

**STAFF REPORT ON
SKYWALK & VARIANCE APPLICATION
FILE NO. Z1400022 SKWK**

I. SUMMARY OF REQUEST AND RECOMMENDATIONS:

DESCRIPTION OF PROPOSAL: The applicant, Spokane Public Facility District, has applied for a Type III Skywalk Permit in a Downtown General Zone. The proposed skywalk, a structure of about 112 feet in length and 18 feet in height, will connect a new mezzanine floor within the Convention Center to the second floor of the new convention hotel.

Recommendation: Staff recommends approval of this application, with conditions.

II. GENERAL INFORMATION:

- A. Applicant: Spokane Public Facility District
Attn: Kevin Twohig, CEO
720 West Mallon Avenue
Spokane, WA 99201
(509) 279-7000
- B. Property Owners: Spokane Public Facility District
Attn: Kevin Twohig, CEO
Convention Center Hotel, LLC
Attn: Walt Worthy
- C. Agent: Jim Kolva
115 S. Adams Street, #1
Spokane, WA 99201
(509) 458-5517
- D. Location of Proposal: The subject site is located at 334 and 333 W.
Spokane Falls Blvd.; west of the intersection at
Bernard and Spokane Falls Blvd.
- E. Existing Zoning: DTG (Downtown General)
- F. Land Use Plan Designation: Institutional and Downtown
- G. SEPA Status: DNS was issued on June 18, 2014
- H. Enabling Zoning: SMC 12.02 Article III. Skywalks; 17G.060.170
Decision Criteria
- I. Hearing Date: July 10, 2014, 9:00 AM
- J. Staff Contact: Tami Palmquist, Associate Planner, 625-6157
tpalmquist@spokanecity.org

III. FINDINGS OF FACT:

- A. Site Description: The subject site is located at 334 and 333 W. Spokane Falls Blvd.; west of the intersection at Bernard and Spokane Falls Blvd. The Convention Center is located in the Riverside Neighborhood.
- B. Project Description: A request for a Type III Skywalk Permit to construct a skywalk over Spokane Falls Boulevard, west of Bernard Street, to connect the Spokane Convention Center and the new convention hotel to the south. The proposed skywalk, a structure of about 112 feet in length and 18 feet in height, will connect a new mezzanine floor within the Convention Center to the second floor of the new convention hotel. The skywalk will include steel structure, a ramp and mechanical/electrical equipment, and be enclosed with glass and aluminum panels.

The purpose of the project is to provide a grade-separated, all-weather pedestrian connection over Spokane Falls Boulevard. Through SMC 12.02.410, the City Council declared that "it is the policy of the City to approve, in principal, the construction of pedestrian skywalks over City streets." Such skywalks "are intended to augment pedestrian movement, reduce pedestrian-vehicular conflict" and serve the convenience of the public in congested areas of the CBD.

A variance is requested to exceed the 14-foot height limit (SMC 12.02.0460A). Because of the difference in floor heights between the Convention Center and the new convention hotel, the skywalk internal walkway will have a slope. Although that slope will meet the ADA and SMC criteria with a 5% maximum slope, the allowable external slope of the structure (1%) is less than that allowed for the internal ramp. Consequently, the external structure needs to be deepened from 14 feet to 18 feet to meet the 1% requirement to include disguising the ramp slope to complement the aesthetics of the skywalk and receiving buildings.

To aid in wayfinding, the PFD is proposing a subtle graphic, "Convention Center," to be placed on the exterior wall of the skywalk. This graphic will identify the downtown's Hotel, Convention Center and INB Performing Arts Center District. The Convention Center and new convention center hotel/parking garage are major components of this district that provides lodging and public venues that host both local and out-of-town visitors.

The Downtown Plan recognizes that gateway, signage and wayfinding will help "visitors navigate the Downtown safely and easily", as well as, identify a major destination for persons attending events and activities at the public facilities used for entertainment, exhibition, and gathering events and activities at the public facilities.

- C. Surrounding Zoning: The Convention Center is zoned DTG-100, and the new Convention Center Hotel is zoned DTC and DTC-100 on the northwest corner.
- D. Zoning History: The subject property was annexed on December 29, 1881. The property has always been part of the Downtown with various Downtown designations through time. It was most recently designated DTG with the adoption of the Downtown Update on December 14, 2009.

