



PLANNING & DEVELOPMENT
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201-3329
509.625.6300
FAX 509.625.6013
Spokaneplanning.org

April 18, 2013

Spokane Public Facilities District
Kevin Twohig, CEO
720 West Mallon Avenue
Spokane, WA 99201

Re: Convention Center Completion Project – **Revised Decision**

Planning Application File Number Z1300003-SSDP

Dear Mr. Twohig,

In accordance with the provisions of the City of Spokane Shoreline Master Program as codified in the Spokane Municipal Code 17E.060, the Convention Center Completion Project is hereby granted an administrative Shoreline Substantial Development Permit, subject to conditions, for the expansion of the Spokane Convention Center to the north by adding 90,000 square feet of meeting, exhibit and ancillary space, and reconfigure the landscape between the addition and the south edge of the Centennial Trail (includes former Shenanigans' property), that are substantially in conformance with this decision and the application on file in the Planning and Development Services Department.

The Planning and Development Services Department is issuing a Revised Decision based on the Request for Reconsideration filed by the Spokane Public Facilities District on April 11, 2013. Condition #23 in the original decision was removed based upon the fact that Condition #29 (now #28) requires that the applicant demonstrates compliance with SMC Section 17E.060.820 Standards and Guidelines Specific to the Downtown District, specifically A. Shoreline Relationships – Human Activity and B. Streets, Sidewalks, and Trails – Pedestrian Pathways.

This Revised Shoreline Substantial Development Permit shall be forwarded to the Department of Ecology on **May 3, 2013**, unless an appeal to the City of Spokane Hearing Examiner occurs before this date. Upon the date of filing with the Department of Ecology, a 21-day appeal period follows; appeals during this period are made to the Shorelines Hearings Board. In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted and authorization to conduct development activities shall terminate five years after the effective date of filing.

This is not a construction permit. Any permits required by the Building Services Department or other City/County departments for any construction must be obtained from the proper agency before proceeding with work. Any permits required by any other state or federal agencies for any construction must be obtained from the proper agency before proceeding with work.

Enclosed are the revised decision and a copy of the covenant that must be signed by the property owner(s) and **filed with the Spokane County Auditor's Office** in order to fulfill the requirements of the approval given for the Shoreline Substantial Development Permit application for the above property. A conformed copy of that agreement must be filed with this office prior to the issuance of building permits.

Please feel free to contact Tami Palmquist at (509) 625-6157, if you have any further questions related to this matter.

Scott Chesney, AICP
Director of Planning and Development

By Tami Palmquist, AICP, Associate Planner

**Revised Shoreline Substantial Development Permit
City of Spokane Planning File Number Z1300003-SSDP**

PLANNING DIRECTOR'S FINDING OF FACT, CONCLUSIONS AND DECISION

Date: April 18, 2013

Applicant: Spokane Public Facilities District

Summary of Proposed Action:

This is a Request for a Shoreline Substantial Development Permit for the completion of the Spokane Convention Center. The project would expand the existing Spokane Convention Center to the north by adding 90,000 square feet of meeting, exhibit and ancillary space, and reconfigure the landscape between the addition and the south edge of the Centennial Trail (includes former Shenanigans' property).

The project proposes the addition of a portal in the Division Street bridge railing to connect the sidewalk to the site. A stairway along the west side of the bridge abutment would allow direct access to the ground level, Centennial Trail and the shoreline. Additionally, the portal could provide access to a terrace across the north facade of the addition to allow access into the building as well as to the ground level. Such a terrace would also provide another viewpoint for the public.

The project would also involve improvements to the Centennial Trail, an existing recreational facility, and restoration of portions of the riverbank. The Centennial Trail may be reconfigured slightly, replaced in sections, and repaired as needed. The riverbank work would extend along the shoreline segment between (and under) the Division Street Bridge, and the wooden footbridge that connects the site and Centennial Trail with Riverfront Park. The intent of this project is to control erosion and access to the water by developing a bioengineered bank planted with native vegetation. The PFD is considering a low barrier along the north side of the Trail that would be developed as a sculptural element, or an "integrated art project." It is possible that basalt boulders would be placed at key points along the bank for stabilization and aesthetics. The exact final placement of these boulders has not yet been determined; however it is possible that one or more of the boulders may be placed such that a portion of the boulder would fall below the Ordinary High Water Mark. The existing concrete outfall may be used as a platform, coupled with landward structure, to support a cantilevered public viewing deck. No in-water piers or supports for such a platform are planned.

Shenanigan's Restaurant building will be removed to facilitate construction of the project. In this area, the remnant strip between the proposed building and the south edge of the Centennial Trail will be landscaped with native plant species, replacing the restaurant and asphalt parking lot between the restaurant and Division Street Bridge.

It will also be necessary to reroute the existing sewer line to shift it from the proposed building footprint. The line will connect between two existing manholes on the site and will not expand capacity. It is expected that the line would be routed through the former Shenanigan's parking lot and building footprint, along which there is no vegetation.

