

City of Spokane
City Council

TO: Council President Ben Stuckart
FROM: Brian McClatchey, Policy Advisor
DATE: January 3, 2017
RE: Legislative history of SMC 17C.124.220(E) (requirement for “wedding cake” building envelope adjacent to Riverfront Park)

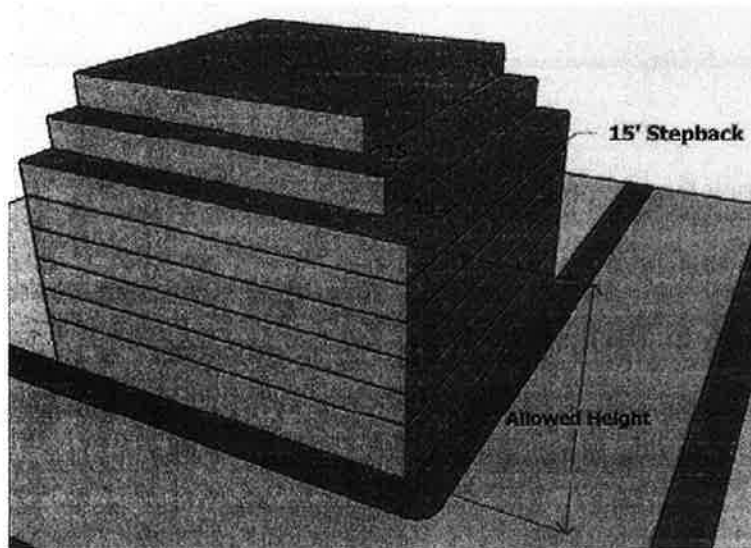
Issue:

You have asked me to provide the legislative history and background information on SMC 17C.124.220(E). This section provides that, in a small area directly across Spokane Falls Boulevard from Riverfront Park, buildings may be constructed with additional stories over 100 feet in height if each additional floor is stepped back (to the south and away from the Park) by 15 feet – the so-called “wedding cake” arrangement.

Discussion:

The specific text follows:

- E. Additional Height Within Specific Height Designation Areas.
Additional stories for structures where the maximum height is specified with a dash after the zoning map symbol (i.e. DTG-70).
 - 1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified.



2. In the DTC-100 zone [i.e., downtown core, maximum of 100 feet in height] one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard.

SMC 17C.124.220(E).

This section was codified as part of the downtown plan update in 2009 (specifically ordinance C-34522 (Dec. 14, 2009)). That ordinance was one of a number of ordinances which put the development regulations in place to implement the downtown plan.

In the lead-up to Council enactment of C-34522, the Plan Commission held workshops and hearings, and one document which was presented to them was the attached "building height and massing study" (Aug. 12, 2008).

The main conclusion, with respect to this code section, was the policy preference to maintain an open, light-filled, sunny edge of Riverfront Park. Having sunlight on one side of every street allows for a better public realm, because it allows for openness as well as the sense of enclosure that the shade provides.

The study included some shadow studies as well, showing that a building could be up to 75 feet high and not cast a shadow (in September) on the other side of a 100 foot right of way at any point during the day. As well, a building could be 55 feet high and not cast a shadow (again, in September) on the other side of an 80 foot right of way.

Spokane Falls Boulevard is approximately 100 feet wide. So, in order to avoid casting a shadow on the sidewalk on the north edge of Spokane Falls Boulevard in late summer/early fall (i.e., the end of the most active portion of the use of the Park), the buildings on the opposite side of the street should only be 75 feet high. However, out of

concern that this would both be too great a hindrance on development and would also not fit with the existing building scale, that number was raised to 100 feet. This means that a 100 foot high building directly across from Riverfront Park will cast shadows over the sidewalk but not quite (for example) to the Carrousel.

Based on the height and massing study, the decision was made to allow even greater height, if additional floors are stepped back from the Park by 15 feet per additional floor. Note that those floors would only have to be stepped back along Spokane Falls, and not (in the case of a hypothetical building at the corner of Spokane Falls and Washington) on the Washington Street side.

Council held final reading for ordinance C-34522 on Monday, December 14, 2009. Several individuals signed in to testify on the ordinance, and those testifying in favor included representatives from DSP (5 individuals, including Andrew Rowles), the Design Review Board, and the Plan Commission. In fact, the only issue with this ordinance appeared to be the provision which would require that new standalone commercial parking lots within the downtown core be contained within parking structures. Council Member French (Apple seconded) moved to strike that provision, which failed by a vote of 4-3 (Council President Shogan and Members Corker, Rush, and Snyder voted 'no' on the motion to amend). On that basis, the ordinance passed by a vote of 4-3 (French, McLaughlin and Apple voting 'no').

