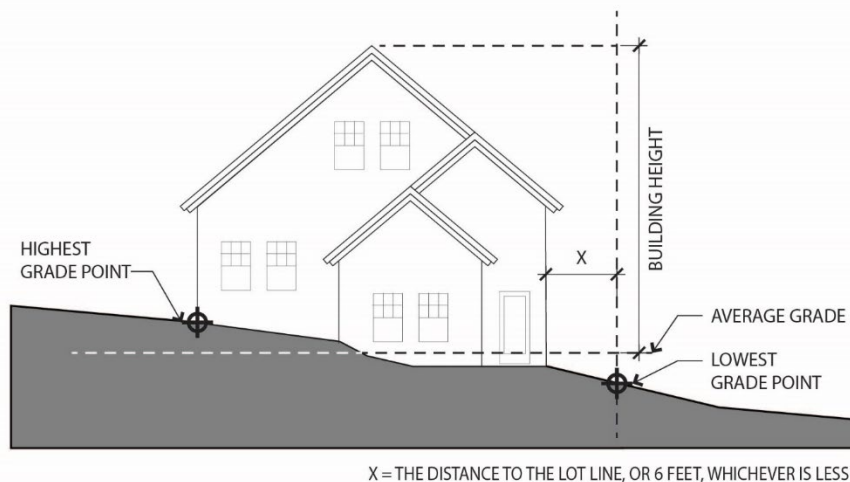


Figure 17C.122.210-A

Section 8. That there is adopted a new Section 17C.122.220 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.220 Height Transition

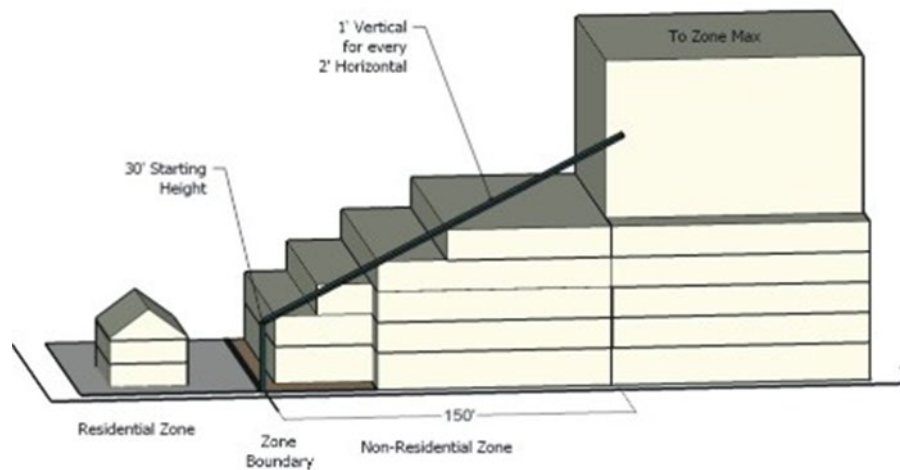
A. Purpose.

The following exception to the maximum building height standards is to provide a gradual transition and enhance the compatibility between the more intensive center zones and adjacent low and moderate residential zones.

B. Applicability.

For all development adjacent to R1 or R2 zoned properties the maximum building height is as follows:

1. Starting at a height of 40 ft. at R1 and R2 property boundaries, additional building height may be added at a ratio of 2 to 1 (two feet of additional building height for every one foot of additional horizontal distance from the closest R1 or R2 zoned property line).
2. The building height transition requirement ends 150 ft. from the R1 or R2 zoned property line. Beyond the transition, the maximum building height of the zone applies.



[NOTE: Delete graphic above]

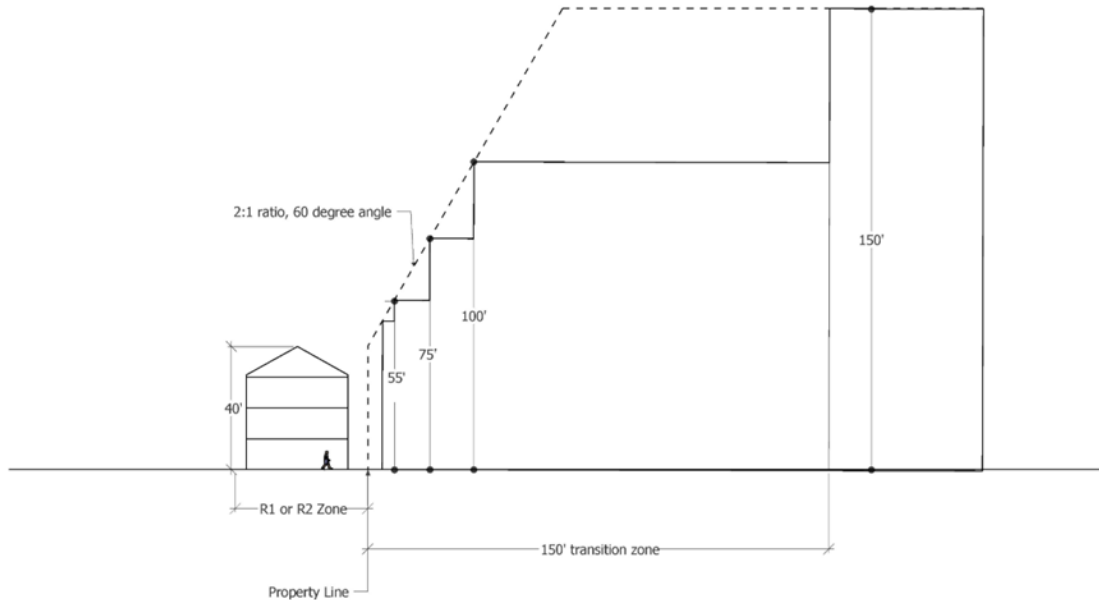


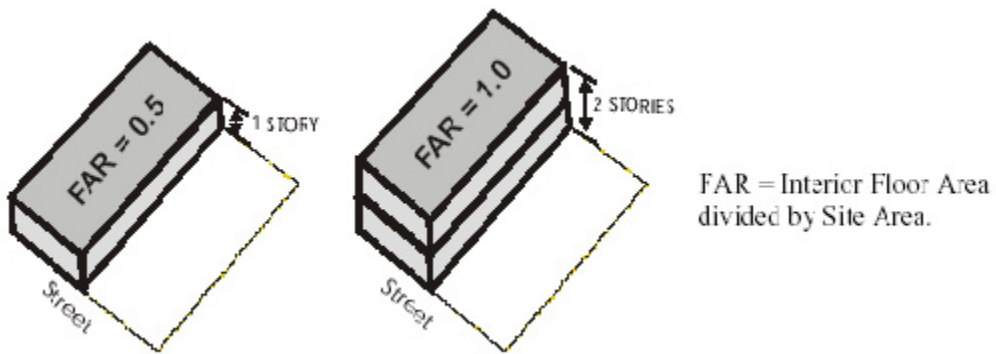
Figure 17C.122.220-A: Height Transition

Section 9. That there is adopted a new Section 17C.122.230 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.230 Floor Area Ratio

A. Floor Area Ratio (FAR).

FAR standards are stated in Table 17C.122.200-2. FAR is the measurement of the building's gross floor area in relation to the size of the lot. A structure that has the same gross floor area as the area of the lot is considered to have a FAR of 1, if the structure has half the gross floor area as the area of the lot the FAR is 0.5. In addition to other dimensional standards FAR is used to ensure the intensity of the structure is appropriate to the zoning.



Section 10. That there is adopted a new Section 17C.122.240 to Chapter 17C.122 of the Spokane Municipal Code that SMC to read as follows:

Section 17C.122.240 Setbacks

A. Setbacks.

Setback Standards are stated in Table 17C.122.200-2. Setbacks in Centers and Corridors ensure that there is adequate space between the structure's facade and the street allowing for ample space for the pedestrian realm.

1. The minimum setback from street lot lines is zero feet and buildings shall be no closer than twelve feet from the back of the curb except as provided in 17C.122.240(A)(2).
2. This width may be reduced, by approval of the Planning Director, if the existing sidewalk is less than twelve feet wide between the back of the curb and the existing building setback line of the adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb.

Section 11. That there is adopted a new Section 17C.122.250 to Chapter 17C.122 SMC to that read as follows:

Section 17C.122.250 Sidewalks

A. Sidewalks.

1. Sidewalks shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to a planting zone for street trees per SMC 17C.200.050) except as provided in 17C.122.240(A)(2).

Section 12. That Chapter 17C.122T entitled "Center and Corridor Zone Development Tables" is repealed.

Section 13. That SMC Section 17C.230.120 is amended to read as follows:

Section 17C.230.120 Maximum Required Parking Spaces

A. Purpose.

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum ratios in this section vary with the use the parking it is accessory to. These

maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.

B. Maximum Number of Parking Spaces Allowed.

Standards in a plan district or overlay zone may supersede the standards in this subsection.

1. Surface Parking.

The maximum number of parking spaces allowed is stated in Table 17C.230.120-1 and Table 17C.230.130-1, except as specified in subsection (B)(2) of this section.

2. Structure Parking.

Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed.

TABLE 17C.230.120-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230.130-1 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, R1, R2, RMF, RHD	All Land Uses	Minimum and maximum standards are shown in Table 17C.230.130-1 .
O, OR, NR, NMU, CB, GC, Industrial		
CG1, CG2, CG3 [2]	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.
CG4 [2]	Nonresidential	Minimum ratio is 2 stalls per 1,000 gross square feet of floor area.

		Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	<u>Residential</u>	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less. Maximum ratio is the same as for nonresidential uses.))
<u>CC1, CC2, CC3, CC4 [2]</u>	<u>Nonresidential</u>	<u>There is no minimum parking requirement. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.</u>
	<u>Residential</u>	<u>There is no minimum parking requirement. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.</u>
Downtown [2]	((All Land Uses)) <u>Nonresidential</u>	((See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required. - Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less.)) <u>There is no minimum parking requirement.</u> Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.
	<u>Residential</u>	<u>There is no minimum parking requirement. Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.</u>
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3 .

[1] Standards in a plan district or overlay zone may supersede the standards of this table.

[2] See exceptions in [SMC 17C.230.130](#), CC and Downtown Zone Parking Exceptions.

Section 14. That SMC Section 17C.230.130 is amended to read as follows:

Section 17C.230.130 Parking Exceptions

- A. In (~~center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement~~), all Center and Corridor zones, all Downtown zones, and all Form-Based Code no parking is required.
- B. In the (~~neighborhood retail~~) Neighborhood Retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the form of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the Planning Director may reduce or waive parking requirements.
- E. Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.
- F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.
 2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.
- G. Parking is not required for residential development on sites located within one-half mile of a transit stop.

TABLE 17C.230.130-1 PARKING SPACES BY USE [1] (Refer to Table 17C.230.120-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
<u>Residential Household Living within one-half mile of a transit stop</u>		<u>None</u>	<u>None</u>
Residential Household Living <u>outside of one-half mile of a transit stop</u> [2] [3]		((1 per unit plus 1 per bedroom after 3 bedrooms [3]; Accessory Dwelling Unit (ADU)—see Note [4]; Single Resident Occupancy (SRO) are exempt)) <u>On lots smaller than 6,000 square feet, only</u>	None

		<p><u>one parking space per unit is required regardless of bedroom count.</u></p> <p><u>On lots 6,000 square feet or larger, each unit with 3 or fewer bedrooms shall provide one parking space per unit and each unit with 4 or more bedrooms shall provide a minimum of two parking spaces per unit.</u></p>	
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COMMERCIAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area

	Service, Repair-oriented		
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area
INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING

Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review

INSTITUTIONAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas
Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom

	High School	7 per classroom	10.5 per classroom
OTHER CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
<p>[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.</p> <p>(([2] Parking is not required for residential development on sites located within one-half mile of a transit stop.))</p> <p><u>[2] For purposes of calculating parking, an Accessory Dwelling Unit shall count as a full dwelling unit. Studio and one-bedroom ADUs require no additional parking.</u></p> <p>(([3] For middle housing developed in the R1 and R2 zones, the following standards apply:</p> <ul style="list-style-type: none"> • On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count. • On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.)) <p><u>[3] Single Room Occupancy housing is exempted from parking requirements.</u></p> <p>(([4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).))</p>			

Section 15. That SMC Section 17C.300.130 is amended to read as follows:

Section 17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing residential use.
- d. Constructing a residential use with an internal or detached accessory dwelling unit.
- e. In the R1, R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. ~~((One additional off-street parking space is required for the accessory dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.))~~

~~((b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five~~

~~hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.))~~

b. Parking for Accessory Dwelling Units is provided in Table 17C.230.130-1 under Residential Household Living. For purposes of determining required parking, an Accessory Dwelling Unit is a full dwelling unit.

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

a. as specified for setbacks in [Table 17C.111.205-2](#) for accessory structures and

2. Height.

The maximum height allowed for a detached accessory dwelling unit is provided in [Table 17C.111.205-2](#).

3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.

b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

a. Conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.111.205-2](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided by [SMC 17C.111.235](#), Setbacks, and [SMC 17C.111.240](#), Accessory Structures.

b. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.

c. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building,

and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

17C.111.205/17C.111.420 RMF & RHD TEXT AMENDMENTS

The proposed Spokane Municipal Code Text Amendments related to building height are citywide and not limited to the South Logan Project Area. The citywide changes implement recommendations from the [South Logan TOD Plan](#), with citywide implementation ensuring consistency of height and multifamily open space requirements throughout Spokane. The proposal includes increased default maximum heights to the RMF (Residential Multifamily) and RHD (Residential High Density) zones as well as adjustments to open space requirements to increase feasibility of higher intensity infill development. Proposed open space requirements include allowing proximity to a public park to count towards open space requirements, which is proposed to apply to all residential zones, including R1 and R2, and having different minimum open space requirements depending on unit size and infill site status in RMF and RHD.

Text with ((~~strikethrough~~)) is proposed to be repealed/modified with underlined text representing proposed text. Text without a strikethrough or underline is existing and not proposed to be modified.

Section 1. That SMC Section 17C.111.205 be amended to read as follows:

Section 17C.111.205 Development Standards Tables

Development standards that apply within the residential zones are provided in Tables 17C.111.205-1 through 17C.111.205-3.

TABLE 17C.111.205-1					
LOT DEVELOPMENT STANDARDS [1]					
	RA	R1	R2	RMF	RHD
DENSITY STANDARDS					
Maximum density on sites 2 acres or less [2][3]	No maximum	No maximum	No maximum	No maximum	No maximum
Maximum density on sites larger than 2 acres [2]	10 units/acre	10 units/acre	20 units/acre	No maximum	No maximum
Minimum density [2]	4 units/acre	4 units/acre	10 units/acre	15 units/acre	15 units/acre
LOT DIMENSIONS FOR SUBDIVISIONS AND SHORT SUBDIVISIONS					
Minimum lot area	7,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Minimum lot width with no driveway approach [4]	40 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Minimum lot width with driveway approach [4]	40 ft.	36 ft.	36 ft.	25 ft.	25 ft.

Minimum lot width within Airfield Overlay Zone	40 ft.	40 ft.	36 ft.	25 ft.	25 ft.
Minimum lot depth	80 ft.	80 ft.	40 ft.	N/A	N/A
Minimum lot frontage	40 ft.	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width	Same as minimum lot width
MINIMUM LOT DIMENSIONS FOR UNIT LOT SUBDIVISIONS					
Minimum parent lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Maximum parent lot area	2 acres	2 acres	2 acres	2 acres	2 acres
Minimum child lot area	No minimum	No minimum	No minimum	No minimum	No minimum
Minimum child lot depth	No minimum	No minimum	No minimum	No minimum	No minimum
LOT COVERAGE					
Maximum total building coverage [5][6][7]	50%	65%	80%	100%	100%
Maximum lot impervious coverage without engineer's stormwater drainage plan - not in ADC [5][8]	50%	60%	60%	N/A	N/A
Maximum lot impervious coverage without engineer's stormwater drainage plan - inside ADC [5][8]	40%	40%	40%	N/A	N/A
Notes:					
[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.					
[2] See SMC 17C.111.210 for applicability of minimum and maximum density standards in the residential zones.					
[3] Development within Airfield Overlay Zones is further regulated as described in SMC 17C.180.090, Limited Use Standards.					
[4] Lots with vehicle access only from an alley are not considered to have a "driveway approach" for the purposes of this standard.					
[5] Lot and building coverage calculation includes all primary and accessory structures.					
[6] Building coverage for attached housing is calculated based on the overall development site, rather than individual lots.					

[7] Developments meeting certain criteria relating to transit, Centers & Corridors, or housing affordability are given a bonus for building coverage. See SMC 17C.111.225 for detailed eligibility criteria.

[8] Projects may exceed impervious coverage requirements by including an engineer's drainage plan in submittals, subject to review by the City Engineer as described in SMC 17D.060.135. "ADC" means Area of Drainage Concern.

TABLE 17C.111.205-2					
BUILDING AND SITING STANDARDS [1]					
	RA	R1	R2	RMF	RHD
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Maximum building height [2]	35 ft.	40 ft.	40 ft.	((40)) <u>55</u> ft.	((40)) <u>75</u> ft.
Minimum Setbacks					
Front	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Interior side lot line - lot width 40 ft or less [3]	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Interior side lot line - lot width more than 40 ft [4] [5]	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Street side lot line – all lot widths	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Attached garage or carport entrance from street	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Rear	25 ft.	15 ft.	15 ft.	10 ft.	10 ft.
ACCESSORY DWELLING UNITS					
Maximum building footprint for accessory dwelling unit - lot area 5,500 sq. ft. or less	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.	1,100 sq. ft.
Maximum building footprint for accessory dwelling unit - lots larger than 5,500 sq. ft.	15%	15%	15%	15%	15%
Maximum building height	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Minimum side lot line setbacks [5] [6]	Same as Primary Structure				
Minimum rear setback with alley [4] [5] [6]	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OTHER ACCESSORY STRUCTURES					
Maximum lot coverage for accessory structures – lots 5,500 sq. ft. or less	20%	20%	20%	See Primary Structure	See Primary Structure
Maximum lot coverage for accessory structures – lots larger than 5,500 sq. ft.	20%	15%	15%	See Primary Structure	See Primary Structure
Maximum building height	30 ft.	20 ft.	20 ft.	35 ft.	35 ft.
Minimum side lot line setbacks [4] [5] [6]	Same as Primary Structure				
Minimum rear setback with alley	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Minimum rear setback no alley	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
OPEN SPACE [7]					
Minimum (outdoor area) <u>open space</u> per unit ([7]) [8]	250 sq. ft.	250 sq. ft.	250 sq. ft.	((200 sq. ft.)) <u>Studio: 48 sq. ft. per unit</u> <u>1- bedroom: 75 sq. ft. per unit</u> <u>2+ bedrooms: 150 sq. ft. per unit</u>	<u>Studio: 48 sq. ft. per unit</u> <u>1-bedroom: 75 sq. ft. per unit</u> <u>2+ bedrooms: 100 sq. ft. per unit</u> <u>Sites 20,000 sq. ft. or less: 36 sq. ft. per unit</u>

Minimum common ((outdoor area)) <u>open space</u> per unit as a substitute for private area - first six units	200 sq. ft.	200 sq. ft.	200 sq. ft.	((150-sq. ft.)) <u>Studio: 48 sq. ft. per unit</u> <u>1- bedroom: 75 sq. ft. per unit</u> <u>2+ bedrooms: 150 sq. ft. per unit</u>	<u>Studio: 48 sq. ft. per unit</u> <u>1-bedroom: 75 sq. ft. per unit</u> <u>2+ bedrooms: 100 sq. ft. per unit</u> <u>Sites 20,000 sq. ft. or less: 36 sq. ft. per unit</u>
Minimum common ((outdoor area)) <u>open space</u> per unit as a substitute for private area - all units after six	150 sq. ft.	150 sq. ft.	150 sq. ft.	((100-sq. ft.)) <u>Studio: 36 sq. ft. per unit</u> <u>1- bedroom: 48 sq. ft. per unit</u> <u>2+ bedrooms: 48 sq. ft. per unit</u>	<u>Studio: ((48)) 36 sq. ft. per unit</u> <u>1-bedroom: 48 sq. ft. per unit</u> <u>2+ bedrooms: 48 sq. ft. per unit</u> <u>Sites 20,000 sq. ft. or less: 25 sq. ft. per unit</u>

Notes:

[1] Plan district, overlay zone, or other development standards contained in Title 17C SMC may supersede these standards.

[2] Base zone height may be modified according to SMC 17C.111.230, Height.

[3] Certain elements such as covered porches may extend into the front setback. See SMC 17C.111.235, Setbacks.

[4] There is an additional angled setback from the interior side lot line. Refer to SMC 17C.111.230(C) and 17C.111.235(E) for more detail.

[5] Setbacks for a detached accessory structure and a covered accessory structure may be reduced to zero feet with a signed waiver from the neighboring property owner as specified in SMC 17C.111.240(C).

[6] Accessory structures may be subject to an additional side setback adjacent to streets as specified in 17C.111.240(C)(5).

[7] Residential units with a continuous pedestrian route as defined in SMC Section 17C.111.420(B) from the property boundary to a public park within 800 feet shall have a minimum of not more than 36 square feet of open space per unit.

~~[[7]]~~ [8] Common ~~((outdoor area))~~ open space may be substituted for private ~~((outdoor area))~~ open space according to SMC 17C.111.310.

TABLE 17C.111.205-3 DEVELOPMENT STANDARDS FOR PROPERTIES QUALIFYING FOR DEVELOPMENT BONUS [1] [2]					
	RA	R1	R2	RMF	RHD
LOT COVERAGE					
Maximum total building coverage	N/A	80%	90%	100%	100%
PRIMARY BUILDINGS					
Floor area ratio	N/A	N/A	N/A	N/A	N/A
Maximum building footprint per primary building - lot area 7,000 sq. ft. or less	N/A	2,450 sq. ft.	2,450 sq. ft.	N/A	N/A
Maximum building footprint per primary building - lot area more than 7,000 sq. ft.	N/A	35%	35%	N/A	N/A
Notes:					
[1] Standards not addressed in this table are consistent with the general standards in Tables 17C.111.205-1 and 17C.111.205-2.					
[2] Criteria to qualify for Development Bonuses is outlined in SMC 17C.111.225.					

Section 2. That SMC Section 17C.111.420 be amended to read as follows:

Section 17C.111.420 ((Outdoor)) Open Spaces

A. Purpose.

To create pedestrian friendly, usable areas through the use of plazas, courtyards, rooftop decks, and other ((outdoors)) open spaces for the enjoyment and health of the residents.

B. ((Outdoor)) Open Spaces Implementation.

1. Minimum Required Space.

((4))a. Each multifamily development shall ((set)) provide ((a minimum of forty-eight square feet of)) the minimum ((outdoor)) open space area for each living unit in the complex, including those units occupied by the owner or building management personnel, as identified in Table 17C.111.205-2. Open spaces may be provided individually, such as by balconies, or combined into a larger common open space. ((Private outdoor spaces can count towards this outdoor common space provision.)) Developments in RMF and RHD may provide both private and common open space to meet the minimum requirement; however, each unit must provide either the full private or common open space to count towards the minimum required space. (R)

b. Residential units with a continuous pedestrian route from the building entrance to a public park within 800 ft are not required to provide more than 36 square feet of open space per unit. For purposes of this requirement, an unsignalized crossing of a minor arterial road or greater shall not be considered a continuous pedestrian route.



Trellis and special landscape defines private courtyard area

[NOTE: Delete graphic above]

2. ~~((Ground Level Units))~~ Private Open Space.

~~((The outdoor area for ground level units is a type of private outdoor space and must be directly accessible from the unit. The area must be surfaced with lawn, pavers, decking or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. (R)))~~

Private open space area is typically developed for passive recreational use. Examples include balconies, patios, and private rooftop decks.



[NOTE: Delete graphic above]

- a. Private open space must be directly accessible from the unit. (R)
- b. Private open space must be surfaced with landscaping, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. (R)
- c. Private open space may be covered, such as a covered balcony, but may not be fully enclosed. (R)
- d. Berms, low walls, fences, hedges and/or landscaping shall be used to define private open spaces such as yards, decks, terraces, and patios from each other and from the street right-of-way. The material or plantings between private open spaces shall be a maximum of four feet in height and visually permeable, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors. Material or plantings between units and right-of-way shall meet applicable fencing restrictions. (P)

3. ~~((Upper Level Units))~~ Common Open Space.

~~((Upper level units are a type of private outdoor space. For upper level units, the required outdoor area may be provided individually, such as by~~

~~balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements. (R))~~

Common open space area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts, and open recreational facilities.

- a. ~~The total amount of required ((outdoor area for upper level units)) common open space is the cumulative amount of the required area per dwelling unit for ((individual)) common areas, minus any ((upper level)) units that provide individual ((outdoor areas)) open space (if provided). However, a combined required ((outdoor area)) open space must comply with the minimum area ((and dimension requirements for combined outdoor areas)) and meet ADA Standards for Accessible Design.~~
- b. ~~((The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, rooftop patios, picnic areas, fitness centers, pools, tennis courts, and open recreational facilities. The area)) Common open space must be surfaced with ((lawn)) landscaping, pavers, decking, or sport court paving, which allows the area to be used for recreational purposes. ((User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.)) (R).~~
- c. Common open space may be covered, such as a covered patio, but may not be fully enclosed unless the open space is an equipped interior fitness area or furnished meeting space not reservable by individual residents. (R)
- d. Common open spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R)
- e. Common open spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)
 - i. Site furnishings (benches, tables, bike racks)
 - ii. Picnic or outdoor grilling areas
 - iii. Patios, plazas, or courtyards
 - iv. Tot lots or other children's play areas
 - v. Enclosed pet areas that make up no more than fifty percent of the required common open space

vi. Community gardens accessible for use by residents

vii. Open lawn

viii. Play fields

ix. Sports courts, such as tennis or basketball courts, and pools that make up no more than fifty percent of the required common open space

x. Interior equipped fitness areas that make up no more than fifty percent of the required common open space

f. If common open spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (P)

~~((4. Common outdoor spaces shall provide at least three of the following amenities to accommodate a variety of ages and activities. Amenities include: (P)~~

~~a. Site furnishings (benches, tables, bike racks).~~

~~b. Picnic areas.~~

~~c. Patios, plazas or courtyards.~~

~~d. Tot lots.~~

~~e. Gardens.~~

~~f. Open lawn.~~

~~g. Play fields.~~

~~h. Sports courts, such as tennis or basketball courts (no more than fifty percent of required outdoor common space), equipped interior fitness areas, or pools.))~~



[NOTE: Delete graphic above]



Basketball court provided in common outdoor area

[NOTE: Delete graphic above]

- ~~((5. Common outdoor spaces shall be easily visible and accessible to multifamily residents. (P))~~
- ~~6. Berms, low walls, fences, hedges and/or landscaping shall be used to define private ((outdoor)) open spaces such as yards, decks, terraces, and patios from each other and from the street right-of-way. (P)~~
- ~~7. Walls, hedges, and fences shall be used to define and ensure a sense of privacy in outdoor private spaces. The material or plantings should be a maximum of four feet (high and visually permeable, such as open rails, ironwork, or trellis treatment to encourage interaction between neighbors.) (P))~~
- ~~((8))4. Lighting shall be provided within ((outdoor)) open spaces to provide visual interest, as well as an additional security function. Lighting should not cause off-site glare. (R)~~
- ~~((9. If outdoor spaces are located adjacent to a street right-of-way, landscaping should be used to provide a buffer between outdoor spaces and the street right-of-way. (C))~~



Screening by wall and planting

[NOTE: Delete graphic above]

~~((10.—Common outdoor spaces with active uses used to meet these guidelines shall not be located within required buffer areas, if prohibited by critical area or shoreline regulations. (R))~~

~~((14))~~5. ~~((Outdoor))~~ Open spaces should not be located adjacent to dumpster enclosures, loading/service areas or other ~~((incompatible uses))~~ facility and/or utility enclosures. (C)

EXHIBIT C



NONPROJECT DETERMINATION OF NONSIGNIFICANCE

FILE NO(s): South Logan TOD Implementation

PROPONENT: City of Spokane

DESCRIPTION OF PROPOSAL: This proposal implements the South Logan TOD Plan by amending SMC Sections 17A.020.160 "P" Definitions, 17C.111.205 Development Standards Tables, 17C.111.230 Height, 17C.111.420 Open Spaces, 17C.120.220 Height, 17C.122.070 Center and Corridor Zone Allowed Uses, 17C.122.090 Public Amenities Allowing Bonus FAR, 17C.123.010 Purpose, 17C.123.020 Code Organization, 17C.123.030 Regulating & Street Section Plans, 17C.123.040 Land Use, Height, Placement and Parking, 17C.123.050 Streetscape Requirements, 17C.123.060 Architectural Requirements, 17C.123.070 Additional Requirements, 17C.123.080 Building Type Catalogs, 17C.230.120 Maximum Required Parking Spaces, 17C.230.130 Parking Exceptions, and 17C.300.130 Development Standards. This proposal implements the South Logan TOD Plan by repealing SMC Sections 17C.122.080 Floor Area Ratios (FAR), 17C.122.100 Maximum Building Height, 17C.122.110 Setbacks and Required Sidewalk Width, and Chapter 17C.122T Center and Corridor Zone Development Tables. This proposal implements the South Logan TOD Plan by creating SMC Sections 17C.122.200 Development Standards Table, 17C.122.210 Height, 17C.122.220 Height Transition, 17C.122.230 Floor Area Ratio, 17C.122.240 Setbacks, 17C.122.250 Sidewalks. This proposal implements the South Logan TOD Plan by creating SMC Chapter 17C.420 South Logan Planned Action Ordinance.

The project webpage will be updated with the latest information and proposals <https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Citywide


LEAD AGENCY: City of Spokane

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.
- 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 5:00 p.m. on June 26, 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: June 12, 2024 **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: 21 days from the date of the signed DNS
12:00 p.m. on July 3, 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.