The Spokane Convention Center completion project concept plan also proposed a place along the riverbank at which to put in and take out small watercraft such as canoes and kayaks.

Location:

The Spokane Convention Center is located on the south bank of the Spokane River between Division Street, Spokane Falls Boulevard and Washington Street. The site address is 334 West Spokane Falls Boulevard, Spokane, WA 99201.

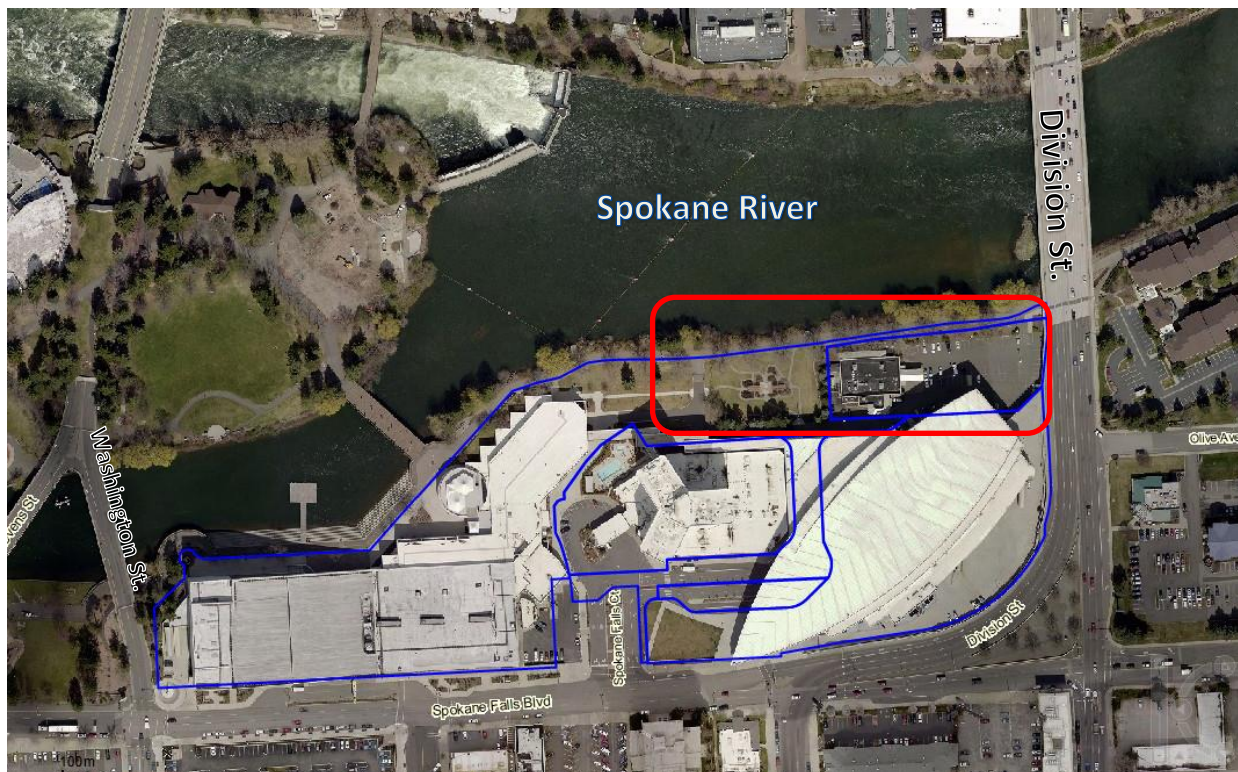


Figure 1: 2012 Aerial View. Red box indicates location of proposed expansion.

Legal Description:

This site is currently made up of multiple tax parcels, including 35184.0082, 35184.0002, 35184.3001, 35184.3003, 35184.0407, 35185.0041, 35184.0093, 35184.3002 and 35184.3004. The properties are located in Section 18 Township 25 Range 43E. A full legal description of the subject properties are available in the Planning and Development Services Department, located on the 3rd Floor of City Hall, 808 West Spokane Falls Blvd., Spokane, WA 99201-3329.

Existing Conditions:

The site is bounded on the south and west by the Spokane Convention Center Campus buildings, and Double Tree Hotel; on the north by the Centennial Trail; and the east by the concrete abutment of the Division Street Bridge.

The flat site consists of asphalt parking lots and driveways, concrete walkways, the existing 9,824 square foot Shenanigan's restaurant, the East West Arbor, and associated landscaping. Approximately 91,872 square feet of the 150,050 square foot area consists of impervious surfaces. Asphalt parking lots and driveways comprise the majority of this area with 72,855 square feet.