- E. Adjacent Land Use: The Land Use designation of the area is predominately Downtown, except for the INB Performing Arts Center and Ag Trade Center which are designated Institutional and Riverfront Park which is Open Space.
- F. Applicable Zoning Regulations: Spokane Municipal Code (SMC) Chapter 12.02 Article III. Skywalks, and SMC 17G.060.170, Decision Criteria.
- G. Procedural Requirements:
- A Collaborative Workshop with the DRB was held on 11/13/13;
 - A Community Meeting was held on 3/26/14;
 - The Application was submitted on 5/6/14;
 - A Request for Comments was sent to Departments and Agencies on 5/13/14;
 - The Applicant was notified on 5/28/14 that the application was technically complete;
 - A combined Notice of Application and Public Hearing was mailed and posted on the subject property on 6/3/14, which began the 15 day public comment period;
 - The Public Comment Period closed on 6/17/14;
 - The SEPA determination was made on 6/18/14; and
 - A Recommendation Meeting with the DRB was held on 6/25/14.

IV. DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on May 13, 2014. Their comments are included with the file and are made part of this application by reference.

V. PUBLIC COMMENT:

Staff has received only two public comments on the application, one was in support and one was against the proposal. Copies of the public comments made are included in the file.

VI. CONCLUSIONS:

SMC 17G.060.170 Decision Criteria

Chapter 17G.060.170 (E)(1) Variance:

1. *A variance or modification of the standard or requirement is not prohibited by the land use codes.*

Relevant Facts: There is no prohibition in the code against a request for additional height, as skywalks are not regulated under the SMC 17C. Land Use Standards. SMC Section 12.02.0424 Evaluation by Hearing Examiner, allows the hearing examiner to impose such additional conditions or grant such exceptions to this article as the examiner deems appropriate, consistent with the policy and purpose of this article. However, if exceptions to the standards set forth in this article are granted by the hearing examiner, they may be granted only pursuant to recommendations made by the design review board. SMC Section

12.02.0520 Exceptions, states that the city council is allowed to grant exceptions as it deems appropriate. Staff finds that this criterion is met.

2. *No other procedure is provided in this chapter to vary or modify the standard or requirement, or compliance with such other procedure would be unduly burdensome.*

Relevant Facts: There are no other provisions in the code that allow for modifications to the height or dimensions other than SMC Section 12.02.0424 Evaluation by Hearing Examiner and SMC 12.02.0520 Exceptions. Staff finds that this criterion is met.

3. *Strict application of the standard or requirement would create an unnecessary hardship due to one or more of the reasons listed below. Mere economic hardship or self-created hardships are not considered for the purposes of this section.*
 - A. *The property cannot be developed to the extent similarly zoned property in the area can be developed because the physical characteristics of the land, the improvements or uses located on the land do not allow such development; or*
 - B. *Compliance with the requirement or standard would eliminate or substantially impair a natural, historic, or cultural feature of area-wide significance.*

Relevant Facts: As stated in the applicant's narrative, the request for additional height is because of the difference in floor heights between the Convention Center and the new convention hotel; the skywalk internal walkway will have a slope. Although that slope will meet the ADA and SMC criteria with a 5% maximum slope, the allowable external slope of the structure (1%) is less than that allowed for the internal ramp. Consequently, the external structure needs to be deepened from 14 feet to 18 feet to meet the 1% requirement to include disguising the ramp slope to complement the aesthetics of the skywalk and receiving buildings.

Staff finds that the intent of this criterion has been met.

4. *In addition, the following objectives shall be reasonably satisfied:*
 - A. *Surrounding properties will not suffer significant adverse effects.*
 - B. *The appearance of the property or use will not be inconsistent with the development patterns of the surrounding property; and*
 - C. *The ability to develop the property in compliance with other standards will not be adversely affected.*

Relevant Facts: As stated in the application, surrounding properties will not suffer adverse effects. The Convention Center dominates the area north of Spokane Falls Boulevard, and the new convention hotel occupies the entire block on the south side of Spokane Falls Boulevard between Washington Street to the west and Bernard Street to the east. West of the Convention Center Campus and the new hotel are Riverfront Park and asphalt parking lots. East of the new hotel, east of Bernard Street, on the south side of Spokane Falls Boulevard is a parking lot and modern two-story office building, and further east, Azteca Restaurant, a parking lot, and the 20-story Park Tower Apartments. None of these buildings/uses would be adversely impacted by the proposed skywalk. No views would be blocked and no historic contexts would be impacted.

The skywalk, which would link the buildings, is intended by the designers to be subservient to the convention center buildings. Skywalks, although not in the immediate vicinity, are common and allowed in downtown Spokane. The intent of the variance request is to allow

the proposed skywalk to appear level rather than significantly sloped because of the difference in floor heights of the two receiving buildings. The additional height will be proportional to the greater than normal length of the skywalk, thus presenting an aesthetically appropriate structure.