DETERMINATION OF NONSIGNIFICANCE

Final Audit Report

2024-06-10

Created:	2024-06-10
By:	Tyler Kimbrell (tkimbrell@spokanecity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFyu0ljd9rihLaFwtADboiUDYrv90aj4k

"DETERMINATION OF NONSIGNIFICANCE" History






-  Document created by Tyler Kimbrell (tkimbrell@spokanecity.org)
2024-06-10 - 4:24:17 PM GMT
-  Document emailed to Spencer Gardner (sgardner@spokanecity.org) for signature
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-  Email viewed by Spencer Gardner (sgardner@spokanecity.org)
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-  Document e-signed by Spencer Gardner (sgardner@spokanecity.org)
Signature Date: 2024-06-10 - 4:39:58 PM GMT - Time Source: server
-  Agreement completed.
2024-06-10 - 4:39:58 PM GMT

EXHIBIT D

PUBLIC COMMENTS

No public comments were received prior to 3 PM on June 19, 2024. Any comments received before the scheduled public hearing on June 26, 2024 will be provided to the Spokane Plan Commission for review.

Public comments received during the South Logan TOD Plan and Final Environmental Impact Statement (FEIS) can be found in the final FEIS report, starting on page 97:

<https://static.spokanecity.org/documents/projects/south-logan-tod/south-logan-tod-feis-2023-11-29.pdf>

EXHIBIT E

AGENCY COMMENTS

No Agency comments were received prior to 3 PM on June 19, 2024. Any comments received before the scheduled public hearing on June 26, 2024 will be provided to the Spokane Plan Commission for review.

Agency comments received during the South Logan TOD Plan and Final Environmental Impact Statement (FEIS) can be found in the final FEIS report, starting on page 97:

<https://static.spokanecity.org/documents/projects/south-logan-tod/south-logan-tod-feis-2023-11-29.pdf>

EXHIBIT F



IMPLEMENTATION OF COMPREHENSIVE PLAN POLICIES

Department of Planning and Economic Development

The following policies of the Comprehensive Plan relate to the proposed updates to the residential development and related sections of the Spokane Municipal Code. The full text of the Comprehensive Plan can be found at www.shapingspokane.org.

Chapter 3 – Land Use

Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas

Direct new higher intensity residential uses to areas in and around Centers and Corridors designated on the Land Use Plan Map and to areas where existing development intensity is already consistent with development of this type.

Discussion: Higher intensity housing of various types is the critical component of a Center. Without substantially increasing population in a center’s immediate vicinity, there is insufficient market demand for goods and services at a level to sustain more intense commercial development. Residential uses in and around Centers generally consist of multi-story condominiums and apartments. In some cases, smaller-scale residential development may be interspersed among those higher intensity uses, but generally uses of higher scale and height should predominate in these areas, especially as proximity to designated Centers or Corridors increases. Likewise, residential development should increase in height, mass, and lot coverage as properties are located closer to commercial areas or where employment is higher.

To ensure that the market for higher intensity residential use is directed to Centers, future housing of higher scale and form is generally limited in other areas. Whenever more intense residential uses are proposed outside the general vicinity of Centers and Corridors, topics such as the proximity of those areas to uses like commercial or downtown uses should be considered. Design and site requirements should be considered that minimize conflict between these areas and other uses.

Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use

Encourage coordinated and efficient growth and development through infrastructure financing and construction programs, tax and regulatory City of Spokane Comprehensive Plan Amended September 7, 2023 3-19 incentives, and by focusing growth in areas where adequate services and facilities exist or can be economically extended.

Discussion: Future growth should be directed to locations where adequate services and facilities are available. Otherwise, services and facilities should be extended or upgraded only when it is economically feasible to do so.

The Centers and Corridors designated on the Land Use Plan Map are the areas of the city where incentives and other tools should be used to encourage infill development, redevelopment and new development. Examples of incentives the city could use include assuring public participation,

using public facilities and lower development fees to attract investment, assisting with project financing, zoning for mixed-use and higher density development, encouraging rehabilitation, providing in-kind assistance, streamlining the permit process, providing public services, and addressing toxic contamination, among other things.

Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors

Designate Centers and Corridors (neighborhood scale, community or district scale, and regional scale) on the Land Use Plan Map that encourage a mix of uses and activities around which growth is focused.

Discussion: Suggested Centers are designated where the potential for Center development exists. Final determination is subject to a sub-area planning process.

...

Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers

Achieve a proportion of uses in Centers that will stimulate pedestrian activity and create mutually reinforcing land uses.

Discussion: Neighborhood, District, and Employment Centers are designated on the Land Use Plan Map in areas that are substantially developed. New uses in Centers should complement existing on-site and surrounding uses, yet seek to achieve a proportion of uses that will stimulate pedestrian activity and create mutually reinforcing land use patterns. Uses that will accomplish this include public, core commercial/office and residential uses.

All Centers are mixed-use areas. Some existing uses in designated Centers may fit with the Center concept; others may not. Planning for Centers should first identify the uses that do not fit and identify sites for new uses that are missing from the existing land use pattern.

...

Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation

Coordinate land use and transportation planning to result in an efficient pattern of development that supports alternative transportation modes consistent with the Transportation Chapter and makes significant progress toward reducing sprawl, traffic congestion, and air pollution.

Discussion: The GMA recognizes the relationship between land use and transportation. It requires a transportation element that implements, and is consistent with, the land use element. The transportation element must forecast future traffic and provide information on the location, timing, and capacity needs of future growth. It must also identify funding to meet the identified needs. If probable City of Spokane Comprehensive Plan Amended September 7, 2023 3-27 funding falls short of needs, the GMA requires the land use element to be reassessed to ensure that needs are met.

Goal 4 – Transportation Policy LU 4.6 Transit-Supported Development

Encourage transit-supported development, including a mix of employment, residential, and commercial uses, adjacent to high-performance transit stops.

Discussion: People are more likely to take transit to meet their everyday travel needs when transit service is frequent, at least every 15 minutes. Mixed-use development in these areas will enable less reliance on automobiles for travel, reduce parking needs, and support robust transit ridership. Land use regulations and incentives will encourage this type of development along high-performance transit corridors.

Transit-supported development should be encouraged through the application of development incentives, enhanced design measures, streetscape standards, parking standards, and potential changes in density and use. Each of these measures should be developed through a sub-area planning (or similar) process as each high-performance transit line is planned and developed. These sub-area planning processes should include neighborhood and stakeholder involvement and public participation processes to ensure that site-specific and neighborhood-context issues are addressed and benefits are maximized.

Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment

Ensure that developments are sensitive to the built and natural environment (for example, air and water quality, noise, traffic congestion, and public utilities and services), by providing adequate impact mitigation to maintain and enhance quality of life.

Goal 5 – Development Character, Policy LU 5.5 Complementary Development

Ensure that infill and redevelopment projects are designed to be compatible with and complement surrounding uses and building types.

Discussion: New infill development and redevelopment should be designed and planned to seek compatibility with its location. Consideration should be given to multiple scales of compatibility, from the site on which the use will be constructed to the wider area in which it will reside. New development or redevelopment should also seek to complement and enhance the existing neighborhood where possible by expanding the choices available in the area and improving the use and form of the area in which it is located. For example, middle housing types provide for increased diversity in scale and form while also maintaining a high level of compatibility with existing residential neighborhoods, especially in those areas where only one housing type was previously available.

Chapter 6 – Housing

Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure

Direct new residential development into areas where community and human public services and facilities are available.

Discussion: Using existing services and infrastructure often reduces the cost of creating new housing. New construction that takes advantage of existing services and infrastructure conserves

public resources that can then be redirected to other needs such as adding amenities to these projects.

Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Promote socioeconomic integration throughout the city.

Discussion: Socioeconomic integration includes people of all races, color, religion, sex, national origin, handicap, disability, economic status, familial status, age, sexual orientation, or other arbitrary factors. Often, housing affordability acts as a barrier to integration of all socioeconomic groups throughout the community.

Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation

Encourage housing that provides easy access to public transit and other efficient modes of transportation.

Discussion: Transportation is the second largest expenditure after housing and can range from 10 to 25 percent of household expenditures. Examining where housing is City of Spokane Comprehensive Plan 6-8 located and the associated transportation costs may provide a more realistic evaluation of housing affordability in the future.

Chapter 8 – Urban Design and Historic Preservation

Goal DP 1 – Pride and Identity, Policy DP 1.2 New Development in Established Neighborhoods

Encourage new development that is of a type, scale, orientation, and design that maintains or improves the character, aesthetic quality, and livability of the neighborhood.

Discussion: New development should be compatible with the context of the area and result in an improvement to the surrounding neighborhood.

Goal DP 2 – Urban Design, Policy DP 2.2. Design Guidelines and Regulations

Adopt regulations and design guidelines consistent with current definitions of good urban design.

Discussion: The city should use development standards that encourage creativity while ensuring compatibility with the surrounding area and enhancing local character. Maintaining or enhancing the neighborhood's character, livability, and property value is a benefit to the residents of an area and provides business owners with some assurance of community stability. Adopted standards that are adhered to, even when some flexibility is included, offer protection and instill confidence in established and prospective residents and business owners.

Design guidelines should be understandable, enforceable, predictable, and consistent in order to measure and evaluate proposed development. Effective design guidelines include graphic depiction and written text that are clear, understandable, and unambiguous. They function specifically to guide the physical development of projects that require design review. The desire is to create and maintain an attractive and efficient city.

Options such as form-based codes and a design review process should be utilized to ensure that new development is compatible with its neighbors and will meet the city's urban design goals.

Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design

Ensure that a particular development is thoughtful in design, improves the quality and characteristics of the immediate neighborhood, responds to the site's unique features - including topography, hydrology, and microclimate - and considers intensity of use.

Discussion: New and remodeled projects can have a major impact on a specific area. Site placement, setbacks, landscaping, intensity of use, and other design considerations should be compatible with the visual character of the surrounding environment. This applies to all new commercial, public, multifamily structures, high density single-family projects, and exterior remodels of existing commercial structures. An accessory structure should be of a lesser square footage and volume and should utilize materials and colors less dominant than the principal structure.

Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines

Utilize design guidelines and criteria for sub-areas and historic districts that are based on local community participation and the particular character and development issues of each sub-area or historic district.

Discussion: Designated historic districts are unique areas that play a special role in preserving Spokane's character. Each tells a particular story which is illustrated by a set of identified, contributing historic resources. These areas are often catalysts for redevelopment and revitalization. The character of historic districts is fragile and can be lost through large scale change or the cumulative effects of smaller changes. The relationship between historic buildings, streetscapes, and landscape features within historic districts helps define the historic character and should be considered when planning or permitting development or infill. Those areas that have been designated as local historical districts and sub-areas or special areas, such as centers and corridors and downtown Spokane, may need specific guidelines that supplement and augment the citywide general guidelines if it is determined that this is feasible or desired. Local input and the existing characteristics of an historic district or sub-area are the basis for design guidelines used for the evaluation of specific projects in that particular area.

Goal DP 2 – Urban Design, Policy DP 2.12, Infill Development

Encourage infill construction and area redevelopment that complement and reinforce positive commercial and residential character.

Discussion: Infill construction can benefit the community when done in a manner that improves and does not detract from the livability of the neighborhood and the desirable design character of the area.

Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design

Minimize the impacts of surface parking on the neighborhood fabric by encouraging the use of structured parking with active commercial storefronts containing retail, service, or office uses, and improve the pedestrian experience in less intensive areas through the use of street trees, screen walls, and landscaping.

Discussion: Walkability is a key element for neighborhood and especially downtown vitality. Active and dynamic building fronts and attractive streetscapes contribute to that environment. Thus, the development of alternatives, such as parking within buildings with active storefronts and/or increased landscaping and screening of surface lots, creates a more pleasant atmosphere for both visitors to and neighbors of commercial centers. Landscape standards for parking lots could include incentives such as reduced parking requirements.

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING RESIDENTIAL OPEN SPACE, HEIGHT, AND RELATED AMENDMENTS**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed higher intensity residential update text amendments. The proposal amends the Unified Development Code (UDC) Sections 17C.111.205 and 17C.111.420 to implement the adopted South Logan Transit-Oriented Development Plan.

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 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.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition.
- G. In order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for a review of higher intensity residential design standards, as well as permitted heights. For regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments are proposed to affect citywide development regulations.
- H. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
 - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;

Findings of Fact, Conclusion, and Recommendation

2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
 3. Various community tabling events on March 19, April 9, and May 18, 2024;
 4. A virtual information session on April 30, 2024;
 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- I. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
 - J. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
 - K. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
 - L. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.
 - M. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.
 - N. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
 - O. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
 - P. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.

Findings of Fact, Conclusion, and Recommendation

- Q. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- R. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- S. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- T. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- U. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

CONCLUSIONS:

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

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. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.
4. 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.
5. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposed regulations will be mitigated by enforcement of the City's development regulations.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.

7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
 - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
 - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
 - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
 - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
 - k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation
 - l. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
 - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
 - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
 - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
 - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design

- r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

RECOMMENDATION:

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed amendments to Sections 17C.111.205 and 17C.111.420.
2. The City of Spokane Plan Commission authorizes the Plan Commission 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 proposed amendments.

Greg Francis
[Greg Francis \(Jun 27, 2024 17:44 PDT\)](#)

Greg Francis, President
Spokane Plan Commission
Jun 27, 2024 a date.

PC Findings and Conclusions_ RMF RHD Code

Final Audit Report

2024-06-28

Created:	2024-06-27
By:	AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)
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"PC Findings and Conclusions_ RMF RHD Code" History

 Document created by AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)

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 Email viewed by gfrancis@spokanecity.org

2024-06-28 - 0:44:44 AM GMT

 Signer gfrancis@spokanecity.org entered name at signing as Greg Francis

2024-06-28 - 0:44:55 AM GMT

 Document e-signed by Greg Francis (gfrancis@spokanecity.org)

Signature Date: 2024-06-28 - 0:44:57 AM GMT - Time Source: server

 Agreement completed.

2024-06-28 - 0:44:57 AM GMT

(Note: These 9 pages of comments apply to First Reading Ordinances C36552 through C36556)



June 26, 2024

City of Spokane
Attn: City of Spokane Plan Commission
808 West Spokane Falls Boulevard
Spokane, WA 99201-3333

Dear City of Spokane Plan Commission,

I am writing to confirm Spokane Transit Authority's (STA) continued support for the South Logan Transit Oriented Development (TOD) project. Land use and transit are inherently linked. By updating these development regulations to further support TOD, STA and our regional partners have laid a solid foundation for transit in the Logan neighborhood for years to come. The City Line, our region's first Bus Rapid Transit (BRT) line, is approaching its one-year anniversary of its service launch in July 2023, and to date has carried over 600,000 passengers. City Line is now running at seven-and-a-half-minute frequency at peak hours of operation—a frequency unmatched by any other route in the system, allowing for greater flexibility for riders. The service has been celebrated as a major step forward in delivering high quality transit to the Spokane region.

The City Line serves the South Logan subarea with four major stop pairs, and much of the subarea is within a quarter mile radius of a stop. The South Logan TOD project would help the City leverage the success of the City Line and allow for much needed growth in the area. With the City Line as its backbone and these new development regulations, the South Logan subarea has a solid foundation to support TOD, helping to create a more pedestrian friendly neighborhood with a mix of uses, which can be a model for future developments across the City on BRT and other High Performance Transit (HPT) corridors.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Otterstrom'.

Karl Otterstrom, AICP
Chief Planning and Development Officer



Futurewise
1201 3rd Ave #2200, Seattle, WA 98101
(206) 343-0681
futurewise.org



June 26, 2024

Greg Francis, President
Spokane Plan Commission
Department of Planning Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Dear Chair Francis and Commission Members:

Subject: Comments on the South Logan TOD Implementation draft text amendments for the June 26, 2024, Public Hearing.
Send via email to: SouthLoganTOD@spokanecity.org.

Thank you for the opportunity to comment on the South Logan TOD Implementation draft text amendments for the June 26, 2024 Plan Commission public hearing. We do have some suggestions to make the text amendments more effective set out below.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including the City of Spokane and Spokane County.

Futurewise supports this zone because it will provide opportunities for a variety of uses and more affordable housing, to reduce greenhouse gas pollution, and to provide more housing choices. We do have some suggestions below.

Comments on the Area Specific Code Proposals

Futurewise expresses their support for the City's efforts to simplify the Hamilton Form-Based Code. The consolidation of four Context Areas into one will significantly improve clarity and ease of use, making development regulations more transparent and easier to implement.

Futurewise also applauds the removal of parking minimums and the prohibition of drive-thrus, both of which align with contemporary urban planning principles and promote walkability and sustainability.



While the proposed changes are largely positive, I have concerns about the 0-15 foot minimum setbacks. Allowing structures as close as 12 feet from the back of the curb in certain circumstances may compromise pedestrian safety and comfort, especially if sidewalks are narrow.

Additionally, the lack of guidelines related to sustainable design and trail-oriented development is a missed opportunity. We suggest considering these elements as either bonuses or mandatory requirements to encourage environmentally responsible and community-integrated development.

Further, Futurewise supports the streamlining of desired development by reviewing potential impacts at a larger scale during the planning stage and establishing thresholds to determine if site-specific development requires additional environmental impact evaluation.

The clarification that areas within the Planned Action area subject to the Shoreline Master Program must comply with Chapter 17E.060 SMC Shoreline Regulations is essential for protecting our valuable shoreline resources.

The ordinance's mandate for the City to monitor development progress and review the ordinance within five years is a commendable approach to ensuring the plan's effectiveness and adaptability.

Comments on City Wide Code Proposals

Futurewise supports the removal of minimum parking requirements. Research has shown that households in transit-oriented developments own fewer cars and are less reliant on automobiles. ¹Eliminating parking minimums allows developers to respond to actual market demand rather than arbitrary requirements.²

Futurewise supports the prohibition of drive-thrus in CC1 zones. Futurewise suggests extending this prohibition to all CC zones, as drive-thrus are inherently incompatible with walkable, pedestrian-friendly environments.

While the reduction of open space requirements in RMF and RHD zones may be well-intentioned, FW is concerned that it conflicts with the findings of the FEIS,

¹ National Academies of Sciences, Engineering, and Medicine, Effects of TOD on Housing, Parking, and Travel p. 6 (Washington, DC: The National Academies Press: 2008) last accessed on June 25, 2024, at <https://doi.org/10.17226/14179>.

² Futurewise | GGLO | Transportation Choices Coalition, Transit-oriented communities: A Blueprint for Washington State pp. 27 – 29 (Oct. 2009) last accessed on Feb. 27, 2024, at: <http://www.reconnectingamerica.org/assets/Uploads/tccblueprintfortoc2009.pdf>



Comments on the South Logan TOD Implementation draft text amendments for the June 26, 2024, Public Hearing.

Page 3

which notes a deficit in park and recreational space and features. We urge the City to further consider programs for insuring adequate access, development, and maintenance plans for open space to enhance the quality of life for residents.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 or email: brooke@futurewise.org

Very Truly Yours,

Brooke Frickleton
Deputy Legal Director



From: johnbryant777@gmail.com
To: [Downey, KayCee](#)
Cc: [MacDonald, Steven](#); [Scott, Alexander](#); "[Cindy Bryant](#)"
Subject: RE: South Logan TOD Update – Public Hearing Scheduled for Wednesday, June 26
Date: Friday, June 21, 2024 9:04:48 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

KayCee,

Thank you.

Cindy and I look forward to attending next Wednesday's South Logan TOD Implementation presentation at City Hall next Wednesday at 4 p.m.

An immediate issue that I do not read or see within the S. Logan Plan information packet is investment into public safety with crime, prostitution in automobiles and active drug usage in public view.

It appears that when the transient populations at the 7-11 on Division (by Dick's Dive-In) are pushed away, these groups move into the S. Logan Neighborhood and business areas. This is confirmed by Metro Security that works the 7-11 on Division and the S. Logan Neighborhood.

S. Logan residents, churches and businesses are deeply concerned for their own safety and the safety of students, youth and the general public in the S. Logan area.

Riverwalk Property has two different churches with youth within the property. Within a few hundred feet of Riverwalk Property is a youth gymnastic facility, JOYA and the Centennial path. This area has become a hub for prostitution, drugs and crime. The Centennial Trail is not safe for Gonzaga Univ. faculty, staff, students and parents to enjoy. A woman was beaten nearly unconscious in this same area by the Centennial Trail, JOYA and the Iron Bridge within the past two months. This S. Logan area is not safe during the day and after dark.

JOYA staff are informed not to walk the Centennial Path alone in this area. It is proven not safe in the S. Logan Neighborhood.

Last week, we had a staff member hospitalized after asking a transient woman smoking some type of drug to leave the Riverwalk Property bathroom. Our employee immediately became clammy, experienced numbness, a massive migraine and started throwing up. The drugs, crime and prostitution are now moving into the Riverwalk Property, the two churches within Riverwalk Property and surround the youth gymnastic facility and JOYA.

Request:

I request adding the above public safety concerns to the S. Logan Neighborhood Planning. I would be open to speaking on this topic.

Thank you,

John Bryant
Owner

From: johnbryant777@gmail.com
To: [Downey, KayCee](#)
Cc: "[Cindy Bryant](#)"
Subject: S. Logan Neighborhood Meeting at City Hall tomorrow @ 4 p.m.: Request for room location
Date: Tuesday, June 25, 2024 10:39:43 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Downey,

Good morning.

Would you be able to direct me to the City Hall location for tomorrow's 4 p.m. S. Logan Neighborhood Plan meeting?

Cindy & will both attend.

Additional S. Logan Neighborhood Information:

We recently had a criminal on-site that was pushed off the Gonzaga University Campus. The person was kicked out of the Union Gospel Mission, went to Gonzaga University Campus and then to Riverwalk Property to commit their crime. The criminal then utilized the Spokane city bus system to move onto another area of the city.

Public Safety:

The amount of transient traffic into our S. Logan Neighborhood area is unprecedented with drugs, crime, prostitution, most likely sex trafficking and vandalism. We need public safety as a priority with planning.

The night before the new Trent Ave. Bridge ribbon cutting with government and other dignitaries, the bridge was vandalized and spray painted. Criminals stripped out the copper from the new bridge lights and threw custom made metal face plates into the river. They also spray painted the bridge.

The morning of the new Trent Bridge ribbon cutting, officials scrambled to hide the spray paint and vandalism (financial & safety damage) and put on a good face on the new bridge.

Trent Bridge is now a home to transients under the bridge, continuous spray painting, vandalism and a crime corridor with ease of access (foot path) from Union Gospel Mission to the neighborhoods of Riverwalk Property, Churches, Youth Gymnastic facility, JOYA and Gonzaga University Campus. Criminals then utilize public busses to swiftly move to another area of town.

The janitor at Riverwalk Property was recently robbed of the building keys (all doors) and his cell phone. We were able to track the criminal around greater Spokane utilizing the public transportation system. The criminal was on the Gonzaga Univ. Campus and was asked to leave by campus security.

This speaks to what we are experiencing in our S. Logan Neighborhood. We are hurting. Many are scared. We have a consistent & growing level of crime & drugs. Drug dealers, other criminals and prostitution is now more embolden without fear of repercussion or

accountability. We have transients (drug dealers, criminals that actively stake out our businesses and prostitution) openly entering our private businesses and organizations. Children our not safe outdoors in the S. Logan Neighborhood in many areas. Criminals & drug dealers are causing more than intimidation, more than structural damage and financial losses, they are now causing harm to the people that we employ and the people that we serve. They are now entering our buildings.

Thank you,

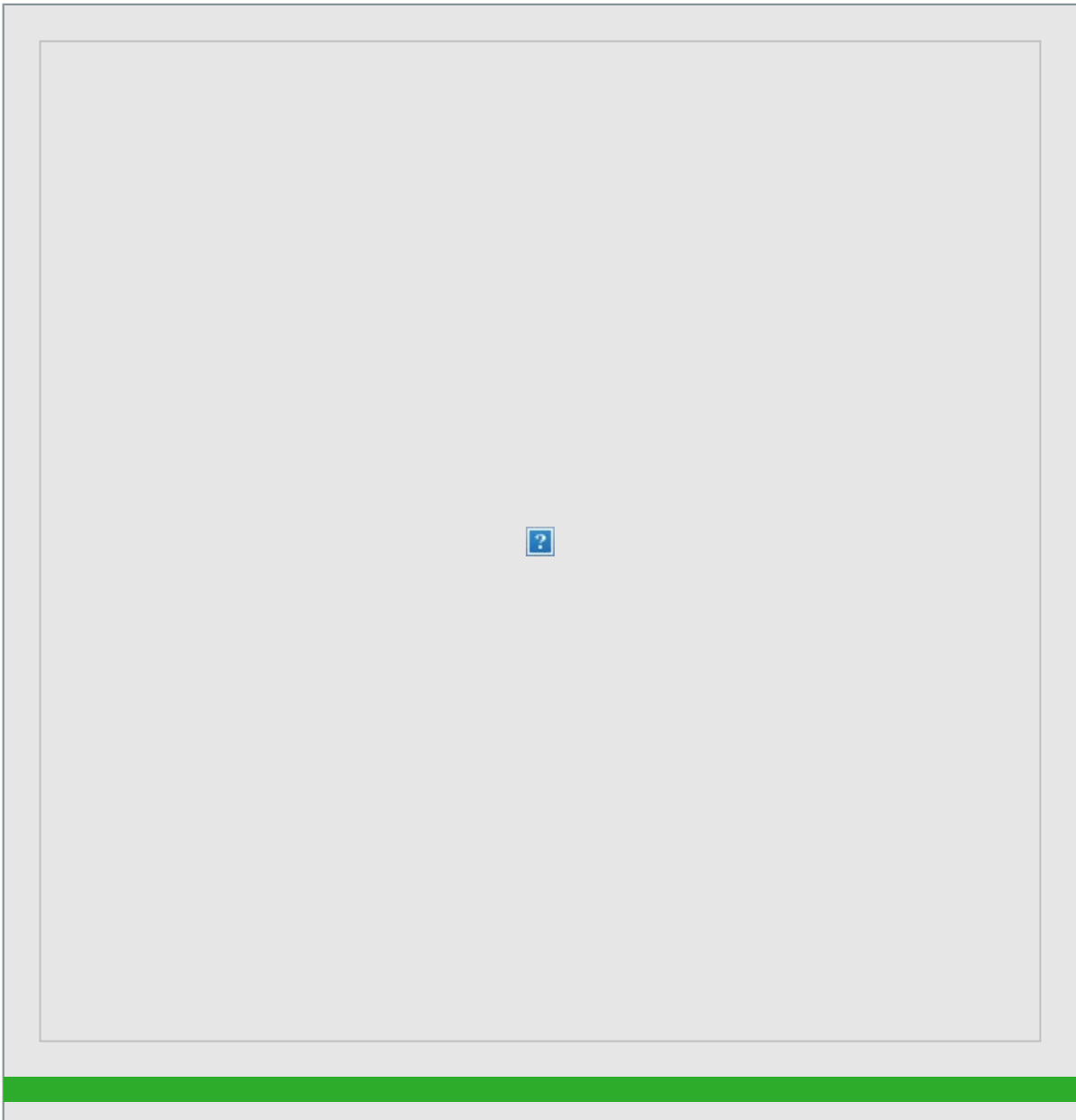
John Bryant
Owner
No-Li Brewhouse
C/ (970) 980-4540

From: [Justin Haller](#)
To: [Planning & Development Services South Logan TOD Project](#)
Subject: Re: South Logan TOD Update – Public Hearing Scheduled for Wednesday, June 26
Date: Tuesday, June 18, 2024 11:52:55 AM

[CAUTION - EXTERNAL EMAIL - Verify Sender]

So you're going to tear out the bus stop at Indiana and division because the homeless people are camping out there and now the homeless people are still camping out there how is that okay? Why do you penalize sta riders?

On Tuesday, June 18, 2024 at 09:00:53 AM PDT, City of Spokane Planning <southlogantod@spokanecity.org> wrote:







South Logan TOD Implementation
Proposed Text Amendment Tracker

The text amendment tracking sheet provides a summary of proposed changes in each section of the Spokane Municipal Code. The text amendment tracking sheet does not replace reviewing the draft code text amendments as there may be additional details and/or minor changes that were not captured in this document.

Existing SMC Section	New SMC Section	Description of Change
SMC 17A.20.160 “P” Definitions		
Section 17A.20.160 “P” Definitions		<ul style="list-style-type: none"> ○ Added “PAO Responsible Official” to the definitions ○ Added “Planned Action” to the definitions
SMC 17C.111.205 Development Standards Tables		
Section 17C.111.205 Development Standards Tables Table 17C.111.205-2 Building and Siting Standards		<ul style="list-style-type: none"> ○ Increased standard height in RMF to 55-feet from 40-feet ○ Increased standard height in RHD to 75-feet from 40-feet ○ Reduced open space requirements in RMF and RHD depending on unit size, with the minimum being 48 sq. ft. per unit. Prior to housing code changes passed in January 2024, the minimum open space required was 48 sq. ft. ○ Reduced open space requirements in RHD for sites 20,000 sq. ft. or less, allowing a minimum of 36 sq. ft. ○ Added residential units with a continuous pedestrian route to a public park within 800 feet to have a maximum open space requirement per unit of 36 sq. ft.