Hard edges of the site are formed by the walls of the Convention Center West Buildings, Double Tree Hotel, the Convention Center Exhibit Hall (to which the project would be added) and elevated pedestrian walkway that connects the three structures on the south side. The twenty-foot concrete abutment wall of the Division Street Bridge approach forms the eastern edge. The tree-lined Centennial Trail forms a soft north edge, with the bank of the Spokane River between the Trail and the water's edge. Along this stretch of the river, the Centennial Trail itself consists of an approximately 20' wide asphaltic concrete surface which has become cracked and heaved in places and is bordered by a series of small brass plaques placed in honor of individuals and families who have made donations to the Friends of the Centennial Trail.

The riverbank north of the Centennial Trail is vegetated with various trees including willows and pines with areas of blackberry thickets, with bare and eroded areas infested by weeds. A concrete abutment is near the west end of the site, and a concrete stormwater outfall, that drains the Convention Center roof, is near the center of the site. Areas along the bank are eroded from people approaching the water's edge.

The north edge (south bank of Spokane River) that is proposed for restoration is a man-made feature that consists of the filled bed of a former railroad grade that was placed in the early 1900's. Since the entire site housed railroad main lines, spurs, and warehouses, native vegetation has been removed, and potential for and actual soil contamination have been documented.

FINDINGS OF FACT

1. Jim Kolva, on behalf of the Spokane Public Facilities District, applied for an Administrative Shoreline Substantial Development Permit, Z1300003-SSDP for the completion of the Spokane Convention Center on January 10, 2013.
2. The subject property is located adjacent to the Spokane River. The Spokane River is designated by the Shoreline Management Act as a shoreline of statewide significance and therefore subject to the requirements of the City of Spokane Shoreline Master Program. The City of Spokane Shoreline Master Program designates this area as Urban Intensive Environment with a 50-foot buffer from the Spokane River.
3. The subject property is located in the Land Use Categories of *Conservation Open Space*, *Open Space*, *Institutional* and *Downtown* according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended.
4. The subject property is located in the base zone DTG and DTG-100 (Downtown General and Downtown General with a 100 foot height limitation) Zone. The use as a Convention Center, with exhibition and meeting areas, is categorized as Major Event Entertainment in the Commercial Category under SMC 17C.190.240. Major Event Entertainment uses are allowed outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses. The Centennial Trail is categorized as Parks and Open Space, which is allowed outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses.
5. In the City of Spokane, Shoreline Master Program SMC 17E.060.360 Primary Permitted Uses, Convention Centers are listed as an example of a Water-Enjoyment Use. Water-Enjoyment Commercial Uses are "P" Permitted Uses in the Urban Intensive Environment per SMC Table 17E.060-04, Shoreline Primary Uses. Pursuant to SMC 17E.060.290 and

SMC 17E.060.300 a shoreline substantial development permit is required for this development.

6. This site is located within the SMP Downtown Design District and subject to the design standards as described in SMC Section 17E.060.810 Standards and Guidelines Specific to the Downtown, Campus, and Great Gorge Districts and SMC Section 17E.060.820 Standards and Guidelines Specific to the Downtown District.
7. The subject property is located within the Riparian Habitat Zone 2 as designated in Spokane Municipal Code Chapter 17E.020, Fish and Wildlife Conservation Areas. The subject property is also located within a designated Riparian Habitat Area (250-feet from OHWM). A City of Spokane, Critical Area's Checklist was completed by the applicant on January 9, 2013.
8. A portion of the project, specifically the Centennial Trail and proposed shoreline restoration area, is located within the 100 Year FEMA Flood Zone.
9. This project is subject to review and comment by City of Spokane Design Review Board. A Collaborative Workshop with the Design Review Board was held on November 14, 2012. The DRB recommended that the applicant incorporate the Planning Department recommendations provided in the Staff Report dated November 6, 2012, as follows:

To address the Downtown Design Guidelines and the goal of fitting within the larger context of downtown, staff would offer the following for consideration and discussion:

- a. *Way finding and safe/attractive/convenient pedestrian connections to destinations such as Main Avenue and the Downtown Core will further enhance the Convention Center as a well located destination connected to a variety of experiences (natural river environment, shopping districts, and campuses).*

To address the shoreline design guidelines, staff would offer the following suggestions for consideration and discussion:

- b. *Explore the feasibility of a green roof and/or trees along the upper terrace to help integrate the shoreline and the building. See 17E.060.820 D.1. Character related to the setting.*
 - c. *Design the structure to create opportunities that will promote activity throughout the day and into the evening to help ensure natural surveillance of the shoreline and increase public safety. For example, providing opportunities for uses such as small retail, outdoor café seating, and offices would be consistent with the shoreline design standards. See 17E.060.820 A. Shoreline Relationships – Human Activity and D. Building Design 3. Ground Floor Animation.*
10. A Determination of Non-Significance (DNS) was issued on January 16, 2013; Lead Agency, Spokane Public Facilities District. Kevin J. Twohig, CEO, Responsible Official.
 11. Extensive reports and studies have been prepared for this project. All documents are listed and available on the Spokane Public Facilities website at <http://www.spokanepfd.org/completion/documents.php>.
 - Spokane Convention Center Completion Study. Design Concept Report. LMN Architects & ALSC Architects. 2/22/2011.
 - Geotechnical and Environmental Documentation Convention Center Expansion 2002-2006 including (includes some 25 documents related to work on the site in conjunction with PFD projects)