As stated previously, these regulations passed in late 2009 by the Council were intended to implement the downtown plan. Page 81 of that document (chapter 4 – also attached) notes

Access to Views and Sunlight

Significant existing views of historic landmarks from public rights-of-way can be preserved through sensitive site and building design, building orientation, stepbacks, and/or building height limits on blocks adjacent to landmark and contributing buildings. The Spokane community expressed a strong desire to maintain maximum exposure to sunlight in significant public open spaces, such as Riverfront Park, by promoting buildings designed to reduce shadows.

Downtown Spokane Plan, Chapter 4 – Strategic Framework (emphasis added).

There are six “urban form” (or “built form”) objectives to the Downtown Spokane Plan: urban density, active streetscapes, preservation/restoration/reuse, complementary infill, access to views and sunlight, and green infrastructure. The intentions of these built form objectives, “developed during the public planning process, are to preserve and enhance Downtown Spokane’s distinctive environment and history; to foster a sense of identity in Downtown; and to create an exciting, pedestrian-friendly environment.” Downtown Spokane Plan, at 80.



January 26, 2017

Spokane City Council
Attn: Ben Stuckart, Council President
808 W. Spokane Falls Boulevard
Spokane, WA 99201

RE: Spokane Falls Boulevard Height Restrictions

Dear Mr. Stuckart,

Goodale and Barbieri Company has provided professional real estate services in the Pacific Northwest for nearly 80 years. Our extensive experience has positioned us to provide expert advice in commercial and residential real estate development.

We are deeply concerned that current height restrictions along Spokane Falls Boulevard are hindering development and creating unintended consequences for residential housing and commercial development.

Zoning within the City of Spokane is intentionally written and interpreted to prevent uncontrollable outward growth. Since there are restrictions on how far outward development can reach, it is common sense that we are able to build upward in the Downtown Core where that type of building is commonplace.

Building height restrictions cause underinvestment in land improvement. The intensity of land use on Spokane Falls Boulevard for newly zoned and constructed buildings is lower than that of existing downtown buildings. Consequently, lower valued land uses in highly valued Downtown Cores result in a loss of property tax bases. Further, there are numerous examples in the United States where building height restrictions lead to expanded growth outward and have overextended municipalities resulting in problems with governance, proper allocation of resources, and dilapidated improvements.

High densities boost ridership of mass transit. As large developments are encouraged farther and farther away from the City Core, motorization is encouraged. Alternatively, mass transit is discouraged. With the type of investment our community has made into the Spokane Transit Authority, it behooves us to ensure that our zoning codes reflect that commitment as well.

A downtown high-rise including uses such as office, retail or residential with complementary parking would facilitate employment opportunities, enhance retail demand and support entertainment venues, to name a few.

More importantly it can help give the City of Spokane a sense of place. It can often enhance the city's pride in its community. When traveling to Seattle, Portland and San Francisco, it is clear the city's economic impact for high-rise buildings is imperative for future growth. The height restriction has already led to a loss of a sizeable development along Spokane Falls Boulevard.

Considering the scarcity of land available in Downtown Spokane and the information above, we request the Spokane Falls Boulevard Height Restrictions be removed to promote growth and developability of Downtown Spokane.

Respectfully,

A handwritten signature in cursive script, appearing to read "David Peterson".

David Peterson
EVP and COO
Goodale & Barbieri Company

Dp/crm

Cc: Andrew Rolwes

January 30, 2017

To: Honorable Ben Stuckart, Council President, Spokane City Council

CC: Mr. Mark Richard, Downtown Spokane Partnership

Mr. David Peterson, Goodale & Barbieri

Subject: Spokane Falls Blvd Height Restriction

Dear Council President Stuckart,

On behalf of the Downtown Spokane Partnership, we request your consideration of the removal of existing height restrictions along Spokane Falls Blvd. Per SMC 17C.124.220, Downtown Height and Massing:

"1. One additional story is allowed for every fifteen feet of upper story structure stepback from a street lot line, up to the maximum number of stories allowed in the zone without a maximum height specified."

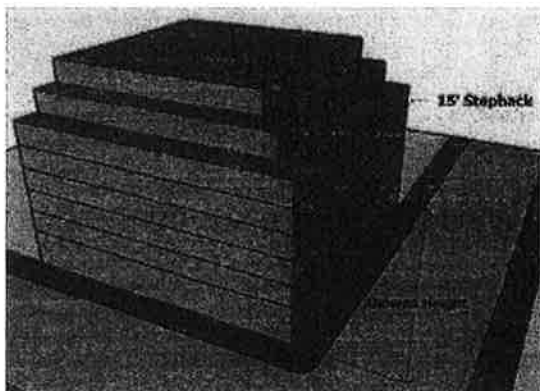


Figure 1: Stepback illustration

"2. In the DTC-100 zone one additional story is allowed for every fifteen feet of upper story structure stepback from Spokane Falls Boulevard. There is no upper story structure stepback required from street lot lines that are not adjacent to Spokane Falls Boulevard after the first fifteen feet of upper story structure stepback from Spokane Falls Boulevard."