SMC 17C.111.230 Height

Section 17C.111.230 Height		<ul style="list-style-type: none">○ Replaced the permitted height of 70-feet to 75-feet, allowing for the increased height envisioned for podium development○ Properties currently zoned -70 will not increase to 75-feet with this amendment; a rezone of the property would be required○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones○ Increased starting height from 30-feet to 40-feet○ Removed height exception of an extra 15-feet for RMF/RHD zones with a maximum height of 40-feet; unnecessary with base height increase proposed in SMC 17C.111.205
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SMC 17C.111.420 Open Spaces

(section name changed from Outdoor Spaces)

Section 17C.111.410 Outdoor Spaces	Section 17C.111.410 Open Spaces	<ul style="list-style-type: none">○ Rename outdoor spaces to open spaces to more accurately reflect spaces already permitted to meet minimums○ Reorganized open space standards by private and common space, rather than ground floor and upper floor space○ Emphasized that open space must be useable and accessible to residents of the development○ Add enclosed pet areas, children’s play areas, and community gardens as permitted common open space amenities○ Removed unnecessary and non-descriptive photographs found in the code
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SMC 17C.120.220 Height

Section 17C.120.220 Height		<ul style="list-style-type: none"> ○ Replaced the permitted height of 70-feet to 75-feet, allowing for the increased height envisioned for podium development ○ Properties currently zoned -70 will not increase to 75-feet with this amendment; a rezone of the property would be required ○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones ○ Increased starting height from 30 ft to 40ft
SMC 17C.122 Center and Corridor Zones		
Section 17C.122.070 Center and Corridor Zone Allowed Uses		<ul style="list-style-type: none"> ○ Amended to not allow drive-through businesses in CC1 ○ Drive-through businesses still allowed in CC2 and CC3 except for along designated pedestrian streets ○ Removed unnecessary footnote language
Section 17C.122.080 Floor Area Ratios (FAR)		<ul style="list-style-type: none"> ○ REPEALED ○ Floor Area Ratio (FAR) standards relocated to 17C.122.230
Section 17C.122.090 Public Amenities Allowing Bonus FAR	Section 17C.120.090 Public Amenities Allowing Bonus Height	<ul style="list-style-type: none"> ○ Modified to allow bonus height instead of FAR ○ Allows for 15 feet of additional height if all parking is within an entirely below-grade structure, behind the building, or in an above-ground parking garage; or if at least 20% of the residential units are Affordable; or if public art of 1% of development costs is provided ○ Removed other bonus incentives for public spaces and public art
Section 17C.122.100 Maximum Building Height		<ul style="list-style-type: none"> ○ REPEALED ○ Height standards relocated to 17C.122.210
Section 17C.122.110 Setbacks and Required Sidewalk Width		<ul style="list-style-type: none"> ○ REPEALED ○ Setbacks and sidewalk widths relocated to 17C.122.240 and 17C.122.250

	Section 17C.122.200 Development Standards Table	<ul style="list-style-type: none"> ○ NEW SECTION ○ Consolidates development standards tables ○ Increases heights in NC, DC, and EC from 40ft/55ft/150ft to 55ft/75ft/150ft ○ Removes maximum FAR standards ○ Includes minimum FAR standards in District Centers and Employment Centers
	Section 17C.122.210 Height	<ul style="list-style-type: none"> ○ NEW SECTION ○ Height standards relocated from 17C.122.210 ○ Clarifies how height is measured for code consistency
	Section 17C.122.220 Height Transition	<ul style="list-style-type: none"> ○ NEW SECTION ○ Height Transition standards relocated from 17C.122.100 ○ Changed the transition adjacent to R1 and R2 from 1:2 to 2:1, reducing the slope to make the permitted height feasible in the more intense zones ○ Increased starting height from 30 ft to 40ft
	Section 17C.122.230 Floor Area Ratio	<ul style="list-style-type: none"> ○ NEW SECTION ○ Floor Area Ratio (FAR) standards relocated from 17C.122.070 ○ Explains how FAR is measured.
	Section 17C.122.240 Setbacks	<ul style="list-style-type: none"> ○ NEW SECTION ○ Setback standards relocated from 17C.122.110
	Section 17C.122.250 Sidewalks	<ul style="list-style-type: none"> ○ NEW SECTION ○ Sidewalk standards relocated from 17C.122.110

SMC 17C.122T Center and Corridor Zone Development Tables

Chapter 17C.122T Center and Corridor Zone Development Tables		<ul style="list-style-type: none"> ○ REPEALED ○ Development tables consolidated and relocated to 17C.122.200
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SMC 17C.123 Form Based Code Zones

Section 17C.123.010 Purpose		<ul style="list-style-type: none"> ○ Minor language updates to reflect the Transit-Oriented Development (TOD) emphasis of the South Logan area
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Section 17C.123.020 Code Organization	17C.123.020 Context Area and Shopfront Designations	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.030 ○ Consolidation of the four Context Areas in the Hamilton Form-Based Code to one Context Area ○ Removal of Street Types for less variable development patterns; replaced with Shopfront designations for high interest street corners
Section 17C.123.030 Regulating & Street Section Plans	17C.123.030 Building Form	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.040 ○ Created Table 17C.123.030-1 to better illustrate development regulations outside of graphics ○ Implemented maximum setback in place of build-to lines for code consistency ○ Established exception to maximum setback for public plazas
Section 17C.123.040 Land Use, Height, Placement and Parking	Section 17C.123.040 Permitted Uses	<ul style="list-style-type: none"> ○ NEW SECTION ○ Changed from a list of prohibited uses to a table of permitted uses to reflect standard organization of code and assist in the implementation and transparency of the Hamilton Form-Based Code
Section 17C.123.050 Streetscape Requirements	Section 17C.123.050 Parking and Pedestrian Connectivity	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.040
Section 17C.123.060 Architectural Requirements	Section 17C.123.060 Streetscape Requirements	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.050 ○ Consolidated regulations to one Context Area and the Shopfront Designation
Section 17C.123.070 Additional Requirements	Section 17C.123.070 Design Standards	<ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.050 ○ Made some regulations more objective by providing specific guidance meeting the intent of the design standard ○ Incorporated guidelines consistent with the South Logan TOD Subarea Plan
Section 17C.123.080 Building Type Catalogs	17C.123.080 Additional Requirements	<ul style="list-style-type: none"> ○ Removed the visual character catalogs as they did not fully encapsulate the permitted designs

		<p>within the Hamilton Form-Based Code and did not include enforceable regulations</p> <ul style="list-style-type: none"> ○ Reorganization of regulations found in 17C.123.070 ○ Removed allowance of barbed wire within the Hamilton Form-Based Code ○ Permitted accessory outdoor sales so long as the Clear Pedestrian Zone and Buffer Zones are maintained
SMC 17C.230 Parking and Loading		
Section 17C.230.120 Maximum Required Parking Spaces		<ul style="list-style-type: none"> ○ Modified CC parking standards, removing minimum parking requirements but keeping maximum parking standards
Section 17C.230.130 Parking Exceptions		<ul style="list-style-type: none"> ○ Text changes aligning with the modified parking table in 17C.230.120 ○ Remove minimum parking in Center and Corridor, Downtown, and Form Based Code zones ○ Changes to make clear when and where parking requirements apply to residential units and Accessory Dwelling Units for improved code useability
SMC 17C.300 Accessory Dwelling Units		
Section 17C.300.130 Development Standards		<ul style="list-style-type: none"> ○ Text changes to align with 17C.230.130 Parking Exceptions ○ Proposed change made for code consistency
SMC 17C.420 South Logan Planned Action Ordinance		
(please note, the chapter number may change before adoption)		
	Section 17C.420.010 Purpose	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the purpose of the South Logan TOD Planned Action Ordinance
	Section 17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Action	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the Planned Action Area ○ Identifies the South Logan TOD Final EIS as the regulating environmental analysis for the Planned Action Ordinance

		<ul style="list-style-type: none"> ○ Identifies thresholds and criteria to qualify for the Planned Action Ordinance ○ Reinforces the requirement of an Inadvertent Discovery Plan and the process for Historic properties ○ Exempts projects subject to the Shoreline Master Program from qualifying ○ Exempts drive thru facilities from qualifying
	Section 17C.420.020 Planned Action Permit Process and Application	<ul style="list-style-type: none"> ○ NEW SECTION ○ Identifies the permit and application process for the Planned Action Ordinance
	Section 17C.420.025 Monitoring and Review	<ul style="list-style-type: none"> ○ NEW SECTION ○ Establishes a mandate for the City to monitor the progress of development in the Planned Action area and to review the state of the Planned Action Ordinance no later than 5 years from the effective date

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 07/08/2024**Committee Agenda type:** Discussion**Date Rec'd**

7/8/2024

Clerk's File #

ORD C36553

Cross Ref #**Project #****Council Meeting Date:** 07/22/2024**Submitting Dept**

PLANNING & ECONOMIC

Bid #**Contact Name/Phone**

KAYCEE X6194

Requisition #**Contact E-Mail**

KDOWNNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

0650 HAMILTON FORM-BASED CODE UPDATE ASSOC. WITH S LOGAN TOD

Agenda Wording

Hamilton Form-Based Code update to SMC Chapter 17C.123 for South Logan TOD Implementation to support transit-oriented development.

Summary (Background)

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. The proposed Hamilton Form-Based Code update to amend SMC Chapter 17C.123 align with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan. The proposed amendments include consolidating the context areas and street

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

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the S. Logan TOD Plan relied on on-going and regular staff resources.

Amount**Budget Account**

Neutral

\$

#

Select

\$

#

Select

\$

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Select

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Select

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Select

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

types of the Form-Based Code, identifying Shopfront designations, removing parking minimums, and general reorganization. For the full code amendments please visit: <https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

Approvals

<u>Dept Head</u>	MACDONALD, STEVEN
<u>Division Director</u>	GARDNER, SPENCER
<u>Accounting Manager</u>	ORLOB, KIMBERLY
<u>Legal</u>	SCHOEDEL, ELIZABETH
<u>For the Mayor</u>	PICCOLO, MIKE

Additional Approvals

Distribution List

smacdonald@spokanecity.org	kdowney@spokanecity.org
sgardner@spokanecity.org	tblack@spokanecity.org
tkimbrell@spokanecity.org	amccall@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , x6194
Council Sponsor(s)	<u>CM Zappone, CM Klitzke and CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Hamilton Form-Based Code Update Associated with South Logan TOD Implementation
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>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan.</p> <p>The proposed Hamilton Form-Based Code update to amend SMC Chapter 17C.123 align with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>The proposed amendments include consolidating the context areas and street types of the Form-Based Code, identifying Shopfront designations, removing parking minimums, and general reorganization.</p> <p>For the full code amendments please visit: https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</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: <i>Click or tap here to enter text.</i></p> <p>Narrative: The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources.</p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: <i>Select Funding Source*</i></p> <p>Is this funding source sustainable for future years, months, etc? <i>Click or tap here to enter text.</i></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)	
<p><i>What impacts would the proposal have on historically excluded communities?</i></p> <p>The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout</p>	

Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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?

The South Logan TOD Plan 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 proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

ORDINANCE NO. C36553

AN ORDINANCE relating to the Hamilton Form-Based Code amending Spokane Municipal Code (SMC) Chapter 17C.123 Form Based Code Zones.

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition; and

WHEREAS, in order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for strategic adjustments to the Hamilton 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; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC Section 17C.123.010 is amended to read as follows:

Section 17C.123.010 Purpose

~~((The form-based zoning categories implement the centers and corridors goals and policies and land use map designations of the comprehensive plan. This form-based code))~~ The Hamilton Form-Based Code (FBC) is designed to foster an economically vibrant, walkable, mixed-use environment along the Hamilton Street corridor within the boundaries of the code. This code regulates land development by setting careful and coherent controls on building form, coupled with performance-based parameters relative to building use and ~~((density))~~ intensity. ~~((This greater emphasis on physical form is intended to produce safe, attractive and enjoyable public spaces, including a healthy mix of uses.))~~ Through emphasis on physical form, the Hamilton FBC promotes connectivity and livability with safe, accessible public spaces, a healthy mix of uses, and access to transit.

~~((The FBC is a pilot program and is configured as a plug-in set of regulations, replacing existing zoning and design guidelines within the FBC Limits. This pilot program is consistent with the Logan Identify Plan. All code provisions expressed herein present development requirements unless otherwise indicated, including information preceded by the word "Guidelines." Additional, specific City of Spokane standards may be required as referenced.))~~

Where not otherwise regulated within this Chapter, development within the Hamilton FBC area shall meet all applicable regulations of the Spokane Municipal Code.

Section 2. That SMC Section 17C.123.020 is amended to read as follows:

17C.123.020 ((Code Organization)) Context Area and Store Front Designations

~~((Using this code: Criteria for development within the code boundaries is expressed in six sections. Use of the FBC, relating to each of these sections, is described below:~~

~~A. Regulating & Street Section Plans.~~

~~Find the property of interest, noting its location relative to the “Context Areas” established by the Regulating Plan, as well as the location of any “Shopfront Streets” abutting the property. These elements direct many of the allowances provided in the FBC.~~

~~B. Height, Placement & Coverage.~~

~~Using criteria from the Regulating Plan, note the allowed maximum building heights; build-to lines; minimum building frontages, and impervious surface coverage allowances detailed in this section.~~

~~C. Parking Criteria & Site Access.~~

~~Using criteria from the Regulating Plan and the Street Section Plan, note the various allowances regarding off-street surface parking, lot placement, lot and site lighting.~~

~~D. Streetscape Requirements.~~

~~Using type criteria from the Street Section Plan, note the basic configuration and feature specifications for sidewalks and pedestrian buffer zones within the FBC Limits.~~

~~E. Architectural Requirements.~~

~~Using criteria from the Regulating Plan, note the various façade treatments, screening, detailing and other requirements specific to the appearance and public-realm function of buildings.~~

~~F. Additional Requirements.~~

~~This section identifies additional requirement not covered by the HFBC.~~

~~G. Building Type Catalogs.~~

~~This section provides a visual catalog of desired building characteristics.))~~

The Hamilton Form-Based Code (FBC) area is regulated by a Context Area. Identified intersections are assigned Shopfront designations, which include additional requirements and allowances.

A. Context Area.

Context Area 1 (CA1) is the implementing zone of the Hamilton FBC. Figure 17C.123.010-A illustrates the location of the C1 zoning.



Figure 17C.123.010-A
Context Area Map

B. Shopfront Designations.

Shopfront designations are assigned to key intersections within the Hamilton FBC to allow for increased height and pedestrian-oriented design. Figure 17C.123.010-B illustrates the location of the Shopfront designations.

2. CA-2: Context Area 2 provides for and supports mid-range development intensities, allowing somewhat lesser height and building intensities than CA-1. CA-2 is intended to grow as a second-tier mixed-use center for the neighborhood and corridor, supporting commercial offerings, service activities, and high-density housing.
3. CA-3: Context Area 3 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than CA-1 or CA-2. CA-3 is intended to grow as a second-tier mixed-use area for the neighborhood and corridor, providing continuity along Hamilton by linking CA-1 and CA-2, while at the same time acting as a transition zone between the corridor environment and CA-4 and neighborhood areas immediately outside the HFBC Limits.
4. CA-4: Context Area 4 provides for and supports low to mid-range development intensities, allowing lesser height and building intensities than other context areas. CA-4 is intended to grow as a third-tier mixed-use area for the neighborhood and corridor, acting as a transition zone between the corridor environment and lower-density residential development immediately outside the FBC Limits. Though a mix of uses are allowed in CA-4, the area is envisioned as generally residential in scale and character.
5. Shopfront Street: provides for areas where specific uses, building placement, and other requirements apply. The shopfront street is generally applied to areas where business or retail use level with and directly along the public right-of-way is seen as critical.

B. Street Section Plan.

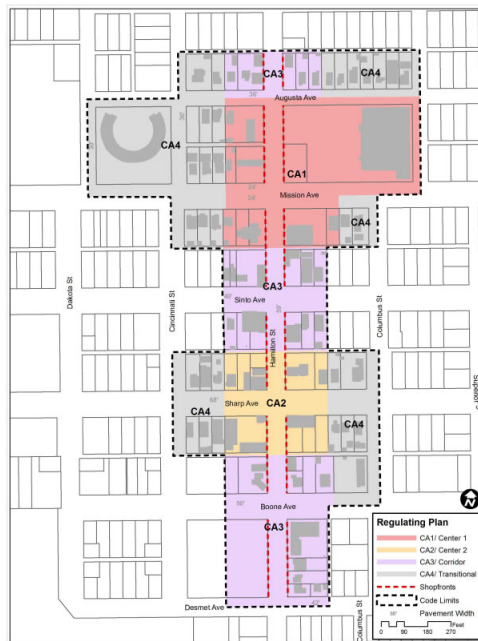
The Context Area Zones are complemented by the Street Section Plan which is included here as Figure 17C.123.030-2 and guides public and private development within the FBC Limits. The Street Section Plan defines four section types and describes amenities based upon the intended use, desired qualities, and community objectives. Right-of-ways shall not be vacated as the space is needed to incorporate the elements described in street designations below. Curb to property line and the sidewalk width shall not be reduced in order to allow for future Street Section elements. The four section types are listed and generally described in order of intensity, as follows:

1. Street Type 1 (Hamilton Street): Type 1 provides for and supports a mixed-use corridor environment (CA-1, CA-2, CA-3). Type 1 streets have wide, well-maintained sidewalks and pedestrian amenities to encourage strolling, walking, and shopping. They maintain a Planting Zone and Clear Pedestrian Zone on each side of the street.

2. ~~Street Type 2 (Mission Avenue): Type 2 provides for and supports a blend of mixed-use and residential environments (CA-1, CA-4). Type 2 serves existing east/west arterial needs, and includes a median with turn lanes (at Hamilton), a Planting Zone and Clear Pedestrian Zone on each side of the street.~~

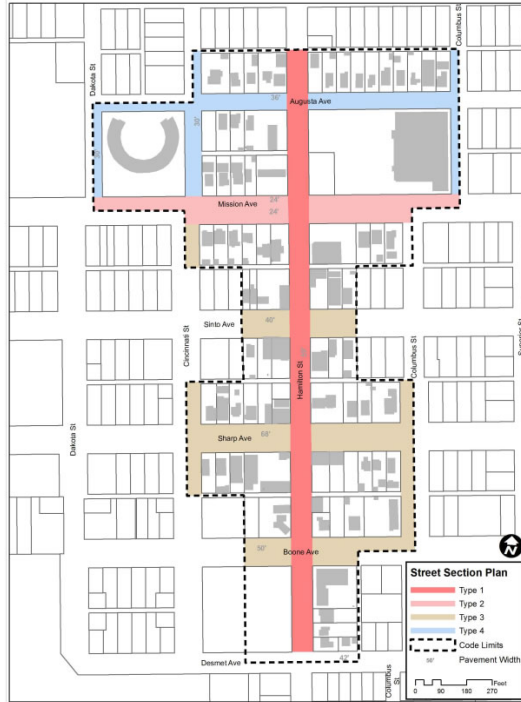
3. ~~Street Type 3 (Includes Sinto, Sharp, Boone): Type 3 provides for and supports a mixed-use district environment (CA-2, CA-3, CA-4). Type 3 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.~~

4. ~~Street Type 4 (Includes Augusta and Dakota): Type 4 provides for and supports an environment bridging between mixed-use and residential areas (CA-4). Type 4 includes a Planting Zone and Clear Pedestrian Zone on each side of the street.)~~



((Figure 17C.123.030-1 Regulating Plan for the Form Based Code))

[NOTE: Delete graphic above]



((Figure 17C.123.030-2 Street Section Plan for the Form Based Code))

[NOTE: Delete graphic above]

Within the Hamilton Form-Based Code (FBC), an emphasis is placed on building form and location in order to ensure a vibrant mixed-use environment that supports a range of transportation options, including transit, walking, and rolling.

A. Building Form Standards.

Table 17C.123.030-1 Hamilton FBC Building Form		
	<u>CA1</u>	<u>Shopfront</u>
<u>Maximum Height [1]</u>	<u>75 ft.</u>	<u>150 ft.</u>
<u>Impervious Surface Maximum</u>	<u>100%</u>	<u>100%</u>
<u>Setbacks</u>		
<u>Minimum Front Setback [2]</u>	<u>0 ft.</u>	<u>0 ft.</u>
<u>Maximum Front Setback [2] [3]</u>	<u>15 ft.</u>	<u>0 ft.</u> <u>10 ft. along Hamilton</u>
<u>Minimum Interior Side Lot Line</u>		<u>0 ft.</u>
<u>Minimum Interior Side Lot Line – adjacent to RMF or RHD</u>		<u>5 ft.</u>
<u>Minimum Rear</u>		<u>0 ft.</u>
<u>[1] Development of 70 feet or more shall meet all applicable requirements of SMC 17C.250 Tall Building Standards.</u>		

[2] When the existing sidewalk width is less than 12 feet, structures shall be allowed no closer than 12 feet from the back of the curb.

[3] A public plaza meeting all requirements of SMC 17C.123.030C(1)(2)(i) may extend the maximum setback an additional 10 feet

B. Height.

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure.

2. Height Exceptions.

a. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.

b. For flat roofs, open roof structures (pergolas, arbors) and architectural roof structures (turrets, etc.) may extend beyond the height limit by no more than 12'.

c. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back at least 20' from all street lot lines.

C. Building Placement.

1. Shopfront Designations.

a. Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces, or other lot features at street corners.

b. Exceptions.

i. Public Plaza.

A plaza or courtyard, with a minimum area of four hundred square feet or two percent of the total interior floor space of the development, whichever is greater, may be located between a building and the street corner so long as the plaza:

a. is a level space accessible to the public;

b. is at least ten feet in width;

c. is within thirty inches of the grade of the sidewalk providing access to it;

d. has no more than sixty percent of the area covered in vegetation; and

- e. includes seating, pedestrian-scale lighting, decorative paving, and other pedestrian furnishings.

Section 4. That SMC Section 17C.123.040 is amended to read as follows:

17C.123.040 ((~~Land Use, Height, Placement and Parking~~)) Permitted Uses

~~((This section provides a broad range of allowable use categories within the Regulating Plan limits, specifying permitted and prohibited uses according to building story reflecting the development patterns expressed in the Regulating Plan. This section also regulates building height, placement, frontage and impervious surface coverage, specifying each within the Context Areas provided in the Regulating Plan and managing the transition between high-intensity mixed-use areas and low-intensity residential areas outside the limits of this form-based code. This section also regulates parking, parking lot location and treatment, and site lighting, consistent with the Regulating Plan. Conformance with these standards is critical to establishing the type of pedestrian and vehicular access patterns needed for the area to thrive as a vibrant, walkable district.~~

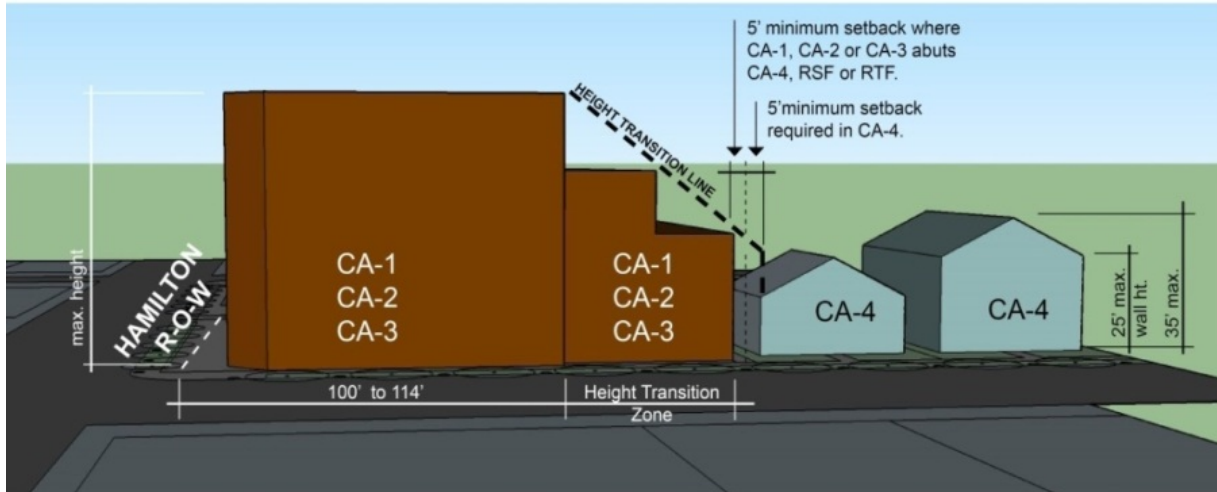
~~A. Use Provisions.~~

~~Use regulations are provided in figures 17.123.040-D through 17.123.040-G for all areas within the Regulating Plan. Uses deemed unsuitable for areas within the Regulating Plan area are specifically identified.~~

~~B. Building Height.~~

~~The height of buildings shall be measured from mean grade to top of cornice or roof eave and shall meet the specifications provided in figures 17.123.040-D through 17.123.040G. Building height measurements express regulatory standards.~~

- ~~1. Maximum height limits in CA-1, CA-2, and CA-3 are allowed only within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond 100' from Hamilton, proposals shall be designed with respect for the height, scale and character of adjacent zone as described in Figure 17C.123.040-A:.)~~



((Figure 17C.123.040A: The maximum height designation for CA-1, CA-2, CA-3 is allowed within 100' to 114' of the Hamilton right of way line to match the platting pattern along Hamilton. Beyond this point, the maximum height may not exceed a transition line to the maximum wall height allowed in the adjacent zone.))

[NOTE: Delete graphic above]

~~((C. Story listings are provided for reference purposes only, expressing typical outcomes for listed heights. Allowable height exceptions apply to the overall distance extending beyond the measured building height, as follows:~~

- ~~1. Pitched roofs may extend above the height limit, but if the space within the pitched roof is habitable, it shall only be used for residential purposes.~~
- ~~2. For flat roofs, Open Roof Structures (pergolas, arbors) and Architectural Roof Structures (turrets, etc.) may extend beyond the height limit by no more than 12'.~~
- ~~3. For flat roofs, enclosed roof structures (penthouses) may extend above the height limit by no more than 18' from the roof line if set back no less than 20'.~~

~~D. Shopfront Street Provisions.~~

~~Building placement along Shopfront Streets shall prioritize street corner locations, precluding the development of parking, open spaces or other lot features at street corners.~~

~~E. Impervious Surface Coverage.~~

~~Impervious surfaces shall not exceed the maximum impervious surface percentages (calculated on the basis of the lot) specified in Table 17C.123.040-4.))~~

((Table 17C.123.040-1 Impervious Surface Coverage				
	CA-1	CA-2	CA-3	CA-4
Maximum Impervious Surface	90%	80%	70%	50%))

~~(F.— Parking~~

- ~~1.— Off-Street Surface Parking: Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.~~
- ~~2.— Parking Space and Aisle Dimensions: Standards for parking space and aisle dimension can be found in SMC 17C.230.140.~~
- ~~3.— Bicycle Parking: Requirements for bicycle parking are found in SMC 17C.230.200. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.~~
- ~~4.— Other Provisions: Additional parking requirements are stated in 17C.230 SMC, Parking and Loading. The FBC supersedes the location and amount requirements for parking; these standards are identified for each context area in figures 17.123.040-D through 17.123.040-G.~~

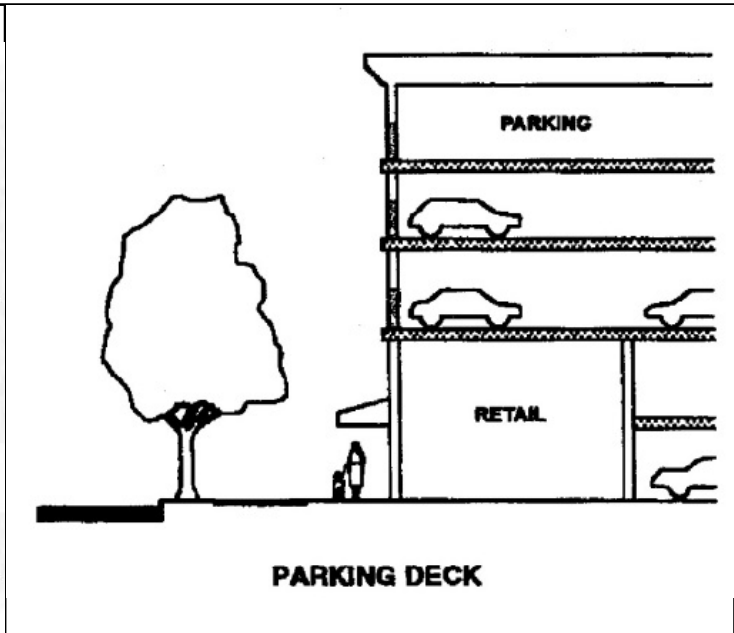
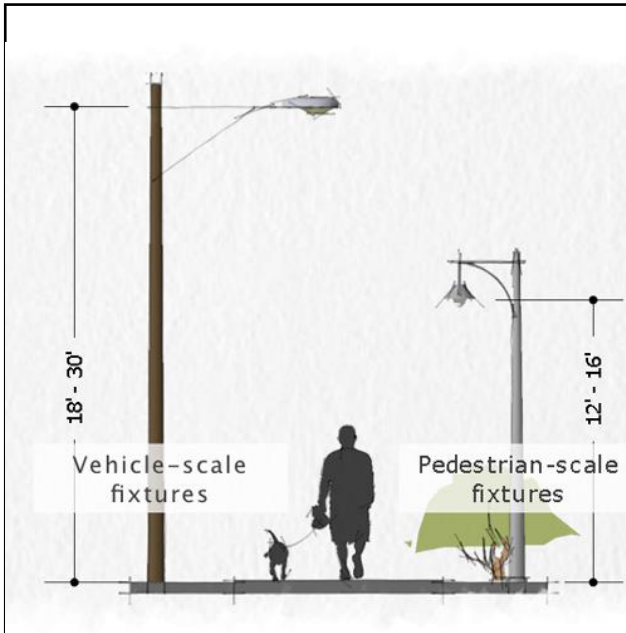
~~G.— Surface parking and site lighting.~~

~~Surface parking lot and site lighting shall contribute to the character and safety of the site and adjacent rights of way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:—~~

- ~~1.— Lighting types – Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. (See Figure 17C.123.040-B)~~
- ~~2.— Performance – Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.~~
- ~~3.— Driveways/Site Access – Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.—~~
- ~~4.— Pedestrian Walkways – Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:—~~
 - ~~a.— Six-inch vertical curbing~~
 - ~~b.— Textured paving, including across vehicle lanes~~

c. — Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway

H. — Shopfront Street Provisions — If fronting on a Shopfront Street, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-C.)



((Figure 17C.123.040-B: Unless otherwise specified, Vehicle Scale and Pedestrian Scale lighting fixtures must meet height criteria illustrated here.))

((Figure 17C.123.040-C: Parking garages (decks) along shopfront streets must provide ground-level retail, commercial or office space fronting the street.))

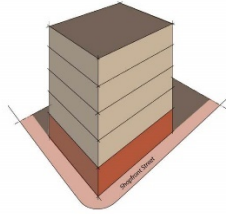
[NOTE: Delete graphic above]

[NOTE: Delete graphic above]

((I. — Regulatory Cutsheets — The information presented in the tables in figures 17.123.040-D through 17.123.040-G represent the regulations for height, parking, land uses, build-to-lines, and building frontage for all Context Areas.

J. — Figure 17C.123.040-H supplements the regulatory cutsheets by providing visual representation for build-to-lines, interior lot lines and other standards.))

Figure 17C.123.040-D
Context Area 1 (CA-1)



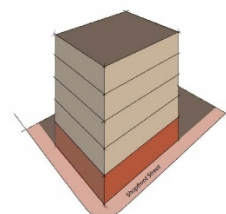
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in this table to the right constitute the regulatory framework related to land use, height, parking, build-to-line, coverage and setbacks.