- Phase I and Limited Phase II Environmental Site Assessment Proposed Convention Center Expansion Option 2 Site. GeoEngineers. 9/26/2002.
 - Draft Environmental Impact Statement for Spokane Convention Center Expansion, Spokane, Washington. For Spokane Public Facilities District. Jim Kolva Associates. 1/31/2003.
 - Supplemental Information – Spokane Convention Center Expansion EIS. The Transpo Group (William White). 3/25/2003.
 - Final Environmental Impact Statement for Spokane Convention Center Expansion, Spokane, Washington. For Spokane Public Facilities District. Jim Kolva Associates. 3/27/2003.
 - Cleanup Action Report Spokane Convention Center Expansion. GeoEngineers. 8/11/2006.
 - Revised Corrective Action Plan Proposed Spokane Convention Center Completion Project for Spokane Public Facilities District. GeoEngineers 1/8/2013.
 - Convention Center Phase II Expansion, Trip Generation Confirmation Letter and Impact Fee Estimate. ITS (William White). 1/9/2013.
 - Biology Soil & Water. Habitat Report for the Spokane Public Facilities District Spokane River Shoreline Division Street Bridge to the Opera House. 11/2/2012.
12. The application materials pertaining to the Shoreline Substantial Development Permit were distributed to City Departments and other agencies with jurisdiction for comment on January 18, 2013. These comments are on record with the Planning Services Department.
 13. This application was deemed technically complete on February 5, 2013. Notice of Application was provided to the applicant by email on February 5, 2013.
 14. Notice of the Shoreline Substantial Development Permit application was posted on Spokane Falls Boulevard, along the Centennial Trail, at the downtown library and City Hall on February 15, 2013. Notices were also mailed to surrounding property owners, taxpayers and occupants within 400 feet of the subject property, as specified on the Notification District Map. The Riverside, Logan and East Central Neighborhood Councils were also notified.
 15. The public comment period for this shoreline substantial development permit was from February 15, 2013 to March 18, 2013. One letter of public comment was received on this project. The letter was in general support of the proposed project but stated concerns with possibly limiting existing recreational uses of the river, the employment of LID techniques, how the ground floor of the proposed structure will interact with the natural environment, stormwater discharge and compliance with the clean-up orders under the Model Toxics Control Act (MTCA). This letter is on file with Planning Services.

CONCLUSIONS AND DECISION CRITERIA

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

SMC Chapter 17G.060.170

The intent of the shoreline substantial development permit procedure is to determine the conditions under which a use may be permitted. These permits are subject to specific review during which conditions may be imposed to assure compatibility of the use with other uses permitted in the surrounding area. A shoreline substantial development permit may be granted only if the following facts and conditions are found to exist:

1. *The proposal is allowed under the provisions of the land use codes;*

Relevant Facts

The subject property is located in the base zone DTG and DTG-100 (Downtown General and Downtown General with a 100 foot height limitation) Zone. The use as a Convention Center, with exhibition and meeting areas, is categorized as Major Event Entertainment in the Commercial Category under SMC 17C.190.240. Major Event Entertainment uses are allowed outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses. The Centennial Trail is categorized as Parks and Open Space, which is allowed outright in the Downtown zones under Spokane Municipal Code (SMC) Table 17C.124-1, Downtown Zone Primary Uses.

In the City of Spokane, Shoreline Master Program SMC 17E.060.360 Primary Permitted Uses, Convention Centers are listed as an example of a Water-Enjoyment Use. Water-Enjoyment Commercial Uses are "P" Permitted Uses in the Urban Intensive Environment per SMC Table 17E.060-04, Shoreline Primary Uses.

The Shoreline Master Program SMC 17E.060.450 Shoreline Habitat and Natural Systems Enhancements Projects, describes projects in which *"those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing wildlife and fisheries habitat in shorelines. Projects may include shoreline modifications such as re-vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline."* SMC Table 17E.060-3 Shoreline Modification states that Shoreline Habitat and Natural Systems Enhancement Projects are "Permitted" in all shoreline environments.

As for the rerouting of the existing sewer line, maintenance of existing utilities or facilities is "P" Permitted Uses in the Urban Intensive Environment per SMC Table 17E.060-04, Shoreline Primary Uses. Section 17E.060.490 Capital Facilities and Utilities provide the guidelines for utility work within the shoreline.

The proposal of a non-motorized boat launch directly beneath the Division Street Bridge will require the need for a code amendment to take place prior to any approvals. Currently SMC Section 10.19.010 Swimming in River, states that *"No person may intentionally enter, swim, dive or float, with or without a boat, raft, craft or other flotation device, in or upon the water of the Spokane River at any point between the east line of the Division Street bridge and the west line of the Monroe Street bridge."* Since there has not been application or presentation of modified code language this aspect of the application is not approved at this time. If and when the code has been modified, and with the direct cooperation of Avista, a boat launch may be considered for approval at that time.