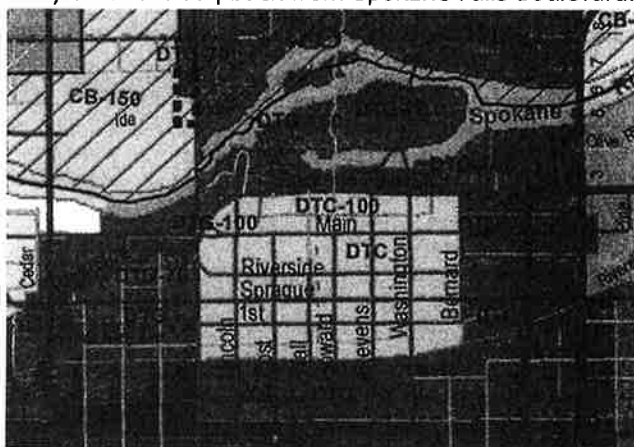


Figure 2: Current downtown zoning map

In our discussions with property owners and brokers along Spokane Falls Blvd, we learned that the height restriction and stepback requirement has already had the effect of precluding at least one development of the surface parking lots adjoining Stevens along Spokane Falls Blvd (see letter from Mr. David Peterson dated January 26, 2017, attached) . It also affects the Wheatland Bank Building, which is configured to add additional stories to the current four story building. With the Riverfront Park redevelopment effort now underway, these parcels will become that much more attractive to the mixed use development that the Downtown Plan foresees as a critical opportunity for these sites. However, the continued application of the height restriction unnecessarily precludes the height and density available at these parcels, and reduces their market value.

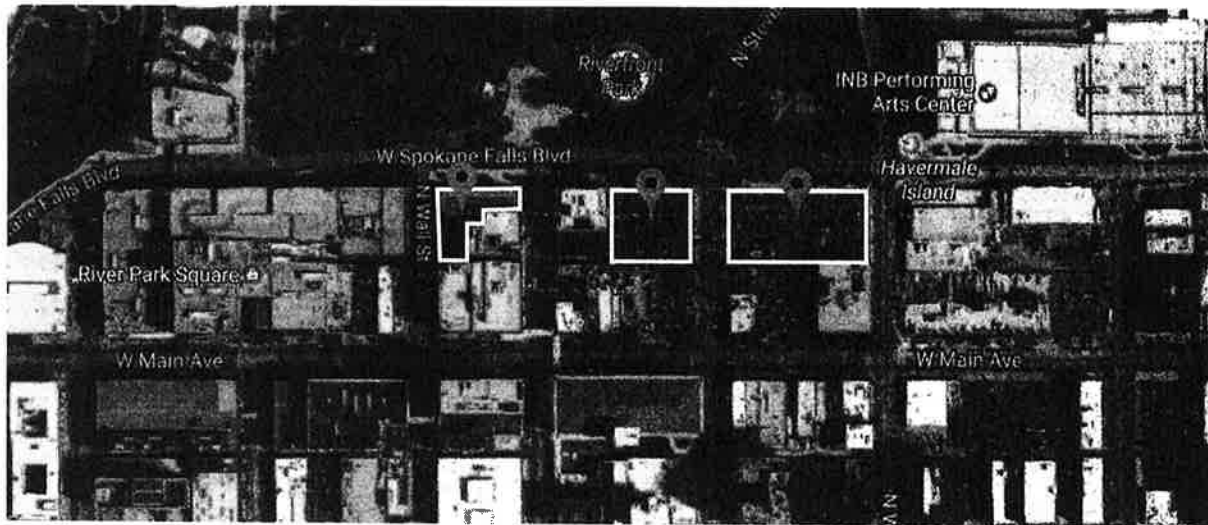


Figure 3: Parcels affected by the Spokane Falls Blvd height restriction and stepback requirement

We are conducting some additional research currently to determine shadowing impacts from 10+ story buildings along Spokane Falls Blvd and will provide that data as soon as it is ready.

The developable parcels on Spokane Falls Blvd are a crucial resource to downtown. Every effort to increase their market value (which completion of the Park will do in a major way) will serve the interests of downtown by fostering the next phase of compact, walkable, urban development, and the City by adding depth to its tax base. We believe that removing a factor which tends to hold back this potential is a relatively easy lift which we are very happy to support. Thank you for your consideration, and please contact me if you have any questions or concerns regarding this proposal.

Sincerely,

Andrew Rolwes
Downtown Spokane Partnership
Public Policy and Parking Manager
arolwes@downtownspokane.net
509-456-0580



January 26, 2017

Spokane City Council
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