¹Build-to-line shall establish a 12-foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type 1. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shoptone within 100' 114' of front facade property line	66' (five stories)	Height max.
Beyond 100' 114' Hamilton property line	Transition Standards as identified in 17C.123.060-A	
Maximum surface parking	2 spaces/500' of floor area	Parking
Landscaping	See Section SAC 17C.200	
Location	To side or rear of building	Land uses
Additional Parking Requirements	See Sections: SAC 17C.230.100 SAC 17C.230.120 SAC 17C.230.130 SAC 17C.230.140 SAC 17C.230.200	
Residential, except where prohibited		Build-to-line
Prohibited uses	Single-family detached and townhouses Multi-unit residential, storage or warehouse Adult businesses Residential uses on adjacent street (ground floor) Structural parking on adjacent street (ground floor) Auto-related uses Drive-through facilities	
Street Type 1	3' min - 12' max ¹	Setback from
Street Type 2 and 4	0'	
When within 50' of CA-1	0'	Building coverage from
Street Type 3	See applicable	
Alley	0'	Building coverage from
Interior lot line	0'	
Interior lot line if abutting CA-4	0'	
Street Type 1	80%	Building coverage from
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	0%	

[NOTE: Delete graphic above]

Figure 17C.123.040-E
Context Area 2 (CA-2)



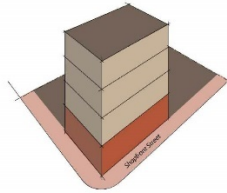
Images above are representational only and are not to be considered regulatory. The Regulating Plan, this chapter's general provisions and the information contained in this table to the right constitute the regulatory framework related to land use, height, parking, setbacks and setbacks.

¹Build-to-line shall establish a 12-foot minimum and up to 22' maximum space from the back of the curb to the building along Street Type 1. If existing width is less than 12' structures shall be allowed no closer than 12' from the back of the curb.

Shoptone within 100' 114' of front facade property line	66' (five stories)	Height max.
Beyond 100' 114' Hamilton property line	Transition Standards as identified in 17C.123.060-A	
Maximum surface parking	2 spaces/500' of floor area	Parking
Landscaping	See Section SAC 17C.200	
Location	To side or rear of building	Land uses
Additional Parking Requirements	See Sections: SAC 17C.230.100 SAC 17C.230.120 SAC 17C.230.130 SAC 17C.230.140 SAC 17C.230.200	
Residential, except where prohibited		Build-to-line
Prohibited uses	Single-family detached and townhouses Multi-unit residential, storage or warehouse Adult businesses Residential uses on adjacent street (ground floor) Structural parking on adjacent street (ground floor) Auto-related uses Drive-through facilities	
Street Type 1	3' min - 12' max ¹	Setback from
Street Type 2	0'	
Street Type 3	0'	Building coverage from
When within 50' of CA-1	See applicable	
Street Type 4	0'	
Alley	0'	
Interior lot line	0'	
Interior lot line if abutting CA-1	0'	
Street Type 1	80%	Building coverage from
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

[NOTE: Delete graphic above]

Figure 17C.123.010-F
Context Area 3 (CA-3)



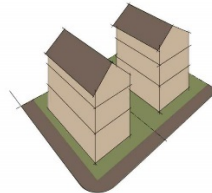
Images above are representational only and are not to be considered regulatory. The Regulatory Plan, this chapter's general provisions and the information contained in the table to the right control over the regulatory framework related to land use, height, parking, setbacks, building form, coverage and formage.

¹ Build no floor shall be built less than 12 feet minimum and up to 27' maximum space from the back of the curb to the building along Street Type 1. If building width is less than 17' setbacks shall be allowed no closer than 12' from the back of the curb.

Height of 2nd Floor property line	54' (3rd stories)	Height max.
Height of 100'-114' Floorline	Transitions Standards as identified in 17C.123.010-A	
Minimum surface parking	2 spaces/1000 of floor area	Parking
Landscaping	Section SMC 17C.200	
Location	To side or rear of building	Land Uses
Additional Parking Requirements	See Sections SMC 17C.205.100 SMC 17C.205.120 SMC 17C.205.130 SMC 17C.205.140 SMC 17C.205.200	
Residential, except where good-billed	Non Residential all floors	Build to line
Prohibited uses:	<ul style="list-style-type: none"> Single family detached or townhouse Accessory uses, storage or workshop All other uses Required area or program or ground floor Drive-through facilities, except bank drive-through Auto facilities Drive-through facilities 	
Street Type 1	None, 10' or 12'	Setback min.
Street Type 2	None	
Street Type 3, 4	0'	Building Formage min.
Alley	0'	
Interior lot line	0'	
Interior lot line, if abutting CA, RST, or RTT	5'	
Street Type 1	75%	
Street Type 2	60%	
Street Type 3	N/A	
Street Type 4	N/A	

[NOTE: Delete graphic above]

Figure 17C.123.040-F
Context Area 4 (CA-4)



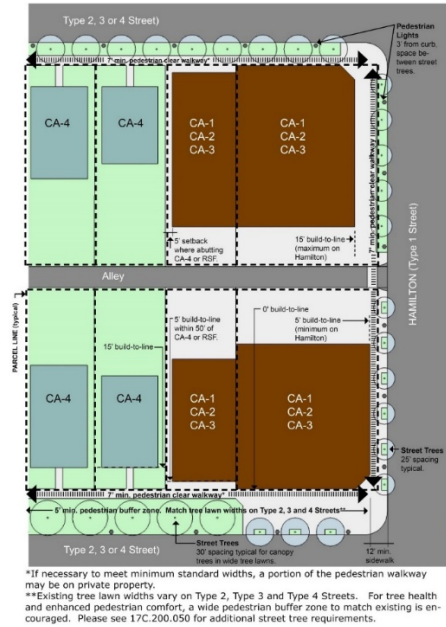
Images above are representational only and are not to be considered regulatory. The Regulatory Plan, this chapter's general provisions and the information contained in the table to the right control over the regulatory framework related to land use, height, parking, setbacks, building form, coverage and formage.

¹ Attached garage or carport entrance is required to be setback twenty feet from the property line.

² See SMC 17C.115.200E(1) setbacks regarding the use of front yard averaging.

Roof Height	35 feet	Height max.
Wall Height	25 feet	
Minimum off-street parking	1 space/ dwelling unit	Parking
Landscaping	See Section SMC 17C.200	
Location	See Section SMC 17C.200	Land Uses
Additional Parking Requirements	See Sections SMC 17C.205.100 SMC 17C.205.120 SMC 17C.205.130 SMC 17C.205.140	
Residential	Non-Residential (on ground floor)	Build to line
Non-Residential Development shall have a Residential Component from Residential and be no more than 1,000 of floor area		
Prohibited uses:	<ul style="list-style-type: none"> All residential categories Accessory uses, except for uses, commercial uses, and storage, which are not permitted and are through alley Alley Auto facilities Drive-through facilities 	Setback min.
Street Type 1	10'	
Street Type 2	10'	
Street Type 3	14'	
Street Type 4	15'	
Alley	0'	Building Formage min.
Interior lot line	5'	
Street Type 1	60%	
Street Type 2	60%	
Street Type 3	50%	
Street Type 4	None	

[NOTE: Delete graphic above]



((Figure 17C.123.040-H Visual Diagram))

[NOTE: Delete graphic above]

A. Permitted Uses.

Uses permitted in the residential zones are listed in Table 17C.123.040-1 with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

B. Limited Uses.

Uses permitted that are subject to limitations are listed in Table 17C.123.040-1 with an "L." These uses are allowed if they comply with the limitations as listed in the footnotes following the table and the development standards and other standards of this chapter. The paragraphs listed below contain the limitations and correspond with the bracketed [] footnote numbers from Table 17C.123.040-1.

C. Conditional Uses.

Uses that are allowed if approved through the conditional use review process are listed in Table 17C.123.040-1 with a "CU." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other standards of this chapter. The conditional use review process and approval criteria are stated in SMC 17C.320, Conditional Uses.

D. Uses Not Permitted.

Uses listed in Table 17C.123.040-1 with an "N" are not permitted. Existing uses in categories listed as not permitted are subject to the standards chapter 17C.210 SMC, Nonconforming Situations.

**Table 17C.123.040-1
Hamilton Form-Based Code Primary Uses**

Use is:	<u>CA1</u>	<u>Shopfront</u>
<u>P – Permitted</u>		
<u>N – Not Permitted</u>		
<u>L – Allowed, but special limitations</u>		
<u>CU – Conditional Use review required</u>		
<u>Residential Categories</u>		
<u>Group Living [1]</u>	<u>L/CU</u>	<u>L/CU</u>
<u>Single-Unit Residential Household Living</u>	<u>N</u>	<u>N</u>
<u>Other Residential Household Living</u>	<u>P</u>	<u>L [2]</u>
<u>Commercial Categories</u>		
<u>Adult Business</u>	<u>N</u>	<u>N</u>
<u>Commercial Outdoor Recreation</u>	<u>N</u>	<u>N</u>
<u>Commercial Parking</u>	<u>N</u>	<u>N</u>
<u>Structured Parking</u>	<u>P</u>	<u>L [3]</u>
<u>Drive-through Facility</u>	<u>N</u>	<u>N</u>
<u>Major Event Entertainment</u>	<u>P</u>	<u>N</u>
<u>Office</u>	<u>P</u>	<u>P</u>
<u>Quick Vehicle Servicing</u>	<u>N</u>	<u>N</u>
<u>Retail Sales and Service</u>	<u>P</u>	<u>P</u>
<u>Mini-storage Facilities</u>	<u>N</u>	<u>N</u>
<u>Vehicle Repair</u>	<u>N</u>	<u>N</u>
<u>Industrial Categories</u>		
<u>High Impact Uses</u>	<u>N</u>	<u>N</u>
<u>Industrial Service</u>	<u>N</u>	<u>N</u>
<u>Manufacturing and Production</u>	<u>N</u>	<u>N</u>
<u>Railroad Yards</u>	<u>N</u>	<u>N</u>
<u>Warehouse and Freight Movement</u>	<u>N</u>	<u>N</u>
<u>Waste-related</u>	<u>N</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>N</u>	<u>N</u>
<u>Institutional Categories</u>		
<u>Basic Utilities</u>	<u>P</u>	<u>N</u>
<u>Colleges [4]</u>	<u>L</u>	<u>L</u>
<u>Community Service</u>	<u>P</u>	<u>P</u>
<u>Daycare</u>	<u>P</u>	<u>P</u>
<u>Medical Center</u>	<u>N</u>	<u>N</u>
<u>Parks and Open Areas</u>	<u>N</u>	<u>N</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>
<u>Schools</u>	<u>P</u>	<u>P</u>
<u>Other Categories</u>		
<u>Agriculture</u>	<u>N</u>	<u>N</u>
<u>Aviation and Surface Passenger Terminals</u>	<u>N</u>	<u>N</u>
<u>Detention Facilities</u>	<u>N</u>	<u>N</u>
<u>Essential Public Facilities</u>	<u>CU</u>	<u>CU</u>

Mining	<u>N</u>	<u>N</u>
Rail Lines and Utility Corridors	<u>N</u>	<u>N</u>
[1] Must comply with the regulations found in SMC 17C.190.100.		
[2] Residential uses are not permitted on the ground floor in Shopfront designated areas.		
[3] Structured parking is not permitted on the ground floor in Shopfront designated areas.		
[4] The accessory uses of housing, retail, and offices are permitted. Lecture halls, food halls, health and sports facilities, laboratories, and other accessory uses not specifically allowed are not permitted within the Hamilton Form-Based Code. Dormitory style housing must comply with the regulations found in SMC 17C.190.100 for group living.		

Section 5. That SMC Section 17C.123.050 is amended to read as follows:

Section 17C.123.050 ((Streetscape Requirements)) Parking and Pedestrian Connectivity

((This section identifies features and specifications for commercial and residential streets and alleys within FBC Limits, keyed to the street types identified in the Street Section Plan and to Shopfront Street areas noted on the Regulating Plan. These criteria work to establish the type of active, economically vibrant public realm sought by the community, balancing vehicular access with the safety and convenience of pedestrians and other non-motorized modes of travel.

A. Streetscape Requirements.

Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.))

((Table 17C.123.050-1 Streetscape Requirements [1])					
	Type 1	Type 2	Type 3	Type 4	Alley
Sidewalks					
Overall Width (each side)	12' to 22'	12'	12'	12'	N/A
Type	A	A	A	A	N/A
Clear Pedestrian Zone	7'	7'	7'	7'	N/A
Planting Zone (each side) [2]	5'	5'	5'	5'	N/A
Street Furnishings					
Lighting, types	P [3]	P[3]	P[3]	P[3]	∅
Planting, types	S	S/M	S/M	S	N/A
Benches	R	R	R	N/R	N/A
Trash receptacles	R	R	R	N/R	N/A
Bicycle parking	N/R	N/R	N/R	N/R	N/A

[1] See City of Spokane Department of Engineering Design Standards for additional specifications.

[2] Minimum size; Existing tree lawn widths vary on Type 2, 3 and 4 Streets. Additional setbacks, if any, should match existing tree lawn widths in the CA-4 zone. Please see 17C.200 for additional street tree requirements.

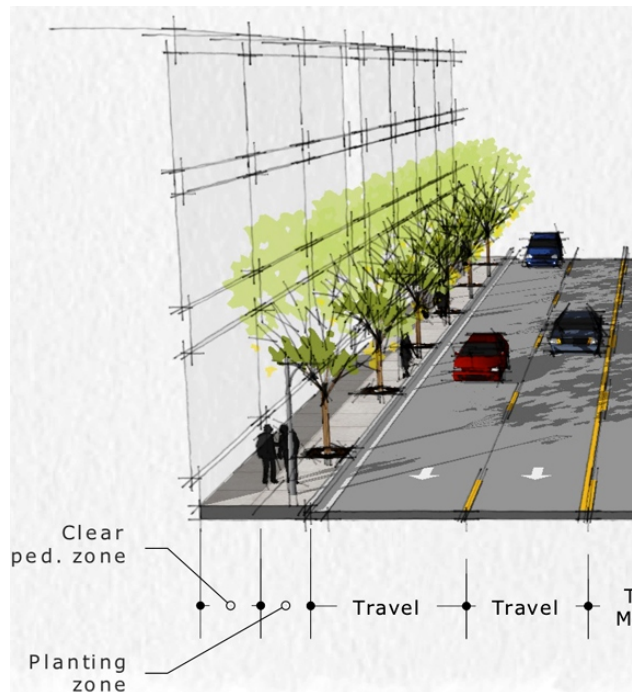
[3] See Figure 17C.123.050-B (below) for Pedestrian Scale Lighting Standards
Parking Stall types: "A" = 8.5' W x 18' L parallel stalls; "B" = 9' W x 16' L angled stalls, back-in (60°?)

Sidewalk types: "A" = 4' x 2' scored concrete

Lighting types: "P" = Pedestrian scale; "V" = Vehicle scale

Planting types: "S" = Street trees; "M" = Median planting

Benches, Trash receptacles, Bicycle parking: "R" = Required; "N/R" = Not required))



((Figure 17C.123.050-A—Desired Frontage Characteristics.))

[NOTE: Delete graphic above]

((A.—Sidewalks.

The composition and color of sidewalks shall be as described in Table 17C.123.050-1, and shall be continued as they cross vehicular driveways (See Figure 17C.123.050-E).

1. ~~When the existing sidewalk width is less than 12 feet structures shall be allowed no closer than 12 feet from the back of the curb.~~
2. ~~When the existing sidewalk width is greater than the bare minimum of 12 feet the sidewalk environment shall be designed to meet the intent of the Street Type designation of the street. Existing sidewalk width shall not be reduced or encroached upon by new development.~~

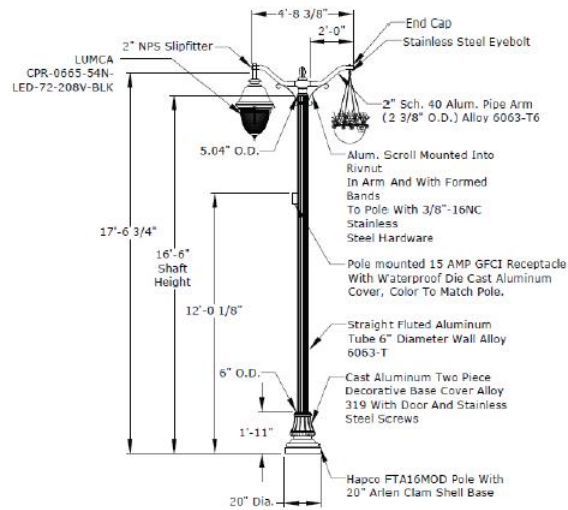
B. ~~Street Furnishings, Placement.~~

~~Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-F). Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200(1)(b). Street furnishings required in Table 17C.123.050-1 are to be provided in all Context Areas as follows:~~

1. ~~Planting— Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200, Landscaping and Screening.~~
2. ~~Lighting – City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-B (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36”) from the curb to ensure a uniform distance from the street edge along the entire street.~~
3. ~~City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.))~~

Hamilton FBC Pedestrian Light Standards

C.1. The City of Spokane Traditional Series pedestrian acorn light (flower basket optional) shall be installed at an average 25' spacing generally spaced midway between street trees and centered thirty-six inches (36") from the curb to ensure a uniform distance from street edge along the entire street.



Traditional Series Light Fixture
Not to Scale

((Figure 17C.123.050-B))

[NOTE: Delete graphic above]



((Figure 17C.123.050-E: Curb cuts and driveways may not interrupt sidewalk material and pattern requirements. Ramps may not encroach on Clear Pedestrian Zones.))

[NOTE: Delete graphic above]



((Figure 17C.123.050-F: Temporary sidewalk encroachments are allowed in the Planting Zone, or in the Clear Pedestrian Zone as per Table 17C.123.050-4.))

[NOTE: Delete graphic above]

The Hamilton Form-Based Code (FBC) establishes parking standards that support pedestrian and vehicular movement within and through the area to provide a safe and convenient environment for transit, walking, biking, and rolling.

A. Dimensional standards and other off-street parking requirements are found in SMC 17C.230.200 unless otherwise modified in this chapter.

B. Minimum Parking.

For all uses within the Hamilton FBC area, there are no minimum vehicular off-street parking spaces.

C. Maximum Parking.

A maximum of 2 spaces for every 500 square feet of floor area is permitted.

D. Parking Location.

1. Off-Street Surface Parking.

a. Off-street surface parking shall not be placed between the street right-of-way and the building fronting the street.

2. Shopfront Designated Areas.

If fronting on a Shopfront designation, above-ground parking structures shall provide continuous ground level commercial or office spaces and uses along the street, except at ingress and egress points into the structure. (See Figure 17C.123.040-A).

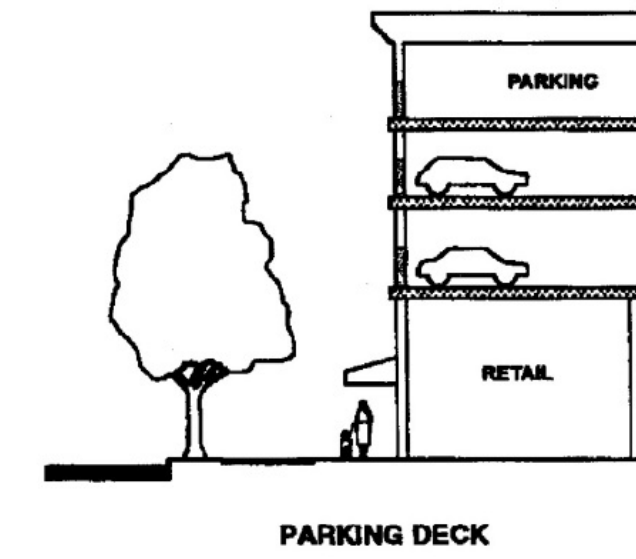


Figure 17C.123.40-A

3. Bicycle Parking.

Requirements for bicycle parking are found in SMC 17C.230.200. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.

4. Site Lighting.

Surface parking lot and site lighting shall contribute to the visibility and safety of the site and adjacent rights-of-way, while not disturbing adjacent properties. Surface lot and site lighting shall adhere to the following standards:

a. Lighting types.

Pedestrian-scale fixtures shall be used for all lighting illuminating required Pedestrian Paths. Vehicle-scale fixtures may be used for general surface lot and site lighting. Lighting shall meet the dimensions of Figure 17C.123.40-B.

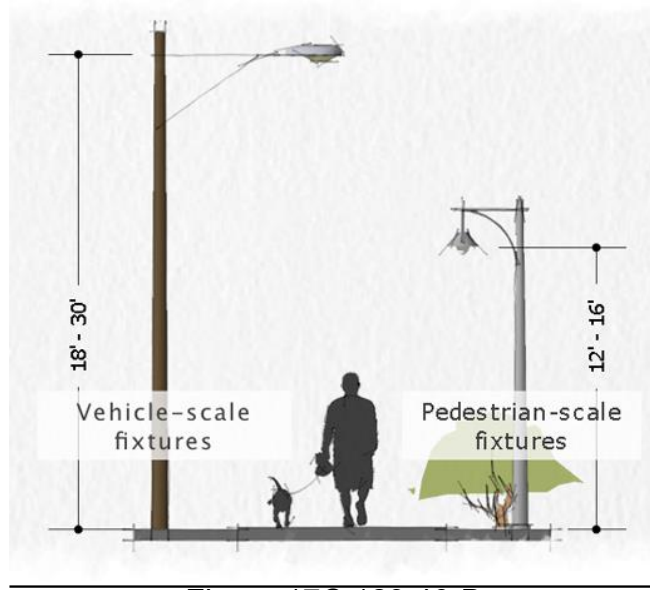


Figure 17C.123.40-B

b. Performance.

Parking lot and site lighting shall provide adequate night visibility and security by distributing a minimum of two foot-candles to a maximum of six foot-candles of illumination at ground level. All lighting shall be shielded from producing off-site glare, directing light downward and away from adjacent properties.

5. Driveways/Site Access.

Driveway widths shall not exceed 24 feet, and curb cuts shall not exceed 30 feet for combined entry/exits.

6. Pedestrian Walkways.

a. Within surface lots containing more than 30 parking stalls, pedestrian-friendly walkways shall be provided between the surface lots and building entrances.

b. Pedestrian Paths shall be not less than five feet wide and be clearly defined, using at least two of the following:

i. Six-inch vertical curbing

ii. Textured paving, including across vehicle lanes

iii. Continuous landscaped area at a minimum of 3 feet wide on at least one side of the walkway.

Section 6. That SMC Section 17C.123.060 is amended to read as follows:

Section 17C.123.060 ((Architectural Requirements)) Streetscape Requirements

~~((This section identifies general architectural requirements and guidelines, articulating basic façade requirements, roofline objectives, mechanical screening and other considerations. These requirements and guidelines establish important functional and aesthetic characteristics sought by the community and expressed by the Regulating Plan, ensuring the proper “fit” within the surrounding neighborhood.~~

A. Building Base.

~~For CA-1, CA2, CA3 and all Shopfront Street areas, building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9” and 16” above adjacent grade, and utilize at least one of the following:~~

- ~~1. “Heavier” material composition, such as a stronger, more permanent material than used on upper portions of the façade.~~
- ~~2. A horizontal projection showing visible thickening of the wall surface that may be accompanied by a change of material and/or color.~~
- ~~3. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing visual separation between the first two floors (See Figure 17C.123.060-A).~~

B. Primary Building Entries.

~~For CA-1, CA2, CA3 and all Shopfront Street areas, Primary Building Entries shall face the street and be made visually prominent, including the use of a recommended accent material and at least one of the following:~~

- ~~1. Recessed entrance. Recessed entrance shall be recessed at least 3’ from the building face.~~
- ~~2. Canopy or awning. Canopy or awning shall extend at least 5’ from the building face, with a minimum height clearance of 8’ above the sidewalk.~~
- ~~3. Inclusion of a volume that protrudes from the rest of building surface or an Architectural Roof Structure element physically or visually integrated with the Primary Building Entry (See Figure 17C.123.060-B).~~
- ~~4. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.))~~



((Figure 17C.123.060-A: Illustration of building base, pedestrian scale-signs and other building elements described in the FBC.))

[NOTE: Delete graphic above]



((Figure 17C.123.060-B: Primary Building Entrances must face the street and be made visually prominent using one or more architectural approaches listed in 17C.123.070-B.))

[NOTE: Delete graphic above]

~~C. Street-level Detailing.~~

~~For CA-1, CA2, CA3 and all Shopfront Street areas, street-level façades shall help create a more welcoming, aesthetically rich pedestrian environment by incorporating at least four of the following elements:~~

- ~~1. Canopies or awnings spanning at least 25% of the building façade. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.~~
- ~~2. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.~~
- ~~3. Decorative sconce, lantern or similar lighting, mounted to the building.~~
- ~~4. Projecting windowsills.~~
- ~~5. Decorative kick plates for entry doors.~~
- ~~6. Hanging planters supported by brackets mounted to the building.~~

~~D. Façade Transparency.~~

Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:

1. If fronting along a Shopfront Street, ground floor glazing shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.
2. If facing a public street, upper floor façades shall include a minimum of 30% clear glass windows.
3. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.

Table 17C.123.060-1 Glazing minimums, ground floor facades*				
	CA-1	CA-2	CA-3	CA4
Along Shopfront Street	60%	60%	50%	N/A
Along Non-Shopfront Street	40%	30%	30%	30%
*Glazing percentages may include windows and doors.				

E. Blank Walls.

Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. In all CA areas, blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:

1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.
3. Roof Lines.

F. In all CA areas, roofline elements shall adhere to the following standards:

1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).
2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.
3. Non-Enclosed, Enclosed and Architectural Roof Structure elements as defined by this code in are exempt from sections 17C.123.060 F.1 and

~~17C.123.060 F.2. Height limitations for such elements are provided in 17C.123.040.~~

~~G. Equipment Screening.~~

~~In all CA zones visible from public rights-of-way, mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes shall be screened from view, adhering to the following standards:~~

- ~~1. Rooftop mechanical and electrical equipment shall be screened by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.~~
- ~~2. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements, or screened by features designed to coordinate with the architectural character of the primary structure. Picket or chain-link fencing may not be used (See Figure 17C.123.060 C).~~

~~H. Service Area Screening.~~

~~In all CA zones, service, loading and trash collection areas shall be hidden or screened from view along public rights-of-way, and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood or metal, designed to coordinate with the architectural character of the primary structure. Screen walls shall also include one or more of the following:~~

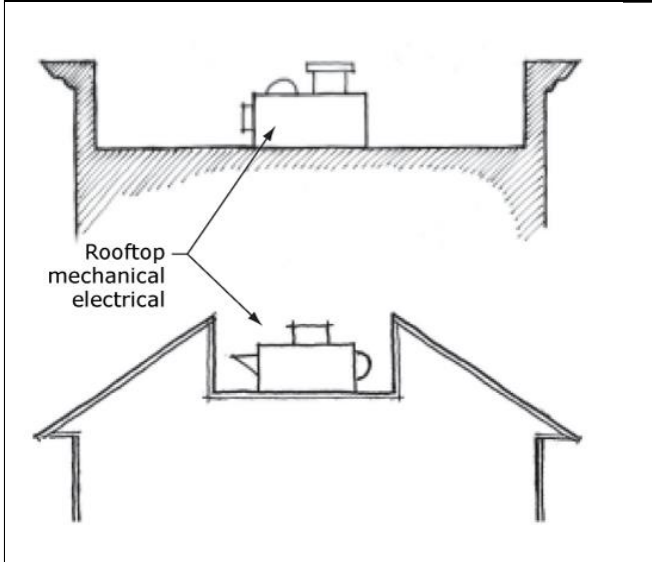
- ~~1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.~~
- ~~2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, artwork, murals, or decorative trellises.~~

~~I. Sign Standards.~~

~~For sign standards applying to all CA zones, see City of Spokane Municipal Code, Chapter 17C.240. For the purposes of signs standards CA1 and CA2 shall be evaluated as CC1 zone; CA3 shall be evaluated as CC2; and CA4 shall be evaluated as a residential zone.~~

~~J. Materials.~~

~~Use of quality building materials ensures that projects contribute to the overall value and character of properties within and adjacent to HFBC Limits. Buildings shall employ durable and high quality materials, such as steel, glass, brick, stone, and/or wood. (See Figure 17C.123.060 D).)~~



((Figure 17C.123.060-C: Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.))

[NOTE: Delete graphic above]



((Figure 17C.123.060-D: The HFBC provides standards and guidelines regarding building materials, helping realize community expectations for the corridor and neighborhood.))

[NOTE: Delete graphic above]

((K.—Guidelines.

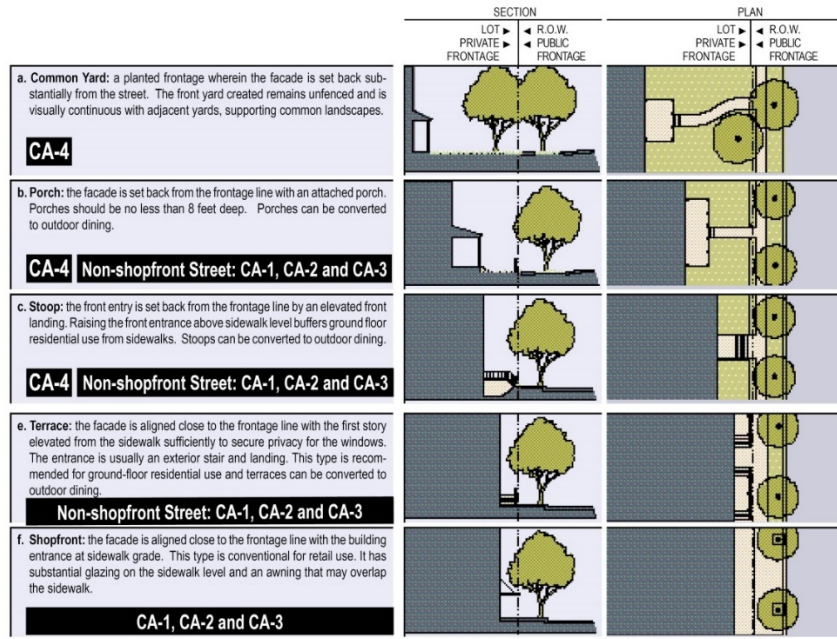
In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within all CA zones within Regulating Plan limits. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.

1. The use of sustainably harvested, salvaged, recycled reused products is encouraged wherever possible.
2. Optional – Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.
3. Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher-value materials and construction types may be used for reasons of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.

4. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including use of wrap-around corner pieces.—
5. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.—
6. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings and site features.—
7. Recommended cladding materials include:
 - a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - e. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.
 - f. Fiber cement or cementitious siding. Fiber cement planks, panels and shingles and are an acceptable substitute for wood siding when used in the formats described above under “Wood.”
 - g. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.

8. Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:
- a. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - b. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - c. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - d. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - e. Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.
 - f. Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.
9. Rooflines. Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.
10. Recommended materials for roofs exposed and visible from public rights of way include:
- a. Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.
 - b. Slate or slate-like materials.
 - c. Sheet metal shingles.
 - d. Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials, and be provided with adequate trim elements.

- 11. ~~Special Paving. Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips~~
- 12. ~~Frontage Types. Figure 17C.123.060E clarifies expectations for how buildings will meet the street.))~~



((Figure 17C.123.060 E: Frontage Types))

[NOTE: Delete graphic above]

This section of the Hamilton Form-Based Code (FBC) identifies features and specifications for area streets and alley. The standards work to establish the type of active, economically vibrant public realm sought by the area community, balancing vehicular access with the safety and convenience of transit, walking, biking, and rolling.

A. Streetscape Requirements.

Required streetscape features and dimensions of those elements are identified in Table 17C.123.050-1.

Table 17C.123.060-1			
Streetscape Requirements [1]			
	CA1	Shopfront	Alley
Sidewalks			
Overall Width (each side)	12 ft.		N/A

Type	4' x 2' scored concrete		N/A
Clear Pedestrian Zone	7 ft. [2]		N/A
Buffer Zone (each side) [3]	5 ft.		N/A
Street Furnishings			
Lighting, types [4]	P	P	V
Planting, types [5]	S	S/M	N/A
Benches [6] [7]	R	R	N/A
Trash receptacles [6] [7]	R	R	N/A
Bicycle parking [6] [7]	N/R	R	N/A
[1] See City of Spokane Department of Engineering Design Standards for additional specifications.			
[2] Along Columbus Street, a 10-foot wide Clear Pedestrian Zone is required.			
[3] A reduced width may be permitted with an approved alternative planting system, such as modular suspended pavement systems, with the approval of Urban Forestry.			
[4] "P" = Pedestrian scale; "V" = Vehicle scale			
[5] "S" = Street trees; "M" = Median planting			
[6] "R" = Required; "N/R" = Not required			
[7] Buildings less than 10,000 sf. are encouraged to include such amenities but are not required.			

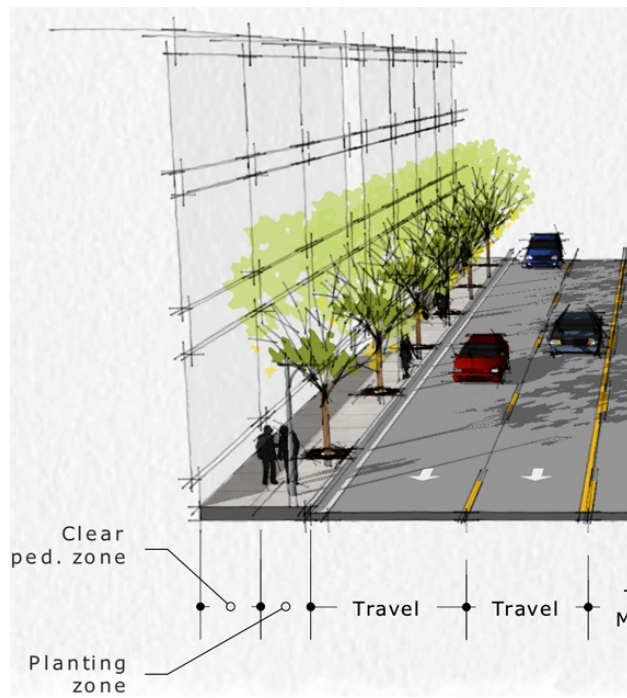


Figure 17C.123.050-A –
Desired Frontage Characteristics.

B. Sidewalks.

The composition and color of sidewalks shall be as described in Table 17C.123.050-1 and shall be continued as they cross-vehicular driveways (See Figure 17C.123.050-B).

1. When the existing sidewalk width is less than 12 feet, structures shall be allowed no closer than 12 feet from the back of the curb.
2. When the existing sidewalk width is greater than the bare minimum of 12 feet, the existing sidewalk width shall not be reduced or encroached upon by new development.

C. Street Furnishings.

Street furnishings including light poles, benches, and trash receptacles shall be placed between tree locations within the Planting Zone. Street furnishings shall not impede the clear view triangle. Street furnishings required in Table 17C.123.050-1 are to be provided as follows:

1. Planting.

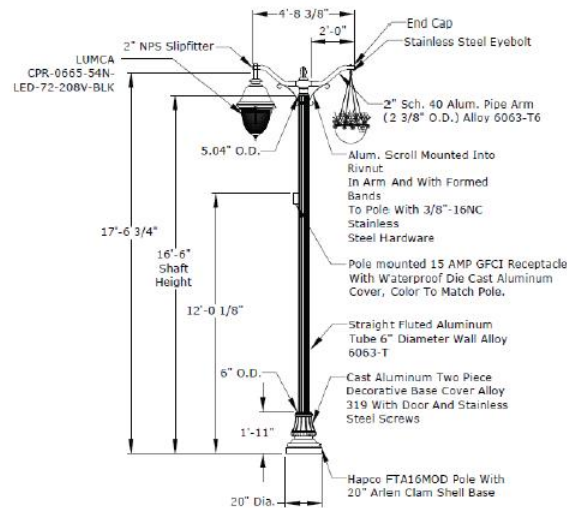
Street trees must be installed and maintained by the adjacent property in all streets bordering development. Generally, street trees should be spaced on average 25 feet apart. At a minimum, street trees shall provide a continuous row of City-approved trees spaced according to mature canopy size, plus one or more types of City-approved ground cover. Additional requirements for landscaping are stated in chapter 17C.200 SMC, Landscaping and Screening.

2. Lighting.

City-approved Traditional Series pedestrian scale lighting as shown in Figure 17C.123.050-C (flower basket optional) shall be provided and spaced at an average 50 to 60 feet apart, generally midway between required street trees and centered thirty-six (36") from the curb to ensure a uniform distance from the street edge along the entire street.

Hamilton FBC Pedestrian Light Standards

C.1. The City of Spokane Traditional Series pedestrian acorn light (flower basket optional) shall be installed at an average 25' spacing generally spaced midway between street trees and centered thirty-six inches (36") from the curb to ensure a uniform distance from street edge along the entire street.



Traditional Series Light Fixture
Not to Scale

Figure 17C.123.050-C

D. Bicycle Parking.

Bicycle parking is encouraged where the requirement for the Planting Zone and Clear Pedestrian Zone can be met. Bicycle parking provided in the streetscape can contribute to requirements in SMC 17C.230.200.

E. Temporary Encroachments.

Temporary and intermittent sidewalk encroachments including café seating, planters, ramps, steps, and sandwich board signs may be located in the Planting Zone without restriction, or in the Clear Pedestrian Zone provided a pathway of at least six (6) feet wide remains free of such obstructions (See Figure 17C.123.050-D).



Figure 17C.123.050-D – Temporary sidewalk encroachments are allowed in the Planting Zone, or in the Clear Pedestrian Zone as per Table 17C.123.050-1.

F. City approved benches and trash receptacles shall be provided for all buildings larger than 10,000 sf. Buildings less than this size are encouraged to include such amenities.

Section 7. That SMC Section 17C.123.070 is amended to read as follows:

Section 17C.123.070 ((Additional Requirements)) Design Standards

~~((A.— Drive Through Facilities.~~

~~Drive-Through Facilities are prohibited in all Context Areas of the FBC.~~

~~B.— Nonconforming Situations.~~

~~Existing development that does not conform to the development standards of this chapter is subject to the standards of chapter 17C.210 SMC, Nonconforming Situations.~~

C. ~~Nuisance-related Impacts.~~

1. ~~Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 17C.220, Off Site Impacts.~~
2. ~~Other nuisances are further regulated by state and local laws.~~

D. ~~Outdoor Activities~~

1. ~~The standards of this section are intended to assure that outdoor sales, display, storage, and work activities:~~
 - a. ~~will be consistent with the desired character of the zone;~~
 - b. ~~will not be a detriment to the overall appearance of an area;~~
 - c. ~~will not have adverse impacts on adjacent properties, especially those with residential uses; and~~
 - d. ~~will not have an adverse impact on the environment.~~
2. ~~Outdoor activities associated with permitted uses shall be permitted subject to the standards of the zone and as described below.~~
3. ~~Outdoor Sales and Display Areas.~~
 - a. ~~In the CA1—CA3 zones, outdoor sales, and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less.~~
 - b. ~~Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA zones.~~
 - c. ~~In the CA 4 zone, outdoor sales and display areas are prohibited.~~
4. ~~Outdoor Storage Areas.~~
 - a. ~~Outdoor storage areas are not permitted in the CA1—CA3 zones.~~
 - b. ~~Outdoor storage areas in CA4 zones are subject to the standards of SMC 17C.110.270 Exterior Storage—Residential Zones.~~
5. ~~Outdoor Activity Area Improvements.~~

- a. ~~Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.~~
- b. ~~In order to control dust and mud, all vehicle circulation areas must be paved.~~

E. ~~Fences~~

- 1. ~~Purpose: The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.~~
- 2. ~~Type of Fences The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.~~
- 3. ~~Location, Height, and Design.~~
 - a. ~~Street Setbacks.~~
 - i. ~~No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.060.~~
 - ii. ~~Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.~~
 - iii. ~~Fences up to six feet high are allowed in required setback that is measured from a side lot line.~~
 - iv. ~~Fences shall not reduce the required setback width of SMC 17C.123.060.~~
 - v. ~~Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.~~
 - vi. ~~The height for fences that are not in required setbacks is the same as the regular height limits of the zone.~~

b. ~~Sight-obscuring Fences and Walls.~~

- i. ~~Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.~~

4. ~~Prohibited Fences.~~

- a. ~~No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.~~
- b. ~~No person may maintain a fence or barrier charged with electricity.~~
- c. ~~A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.~~
- d. ~~No permanent fence may reduce the required sidewalk width.~~

5. ~~Visibility at Intersections.~~

- a. ~~A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets~~
- b. ~~Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:~~
- i. ~~right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or~~
- ii. ~~right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five-foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five~~

~~miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or~~

- ~~iii. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
 - ~~1. the inside line of the sidewalk; or~~
 - ~~2. if there is no sidewalk, a line seven feet inside the curb line.~~~~

~~6. Enclosures for Pools, Hot Tubs, or Ponds.~~

- ~~a. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.~~
- ~~b. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.~~
- ~~c. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.~~
- ~~d. No opening, except a door or gate may exceed four inches in any dimension.~~
- ~~e. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.~~
- ~~f. Outside of the door or gate must be at least fifty-four inches above the ground.~~

~~7. Reference to Other Standards.~~

- ~~1. Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.~~

~~F.——Creation of new lots is subject to the standards of chapter 17G.080 SMC.)~~

All development within the Hamilton Form-Based Code (FBC) must address the following design standards, administered pursuant to SMC 17C.111.015 Design Standards Administration. When existing development is expanded, only those portions of the development that are new or renovated must meet the standards in this section.

This section also includes Guidelines that further define community desires for new development and redevelopment within the Hamilton FBC area. The Guidelines are optional and intended to express the desired built form for the area.

A. Building Base.

Building façades shall include a visually prominent plinth or base, helping establish pedestrian-scaled features and aesthetically tying the building to the street level. Building bases shall measure between 9 inches and 16 inches above adjacent grade, and utilize at least one of the following:

1. A horizontal projection of at least 3 inches that may be accompanied by a change of material and/or color.
2. A horizontal architectural line or feature, such as a belt course or secondary cornice, at or below the top of the first story and providing visual separation between the first two floors (See Figure 17C.123.060-A).

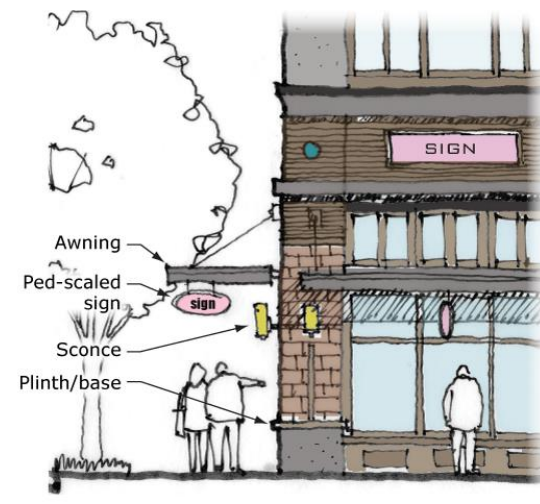


Figure 17C.123.060-A – Illustration of building base, pedestrian scale signs and other building elements described in the FBC.

B. Primary Building Entries.

1. Primary building entries shall face the street and be made visually prominent, including at least one of the following:
 - a. An entrance recessed at least 3' from the building face.
 - b. A canopy or awning that extends at least 5' from the building face, with a minimum height clearance of 8' above the sidewalk.
2. For mixed-use buildings, entrances to residential, office or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

C. Street-level Detailing.

Street-level façades shall help create a more welcoming, aesthetically rich pedestrian environment by incorporating at least four of the following elements:

1. Canopies or awnings spanning at least 25% of the building façade.
2. Canopy or awning shall extend at least 5' from the building face and shall not be closer than 2' from the curb, with a minimum height clearance of 8' above the sidewalk.
3. Pedestrian-Scaled Signs, mounted to the building or permanent overhang.
4. Decorative sconce, lantern, or similar lighting, mounted to the building.
5. Projecting windowsills.
6. Decorative kick plates for entry doors.
7. Hanging planters supported by brackets mounted to the building.

D. Façade Transparency.

Building façades shall include substantial glazing, providing visual connectivity between activities inside and outside a building. Regarding glazing, the following provisions shall apply:

1. If within a Shopfront Designation, ground floor glazing facing a public right-of-way shall be at least ten feet (10') in height and no more than three feet (3') above adjacent sidewalk or grade.
2. The total glazing expressed as a minimum percentage of ground floor façades shall meet the specifications provided in Table 17C.123.060-1.

<u>Table 17C.123.070-1</u>		
<u>Glazing minimums, ground floor facades [1]</u>		
	<u>CA1</u>	<u>Shopfront</u>
<u>Non-Residential – within 10-ft. of the sidewalk</u>	<u>40%</u>	<u>60%</u>
<u>Non-Residential – more than 10-ft. from the sidewalk</u>	<u>15%</u>	<u>15%</u>
<u>Residential</u>	<u>15%</u>	<u>15%</u>

[1] Glazing percentages may include windows and doors.

E. Ground Floor Residential.

In addition to other standards specific to residential development found within this chapter and in order to increase the privacy of residents and provide an effective transition between the public and private realm, ground floor residential within 10-ft. of a sidewalk shall:

1. Be elevated a minimum of 30 inches from grade, with alternatives approved by the Planning Director to accommodate units meeting residential visitability standards found in SMC 17C.111.600;
2. Incorporate a patio, porch, deck, or stoop with covered entry between the entry and sidewalk; and
3. Integrate L3 Open Area Landscaping, as defined in SMC 17C.200.030 Landscape Types, between the sidewalk and building.

F. Blank Walls.

Minimizing blank or undifferentiated façade walls helps ensure that buildings contribute to an engaging pedestrian environment. Blank façade walls longer than 30' along any public right-of-way shall be enhanced or screened by incorporating the following:

1. Public art such as murals;
2. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces;
3. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, or decorative trellises; or
4. Roof Lines.

G. Roof Lines.

1. Pitched or sloping roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12 (rise:run).
2. Buildings with flat roofs shall include an extended parapet on all building sides, creating a defined cornice or prominent top edge.
3. Non-Enclosed, Enclosed, and Architectural Roof Structure elements as defined by this code are exempt from sections 17C.123.060(G)(1) and 17C.123.060(G)(2). Height limitations for such elements are provided in Table 17C.123.030-1.

H. Equipment Screening.

Mechanical and electrical equipment including HVAC units, transformers, antennae and receiving dishes visible from public rights-of-way shall be screened from view, adhering to the following standards:

1. Rooftop mechanical and electrical equipment shall be screened their full height by a parapet wall, enclosed within roof volumes or other building elements designed as an integral part of the building's architecture.
2. Ground-level mechanical and electrical equipment shall be enclosed within secondary building elements or screened by features designed to coordinate with the architecture of the primary structure. Year-round vegetative screening the height of the equipment at planting is permitted. Picket or chain-link fencing may not be used (See Figure 17C.123.060-B).

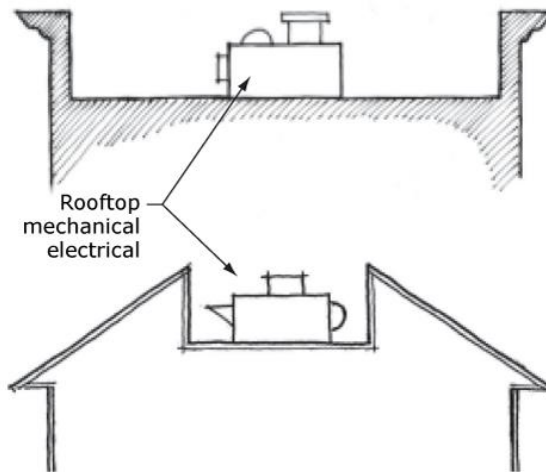


Figure 17C.123.060-B –

Rooftop and ground-level equipment must be screened from view along public rights-of-way. Here mechanical systems are hidden by cornice and roof elements.

I. Service Area Screening.

Service, loading, and trash collection areas shall be hidden or screened from view along public rights-of way and shall not face any public street or residential area unless no other location is possible. Service areas shall be hidden from view using a screen wall constructed of masonry, wood, or metal, designed to coordinate with the architecture of the primary structure. Screen walls shall also include one or more of the following:

1. Vegetation such as espalier trees and/or vines planted adjacent to the wall surfaces.
2. Architectural detailing, such as reveals, contrasting materials, bas-relief detailing, or decorative trellises.
3. Public art such as murals.

J. Sign Standards.

See City of Spokane Municipal Code, Chapter 17C.240 for sign standards. Signs within the CA zone are subject to the standards and guidelines contained in the Initial Design Standards and Guidelines for Centers and Corridors.

- K. Swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth must be located within a fully enclosed building.

L. Guidelines.

In addition to the material standards defined in this section, the following guidelines are included to further define community expectations for projects within the Hamilton FBC area. The guidelines presented in this section are optional and intended to express desirable characteristics for the district.

1. Sustainable Design.

- a. The use of sustainably harvested, salvaged, recycled, and reused products is encouraged wherever possible.
- b. The rehabilitation of older buildings should be considered before new construction. If removal is required, the deconstruction of existing development is encouraged.
- c. Integration of Green Stormwater Infrastructure (GSI) should be considered in conjunction with property redevelopment.
- d. Property owners are encouraged to replace or reduce ground cover like grass lawns and pavement with native and/or drought tolerant plantings.
- e. The installation and maintenance of green roofs is encouraged.

2. Trail-Oriented Development.

For properties along the Centennial Trail, development is encouraged to orient towards the trail, which can be accomplished by:

- a. Having patios and decks that overlook the trail.
- b. Having an increased level of façade transparency to increase “eyes on the trail”.
- c. Having a covered entry facing the trail.

d. Avoiding tall fences and blank walls facing the trail.

3. Building Entries.

Recommended entry treatments include special paving materials such as ceramic tile; ornamental ceiling treatments; decorative light fixtures; decorative door pulls, escutcheons, hinges, and other hardware.

4. Building Materials.

a. Authentic materials and methods of construction should be used to the greatest degree possible. Materials made to simulate higher-value materials and construction types may be used for reasons of economy, but should be durable and closely match the proportions, surface finishes, and colors of the materials they simulate.

b. When veneers are used, detailing and installation should give the appearance of full-depth material, avoiding the exposure of veneer sides, including the use of wrap-around corner pieces.

c. Cladding and/or accent materials on the primary building should be carried over onto additions, accessory buildings, and site features.

d. Recommended cladding materials include:

i. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.

ii. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.

iii. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates, and surface textures should be exploited to achieve architectural effects.

iv. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.

v. Wood. Horizontal sidings such as clapboard, tongue-in-groove, shingles or shakes, or vertical sidings such as board and batten are acceptable. Trim elements should be used for all wood siding types. Heavy timber detailing and exposed bracing may be used where appropriate to the building style.

vi. Fiber-cement or cementitious siding. Fiber-cement planks, panels and shingles and are an acceptable substitute for

wood siding when used in the formats described above under "Wood."

- vii. Stucco. Stucco, cement plaster or stucco-like finishes such as EIFS may be used along ground floor portions of rear or side service and parking exposures, provided the building base treatment used along the street façade is continued. Stucco of any type should not be used along ground floor portions of street exposures.
- e. Accent materials are typically used at building entrances, window and door frames, wall bases, cornices, wainscot materials and for copings, trim, and other special elements. Recommended accent materials include:
 - i. Brick. Red brick is characteristic of the Spokane region, although other colors may be used as well. Full size brick veneer is preferable to thin brick tile.
 - ii. Stone. Granite, limestone, sandstone, and river rock are preferred stone types. Stone veneer and cast stone simulating these types is allowable.
 - iii. Cast concrete. Precast or exposed site-cast structural concrete is acceptable. Pigments, special aggregates and surface textures should be exploited to achieve architectural effects.
 - iv. Concrete block. Where used, creativity in selecting block sizes, surface textures, course patterns and colors is encouraged.
 - v. Tile. Ceramic, terra cotta and cementitious tile, whether glazed or unglazed is acceptable.
 - vi. Metal. Profile, corrugated and other sheet, rolled or extruded metal is acceptable. Metal accents should have trim elements to protect edges, and be of adequate thickness to resist dents and impacts. Surfaces should be treated with a high quality, fade-resistant coating system or paint such as Kynar and Tnemec. Copper, zinc and weathering steel may be left exposed.
- f. The location and spacing of panel or expansion joints should be incorporated into the façade composition. Castings should be shaped to form architectural profiles that create bases, cornices, pilasters and other elements contributing to the façade composition.

5. Rooflines.

Varied roof planes, cornice elements, overhanging eave and roof decks are encouraged, as they increase visual interest and help implement desired character objectives.

a. Recommended materials for roofs exposed and visible from public rights of way include:

i. Metal seam roofing. Finishes should be anodized, fluoro-coated or painted. Copper, zinc and weathering steel may be left exposed.

ii. Slate or slate-like materials.

iii. Sheet metal shingles.

iv. Asphalt shingles. Projects using asphalt shingles should use the highest quality commercial grade materials and be provided with adequate trim elements.

6. Special Paving.

Cobblestones or a stamped concrete cobblestone or brick pattern are recommended for special paving and pedestrian buffer strips.

Section 8. That SMC Section 17C.123.080 is amended to read as follows:

Section 17C.123.080 ((Building Type Catalogs)) Additional Requirements

A. Outdoor Activities

The standards of this section are intended to assure that outdoor sales, display, storage, and work activities will not have adverse impacts on adjacent properties or the environment, while providing the envisioned built form within the area.

1. Outdoor Sales and Display Areas.

a. Outdoor sales and display areas are limited to forty percent of lot area or one thousand five hundred square feet, whichever is less, in the CA1 zone.

b. Outdoor sales and display areas for uses in the industrial use categories are not allowed in the CA1 zone.

c. In the Shopfront designations, accessory outdoor sales are permitted so long as the Clear Pedestrian Zone and Buffer Zone is maintained.

d. In the Shopfront designations, outdoor display areas are prohibited.

2. Outdoor Storage Areas.

a. Outdoor storage areas are not permitted.

3. Outdoor Activity Area Improvements.

- a. Outdoor activities shall be screened and landscaped according to the provisions of chapter 17C.200 SMC, Landscaping and Screening.
- b. In order to control dust and mud, all vehicle circulation areas must be paved.

B. Fences.

The fence standards avoid adverse impacts on the area while protecting public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

1. Type of Fences.

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

2. Location, Height, and Design

a. Street Setbacks.

- i. No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of SMC 17C.123.050.
- ii. Fences up to three and one-half feet high are allowed in a required street setback.
- iii. Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.
- iv. Fences shall not reduce the required setback width of SMC 17C.123.030.

b. Sight-obscuring Fences and Walls.

- i. Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall either be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See chapter 17C.200 SMC, Landscaping and Screening), or meet the treatment of blank

walls intent outlined in SMC 17C.122.060 – Initial Design Standards and Guidelines for Center and Corridors.

c. Fencing Material.

- i. Fence materials within the public right-of-way or within eight feet of a street lot line should be wrought iron or similar in appearance, aluminum, metal, or similar material.
- ii. Walls visible from streets shall be masonry, stone, brick, or similar construction.
- iii. Chain link fencing is not allowed that is visible from and/or adjacent to a public street.

3. Prohibited Fences.

- a. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire.
- b. No person may maintain a fence or barrier charged with electricity.
- c. A fence, wall, or other structure shall not be placed within a public right-of-way without an approved covenant as provided in SMC 17G.010.160 and any such structure is subject to the height requirement for the adjoining setback.
- d. No permanent fence may reduce the required sidewalk width.

4. Visibility at Intersections.

A fence, wall, hedge, or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.

- 6. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be located within the Clear View Triangle, as defined in Section 17A.020.030 “C” Definitions.

Context Area 1 (CA-1)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 1. Images are representational only.



CA-1 Non-Shopfront

See also CA-2, CA-3 and CA-4 Non-Shopfront.



CA-1 Corner

See also CA-2 and CA-3 Corner.



CA-1 Shopfront

See also CA-2 and CA-3 Shopfront.



CA-1 - 1 to 5 Story Buildings

[NOTE: Delete graphic above]

Context Area 2 (CA-2)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 2. Images are representational only.



CA-2 Non-Shopfront

See also CA-3 and CA-4 Non-Shopfront.

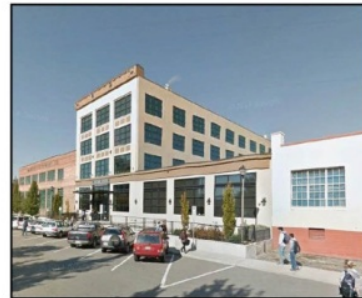


CA-2 Corner

See also CA-3 Corner.

CA-2 Shopfront

See also CA-3 Shopfront.



CA-2 - 1 to 4 Story Buildings

[NOTE: Delete graphic above]

Context Area 3 (CA-3)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 3. Images are representational only.



CA-3 Non-Shopfront

See also CA-4.



CA-3 Corner



CA-3 Shopfront



CA-3 - 1 to 2 Story Buildings

[NOTE: Delete graphic above]

Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Small Footprint



CA-4 Medium Footprint



[NOTE: Delete graphic above]

Context Area 4 (CA-4)

Hamilton FBC Building Character Visual Catalog

This visual catalog showcases the type, form, and general character of desired development within Context Area 4. Images are representational only.



CA-4 Large Footprint



Image borrowed from daybreakutah.com



Image borrowed from daybreakutah.com

[NOTE: Delete graphic above]

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING HAMILTON FORM-BASED CODE AMENDMENTS**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed Hamilton Form-Based Code update text amendments. The proposal amends the Unified Development Code (UDC) Chapter 17C.123 to implement the adopted South Logan Transit-Oriented Development Plan.

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 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.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition.
- G. In order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for strategic adjustments to the Hamilton 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.
- H. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
 - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;

Findings of Fact, Conclusion, and Recommendation

2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
 3. Various community tabling events on March 19, April 9, and May 18, 2024;
 4. A virtual information session on April 30, 2024;
 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- I. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
 - J. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
 - K. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
 - L. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.
 - M. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.
 - N. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
 - O. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
 - P. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.

Findings of Fact, Conclusion, and Recommendation

- Q. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- R. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- S. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- T. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- U. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

CONCLUSIONS:

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

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. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.
4. 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.
5. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposed regulations will be mitigated by enforcement of the City's development regulations.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.

7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
 - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
 - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
 - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
 - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
 - k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation
 - l. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
 - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
 - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
 - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
 - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design

- r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
- 8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

RECOMMENDATION:

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

- 1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed amendments to Chapter 17C.123.
- 2. The City of Spokane Plan Commission authorizes the Plan Commission 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 proposed amendments.

Greg Francis
Greg Francis (Jun 27, 2024 17:43 PDT)

Greg Francis, President
Spokane Plan Commission

Jun 27, 2024 enter a date.

PC Findings and Conclusions_ Hamilton Form-Based Code

Final Audit Report

2024-06-28

Created:	2024-06-27
By:	AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)
Status:	Signed
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 Agreement completed.

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Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36554

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

PLANNING & ECONOMIC

Bid #

Contact Name/Phone

KAYCEE X6194

Requisition #

Contact E-Mail

KDOWNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

0650 - PLANNED ACTION ORDINANCE ASSOCIATED WITH S. LOGAN TOD

Agenda Wording

Adoption of the South Logan TOD Planned Action Ordinance as Chapter 17C.420 to streamline development within the South Logan Subarea.

Summary (Background)

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. The proposed South Logan TOD Planned Action will adopt Chapter 17C.420 to the SMC, which aligns with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan. Projects that meet the threshold criteria found within the

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

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources

Amount

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#

Select

\$

#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Planned Action Ordinance and comply with any required mitigation as identified in the South Logan Final Environmental Impact Statement are exempt from additional State Environmental Policy Act (SEPA) application and review. For the full code amendments please visit:

<https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

Approvals

Dept Head

GARDNER, SPENCER

Division Director

MACDONALD, STEVEN

Accounting Manager

ALBIN-MOORE, ANGELA

Legal

RICHMAN, JAMES

For the Mayor

JONES, GARRETT

Additional Approvals

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Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , x6194
Council Sponsor(s)	<u>CM Zappone, CM Klitzke and CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Planned Action Ordinance Associated with South Logan TOD Implementation
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>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan.</p> <p>The proposed South Logan TOD Planned Action will adopt Chapter 17C.420 to the SMC, which aligns with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>Projects that meet the threshold criteria found within the Planned Action Ordinance and comply with any required mitigation as identified in the South Logan Final Environmental Impact Statement are exempt from additional State Environmental Policy Act (SEPA) application and review.</p> <p>For the full code amendments please visit: https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</p>
Fiscal Impact	
Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Total Cost: Click or tap here to enter text.	
Narrative: The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources.	
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? Click or tap here to enter text.	
Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A	
Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why)	
<i>What impacts would the proposal have on historically excluded communities?</i>	
The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout	

Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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?