2. *The proposal is consistent with the Comprehensive Plan designation and goals, objectives and policies for the property;*

Relevant Facts:

The subject property is located in the Land Use Categories of *Conservation Open Space, Open Space, Institutional* and *Downtown* according to the City of Spokane's Comprehensive Plan, initially adopted by City Council on May 21, 2001 and subsequently amended. This proposal is consistent with the intent of several Comprehensive Plan Policies.

Regional Center (Downtown): Downtown Spokane is a thriving neighborhood with a diversity of activities and a mix of uses. A variety of goods and services are available. The range of activities includes cultural, governmental, hospitality, and residential uses. It serves as the primary economic and cultural center of the region. Emphasis is on providing new housing choices and neighborhood services for downtown residents, in addition to enhancing economic, cultural, and social opportunities for the city and region. The Plan for a New Downtown adopted by the City Council in March 1999 serves as the plan for the Downtown Planning Area.

Conservation Open Space: Conservation Open Space includes areas that are publicly owned, not developed, and designated to remain in a natural state. It is intended to protect areas with high scenic value, environmentally sensitive conditions, historic or cultural values, priority animal habitats, and/or passive recreational features. It is expected that improvements in these areas would be limited to those supporting preservation or some passive recreation activities, like soft trails and wildlife viewpoints.

Open Space: Open Space includes major publicly or privately owned open space areas, such as golf courses, major parks and open space areas, and cemeteries. These areas usually have facilities for active and passive recreation and include paved and unpaved roads, parking lots, hard surface trails, and buildings and facilities that support activities occurring in the open space area.

LU 2.1 Public Realm Features - Encourage features that improve the appearance of development, paying attention to how projects function to encourage social interaction and relate to and enhance the surrounding urban and natural environment.

LU 5.4 Natural Features and Habitat Protection - Ensure development is accomplished in a manner that protects significant natural features and wildlife habitat.

PRS 2.3 Urban Open Space Amenities - Continue to develop urban open space amenities that enhance the local economy. Discussion: Urban open space amenities include trails, interpretive areas, plant materials, public squares, viewpoints and interpretive signage, and provide benefits to both residents and visitors.

SMP 4.1 Preservation of Natural Resources - Preserve and properly utilize the natural resources of the shorelines, including scenic vistas, aesthetics, vegetation, and vital estuarine areas for fisheries and wildlife protection.

SMP 5.4 Provisions for Shoreline Protection - Require that new development provide adequate provisions for the protection of water quality, erosion control, landscaping, aesthetic characteristics, drainage systems, aquatic and wildlife habitat, views, archaeological sites, and normal public use of the water.

SMP 5.8 Major Building Entrances - Encourage the inclusion of a major building entrance from the waterfront in public and private projects, so as to attract the public to the river and emphasize the building's river orientation.

SMP 7.5 Interpretive Signage - Encourage installation of new markers and/or interpretive signage reflecting the history and culture of the shorelines, as well as continued maintenance of existing historical and cultural markers throughout the shoreline area.

SMP 8.2 Access and Shoreline Ecological Functions - Assure that public access improvements result in no net loss of shoreline ecological functions.

SMP 8.3 Access in the Central Business District - Enhance public access to the river in the Central Business District shoreline area in the form of plazas, vistas, pedestrian ways, and promenades, or other means.

SMP 10.2 Native Plant Restoration - Maintain and restore native plant communities within the Shoreline Jurisdiction in order to:

- ♦ Ensure no net loss of ecological functions; and
- ♦ Improve impaired ecological functions.

SMP 10.3 Landscaping with Native Plants - Encourage the use of native plant communities for landscaping within the Shoreline Jurisdiction.

SMP 10.7 Ecological Connectivity - Require ecological viability and connectivity through habitat islands and corridors in restoration efforts that encompass fish and wildlife areas.

SMP 11.28 Use of Natural Materials - Encourage the use of natural materials rather than artificial materials in the construction of erosion controls.

SMP 11.35 Visual and Physical Access in Development - Ensure that shoreline development includes, when feasible, visual and physical public access to the shorelines, while avoiding, minimizing, or mitigating negative impacts to the shoreline.

3. *The proposal meets the concurrency requirements of SMC Chapter 17D.010;*

Relevant Facts: The application was circulated on January 18, 2013, amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved. This application will be subject to compliance with the various conditions of approval.

4. *If approval of a site plan is required, the property is suitable for the proposed use and a site plan considering the physical characteristics of the property including but not limited to size, shape, location, topography, soil, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features;*

Relevant Facts:

Comment was offered on this project by the Tribal Historic Preservation Officer of the Spokane Tribe of Indians on January 22, 2013. The Tribal Historic Preservation Officer provided additional comment on February 21, 2013 after an onsite meeting with Jim Kolva. As in all cases, if any artifacts or human remains are found upon excavation, the THPO office should be immediately notified and the work in the immediate area ceased.