The South Logan TOD Plan 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 proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

ORDINANCE NO. C36554

AN ORDINANCE relating to streamlining and expediting the land use review and approval process by relying on the Final Environmental Impact Statement (FEIS) for the South Logan Transit-Oriented Development (TOD) Plan by adopting a Planned Action; implementing the intent of the recently adopted by resolution South Logan TOD Plan; adopting Spokane Municipal Code (SMC) Chapter 17C.420; and amending Spokane Municipal Code (SMC) Chapter 17A.020.

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition, including the anticipated adoption of the Planned Action Ordinance at a future date; and

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of Planned Actions by jurisdictions planning under the Growth Management Act (GMA), including the City of Spokane (City); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW) and Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a Planned Action designation under SEPA; and

WHEREAS, a subarea of the city consisting of the approximately 361-acre South Logan TOD project area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, as is specifically illustrated in Figure 17C.420.015-A of this Ordinance, has been identified as a Planned Action area for future redevelopment; and

WHEREAS, the designation of a Planned Action expedites the permitting process for projects of which the impacts have been previously addressed in a Final Environmental Impact Statement (FEIS); and

WHEREAS, the mitigation measures identified in the South Logan TOD FEIS, and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area; and

WHEREAS, the South Logan TOD Plan and FEIS identify the location, type, and amount of development that is contemplated by the Planned Action; and

WHEREAS, future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council of the City of Spokane finds that adopting the recitals set forth herein is in the public interest and will advance the public health, safety, and welfare.

NOW, THEREFORE, the City of Spokane does ordain as follows:

Section 1. Findings. The findings of the City of Spokane do ordain as follows:

- A. The procedural and substantive requirements of SEPA RCW 43.21C, have been complied with.
- B. The procedural requirements of GMA RCW 36.70A, have been complied with.
- C. The proposed action is consistent with the City's Comprehensive Plan as amended.
- D. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's municipal code.
- E. The Spokane City Council finds and determines that regulation of land use and development is subject to the authority and general police power of the City, and the City reserves its powers and authority to appropriately amend, modify, and revise such land use controls in accordance with applicable law.
- F. The Planned Action FEIS adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.
- G. The mitigation measures identified in the Planned Action FEIS, attached to this Ordinance as Exhibit A, and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- H. The South Logan TOD Plan and Planned Action FEIS identify the location, type, and amount of development that is contemplated by the Planned Action.
- I. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.
- J. The City provided multiple opportunities for meaningful public involvement and review in the South Logan Subarea Plan and Planned Action FEIS processes, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

- K. Essential public facilities, as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as planned action projects unless they are accessory to or part of a project that otherwise qualifies as a planned action project.
- L. The designated Planned Action Area is located entirely within an Urban Growth Area and is smaller than the overall City boundaries.
- M. Implementation of the mitigation measures identified in the Planned Action FEIS will provide for adequate public services and facilities to serve the proposed Planned Action Area.

Section 2. That there is adopted Chapter 17C.420 SMC to read as follows:

Chapter 17C.420 South Logan TOD Planned Action
17C.420.010 Purpose

The purposes of this chapter are to:

- A. Designate the South Logan TOD Subarea shown in Figure 17C.420.015-A of this Chapter as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action projects pursuant to RCW.43.21C.440;
- B. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the South Logan TOD Final Environmental Impact Statement (FEIS) to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- C. Confirm that the South Logan TOD FEIS meets the requirements of a Planned Action FEIS pursuant to SEPA;
- D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as Planned Action projects consistent with RCW 43.21C.440;
- E. Provide clear definition as to what constitutes a Planned Action project within the Planned Action Area, identify the criteria for Planned Action project approval, and determine how development project applications that qualify as Planned Action projects will be processed by the City;
- F. Streamline and expediate the land use permit review process by relying on the South Logan TOD FEIS; and
- G. Apply the mitigation framework contained in this Ordinance for the processing of Planned Action project applications and incorporate the applicable mitigation

measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Actions

To qualify for a Planned Action designation, a project application shall comply with the following procedures and criteria for evaluation.

A. Planned Action Area.

The Planned Action designation shall apply to the approximately 342-acre South Logan TOD area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, and that is specifically shown in Figure 17C.420.015-A, “Planned Action Area.”

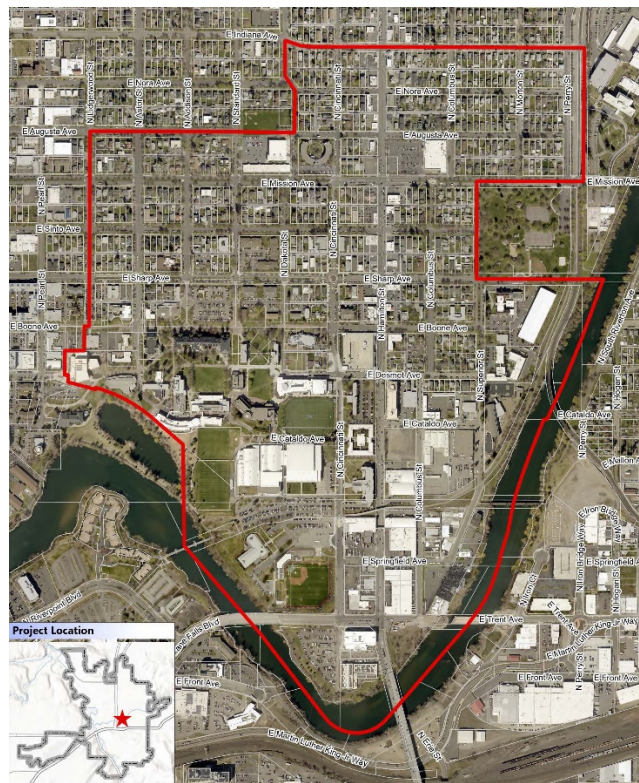


Figure 17C.420.015-A: Map of Planned Action Area

B. Environmental Document.

A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the South

Logan TOD Final EIS adopted by the City on January 29, 2024 (RES 2024-0015), which adequately identified and addressed environmental impacts of the Planned Action. The mitigation measures contained in the FEIS, [Exhibit A](#), are based upon the findings of the South Logan TOD EIS and shall, along with adopted City regulations, provide the framework that the City will use to review and to impose appropriate conditions on qualifying Planned Action projects.

C. Planned Action Projects Designation.

Land uses and activities described in the South Logan TOD FEIS, subject to the thresholds described in subsection D of this section and the mitigation measures contained in [Exhibit A](#), are designated Planned Actions or Planned Action projects pursuant to [RCW 43.21C.440](#) and [WAC 197-11-172](#) (“Planned Action Project”). A development application for a site-specific Planned Action project located within the South Logan TOD Planned Action area that meets the criteria set forth in subsection D of this section and applicable laws, codes, development regulations and standards, may be designated a Planned Action Project pursuant to the process in SMC Section 17C.420.020.

D. Planned Action Qualifications.

The following thresholds shall be used to determine if a site-specific development proposed within the South Logan TOD Planned Action area qualifies as a Planned Action Project and has had its environmental impacts evaluated in the South Logan TOD FEIS:

1. Qualifying Uses.

a. Planned Action Categories.

The primary land uses and levels of development as envisioned in the South Logan TOD Preferred Alternative and as reviewed in the South Logan TOD FEIS, along with conditional and accessory uses permitted in the associated zones, are considered Planned Actions. The primary uses include residential, commercial, and mixed-use development.

2. Planned Action Project Primary Uses.

A Planned Action Project may be a single Planned Action use, or a combination of Planned Action uses within a mixed-use development. A land use can qualify as a Planned Action Project when:

- a. It is within the Planned Action Area; and
 - b. It complies with the land use plan map designation of the property identified in the South Logan TOD Preferred Alternative or has a lower intensity designation; and
 - c. Is within one or more of the primary uses described in Subsection D.1 above; or
 - d. It is a permitted accessory use or appurtenant to a permitted use.
3. Public Services.

The following public services, infrastructure, and utilities may also qualify as Planned Action Projects: streets and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the South Logan TOD FEIS mitigation measures, City design standards, critical area regulations, and the Spokane Municipal Code.

4. Development Thresholds.

- a. The following amount of increase in housing is contemplated by the Planned Action:

Increase in New Housing Units ¹	2,954
Associated Population Increase	6,735

¹ Includes equivalent housing added in college dormitories.

- b. If future development proposals in the South Logan TOD Planned Action area exceed the development thresholds specified in this chapter, further environmental review may be required pursuant to [WAC 197-11-172](#). Further, if the proposed development would alter the assumptions and analysis in the South Logan TOD FEIS, further environmental review may be required.

5. Building Heights.

Building heights shall not exceed the maximums identified and reviewed in the South Logan TOD Final FEIS and South Logan TOD Plan.

6. Transportation.

a. The Preferred Alternative is anticipated to generate approximately 928 new PM peak-hour vehicle trips. This equates to approximately 9 percent higher traffic volumes in the area compared to the 2045 No Action alternative.

b. Trip Threshold.

Uses or activities that would exceed the forecasted trips shown above would not qualify as Planned Actions and would require additional transportation review.

c. City Engineer Discretion.

The City Engineer or their designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer, for each project permit application proposed under this planned action.

d. Transportation Improvements and Mitigation.

i. On-Site and Off-Site Improvements.

The Planned Action may require on-site and off-site transportation improvements to mitigate significant adverse impacts as development occurs. These transportation improvements are identified in the South Logan TOD FEIS and South Logan TOD Plan. The City shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action projects based on their identified impacts.

ii. Hamilton and Trent.

The intersection of N Hamilton Street/E Trent Avenue is forecasted to operate at LOS E during the 2045 No Action and LOS F with full development of Planned Action projects. Any development must implement measures to restore the LOS and delay to its pre-development level of LOS E.

7. Elements of the Environment and Degree of Impacts.

A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the South Logan TOD FEIS, EIS addendum, and/or supplemental EIS, would not qualify as a Planned Action.

8. Changed Conditions.

Should environmental conditions change significantly from those analyzed in the FEIS, the City's PAO Responsible Official may determine that the Planned Action designation is no longer applicable until a supplemental environmental review is conducted.

9. Additional Mitigation Fees.

The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the Planned Action area and to accommodate planned growth. Such fees, if adopted, shall be in addition to any fees required in subsection (D)(6)(d) of this section, and shall apply only to required improvements that are not addressed in this subsection.

10. Inadvertent Discovery Plan.

An Inadvertent Discovery Plan (IDP) should be implemented into the scope of work for all projects within the Planned Action area. The IDP should outline procedures to perform in the event of a discovery of archaeological materials or human remains. The IDP should always be kept at the project site during all project activities. If any artifacts or human remains are found upon excavation, the Tribal Historic Preservation Office (THPO), Washington State Department of Archaeology and Historic Preservation (DAHP), and Spokane Historic Preservation Office shall be immediately notified and the work in the immediate area cease.

11. Historic Preservation Design Review.

Properties individually placed on the Spokane Register of Historic Places or located within one of Spokane's designated historic districts must meet all requirements of the Spokane Historic Preservation Office, including obtaining a Certificate of Appropriateness from the Spokane Historic Landmarks Commission or the Historic Preservation Officer for proposed changes or additions to historic structures when necessary.

12. Demolitions.

Buildings fifty years of age or greater at time of demolition permit submittal shall provide a Level 2 Site Inventory Form unless determined by the Historic Preservation Officer and Planning Director to not be of historic significance.

13. Shoreline Master Program.

Areas within the Planned Action area subject to the Shoreline Master Program are not exempt from permitting or SEPA review through the FEIS and must comply with Chapter 17E.060 SMC Shoreline Regulations.

14. Uses.

Drive-thru facilities, including accessory drive-thru features, are not exempt from SEPA review and do not qualify as Planned Action Projects.

E. Planned Action Review Criteria.

1. The City's PAO Responsible Official may designate as "Planned Actions," pursuant to RCW 43.21C.030, applications that meet all of the following conditions:
 - a. The proposal is located within the Planned Action Area identified in SMC 17C.420.015, or is an off-site improvement directly related to the proposed development within the Planned Action Area; and
 - b. The proposed uses and activities are consistent with those described in the FEIS and subsection D of this section; and
 - c. The proposal is within the Planned Action thresholds and other criteria of subsection D of this section; and
 - d. The proposal is consistent with the City of Spokane Comprehensive Plan and the South Logan TOD Plan; and
 - e. The proposal's significant adverse environmental impacts have been identified in the South Logan TOD FEIS; and
 - f. The proposal's significant impacts have been mitigated by the application of measures identified in Exhibit A, and other applicable City regulations, together with any modifications or variances or special permits that may be required; and

- B. After the City receives a complete application, the PAO Responsible Official shall determine whether the project qualifies as a Planned Action Project under this chapter.
- C. Once a project is determined to qualify as a Planned Action Project under this chapter, the City shall:
 - 1. Notify the applicant and the project shall proceed in accordance with the applicable permit review procedures; and
 - 2. Notify Spokane Tribe of Indians, Spokane Historic Preservation Office, internal City Departments, utility providers, and other partner agencies as deemed appropriate by the assigned project manager of the pending development under South Logan TOD FEIS. The notice required by this section may be combined with the public notice required or provided with the underlying permit and may take the form of the environmental checklist or other project review form. Notice provided shall not be less than 14 days.
- D. If a project does not qualify as a Planned Action under this chapter, the City shall notify the applicant. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.
 - 1. Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the South Logan TOD Plan and FEIS to meet SEPA requirements. The City may limit the scope of the SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action.

17C.420.025 Monitoring and Review

- A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this chapter and the South Logan TOD FEIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed no later than five (5) years from its effective date to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the South Logan TOD FEIS.

Section 3. That SMC Section 17A.20.160 is amended to read as follows:

17A.20.160 “P” Definitions

A. Painted Wall Highlights.

[See SMC 17C.240.015.](#)

B. Painted Wall Sign.

[See SMC 17C.240.015.](#)

C. PAO Responsible Official.

The Planning Director, serving in the capacity of administrative official of the lead agency.

D. Parcel.

See “Lot” ([SMC 17A.020.120](#)).

E. Parkway.

A thoroughfare designated as a collector or arterial, with a median reflecting the park-like character implied in the name - [SMC 17D.050A.040.U](#).

F. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

G. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy-impact uses.

2. Graveled areas are not paved areas.

H. Pedestrian Buffer Strips (PBS).

A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

I. Pedestrian Path.

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in [Section 17C.123.040](#) of the FBC.

J. Pedestrian-Scaled Fixtures (lighting).

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

K. Pedestrian-Scaled Signs.

[See SMC 17C.240.015.](#)

L. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

M. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

N. Performance/Warranty Retainer.

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.

O. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

P. Permanent Sign.

[See SMC 17C.240.015.](#)

Q. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

R. Permeable Sediment.

Sediment permitting the flow of water.

S. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

T. Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

U. Planned Action.

A Planned Action means one or more types of project action that:

1. Are designated Planned Actions by an ordinance or resolution; and
2. In conjunction with, or to implement, an adopted comprehensive plan or subarea plan that have had the significant impacts adequately addressed in an Environmental Impact Statement under the requirements of WAC 197-11-64; and
3. Is exempt from additional SEPA review for all elements covered under the Environmental Impact Statement of the adopted comprehensive plan or subarea plan.
4. Is defined in WAC 197-11-164.

V. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

W. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
 - a. increased public transportation service,
 - b. ride sharing programs,
 - c. demand management, and
 - d. other transportation systems management strategies.
2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

X. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

Y. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Z. Planting Zone.

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

AA. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications

and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

BB. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

CC. Plaza.

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

DD. Plinth.

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

EE. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

FF. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

GG. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning and economic development services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

HH. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

II. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

JJ. Principal Buildings.

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

KK. Primary Building Entry.

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

LL. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

MM. Primary Container.

The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

NN. Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

OO. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PP. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

QQ. Principal Arterials.

A street serving major activity centers, providing a high degree of mobility and serving the longest trip demands within the urban area.

RR. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.
3. Important wildlife breeding habitat.

4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

SS. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

TT. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

UU. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

VV. Projecting Sign.

[See SMC 17C.240.015.](#)

WW. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

XX. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

YY. Public Access.

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

ZZ. Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

AAA. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

BBB. Public Way.

1. A dedicated "public way" is a tract of land:
 - a. conveyed or reserved by deed,
 - b. dedicated by plat, or
 - c. acquired by decree of court,

- d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An "alley" is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING THE SOUTH LOGAN TOD PLANNED ACTION ORDINANCE**

A recommendation of the City of Spokane Plan Commission to the City Council to approve a new Chapter to the Spokane Municipal Code titled South Logan TOD Planned Action. The proposal adopts the Unified Development Code (UDC) Chapter 17C.420 and amends Chapter 17A.020 to implement the adopted South Logan Transit-Oriented Development Plan.

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 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.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition, including the anticipated adoption of the Planned Action Ordinance at a future date.
- G. The State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of Planned Actions by jurisdictions planning under the Growth Management Act (GMA), including the City of Spokane (City).
- H. Section 43.21C.440 of the Revised Code of Washington (RCW) and Sections 197-11-164 through 172 of the Washington Administrative Code (WAC) allow for and govern the adoption and application of a Planned Action designation under SEPA.
- I. A subarea of the city consisting of the approximately 361-acre South Logan TOD project area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the

north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, has been identified as a Planned Action area for future redevelopment.

- J. The designation of a Planned Action expedites the permitting process for projects identified and which of the impacts have been previously addressed in a FEIS, with the mitigation measures identified in the South Logan TOD FEIS, together with adopted City development regulations, are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- K. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
 - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;
 - 2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
 - 3. Various community tabling events on March 19, April 9, and May 18, 2024;
 - 4. A virtual information session on April 30, 2024;
 - 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
 - 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- L. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
- M. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
- N. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
- O. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.

Findings of Fact, Conclusion, and Recommendation

- P. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.
- Q. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
- R. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- S. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.
- T. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- U. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- V. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- W. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- X. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

CONCLUSIONS:

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

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. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.

Findings of Fact, Conclusion, and Recommendation

4. 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.
5. 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. The Planned Action (RCW 43.21C.440), is used to facilitate future growth by streamlining the environmental review for projects that are consistent with the Subarea Plan.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.
7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
 - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
 - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
 - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
 - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration

Findings of Fact, Conclusion, and Recommendation

- k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation
 - l. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
 - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
 - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
 - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
 - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design
 - r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

RECOMMENDATION:

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed adoption of Chapter 17C.420 and amendments to Chapter 17A.020 amendments.
2. The City of Spokane Plan Commission authorizes the Plan Commission 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 proposed amendments.

Greg Francis
Greg Francis (Jun 27, 2024 17:44 PDT)

Greg Francis, President
Spokane Plan Commission

Jun 27, 2024
Click or tap to enter a date.

PC Findings and Conclusions_ Planned Action Ordinance

Final Audit Report

2024-06-28

Created:	2024-06-27
By:	AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXkO4gC06qyIVwSaOdp6TTRuPxHjA-_QV

"PC Findings and Conclusions_ Planned Action Ordinance" History

 Document created by AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)


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 Signer gfrancis@spokanecity.org entered name at signing as Greg Francis

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 Document e-signed by Greg Francis (gfrancis@spokanecity.org)

Signature Date: 2024-06-28 - 0:44:36 AM GMT - Time Source: server

 Agreement completed.

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Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36555

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

PLANNING & ECONOMIC

Bid #

Contact Name/Phone

KAYCEE X6194

Requisition #

Contact E-Mail

KDOWNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0650 - HEIGHT CODE UPDATE ASSOCIATED WITH SOUTH LOGAN TOD

Agenda Wording

Height code update to amend SMC Sections 17C.111.230 and 17C.120.220 for South Logan TOD Implementation.

Summary (Background)

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact. The proposed Center and Corridor code update to amend SMC Sections 17C.111.230 and 17C.120.220 to align with the goals and recommendations of the South Logan TOD

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

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the S. Logan TOD Plan relied on on-going and regular staff resources.

Amount

Budget Account

Neutral	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#
Select	\$	#



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Plan and the City of Spokane Comprehensive Plan. The proposed amendments include replacing the allowed height of 70-feet with 75-feet and reducing the distance of and modifying the slope of required height transitions adjacent to R1 and R2 zones to increase the feasibility of development building to the allowed maximum height allowances. For the full code amendments please visit:
<https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/>

Approvals		Additional Approvals	
<u>Dept Head</u>	GARDNER, SPENCER		
<u>Division Director</u>	MACDONALD, STEVEN		
<u>Accounting Manager</u>	ALBIN-MOORE, ANGELA		
<u>Legal</u>	RICHMAN, JAMES		
<u>For the Mayor</u>	JONES, GARRETT		

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Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , x6194
Council Sponsor(s)	<u>CM Zappone, CM Klitzke and CM Bingle</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Height Code Update Associated with South Logan TOD Implementation
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact.</p> <p>The proposed Center and Corridor code update to amend SMC Sections 17C.111.230 and 17C.120.220 to align with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>The proposed amendments include replacing the allowed height of 70-feet with 75-feet and reducing the distance of and modifying the slope of required height transitions adjacent to R1 and R2 zones to increase the feasibility of development building to the allowed maximum height allowances.</p> <p>For the full code amendments please visit: https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</p>
Fiscal Impact	<p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p>Narrative: The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources.</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)	
<i>What impacts would the proposal have on historically excluded communities?</i>	

The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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?

The South Logan TOD Plan 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 proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

ORDINANCE NO. C36555

AN ORDINANCE relating to height and height transition standards amending Spokane Municipal Code (SMC) Sections 17C.111.230 and 17C.120.220.

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition; and

WHEREAS, in order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for a review of permitted heights and height transition requirements; and

WHEREAS, based on feedback from developers and the community, it was determined that increased maximum heights may support the feasibility of higher intensity residential development within the South Logan TOD project area; and

WHEREAS, for regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments affect citywide development regulations; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC Section 17C.111.230 is amended to read as follows:

17C.111.230 Height

A. Purpose.

The height standards promote a reasonable building scale and relationship of one residence to another and they promote privacy for neighboring properties. The standards contained in this section reflect the general building scale and placement of houses in the City's neighborhoods.

B. Height Standards.

The maximum height standards for all structures are stated in Table 17C.111.205-2. The building height shall be measured using the following method (see Figure 17C.111.230-A):

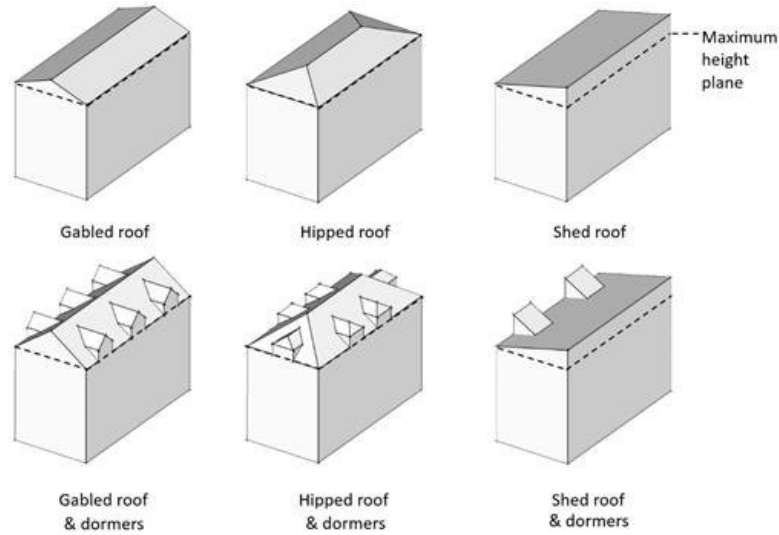
- a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
- b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
- c. "Finished grade" means the grade upon completion of the fill or excavation.
- d. "Excavation" means the mechanical removal of earth material.
- e. "Existing grade" means the natural surface contour of a site, including minor adjustments to the surface of the site in preparation for construction.

C. Exceptions to the maximum height standard are stated below:

1. Exceptions to the maximum structure height in the RMF and RHD zones are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., RHD-150). Changes to the height limits in the RMF and RHD zones require a rezone. Height limits are forty feet, fifty-five feet, ~~((seventy feet))~~ seventy-five feet, or one hundred fifty feet depending on location.

~~((2. In RMF and RHD zones where the maximum structure height is forty feet, pitched roof structures are allowed an additional fifteen feet above the maximum height standard stated in Table 17C.111.205-2, provided that the roof incorporates all of the following:~~

- ~~a. pitched roof forms having slopes between 4:12 and 12:12; and~~
- ~~b. a minimum of one roof plane that intersects the maximum height plane (see Figure 17C.111.230-B for eligible examples); and~~
- ~~c. establishes sense of "top" per SMC 17C.111.455.))~~



~~((Figure 17C.111.230-B: Roof Type Examples for Height Exception))~~

[NOTE: Delete graphic above]

~~((3))~~2. In the RMF and RHD zones, height does not include up to three feet of the above-grade portions of basement parking, where the elevation of the first residential finished floor is three feet or less above the lowest elevation of the existing grade or finished grade, whichever is lower. See Figure ~~((17C.111.230-C))~~ 17C.111.230-B.

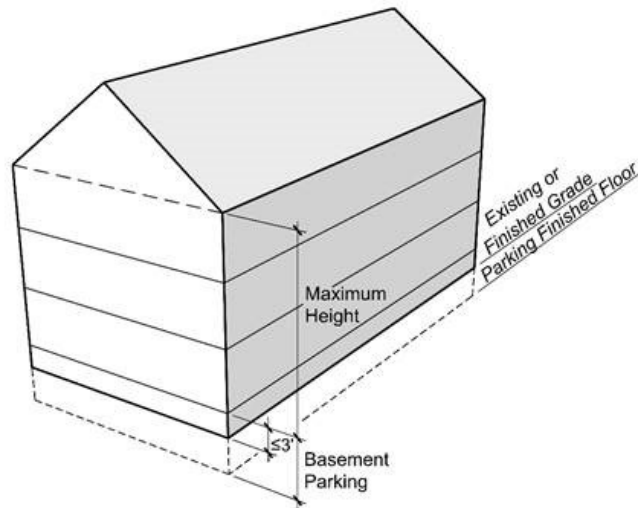


Figure ~~((17C.111.230-C))~~ 17C.111.230-B: Basement Parking Excluded from Height

((4))3. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards

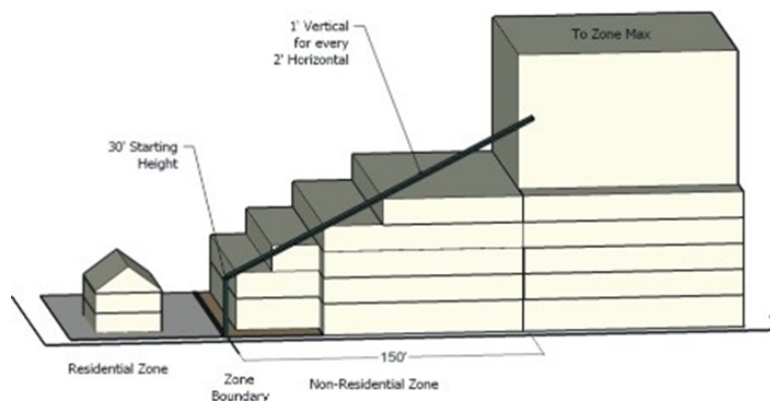
((5))4. Adjacent to R1 and R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent R1 and R2 residential zones:

a. For all development within ~~((one hundred fifty))~~ forty feet of any R1 or R2 residential zone the maximum building height is as follows:

i. Starting at a height of ~~((thirty))~~ forty feet ~~((the residential zone boundary))~~ at R1 and R2 property boundaries, additional building height may be added at a ratio of ~~((one))~~ 2 to ~~((two))~~ 1 ~~((one foot))~~ two feet of additional building height for every ~~((two feet))~~ one foot of additional horizontal distance from the closest ~~((single-family))~~ R1 or ~~((two-family))~~ R2 ~~((residential zone))~~ zoned property. ~~((The building height transition requirement ends one hundred fifty feet from the R1 or R2 residential zone and then full building height allowed in the zone applies.))~~

ii. The building height transition requirement ends forty feet from the R1 or R2 zoned property line and then full building height allowed in the zone applies.



[NOTE: Delete graphic above]

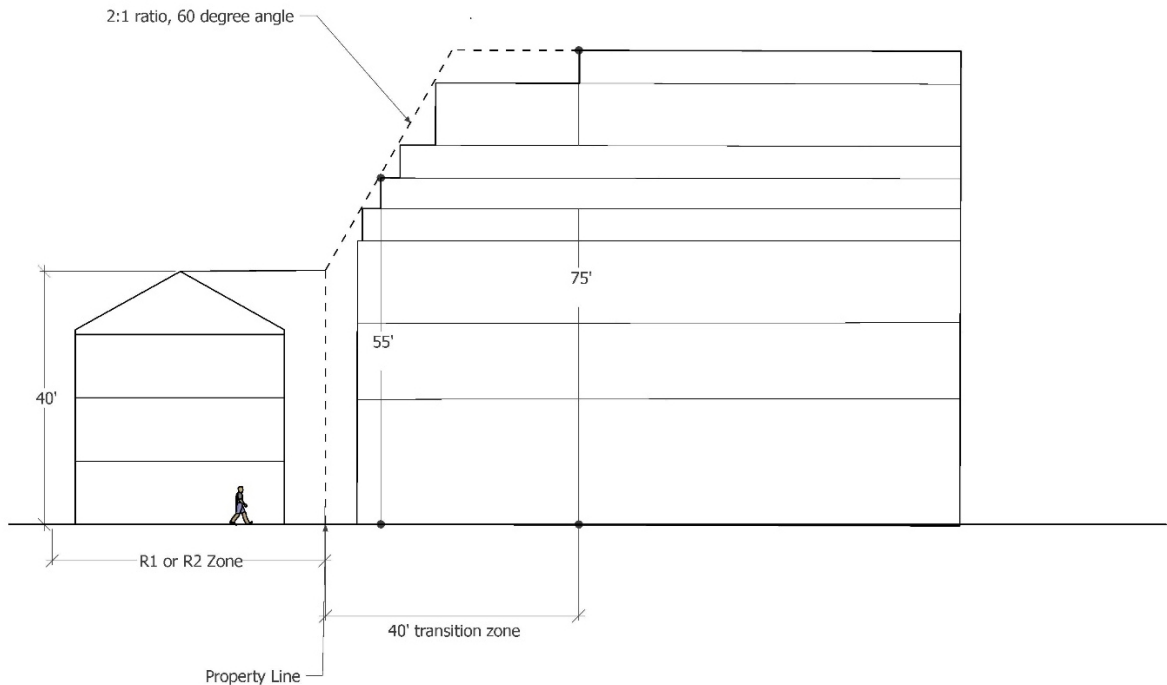


Figure 17C.111.230-C: Height Transition

~~((6. In the RMF zone within forty feet of a common boundary with a R1 zone, the maximum height is forty feet.))~~

~~((7))~~5. Projections Allowed.