Per the shoreline regulations, SMC Section 17E.060.200 Water Quality and Stormwater, stormwater management facilities shall be developed in such a manner that there is no net loss of shoreline ecological functions or a significant impact to aesthetic qualities or recreational opportunities. Low impact development (LID) techniques shall be employed throughout the various stages of development, including site assessment, planning and design, vegetation conservation, site preparation, retrofitting, and management techniques.

The project is required to meet the standards outlined in SMC Section 17E.060.810 Standards and Guidelines Specific to the Downtown, Campus, and Great Gorge Districts and SMC Section 17E.060.820 Standards and Guidelines Specific to the Downtown

District, specifically as these relate to stormwater management, LID, and the requirement for the use of impervious surfaces. Stormwater facilities shall be built to the standards in chapter 17D.060 SMC and other applicable city standards.

While it is known that contaminants exist on this site, it will be a requirement of the Applicant to work with the appropriate departments and agencies to demonstrate construction activities are in accordance with the Model Toxics Control Act (MTCA). It is noted in the Revised Corrective Action Plan, dated January 8, 2013, that stockpiling will occur during excavation. Generally, stockpiling is not an allowed use within the Shoreline Jurisdiction, however it is an associated construction activity limited to the development of this site. As part of the construction plan describe in more detail where these activities will take place on the site, maintaining their locations outside of the Shoreline Buffer.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of the neighboring property or the surrounding area, considering the design and intensity of the proposed use;*

Relevant Facts: This project has undergone review through the SEPA process. A Determination of Non-Significance was issued on January 16, 2013. The Lead Agency was the Spokane Public Facilities District, and Kevin J. Twohig, CEO, was the Responsible Official.

6. *The proposal is consistent with the map, goals and policies of the Shoreline Master Program;*

Relevant Facts:

This proposal is conceptually consistent with the map, goals and policies of the Shoreline Master Program. This site is located in the area designated by the Shoreline Master Program as Urban Intensive Environment and the Downtown Design District. The “intensive urban” environment is assigned to shoreline areas at the heart of the city that are appropriate and planned for a multiplicity of high-intensity water-oriented urban, residential, commercial, office, and industrial land uses. The density and intensity of uses within this environment are balanced with a mix of open space and recreational and cultural facilities.

In the City of Spokane, Shoreline Master Program SMC 17E.060.360 Primary Permitted Uses, Convention Centers are listed as an example of a Water-Enjoyment Use. Water-Enjoyment Commercial Uses are “P” Permitted Uses in the Urban Intensive Environment per SMC Table 17E.060-04, Shoreline Primary Uses.

As stated in SMC Section 17E.060.500 Commercial Development, all commercial uses shall provide public access pursuant to SMC 17E.060.280, Physical and Visual Public Access. At a maximum interval of three hundred feet of structure that is generally parallel to the river, there shall be a clear visual and pedestrian penetration at the ground level from a public street to the river corridor. The visual and pedestrian penetration shall not be less than thirty feet wide. Currently the site is conforming to these requirements.

The Shoreline Master Program SMC 17E.060.450 Shoreline Habitat and Natural Systems Enhancements Projects, describes projects in which “*those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing wildlife and fisheries habitat in shorelines. Projects may include shoreline modifications such as re-vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly*

restoration of the natural character and ecological functions of the shoreline.” SMC Table 17E.060-3 Shoreline Modification states that Shoreline Habitat and Natural Systems Enhancement Projects are "Permitted" in all shoreline environments. Although a Habitat Report was created for this project a Habitat Management Plan and Vegetation Replacement Plan are required to be reviewed and approved prior to any activity being permitted on the site.

The rerouting of the existing sewer line is considered maintenance of an existing utilities or facilities and is a “P” Permitted Use in the Urban Intensive Environment per SMC Table 17E.060-04, Shoreline Primary Uses. Section 17E.060.490 Capital Facilities and Utilities provide the guidelines for utility work within the shoreline.

Please refer to the Applicant’s Shoreline Application for additional clarification and detail.

7. *The proposal is consistent with chapter 90.58 RCW (Shoreline Management Act) and Chapter 173-27 WAC (permits for development on shorelines of the state);*

Relevant Facts: This proposal is consistent with 90.58 RCW the Shoreline Management Act. This proposal implements the Shoreline Management Act as enunciated in RCW 90.58.020. This proposal recognizes the interest of the public while enhancing the natural character of the shoreline, results in long term benefit, increases public access both visual and physical to the shoreline, and increases passive recreational opportunities for the public in the shoreline. The procedures of Chapter 173-27 of the WAC have been followed.