Chimneys, flagpoles, satellite receiving dishes and other similar items with a width, depth or diameter of three feet or less may extend above the height limit, as long as they do not exceed three feet above the top of the highest point of the roof. If they are greater than three feet in width, depth or diameter, they are subject to the height limit.

~~((8))~~6. In addition to the projections allowed under subsection (7) above, in the RMF and RHD zones, the following projections above the roof height are allowed:

- a. Parapets and rooftop railings may extend four feet above the height limit.
- b. Walls or fences located between individual rooftop decks may extend six feet above the height limit if the wall or fence is set back at least four feet from the edges of the roof.

- c. Stairway enclosures that provide rooftop access and cumulatively cover no more than ten percent of the roof area may extend up to ten feet above the height limit, provided that the enclosures are setback at least fifteen feet from all roof edges on street facing facades.

~~((9))~~7. Farm Buildings.

Farm buildings such as silos, elevators and barns are exempt from the height limit as long as they are set back from all lot lines at least one foot for every foot in height.

- ~~((10))~~8. Utility power poles and public safety facilities are exempt from the height limit.

- ~~((14))~~9. Radio and television antennas are subject to the height limit of the applicable zoning category.

- ~~((12))~~10. Wireless communication support towers are subject to the height requirements of [chapter 17C.355A SMC](#), Wireless Communication Facilities.

- ~~((13))~~11. Uses approved as a conditional use may have building features such as a steeple or tower which extends above the height limit of the underlying zone. Such building features must set back from the side property line adjoining a lot in a residential zone a distance equal to the height of the building feature or one hundred fifty percent of the height limit of the underlying zone, whichever is lower.

D. Special Height Districts.

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

E. Accessory Structures.

The height of any accessory structure located in the rear yard, including those attached to the primary residence, is limited to twenty feet in height, except a detached ADU above a detached accessory structure may be built to twenty-five (25) feet in height.

Section 2. That SMC Section 17C.120.220 be amended to read as follows:

17C.120.220 Height

A. Purpose

The height limits are intended to control the overall scale of buildings. The height limits in the O, NR and NMU zones discourage buildings that visually dominate adjacent residential areas. The height limits in the OR, CB and GC zones allow for a greater building height at a scale that generally reflects Spokane's commercial areas. Light, air and the potential for privacy are intended to be preserved in single-family residential zones that are close to commercial zones.

B. Height Standards

The height standards for all structures are stated in [Table 17C.120-2](#). Exceptions to the maximum height standard are stated below.

1. Maximum Height.

Exceptions to the maximum structure height are designated on the official zoning map by a dash and a height listed after the zone map symbol (i.e., CB-150). Changes to the height limits require a rezone. Height limits are ~~((thirty-five feet,))~~ forty feet, fifty-five feet, ~~((seventy feet))~~ seventy-five feet, or one hundred fifty feet depending on location.

2. Buildings and structures over fifty feet in height must follow the design, setback and dimensional standards found in [chapter 17C.250 SMC](#), Tall Building Standards.

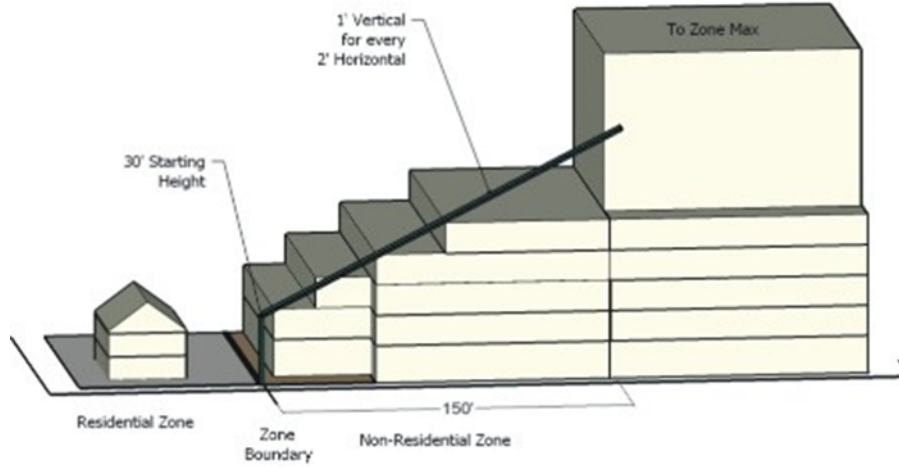
3. Adjacent to ~~((Single-family))~~ R1 and ~~((Two-family Residential))~~ R2 Zones.

To provide a gradual transition and enhance the compatibility between the more intensive commercial zones and adjacent ~~((single-family))~~ R1 and ~~((two-family))~~ R2 residential zones:

a. For all development within one hundred fifty feet of ~~((any single-family or two-family residential zone))~~ R1 or R2 zoned properties the maximum building height is as follows:

i. Starting at a height of ~~((thirty))~~ forty feet at ~~((the residential zone boundary))~~ R1 and R2 property boundaries, additional building height may be added at a ratio of ~~((4))~~ 2 to ~~((2))~~ 1 ~~((one-foot))~~ two feet of additional building height for every ~~((two feet))~~ one foot of additional horizontal distance from the closest ~~((single-family))~~ R1 or ~~((two-family))~~ R2 ~~((residential zone))~~ zoned property line. ~~((The building height transition~~

requirement ends one hundred fifty feet from the single-family or two-family residential zone and then full building height allowed in the zone applies.))



[NOTE: Delete graphic above]

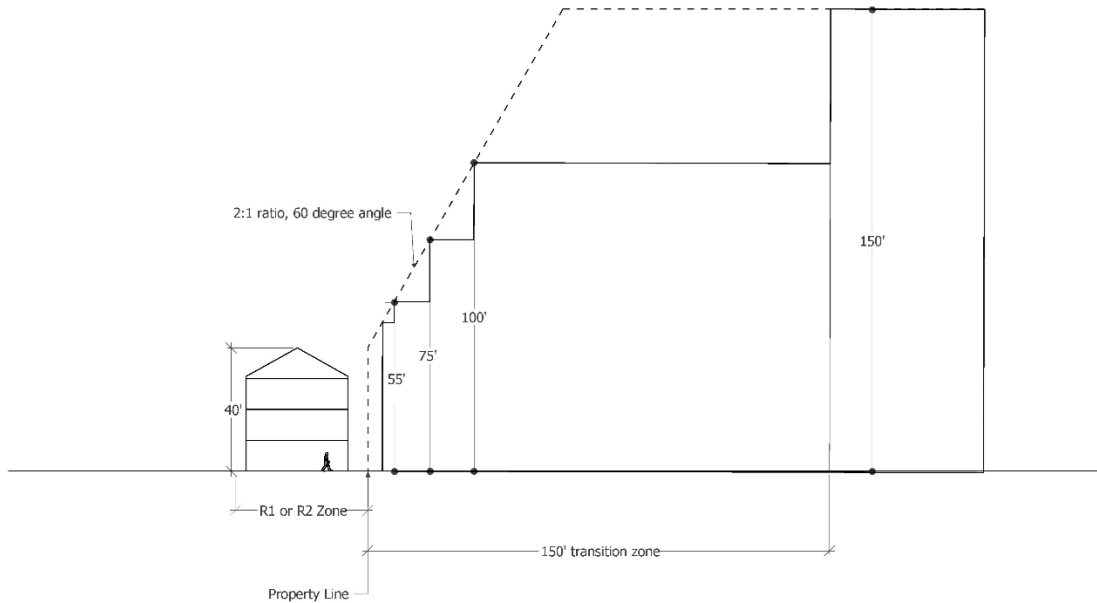


Figure 17C.120.220: Height Transition

4. Projections Allowed.

Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth or diameter of five feet or less may rise ten feet above the height limit, or five feet above the highest point of the roof, whichever is greater. If they are greater than five feet in width, depth or diameter, they are subject to the height limit.

5. Rooftop Mechanical Equipment.

All rooftop mechanical equipment must be set back at least fifteen feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to sixteen feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than ten percent of the roof area may extend ten feet above the height limit.

6. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit except as provided in chapter 17C.355A SMC, Wireless Communication Facilities.

C. Special Height Districts

Special height districts are established to control structure heights under particular circumstances such as preservation of public view or airport approaches. See [chapter 17C.170 SMC](#), Special Height Overlay Districts.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING HEIGHT AND HEIGHT TRANSITION CODE AMENDMENTS**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed height and height transition text amendments. The proposal amends the Unified Development Code (UDC) Sections 17C.111.230 and 17C.120.220 to implement the adopted South Logan Transit-Oriented Development Plan.

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 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.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition.
- G. In order to facilitate the higher intensity residential development envisioned in the Plan, the adopted Final South Logan TOD Plan called for a review of permitted heights and height transition requirements. For regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments are proposed to affect citywide development regulations.
- H. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
 - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;

Findings of Fact, Conclusion, and Recommendation

2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
 3. Various community tabling events on March 19, April 9, and May 18, 2024;
 4. A virtual information session on April 30, 2024;
 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- I. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
 - J. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
 - K. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
 - L. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.
 - M. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.
 - N. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
 - O. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
 - P. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.

Findings of Fact, Conclusion, and Recommendation

- Q. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- R. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- S. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- T. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- U. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

CONCLUSIONS:

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

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. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.
4. 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.
5. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposed regulations will be mitigated by enforcement of the City's development regulations.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.

7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
 - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
 - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
 - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
 - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
 - k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation
 - l. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
 - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
 - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
 - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
 - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design

- r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

RECOMMENDATION:

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed amendments to Sections 17C.111.230 and 17C.120.220.
2. The City of Spokane Plan Commission authorizes the Plan Commission 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 proposed amendments.

Greg Francis

[Greg Francis \(Jun 27, 2024 17:44 PDT\)](#)

Greg Francis, President

Spokane Plan Commission

Jun 27, 2024

Click or tap to enter a date.

PC Findings and Conclusions_ Height and Height Transition

Final Audit Report

2024-06-28

Created:	2024-06-27
By:	AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)
Status:	Signed
Transaction ID:	CBJCHBCAABAADdKvG6ENsZmVnLETjYe-u1avsEUhEYsw

"PC Findings and Conclusions_ Height and Height Transition" History

 Document created by AMANDA KIEHN (AKIEHN@SPOKANECITY.ORG)


2024-06-27 - 10:05:03 PM GMT

 Document emailed to gfrancis@spokanecity.org for signature

2024-06-27 - 10:05:32 PM GMT

 Email viewed by gfrancis@spokanecity.org

2024-06-28 - 0:43:47 AM GMT

 Signer gfrancis@spokanecity.org entered name at signing as Greg Francis

2024-06-28 - 0:44:02 AM GMT

 Document e-signed by Greg Francis (gfrancis@spokanecity.org)

Signature Date: 2024-06-28 - 0:44:04 AM GMT - Time Source: server

 Agreement completed.

2024-06-28 - 0:44:04 AM GMT



Agenda Sheet for City Council:

Committee: Urban Experience **Date:** 07/08/2024

Committee Agenda type: Discussion

Date Rec'd

7/8/2024

Clerk's File #

ORD C36556

Cross Ref #

Project #

Council Meeting Date: 07/22/2024

Submitting Dept

PLANNING & ECONOMIC

Bid #

Contact Name/Phone

KAYCEE X6194

Requisition #

Contact E-Mail

KDOWNEY@SPOKANECITY.ORG

Agenda Item Type

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE JBINGLE KKLITZKE

Agenda Item Name

0650 - CENTER AND CORRIDOR CODE UPDATE ASSOCIATED WITH SOUTH

Agenda Wording

Center and Corridor code update to SMC Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, 17C.300.130, 17C.122.080, 17C.122.100, 17C.122.110, 17C.122T, 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250

Summary (Background)

The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact. The proposed Center and Corridor code update to amend SMC Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repeal Sections 17C.122.080

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

The S. Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the TOD Implementation grant program via the WA Department of Commerce. Implementation of the S. Logan TOD Plan relied on on-going and regular staff resources.

Amount

Budget Account

Neutral

\$

#

Select

\$

#

Select

\$

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Select

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\$

#

Select

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Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

for South Logan TOD Implementation.

Summary (Background)

17C.122.100, 17C.122.110, and 17C.122T, and adopt Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250 includes removing parking minimums for Center and Corridor and Downtown zones and revising development regulations to support transit-oriented development.

Approvals

Dept Head

GARDNER, SPENCER

Division Director

MACDONALD, STEVEN

Accounting Manager

ORLOB, KIMBERLY

Legal

SCHOEDEL, ELIZABETH

For the Mayor

JONES, GARRETT

Additional Approvals

Distribution List

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Committee Agenda Sheet

Urban Experience Committee

Committee Date	July 8, 2024
Submitting Department	Planning & Economic Development
Contact Name	KayCee Downey
Contact Email & Phone	kdowney@spokanecity.org , x6194
Council Sponsor(s)	<u>CM Zappone, CM Bingle, CM Klitzke</u>
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 minutes
Agenda Item Name	Center and Corridor Code Update Associated with South Logan TOD Implementation
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>The South Logan Transit-Oriented Development (TOD) Plan, adopted by resolution on January 29, 2024, provides recommendations to support more connectivity and livability for the community, businesses, and organization in South Logan. As part of South Logan TOD Implementation, several recommendations are proposed for citywide impact.</p> <p>The proposed Center and Corridor code update to amend SMC Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repeal Sections 17C.122.080, 17C.122.100, 17C.122.110, and 17C.122T, and adopt new Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250 align with the goals and recommendations of the South Logan TOD Plan and the City of Spokane Comprehensive Plan.</p> <p>The proposed amendments include modifying height standards and drive-thru allowances, removing parking minimums for Center and Corridor and Downtown zones, and revising other development regulations to support transit-oriented development.</p> <p>For the full code amendments please visit: https://my.spokanecity.org/projects/south-logan-transit-oriented-development-project/</p>
Fiscal Impact	<p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p>Narrative: The South Logan TOD Plan and FEIS, adopted by resolution on January 29, 2024, was funded through the Transit-Oriented Development Implementation (TODI) grant program through the WA Department of Commerce. Implementation of the South Logan TOD Plan relied on on-going and regular staff resources.</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?

The proposed text amendments are intended to support high quality transit, increase housing capacity and diversity, and promote affordability along the City Line bus rapid transit in the South Logan area and throughout Center and Corridor and higher intensity residential areas throughout Spokane. By focusing on development along transit lines and removing identified barriers to successful projects, the proposals are intended to support a diversity of uses and housing options near existing multimodal transportation options.

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?

The South Logan TOD Plan 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 proposals are implementing the adopted Plan with no additional data collection.

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

The South Logan TOD Plan was developed after a 20-month community engagement process that sought input from residents, businesses, institutions, agency partners, and other subject matter experts. The proposals are implementing the recommendations of the adopted Plan. Additional community outreach and engagement occurred after draft ordinances were available to verify effectiveness of the implementation.

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. The proposals are implementing the South Logan TOD Plan, which was adopted by resolution on January 29, 2024 after being determined to meet all relevant policies and plans.

ORDINANCE NO. C36556

AN ORDINANCE relating to the Center and Corridor and parking development regulations amending Spokane Municipal Code (SMC) Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repealing Sections 17C.122.080, 17C.122.100, 17C.122.110, and 17C.122T, and adopting new Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250.

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition; and

WHEREAS, in order to facilitate the envisioned future development in the Plan, the adopted Final South Logan TOD Plan assumed interim Center and Corridor development regulations would be made permanent; and

WHEREAS, City Council adopted interim development regulations under ORDINANCE NO. C36232 on July 18, 2022, including Section 17C.400.040 Pilot Center and Corridors Development Standards; and

WHEREAS, City Council extended the interim Center and Corridor development regulations under Section 17C.400.040 on November 20, 2023; and

WHEREAS, the interim Center and Corridor development regulations under Section 17C.400.040 expired on June 28, 2024; and

WHEREAS, an ongoing Center and Corridor Study further informed proposed adjustments to the Center and Corridor development regulations to support increase feasibility of transit-supportive and pedestrian-oriented development; and

WHEREAS, for regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments affect citywide development regulations; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That SMC Section 17C.122.070 Center and Corridor Zone Allowed Uses is amended to read as follows:

Section 17C.122.070 Center and Corridor Zone Allowed Uses

((The uses allowed in the center and corridor zones are shown in Chapter 17C.122T Center and Corridor Zone Development Tables: Table 17C.122.070-1 Center and Corridor Zone Allowed Uses.))

The uses allowed in the Center and Corridor zones are shown in Table 17C.122.070-1.

TABLE 17C.122.070-1 CENTER AND CORRIDOR ZONE ALLOWED USES			
Use is: P – Permitted N – Not Permitted L – Allowed, but special limitations CU – Conditional use review required	CC Zone Type		
	Core Zones	Transition Zone	
	CC1	CC2	CC4
<u>Residential</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hotels, including Bed and Breakfast Inns</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Commercial, Financial, Retail, Personal Services</u>	<u>P</u> [1]	<u>P</u> [1]	<u>L</u> [4]
<u>Eating and Drinking Establishments</u>	<u>P</u> [2]	<u>P</u> [2]	<u>N</u>
<u>Restaurants without Cocktail Lounges</u>	<u>P</u>	<u>P</u>	<u>L</u> [4]
<u>Professional and Medical Offices</u>	<u>P</u>	<u>P</u>	<u>L</u> [4]
<u>Entertainment, Museum and Cultural</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Government, Public Service or Utility Structures, Social Services and Education</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Religious Institutions</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Parks and Open Space</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Surface Lot Commercial Parking</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Structured Commercial Parking*</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public Parking Lot</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Limited Industrial (if entirely within a building)</u>	<u>P</u> [3]	<u>P</u> [3]	<u>N</u>
<u>Heavy Industrial</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Drive-through Businesses</u>	<u>N</u>	<u>P</u> [5]	<u>P</u> [5]
<u>Motor Vehicles Sales, Rental, Repair or Washing</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Automotive Parts and Tires (with exterior storage or display)</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Gasoline Sales (serving more than six vehicles)</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Gasoline Sale (serving six vehicles or less)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Self-storage or Warehouse</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Adult Business (subject to chapter 17C.305 SMC special provisions)</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Winery and Microbreweries</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Mobile Food Vending</u>	<u>P</u> [6]	<u>P</u> [6]	<u>P</u> [6]
Notes:			
<u>[1] Retail uses having more than forty thousand gross floor area are not permitted in neighborhood centers designated by the comprehensive plan.</u>			
<u>[2] Eating and drinking establishments larger than five thousand gross floor area are not permitted in neighborhood centers designated by the comprehensive plan.</u>			
<u>[3] Limited industrial uses having more than twenty thousand gross floor area are not</u>			

permitted in neighborhood centers designated by the comprehensive plan.

[4] Residential uses are required to be mixed on the same parcel as proposed office and retail uses. Nonresidential uses are limited to three thousand square feet per parcel. In neighborhood centers, nonresidential uses are only allowed on parcels with frontage on an arterial street. Nonresidential uses in the CC4 zone are not allowed within sixty feet of a single-family and two-family residential zone or further than three hundred feet (neighborhood center only) from a CC core comprehensive plan designation.

[5] Drive-through businesses are not permitted along designated Pedestrian Streets

[6] All mobile food vendors shall have a valid mobile food vending license issued pursuant to SMC 10.51.010.

Section 2. That SMC Section 17C.122.080 Floor Area Ratio (FAR) is repealed.

Section 3. That SMC Section 17C.122.090 is amended to read as follows:

Section 17C.122.090 Public Amenities Allowing Bonus ((FAR)) Height

~~((A.—Minor Amenities.~~

~~Each public amenity from the following list may allow an increase of two-tenths FAR from the basic allowable FAR to the maximum FAR.~~

~~1.—Additional Streetscape Features.~~

~~Seating, trees, pedestrian-scaled lighting and special paving in addition to any that are required by the design standards and guidelines.~~

~~2.—Canopy Over the Public Sidewalk.~~

~~A virtually continuous canopy structure. A canopy is a permanent architectural element projecting out from a building facade over a sidewalk or walkway. A canopy shall be at least five feet in horizontal width and be no less than eight feet and no more than twelve feet above grade.~~

~~3.—Alley Enhancements.~~

~~Decorative paving, pedestrian-scaled lighting, special paving and rear entrances intended to encourage pedestrian use of the alley.~~

~~4.—Preferred Materials on Building.~~

~~Use of brick and stone on the building facades that face streets.~~

~~5.—An amenity specifically identified and described in an adopted neighborhood plan.~~

~~6.—Building to the Street.~~

~~Buildings complying with the “Buildings Along the Street” design guidelines (page 4 of the center and corridor design guidelines) so that at least fifteen percent of the frontage of the site consists of building facades.~~

~~B. Major Amenities.~~

~~Each public amenity from the following list may allow an increase of five-tenths FAR from the basic allowable FAR to the maximum FAR.~~

~~1. Exterior Public Space(s).~~

~~A plaza or courtyard, with a minimum area of four hundred square feet or two percent of the total interior floor space of the development, whichever is greater. A plaza or a courtyard is a level space accessible to the public, at least ten feet in width, with a building façade on at least one side. The elevation of the courtyard or plaza shall be within thirty inches of the grade of the sidewalk providing access to it. For courtyards, at least sixty percent of the green shall be planted with trees, ground cover and other vegetation. For plazas, at least fifteen percent, but no more than sixty percent of the space shall be planted with trees, ground cover and other vegetation. Courtyards and plazas shall also include seating, pedestrian-scale lighting, decorative paving and other pedestrian furnishings. The use of artists to create fixtures and furnishings is strongly encouraged.~~

~~2. Public Art.~~

~~Public art includes sculptures, murals, inlays, mosaics and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g, fountain) that are designed and crafted by one or more artists. Such artists must be listed on a registry of either the Washington state arts commission or the Spokane arts commission. To receive the FAR bonus, public art must be documented at a value that is at least one percent of the value of construction.~~

~~3. Through-block pedestrian connection providing a continuous walkway accessible to the public, at least ten feet in width, paved with decorative paving and lighted for nighttime use. It may be covered or open to the sky.~~

~~4. Residential Units.~~

~~Comprising at least twenty-five percent of the total floor area.~~

~~5. Structured parking.~~

~~6. If all of the standards and guidelines for Type 1 centers and pedestrian streets are incorporated into a project that is within a Type 2 center.~~

~~C. “Super Bonuses.”~~

~~Any development that receives super bonuses shall also provide at least two of the major or minor amenities listed above. In return for providing either of the following, the maximum FAR's may be increased by fifty percent.~~

~~1. Underground Parking.~~

~~All of the parking is provided within a structure that is entirely below grade.~~

~~2. Affordable Housing.~~

~~At least twenty percent of the units are set aside for households making less than eighty percent of the median income for the City as defined by HUD.))~~

A. Development that meets the following conditions may be allowed an additional fifteen feet of height to the maximum height standards in Section 17C.122.200 Development Standards Table.

1. Underground Parking.

a. All off-street parking provided on the site meets one of the following conditions:

i. Parking areas are entirely below the grade of any adjacent streets; or

ii. Surface parking or structured parking at ground level is located entirely behind buildings relative to all adjacent streets; or

iii. Structured parking visible from the street is above ground level with non-parking uses lining the street.

2. Affordable Housing.

a. At least twenty percent of the residential units are set aside for households making less than eighty percent of the Spokane County Area Median Income as defined by the United States Department of Housing and Urban Development.

3. Public Art.

a. May include sculptures, murals, inlays, mosaics, and other two-dimensional or three-dimensional works, as well as elements integrated into the design of a project (e.g., fountain) that are designed and crafted for the aesthetic improvement of the pedestrian realm.

i. To receive the height bonus, public art must be documented at a value that is at least one percent of the value of construction.

Section 4. That SMC Section 17C.122.100 Maximum Building Height is repealed.

Section 5. That SMC Section 17C.122.110 Setbacks and Required Sidewalk Width is repealed.

Section 6. That there is adopted a new Section 17C.122.200 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.200 Development Standards Table

Development standards that apply within Center and Corridor Zones are provided in Table 17C.122.200-2 Center and Corridor Development Standards

Table 17C.122.200-2 Center and Corridor Development Standards				
HEIGHT STANDARDS				
		CC1	CC2	CC4
Neighborhood Center		55 ft [1][2]	55ft [1][2]	55ft [1][2]
District Center or Corridor		75 ft [1][2]	75 ft [1][2]	55 ft [1][2]
Employment Center		150 ft [2]	150 ft [2]	75 ft [2]
FLOOR AREA RATIO (FAR) STANDARDS				
		CC1	CC2	CC4
Neighborhood Center	Minimum FAR	No Minimum	No Minimum	No Minimum
	Maximum FAR	No Maximum	No Maximum	No Maximum
District Center	Minimum FAR	0.5	0.5	0.5
	Maximum FAR	No Maximum	No Maximum	No Maximum
Employment Center	Minimum FAR	1	1	1
	Maximum FAR	No Maximum	No Maximum	No Maximum
SETBACK STANDARDS				
		CC1	CC2	CC4
Minimum setback from street lot line		0 ft.	0 ft.	0 ft.
Minimum setback from R1 and R2 zoned lots		10 ft. [3]	10 ft. [3]	10 ft. [3]
Minimum setback from all zones except R1 and R2		0 ft. [3]	0 ft. [3]	0 ft. [3]
LOT DIMENSIONS				
		CC1	CC2	CC4

Minimum front lot line width	10 ft.	10 ft.	10 ft.
<p>[1] An additional fifteen ft of height is permitted provided that at least one condition under Section 17C.122.090 Public Amenities Allowing Additional Height is met.</p> <p>[2] Structures over seventy feet in height must follow the standards in Chapter 17C.250 Tall Building Standards.</p> <p>[3] Structure setbacks are measured from the lot line.</p>			

Section 7. That there is adopted a new Section 17C.122.210 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.210 Height

A. Height.

The maximum height standards for all structures are stated in Table 17C.122.200-2. The building height shall be measured using the following method (see Figure 17C.122.210-A):

1. Building height is the vertical distance from the average grade to the highest point of the roof or structure.
2. Underground portions of the structure are not included in height calculations. The height of the structure shall be calculated from the point at which the sides meet the surface of the ground.
3. “Average grade” means the average of the ground level adjoining the building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference point shall be established by the lowest points within the area between the building and the lot line or where the lot line is more than 6 feet from the building, use the reference point between the structure and a point 6 feet from the building.
4. Measurements shall be taken at the existing grade or finished grade, whichever is lower.
5. Depressions such as window wells, stairwells for exits required by other codes, “barrier-free” ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grades on either side of the depression.
6. Public amenities allowing additional height can be found in Section 17C.122.090 Public Amenities Allowing Bonus Height.
7. For buildings over 70 feet tall, Chapter 17C.250 Tall Building Standards apply.

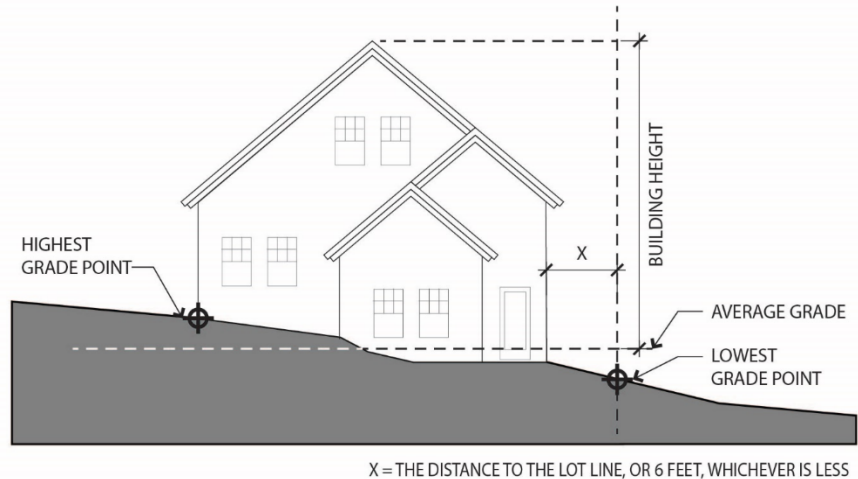


Figure 17C.122.210-A

Section 8. That there is adopted a new Section 17C.122.220 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.220 Height Transition

A. Purpose.

The following exception to the maximum building height standards is to provide a gradual transition and enhance the compatibility between the more intensive center zones and adjacent low and moderate residential zones.

B. Applicability.

For all development adjacent to R1 or R2 zoned properties the maximum building height is as follows:

1. Starting at a height of 40 ft. at R1 and R2 property boundaries, additional building height may be added at a ratio of 2 to 1 (two feet of additional building height for every one foot of additional horizontal distance from the closest R1 or R2 zoned property line).
2. The building height transition requirement ends 150 ft. from the R1 or R2 zoned property line. Beyond the transition, the maximum building height of the zone applies.