DECISION – Conditions of Approval

TO APPROVE the Shoreline Substantial Development Permit, subject to conditions, for the expansion of the Spokane Convention Center to the north by adding 90,000 square feet of meeting, exhibit and ancillary space, and reconfigure the landscape between the addition and the south edge of the Centennial Trail (includes former Shenanigans' property); substantially in conformance with the plans and application on file in the Planning and Development Services Department, and the following conditions of approval:

1. This Shoreline Substantial Development Permit is subject to the compliance of this proposal with all applicable codes and requirements including shoreline regulations, public access, building height, bulk, setbacks, and site coverage;
2. The site shall be developed in compliance with the plans on record and comments received on the project from City Departments and outside agencies with jurisdiction;
3. The contractor is required to have a Construction Stormwater Pollution Prevention Plan (SWPPP) in place prior to and during construction in order to prevent sediment laden stormwater run-off or other pollutants from entering the Spokane River;
4. The Applicant is required to work with the appropriate departments and agencies to demonstrate construction activities are in accordance with the Model Toxics Control Act (MTCA) as set forth in the Revised Corrective Action Plan, dated January 8, 2013.
5. A Habitat Report for the Spokane Public Facilities District Spokane River Shoreline Division Street Bridge to the Opera House, dated November 2, 2012 was submitted by the applicant. In accordance with SMC 17E.060.450 Shoreline Habitat and Natural

Systems Enhancement Projects the applicant shall provide documentation that the project addresses legitimate restoration needs and priorities and facilitates implementation of the City of Spokane shoreline restoration plan. A Habitat Management Plan and Vegetation Replacement Plan are required to be reviewed and approved prior to any activity being permitted on the site. Karin Divens, with the Washington Department of Fish and Wildlife, offered the following comment as it relates to the planting palette:

“Re-development of the Convention Center site provides a unique opportunity for the City to face the river and really showcase and urban riparian and near shore habitat restoration and improve current habitat condition. WDFW is also supportive of the proposal to provide additional river access for canoe and kayaks.

I read through the habitat assessment prepared by BSW. I would suggest that the City take a look at the final plant list for the YMCA site and see how the plant lists compare. WDFW provided technical assistance to the City on the development of an appropriate native plant list for the Y site, and there may be some additional species to consider.”

6. The proposal of a non-motorized boat launch directly beneath the Division Street Bridge will require the need for a code amendment to take place. Since there has not been application or presentation of modified code language this aspect of the application is not approved at this time. If and when the code has been modified, and with the direct cooperation of Avista, a boat launch may be considered for approval at that time.

Fire Department Comments and Conditions:

7. Fire hydrants shall be no farther than 500 feet from the Fire Department connections for the building (SMC 17F.080.310). Hydrant spacing shall not be more than 500 feet, within 500 feet of the property line for non-sprinklered buildings and 750 feet of the property line for fire sprinklered buildings (SMC 17F.080.030);
8. Fire hydrants are required to be along an acceptable path of travel within 600 feet for commercial buildings with fire sprinklers (IFC 507.5.1, exception 2). The access must be along an acceptable path of travel;
9. Site fire flow will be required to be maintained or provided during construction;
10. The proposal does not appear to meet the requirements of the Fire Code for fire access, as the access to the north side of the building is being eliminated. The Centennial Trail is a fire access lane, but appears to be too far from the north exposure of the addition to be used for that part of the building. Additional pathways may need to be provided. The fire lane is indicated to the west of the hotel, and needs to be maintained;
11. In addition, the Fire Department Connection (FDC) for the hotel is located on the north exposure of the building. Fire access needs to be maintained for that FDC;
12. Fire access will need further review as the project develops. Using the access road under the building is not an acceptable primary access due to the congestion and high risk of going under the building during an emergency event. In addition, it is not clear if fire apparatus could access the new drop-off location;
13. Fire Department access must be provided to within 150 feet of any point around the outside of a building (IFC 503.1.1). For fully sprinklered buildings, this is extended to 165 feet (IFC 503.1.1, exception 1). Dead-end roads longer than 150 feet need approved fire apparatus turn-arounds (IFC 503.2.5). Fire apparatus turning radius is 50 feet external, 28 feet internal (SMC 17F.080.030.D.3). Minimum height clearance is 13

feet-6 inches (IFC 503.2.1). Fire lanes will have a maximum slope of 10 percent (based on IFC 503.2.7);

14. Minimum width for fire access is 20 feet, unobstructed (IFC 503.2.1). Buildings exceeding 30 feet in height and will be required to have a Fire Aerial Access lane of 26 feet wide along at least one side of each building (IFC D105.2);
15. Fire access will be maintained during construction. The fire lanes will be maintained with an all-weather surface (IFC 1410.1). Note that grass block is not acceptable to the Spokane Fire Department due to concerns during winter and the weight of fire apparatus can create issues;

Avista Comments and Conditions:

16. Avista has a number of easements that it must ensure are protected and maintained in order for it to operate its electric distribution and generation facilities into the future. The SEPA checklist indicated that trail modifications and sewer line relocation are expected. It is imperative that the plans for the improvements identify the existing and relocated utilities, access to the utilities, and trail modifications in order to adequately determine impacts to our facilities. Additionally, it is critical that access to our facilities be maintained to accommodate construction equipment, including semi's with trailers and heavy equipment usage to properly maintain and operate our utilities as needed.
17. The conceptual site plan has a boat launching area under the Division Street Bridge. As you are aware, any water activity between the east end of the Division Street Bridge and the west end of the Monroe Street Bridge is prohibited under Section 10.19.010. This regulation is for the public safety; however we have previously offered to work with the PFD to integrate an access site in the area under the bridge if the local ordinance is revised. Avista, however continues to believe that the best river access site is located upstream of the bridge near the River Point Condominiums.

**Engineering Services - Developer Services Comments and Conditions:
(Must be addressed prior to any activity being permitted on site)**

18. There is discussion on relocating an existing 18-inch sanitary sewer that crosses near or under the proposed convention center expansion. Any relocation of this sewer shall not reduce its capacity unless authorized by the Director of Engineering Services. A new easement will also have to be established for the sewer if relocated;
19. It is noted in the DNS that all stormwater work will be in compliance with SMC 17D.060 Stormwater Facilities and City codes. The stormwater outfall to the Spokane River, serving the site, is a private outfall administered by the Washington State Department of Ecology. Any modifications to this outfall must comply with federal and state regulations and be approved by the agencies of jurisdiction;
20. Without having an overall site plan to review for proposed improvements for ingress and egress onto this property our concern especially for emergency and refuse vehicles and overall vehicular access is currently limited and this proposal would add additional limitations. Additional information would be required to meet the requirements for fire, refuse and truck access;
21. All vehicular access from the site to Spokane Falls Blvd. will be limited to exiting right turns only, no through movements will be allowed. If new access locations are proposed, a traffic operations analysis by a registered Washington professional engineer shall be performed to insure safe and efficient traffic operations;

22. Overall access on to the Centennial Trail for emergency vehicles will need to be addressed;
23. Access to the kayak take out under the Division St Bridge also needs additional information as to where the public would access this area or if proposed by foot traffic only. Public education will be a key component to this amenity for signing, access, and safety. We agree with AVISTA's recommendation that a dedicated parking area within this facility or an alternative be provided for boaters to access this site to unload their boats and equipment;
24. During building permit review for site construction, specific design features will be reviewed for conformance with current City regulations, such as barrier free routes of travel, standard parking including barrier free spaces, necessary storm- water drainage, and possible traffic operational impacts, if any;
25. Maintain clear view at intersections and driveways. Signage shall comply with standards and trees or other plantings shall not obscure them;
26. Roadways shall be constructed and otherwise comply with SMC Section 17H.010.030 Street Layout Design;

Additional Conditions:

27. This project is subject to review and comment by City of Spokane Design Review Board. A Collaborative Workshop with the Design Review Board was held on November 14, 2012. Prior to issuance of a building permit, a recommendation meeting with the Design Review Board will be required;
28. Prior to the issuances of building permits the Applicant will demonstrate that the project is in compliance with Section 17E.060.820 Standards and Guidelines Specific to the Downtown District;
29. A Floodplain Permit will be required to be submitted with the Building Permit Application for any work proposed within the 100 Year FEMA Flood Zone.
30. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning Department should be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington;
31. This Shoreline Substantial Development Permit is not transferable to any other property;
32. Construction pursuant to this permit shall not begin and is not authorized until twenty-one days from the "date of filing" by department of ecology as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.149(5)(a) and (b);
33. Prior to the issuance of building or grading permits for the construction contemplated in this shoreline substantial development permit application, the applicant shall submit evidence to this file that the property owner has signed and caused the "Shoreline Substantial Development Permit Agreement" to be recorded with the Spokane County Auditor's Office.

Expiration:

In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted; authorization to conduct development activities shall terminate five years after the effective date of filing.

NOTICE OF RIGHT TO APPEAL

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any aggrieved party may file an appeal of this decision. Decisions of the Planning Director regarding administrative permits (Type II) are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision. The date of this decision is the 18th of April, 2013. In the case of Shoreline Substantial Development Permits, an additional appeal period occurs following filing of the Shoreline Substantial Development Permit with the Department of Ecology. Such appeals may be made to the Shorelines Hearings Board.

The date of the last day to appeal to the City of Spokane Hearing Examiner is the 2nd day of May, 2013 at 4:00 P.M.

The appeal fee (\$250.00) must be paid in full at the time the appeal is made. The form for filing an appeal is available from the Planning Services Department

Dated this 18th day of April, 2013

A handwritten signature in blue ink, appearing to read "S. Chesney", is written over a light blue circular stamp.

Scott Chesney, AICP
Director of Planning and Development

By Tami Palmquist, AICP, Associate Planner