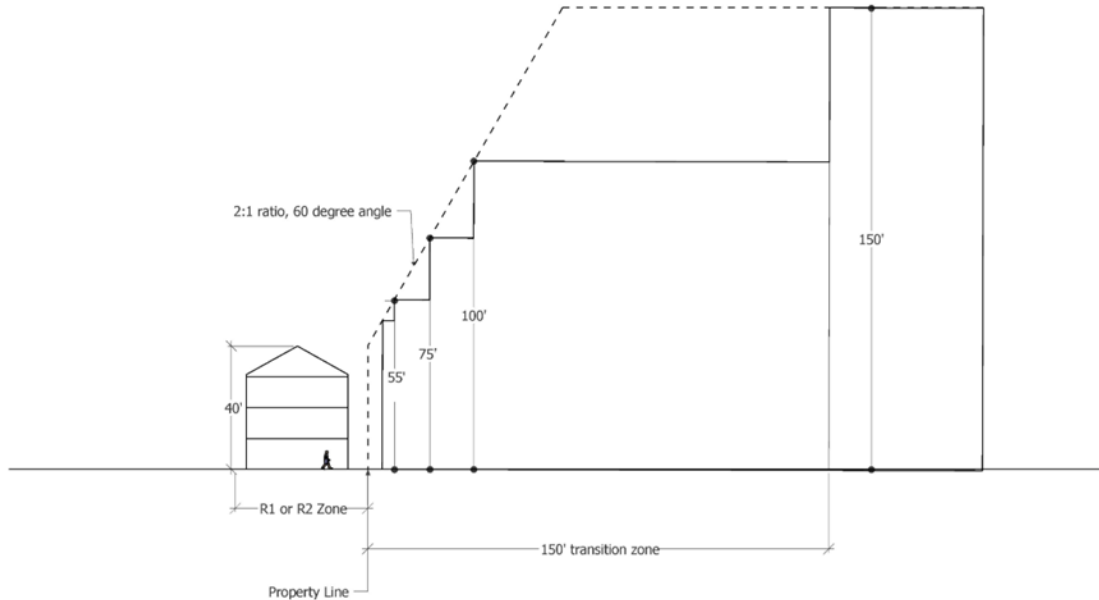


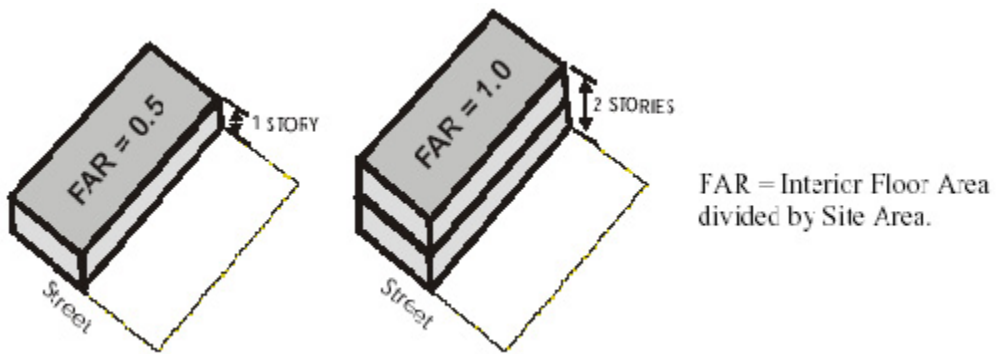
Figure 17C.122.220-A: Height Transition

Section 9. That there is adopted a new Section 17C.122.230 to Chapter 17C.122 SMC to read as follows:

Section 17C.122.230 Floor Area Ratio

A. Floor Area Ratio (FAR).

FAR standards are stated in Table 17C.122.200-2. FAR is the measurement of the building's gross floor area in relation to the size of the lot. A structure that has the same gross floor area as the area of the lot is considered to have a FAR of 1, if the structure has half the gross floor area as the area of the lot the FAR is 0.5. In addition to other dimensional standards FAR is used to ensure the intensity of the structure is appropriate to the zoning.



Section 10. That there is adopted a new Section 17C.122.240 to Chapter 17C.122 of the Spokane Municipal Code that SMC to read as follows:

Section 17C.122.240 Setbacks

A. Setbacks.

Setback Standards are stated in Table 17C.122.200-2. Setbacks in Centers and Corridors ensure that there is adequate space between the structure's facade and the street allowing for ample space for the pedestrian realm.

1. The minimum setback from street lot lines is zero feet and buildings shall be no closer than twelve feet from the back of the curb except as provided in 17C.122.240(A)(2).
2. This width may be reduced, by approval of the Planning Director, if the existing sidewalk is less than twelve feet wide between the back of the curb and the existing building setback line of the adjacent building(s). In no case shall the setback be reduced below nine feet from the back of the curb.

Section 11. That there is adopted a new Section 17C.122.250 to Chapter 17C.122 SMC to that read as follows:

Section 17C.122.250 Sidewalks

A. Sidewalks.

1. Sidewalks shall be at least twelve feet wide and consist of a clear walking path at least seven feet wide (in addition to a planting zone for street trees per SMC 17C.200.050) except as provided in 17C.122.240(A)(2).

Section 12. That Chapter 17C.122T entitled "Center and Corridor Zone Development Tables" is repealed.

Section 13. That SMC Section 17C.230.120 is amended to read as follows:

Section 17C.230.120 Maximum Required Parking Spaces

A. Purpose.

Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality. The maximum

ratios in this section vary with the use the parking it is accessory to. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use.

B. Maximum Number of Parking Spaces Allowed.

Standards in a plan district or overlay zone may supersede the standards in this subsection.

1. Surface Parking.

The maximum number of parking spaces allowed is stated in Table 17C.230.120-1 and Table 17C.230.130-1, except as specified in subsection (B)(2) of this section.

2. Structure Parking.

Parking provided within a building or parking structure is not counted when calculating the maximum parking allowed.

TABLE 17C.230.120-1 PARKING SPACES BY ZONE [1] (Refer to Table 17C.230.130-1 for Parking Spaces Standards by Use)		
ZONE	SPECIFIC USES	REQUIREMENT
RA, R1, R2, RMF, RHD	All Land Uses	Minimum and maximum standards are shown in Table 17C.230.130-1 .
O, OR, NR, NMU, CB, GC, Industrial		
((CC1, CC2, CC3 [2])	Nonresidential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area. Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.
	Residential	Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit plus one per bedroom after 3 bedrooms. Maximum ratio is the same as for nonresidential uses.

CC4 [2]	Nonresidential	<p>Minimum ratio is 2 stalls per 1,000 gross square feet of floor area.</p> <p>Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.</p>
	Residential	<p>Minimum ratio is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less.</p> <p>Maximum ratio is the same as for nonresidential uses.)</p>
<u>CC1, CC2, CC3, CC4 [2]</u>	<u>Nonresidential</u>	<p><u>There is no minimum parking requirement.</u></p> <p><u>Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.</u></p>
	<u>Residential</u>	<p><u>There is no minimum parking requirement.</u></p> <p><u>Maximum ratio is 4 stalls per 1,000 gross square feet of floor area.</u></p>
Downtown [2]	((All Land Uses)) <u>Nonresidential</u>	<p>((See the Downtown Parking Requirement Map 17C.230-M1 to determine if parking is required.</p> <p>-</p> <p>Minimum ratio for areas shown on the map that require parking is 1 stall per 1,000 gross square feet of floor area or a minimum of 1 stall per dwelling unit, whichever is less.)</p> <p><u>There is no minimum parking requirement.</u></p> <p>Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.</p>
	<u>Residential</u>	<p><u>There is no minimum parking requirement.</u></p> <p><u>Maximum ratio is 3 stalls per 1,000 gross square feet of floor area.</u></p>
FBC [2]	All Land Uses	See SMC 17C.123.040 , Hamilton Form Based Code for off-street parking requirements.
Overlay	All Land Uses	No off-street parking is required. See the No Off-Street Parking Required

	Overlay Zone Map 17C.230-M2 and No Off-Street Parking Required Overlay Zone Map 17C.230-M3.
<p>[1] Standards in a plan district or overlay zone may supersede the standards of this table.</p> <p>[2] See exceptions in SMC 17C.230.130, CC and Downtown Zone Parking Exceptions.</p>	

Section 14. That SMC Section 17C.230.130 is amended to read as follows:

Section 17C.230.130 Parking Exceptions

- A. In ~~((center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement))~~ all Center and Corridor zones, all Downtown zones, and all Form-Based Code no parking is required.
- B. In the ~~((neighborhood retail))~~ Neighborhood Retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area – i.e., a four thousand square foot building size minus the three thousand square foot exemption.
- C. The Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the form of the proposed use.
- D. If property owners and businesses establish a parking management area program with shared parking agreements, the Planning Director may reduce or waive parking requirements.
- E. Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when

remodeling which increases the amount of required parking occurs within the existing structure.

F. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.
2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.

G. Parking is not required for residential development on sites located within one-half mile of a transit stop.

TABLE 17C.230.130-1 PARKING SPACES BY USE [1] (Refer to Table 17C.230.120-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		1 per 4 residents	None
<u>Residential Household Living within one-half mile of a transit stop</u>		<u>None</u>	<u>None</u>
<u>Residential Household Living outside of one-half mile of a transit stop [2] [3]</u>		((1 per unit plus 1 per bedroom after 3 bedrooms [3]; Accessory Dwelling Unit (ADU)—see Note [4]; Single Resident	None

		<p>Occupancy (SRO) are exempt))</p> <p><u>On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.</u></p> <p><u>On lots 6,000 square feet or larger, each unit with 3 or fewer bedrooms shall provide one parking space per unit and each unit with 4 or more bedrooms shall provide a minimum of two parking spaces per unit.</u></p>	
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COMMERCIAL CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Office	General Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Medical/Dental Office	1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area

Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	1 per 330 sq. ft. of floor area	1 per 200 sq. ft. of floor area
	Restaurants and Bars	1 per 250 sq. ft. of floor area	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys	1 per 330 sq. ft. of floor area	1 per 180 sq. ft. of floor area
	Temporary Lodging	1 per rentable room; for associated uses such as Restaurants, see above	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Mini-storage Facilities		Same as Warehouse and Freight Movement	Same as Warehouse and Freight Movement
Vehicle Repair		1 per 750 sq. ft. of floor area	1 per 200 sq. ft. of floor area

INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Industrial Services, Railroad Yards, Wholesale Sales		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Manufacturing and Production		1 per 1,000 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Daycare		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Medical Centers		1 per 500 sq. ft. of floor area	1 per 200 sq. ft. of floor area
Parks and Open Areas		Per CU review for active areas	Per CU review for active areas

Religious Institutions		1 per 100 sq. ft. of main assembly area or per CU review	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	1 per classroom	2.5 per classroom
	High School	7 per classroom	10.5 per classroom

OTHER CATEGORIES

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None

[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.

~~(([2] Parking is not required for residential development on sites located within one-half mile of a transit stop.))~~

[2] For purposes of calculating parking, an Accessory Dwelling Unit shall count as a full dwelling unit. Studio and one-bedroom ADUs require no additional parking.

~~(([3] For middle housing developed in the R1 and R2 zones, the following standards apply:~~

- ~~• On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.~~
- ~~• On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.))~~

[3] Single Room Occupancy housing is exempted from parking requirements.
((([4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).))

Section 15. That SMC Section 17C.300.130 is amended to read as follows:

Section 17C.300.130 Development Standards

A. Development Standards – Requirements for All Accessory Dwelling Units.

All accessory dwelling units must meet the following:

1. Creation.

An accessory dwelling unit may only be created through the following methods:

- a. Converting existing living area, attic, basement or garage.
- b. Adding floor area.
- c. Constructing a detached accessory dwelling unit on a site with an existing residential use.
- d. Constructing a residential use with an internal or detached accessory dwelling unit.
- e. In the R1, R2, RMF, or RHD zone, constructing an attached or detached accessory dwelling unit on a site with any existing or new principal structure (including non-residential uses or structures). Any structure shall comply with all applicable building, fire, and engineering standards.

2. Number of Residents.

The total number of individuals that reside in all units on the site may not exceed any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building or fire code, as provided in RCW 35.21.682.

3. Location of Entrances for Internal ADUs.

Only one entrance may be located on the facade of the structure facing the street, unless the principal structure contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

4. Parking.

- a. Studio and one-bedroom ADUs require no additional parking. ~~((One additional off-street parking space is required for the accessory~~

~~dwelling unit with more than one bedroom, plus one per bedroom after two bedrooms. Existing required parking for the principal structure must be maintained.))~~

~~((b. As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696.))~~

b. Parking for Accessory Dwelling Units is provided in Table 17C.230.130-1 under Residential Household Living. For purposes of determining required parking, an Accessory Dwelling Unit is a full dwelling unit.

B. Additional Development Standards for Detached ADUs.

1. Setbacks.

Except for conversion of existing accessory structures, the accessory dwelling unit must be:

a. as specified for setbacks in [Table 17C.111.205-2](#) for accessory structures and

2. Height.

The maximum height allowed for a detached accessory dwelling unit is provided in [Table 17C.111.205-2](#).

3. Bulk Limitation.

The building coverage for the detached accessory dwelling unit may not be larger than the building coverage of the principal structure.

a. On lots five thousand five hundred square feet or larger, the combined building coverage of all detached accessory structures may not exceed fifteen percent of the total area of the site.

b. On lots smaller than five thousand five hundred square feet, the combined building coverage of all detached accessory structures may not exceed twenty percent of the total area of the site.

4. Conversion of Existing Detached Accessory Structures.

a. Conversion of an existing detached accessory structure that is in a front building setback required by [Table 17C.111.205-2](#) is not allowed. Conversion of an existing detached accessory structure that is in a rear or side building setback is allowed as provided

by [SMC 17C.111.235](#), Setbacks, and [SMC 17C.111.240](#), Accessory Structures.

- b. If the accessory dwelling unit is proposed for an existing detached accessory structure that meets any of the standards of subsections (B)(2) and (3) of this section, alterations that will move the structure out of conformance with the standards that are met are not allowed.
- c. If the accessory dwelling unit is proposed as a conversion of an existing detached accessory structure or a portion of the building, and any floor area is added to the existing detached accessory structure to accommodate an ADU, then the entire structure must meet the underlying zoning development standards.

C. Utilities and Addressing.

The ADU must utilize those municipal utilities and address established for the principal dwelling unit.

D. Code Compliance.

The ADU must meet all technical code standards of this title including building, electrical, fire, and plumbing code requirements and permits.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

1. Strike the entire preamble and substitute the following recitals in their place:

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 City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the FEIS; 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, on January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition; and

WHEREAS, in order to facilitate the envisioned future development in the Plan, the adopted Final South Logan TOD Plan assumed interim Center and Corridor development regulations would be made permanent; and

WHEREAS, City Council adopted interim development regulations under ORDINANCE NO. C36232 on July 18, 2022, including Section 17C.400.040 Pilot Center and Corridors Development Standards; and

WHEREAS, City Council extended the interim Center and Corridor development regulations under Section 17C.400.040 on November 20, 2023; and

WHEREAS, the interim Center and Corridor development regulations under Section 17C.400.040 expired on June 28, 2024; and

WHEREAS, an ongoing Center and Corridor Study further informed proposed adjustments to the Center and Corridor development regulations to support increase feasibility of transit-supportive and pedestrian-oriented development; and

WHEREAS, for regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments affect citywide development regulations; and

WHEREAS, on April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations; and

WHEREAS, the Spokane Plan Commission held public workshops on the provisions in this ordinance on March 13, April 10, April 24, May 22, and June 12 of this year; and

WHEREAS, a SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024; and

WHEREAS, prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and

WHEREAS, on June 19, 2024, the Planning Department staff finalized their Staff Report to the Spokane Plan Commission recommending approval of the provisions of this ordinance; and

WHEREAS, on June 26, 2024, the Spokane Plan Commission held a public hearing on the provisions of this ordinance and unanimously voted to recommend approval with conditions, as outlined in the Findings of Fact, Conclusions, and Recommendation signed June 28, 2024; and

WHEREAS, prior to adopting its Findings of Fact, Conclusions, and Recommendation on June 28, 2024, the Spokane Plan Commission considered, but did not adopt, a recommendation to abolish minimum parking requirements within commercial areas; and

WHEREAS, with due regard for the recommendation of the Spokane Plan Commission, the City Council finds that it is appropriate to abolish minimum parking requirements within commercial areas; and to make permanent the intended effect of Ordinance C36405, adopted July 17, 2023, by fully exempting all residential development from minimum parking requirements; and

WHEREAS, the City Council adopts the recitals set forth herein as its findings and conclusions in support of its adoption of this ordinance.

2. Strike the entirety of Section 14 of the ordinance and substitute the following in its place:

Section 14. That SMC Section 17C.230.130 is amended to read as follows:

Section 17C.230.130 Parking Exceptions

A. ~~((In center and corridor downtown, and FBC CA1, CA2, and CA3 zones any new building or building addition with a floor area less than three thousand square feet shall have no parking requirement))~~ Parking is not required for commercial or institutional uses.

~~((B. In the neighborhood retail zone, any existing building, new building, or building addition, having a floor area less than three thousand square feet shall have no parking requirement. In addition, if a building has a floor area of five thousand square feet or less, the parking requirement will be determined after deducting the three thousand square foot exemption from the building's floor area. For example, the parking requirement for a four thousand square foot building would be based on one thousand square feet of floor area — i.e., a four thousand square foot building size minus the three thousand square foot exemption.))~~

~~((C))~~ B. The Planning Director may approve ratios that are higher than the maximum or lower than the minimum if sufficient factual data is provided to indicate that a different amount is appropriate. The applicant assumes the burden of proof. Approval of parking above the maximum shall be conditioned upon increasing the amount of required landscaping by thirty percent. Approval of parking below the minimum shall be conditioned upon the project contributing towards a pedestrian and transit supportive environment both next to the immediate site and in the surrounding area. When determining if a different amount of parking is appropriate, the Director shall consider the proximity of the site to frequent transit service, the intensity of the zoning designation of the site and surrounding sites, and the form of the proposed use.

~~((D))~~ C. If property owners and businesses establish a parking management area program with shared parking agreements, the Planning Director may reduce or waive parking requirements.

~~((E))~~ D. Existing legal nonconforming buildings that do not have adequate parking to meet the standards of this section are not required to provide off-street parking when remodeling which increases the amount of required parking occurs within the existing structure.

~~((F))~~ E. Attached Housing.

The following exceptions apply only to attached housing (defined in SMC 17A.020.010) in the RMF and RHD zones. Distances are measured in a straight line between the zone/overlay boundary to the lot line of the site containing the development.

1. On a lot at least partially within one thousand three hundred twenty feet of CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is fifty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.
2. On a lot farther than one thousand three hundred twenty feet of a CC, CA, or DT zone or CC3 zoning overlay, the minimum number of off-street vehicle parking spaces required is thirty percent less than the minimum required for Residential Household Living in Table 17C.230.130-1.

~~(G)~~E. Parking is not required for residential development on sites located within one-half mile of a transit stop.

TABLE 17C.230.130-1 PARKING SPACES BY USE [1] (Refer to Table 17C.230.120-1 for Parking Space Standards by Zone) CU = Conditional Use			
RESIDENTIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Group Living		((1 per 4 residents)) None	None
Residential Household Living (([2]))		((1 per unit plus 1 per bedroom after 3 bedrooms [3]; Accessory Dwelling Unit (ADU) — see Note [4]; Single Resident Occupancy (SRO) are exempt)) None	None
COMMERCIAL CATEGORIES			

USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Adult Business		((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Commercial Outdoor Recreation		((20 per acre of site)) <u>None</u>	30 per acre of site
Commercial Parking		Not applicable	None
Drive-through Facility		Not applicable	None
Major Event Entertainment		((1 per 8 seats or per CU review)) <u>None</u>	1 per 5 seats or per CU review
Office	General Office	((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
	Medical/Dental Office	((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Quick Vehicle Servicing		((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Retail Sales and Service	Retail, Personal Service, Repair-oriented	((1 per 330 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
	Restaurants and Bars	((1 per 250 sq. ft. of floor area)) <u>None</u>	1 per 60 sq. ft. of floor area
	Health Clubs, Gyms, Lodges, Meeting	((1 per 330 sq. ft. of floor area)) <u>None</u>	1 per 180 sq. ft. of floor area

	Rooms and similar continuous entertainment, such as Arcades and Bowling Alleys		
	Temporary Lodging	((1 per rentable room; for associated uses such as Restaurants, see above)) <u>None</u>	1.5 per rentable room; for associated uses such as Restaurants, see above
	Theaters	((1 per 4 seats or 1 per 6 feet of bench area)) <u>None</u>	1 per 2.7 seats or 1 per 4 feet of bench area
	Retail sales and services of large items, such as appliances, furniture and equipment	((1 per 1,000 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Mini-storage Facilities		((Same as Warehouse and Freight Movement)) <u>None</u>	Same as Warehouse and Freight Movement
Vehicle Repair		((1 per 750 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
INDUSTRIAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING

Industrial Services, Railroad Yards, Wholesale Sales		((1 per 1,000 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Manufacturing and Production		((1 per 1,000 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Warehouse and Freight Movement		((1 per 1,000 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 3,500 sq. ft. of floor area thereafter)) <u>None</u>	1 per 200 sq. ft. of floor area
Waste-related		Per CU review	Per CU review
INSTITUTIONAL CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Basic Utilities		None	None
Colleges		((1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms)) <u>None</u>	1 per 200 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm room
Community Service		((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Daycare		((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area

Medical Centers		((1 per 500 sq. ft. of floor area)) <u>None</u>	1 per 200 sq. ft. of floor area
Parks and Open Areas		((Per CU review for active areas)) <u>None</u>	Per CU review for active areas
Religious Institutions		((1 per 100 sq. ft. of main assembly area or per CU review)) <u>None</u>	1 per 60 sq. ft. of main assembly area
Schools	Grade, Elementary, Junior High	((1 per classroom)) <u>None</u>	2.5 per classroom
	High School	((7 per classroom)) <u>None</u>	10.5 per classroom
OTHER CATEGORIES			
USE CATEGORIES	SPECIFIC USES	MINIMUM PARKING	MAXIMUM PARKING
Agriculture		None or per CU review	None or per CU review
Aviation and Surface Passenger Terminals		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Essential Public Facilities		Per CU review	Per CU review
Wireless Communication Facilities		None or per CU review	None or per CU review
Rail Lines and Utility Corridors		None	None
[1] The Planning Director may approve different amounts of parking spaces under the exceptions listed in SMC 17C.230.130.			

~~(([2] Parking is not required for residential development on sites located within one-half mile of a transit stop.))~~

~~(([3] For middle housing developed in the R1 and R2 zones, the following standards apply:~~

- ~~• On lots smaller than 6,000 square feet, only one parking space per unit is required regardless of bedroom count.~~
- ~~• On lots 6,000 square feet or larger, each unit with 4 or more bedrooms must provide a minimum of two parking spaces.))~~

~~(([3] Single Room Occupancy housing is exempted from parking requirements.))~~

~~(([4] Parking requirements for ADUs are provided in SMC 17C.300.130(A)(4).))~~

**CITY OF SPOKANE PLAN COMMISSION
FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS
REGARDING CENTER AND CORRIDOR AND RELATED CODE AMENDMENTS**

A recommendation of the City of Spokane Plan Commission to the City Council to approve amendments to the Spokane Municipal Code proposed Center and Corridor update text amendments. The proposal amends the Unified Development Code (UDC) Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repeals Sections 17C.122.080, 17C.122.100, 17C.122.110, and 17C.122T, and adopts new Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250 to implement the adopted South Logan Transit-Oriented Development Plan.

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 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.
- D. The City provided opportunities for meaningful public involvement and review in the South Logan TOD Plan and EIS process, including a community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments, resulting in the Preferred Alternative analyzed in the Final Environmental Impact Statement (FEIS).
- E. The *Final South Logan TOD Plan* and *Final Environmental Impact Statement (FEIS)* were published on November 30, 2023 for final consideration.
- F. On January 29, 2024 Spokane City Council adopted by resolution (RES 2024-0015) the Final South Logan TOD Plan and FEIS as a declaration of the subarea's desired future condition.
- G. City Council adopted interim development regulations under ORDINANCE NO. C36232 on July 18, 2022, including Section 17C.400.040 Pilot Center and Corridors Development Standards, that expired June 28, 2024. In order to facilitate the envisioned future development in the Plan, the adopted Final South Logan TOD Plan assumed interim Center and Corridor development regulations would be made permanent.

Findings of Fact, Conclusion, and Recommendation

- H. An ongoing Center and Corridor Study further informed proposed adjustments to the Center and Corridor development regulations to support increase feasibility of transit-supportive and pedestrian-oriented development.
- I. For regulatory consistency throughout Spokane and to ensure the benefits of increased feasibility, the amendments are proposed to affect citywide development regulations.
- J. The draft amendments relied on the 20-month planning process and extensive public engagement that occurred as part of the development of the South Logan TOD Plan. Outreach and public communication specifically about South Logan TOD Implementation began in February 2024 and included the following among others:
 - 1. Logan Neighborhood Council meeting presentation on February 13, 2024;
 - 2. Plan Commission Workshops on March 13, April 10, April 24, May 8, May 22, and June 12, 2024;
 - 3. Various community tabling events on March 19, April 9, and May 18, 2024;
 - 4. A virtual information session on April 30, 2024;
 - 5. Coffee Chat pop-up events on May 4, May 23, and June 1, 2024;
 - 6. Regular South Logan TOD newsletter and webpage updates, as well as City of Spokane newsletter and social media posts.
- K. Public comment, as well as agency and department comments, received prior to the June 26, 2024, Plan Commission public hearing were included in the staff report.
- L. On March 13, April 10, April 24, May 8, May 22, and June 12, 2024, the Spokane Plan Commission held workshops to discuss draft language, receive updates on public feedback as well as city department and agency comments, and review and evaluate with city staff alternatives to proposed text changes.
- M. On April 29, 2024, the Washington State Department of Commerce and appropriate state agencies were given the required 60-day notice of the City's intent to adopt updated development regulations pursuant to RCW 36.70A.106.
- N. On April 29, 2024, a Notice of Intent to Adopt and Request for SEPA agency comments was issued for the draft code pertaining to the proposed South Logan TOD Implementation text amendments. The comment period ended on May 13, 2024. No comments were received.
- O. The SEPA Determination of Nonsignificance and Checklist were issued by Planning Services on June 12, 2024. The comment period ended on June 26, 2024. No comments were received.

Findings of Fact, Conclusion, and Recommendation

- P. Prior to the Plan Commission public hearing, a legal notice was published in the *Spokesman-Review* on June 12 and June 19, 2024; and
- Q. The proposed text amendments were drafted and reviewed pursuant to the process established under RCW 36.70A.370 to ensure that the proposed changes will not result in unconstitutional takings of private property.
- R. Amendments to Title 17 are subject to review and recommendation by the Plan Commission.
- S. On June 26, 2024, the Spokane Plan Commission held a public hearing on the proposed text amendments, including the taking of verbal testimony, and closed the public record on that date.
- T. Public comment, as well as agency and department comments, received prior to the June 26, 2024 Plan Commission public hearing were included in the staff report.
- U. During deliberations held on June 26, 2024, the Plan Commission discussed the concerns expressed in public comments and testimony about public safety within the South Logan Subarea.
- V. Except as otherwise indicated in the above findings, the Spokane Plan Commission adopts the findings and analysis set forth in the staff report prepared for the proposal.
- W. The Spokane Plan Commission finds that the proposed text amendments meet the decision criteria established in SMC 17G.025.010(G).

CONCLUSIONS:

Based upon the draft text amendments, staff report and analysis (which is hereby incorporated into these findings, conclusions, and recommendations), SEPA review, agency and public comments received, and public testimony presented, the Spokane Plan Commission makes the following conclusions with respect to the text amendments to the Hamilton Form-Based Code:

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. The proposed text amendments will implement the adopted South Logan Transit-Oriented Development Plan.

Findings of Fact, Conclusion, and Recommendation

4. 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.
5. SEPA review was completed for the proposal, and pursuant to SEPA, any adverse environmental impacts associated with the proposed regulations will be mitigated by enforcement of the City's development regulations.
6. Plan Commission concludes that the intent of the including neighborhood councils to the list of entities that receive notice of applications was to give neighborhood councils standing and the ability to advocate for their neighborhood residents. As entities of standing, neighborhood councils should assume the responsibility of proactively communicated with their residents about pertinent all-city or neighborhood-specific development applications.
7. The Plan Commission finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, particularly the following adopted goals and policies:
 - a. Chapter 3: Land Use – Goal 1 – Citywide Land Use, Policy LU 1.4 Higher Intensity Residential Areas
 - b. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.1 Coordinated and Efficient Land Use
 - c. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy LU 3.2 Centers and Corridors
 - d. Chapter 3: Land Use – Goal 3 – Efficient Land Use, Policy 3.5 Mix of Uses in Centers
 - e. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.1 Land Use and Transportation
 - f. Chapter 3: Land Use – Goal 4 – Transportation, Policy LU 4.6 Transit-Supported Development
 - g. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.1 Built and Natural Environment
 - h. Chapter 3: Land Use – Goal 5 – Development Character, Policy LU 5.5 Complementary Development
 - i. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.4 Use of Existing Infrastructure
 - j. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.7 Socioeconomic Integration
 - k. Chapter 6: Housing – Goal H1 – Housing Choice and Diversity, Policy H 1.11 Access to Transportation

Findings of Fact, Conclusion, and Recommendation

- I. Chapter 8: Urban Design and Historic Presentation – Goal DP 1 – Price and Identity, Policy DP 1.2 New Development in Established Neighborhoods
 - m. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.2 Design Guidelines and Regulations
 - n. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.6 Building and Site Design
 - o. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.7 Historic District and Sub-Area Design Guidelines
 - p. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy DP 2.12 Infill Development
 - q. Chapter 8: Urban Design and Historic Preservation – Goal DP 2 – Urban Design, Policy 2.13 Parking Facilities Design
 - r. Chapter 11: Neighborhoods – Goal N 4 – Traffic Circulation, Policy N 4.7 Pedestrian Design
8. The Plan Commission recognizes the concerns expressed by community members about public safety within the South Logan Subarea. While the Plan Commission urges continued community collaboration with public safety and code enforcement officials, the body recognizes the positive impact that transit-oriented and pedestrian-oriented development can have on public safety within the built environment. Increased density and mix of uses made possible with amendments to the Center and Corridor zones, higher intensity residential zones, and height allowances, as well as street activation as called for in the Hamilton Form-Based Code, encourage more eyes on the street and have been found to have a positive effect on safety and walkability.

RECOMMENDATION:

In the matter of the ordinance pertaining to the Hamilton Form-Based Code, amending the Unified Development Code of the City of Spokane:

1. By a vote of seven to zero, the City of Spokane Plan Commission recommends to the Spokane City Council the **APPROVAL** of the proposed amendments to Sections 17C.122.070, 17C.122.090, 17C.230.120, 17C.230.130, and 17C.300.130, repeal of Sections 17C.122.080, 17C.122.100, 17C.122.110, and 17C.122T, and adoption of new Sections 17C.122.200, 17C.122.210, 17C.122.220, 17C.122.230, 17C.122.240, and 17C.122.250.
2. The City of Spokane Plan Commission authorizes the Plan Commission 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 proposed amendments.

Findings of Fact, Conclusion, and Recommendation

Greg Francis
Greg Francis (Jun 27, 2024 17:43 PDT)

Greg Francis, President
Spokane Plan Commission

Jun 27, 2024 enter a date.

PC Findings and Conclusions_ Center and Corridor

Final Audit Report

2024-06-28

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