Staff finds that this criterion is met.

5. *No variance may be granted to allow or establish a use that is not allowed in the underlying districts as a permitted use; or to modify or vary a standard or requirement of an overlay zone, unless specific provision allow a variance.*

Relevant Facts: Per SMC 12.02.0420, permission to establish a skywalk may be granted in any portion of the City. Staff finds that this criterion is met.

6. *Floodplain variance is subject the additional criteria of [SMC 17E.030.090](#) and [SMC 17E.030.100](#).*

Relevant Facts: This application is not subject to Floodplain requirements. Staff finds that this criterion not applicable.

Chapter 17G.060.170 (E)(3) Skywalk Permit and Air Rights Use Permit:

1. *The proposed skywalk or air rights use is consistent with the comprehensive plan.*

Relevant Facts: There are numerous policies outlined in the Comprehensive Plan that support pedestrian connectivity throughout the Downtown, although the actual term Skywalk is only used once. Policy TR 2.10 Pedestrian and Bicycle Linkages Across Barriers, state that skywalks should only be developed where pedestrians cannot be safely accommodated at the ground level. It could be argued that this provides a secondary means of connectivity that will be heavily used in inclement weather and for conference goers using both the Convention Center and the Convention Center Hotel's additional conference facilities. Please see the application materials for additional discussion on supportive policies found in the Downtown Plan. Staff finds that this criterion is met.

2. *The proposed skywalk or air rights use conforms to the standards contained in [SMC 12.02.0430 through SMC 12.02.0474](#), unless the design review board has approved design deviations.*

Section 12.02.0450 Design

The skywalks should be an enclosed structure and should have at least seventy percent transparency, excluding structural framing members, distributed evenly along the length of the skywalk so as to achieve an open character and reveal pedestrian use of the structure. Finish materials on the exterior of the structure should be restrained, conservative and noncompetitive in character with the connecting buildings and other pedestrian skywalks within the central business district.

Relevant Facts: The applicant presented their proposed design to the Design Review Board on November 13, 2013, at a Collaborative Workshop, and a revised design based on previous suggestions from the DRB at the Recommendation Meeting on June 25, 2014. The Design Review Board recommended approval of the design as presented at the June

25th meeting. Their recommendation is included in the file. Staff finds that this standard is met.

[Section 12.02.0452](#) *Further Specifications*

- A. *The construction of skywalks shall be in accordance with the plans and specifications filed with the City, and shall comply with the City building code, so as to provide necessary fire protection between the pedestrian skywalk structure and the buildings to which it is connected, as well as necessary fire protection between properties within the tributary malls and walkways.*
- B. *Skywalks must be designed and constructed so as to bear solely upon privately owned land and be removable without affecting the structural integrity of the buildings situated on private land.*
- C. *All glazing within the skywalk structure shall be not less than one-quarter inch thick tempered glass set in metal frames. Skywalks must have internal, controlled, year-round drainage to adjoining building systems or to the storm sewer, constructed and maintained to the satisfaction of the City of Spokane.*

Relevant Facts: It is anticipated that when the applicant submits for a building permit with the City, the construction plans will adhere to the specifications outlined in this subsection. These will be listed as conditions of approval. Staff finds that this standard will be met.

[Section 12.02.0460](#) *Dimensions – Angulation – Slope*

- A. *Skywalks must be no less than eight feet nor more than fourteen feet in width, and no more than fourteen feet in height.*
- B. *The horizontal angulation of a skywalk off the centerline of the street should not exceed five percent of the width of the street. Skywalks should be level to within one percent tolerance between building contact points.*

Relevant Facts: As noted in the variance request to exceed the maximum height, it is because of the difference in floor heights between the Convention Center and the new convention hotel; the skywalk internal walkway will have a slope. Although that slope will meet the ADA and SMC criteria with a 5% maximum slope, the allowable external slope of the structure (1%) is less than that allowed for the internal ramp. Consequently, the external structure needs to be deepened from 14 feet to 18 feet to meet the 1% requirement to include disguising the ramp slope to complement the aesthetics of the skywalk and receiving buildings. The Design Review Board approved the design as submitted by the applicant on June 25, 2014. Staff agrees that exceeding the height to accommodate the slope is the better option to modify.

[Section 12.02.0462](#) *Arch – Vertical Clearance*

- A. *No skywalk should have an arch with a rise between the lowest end and the midpoint greater than five percent.*
- B. *Skywalks should have a minimum of sixteen and one-half feet clearance above the existing street grade in the center lane, and a minimum of fifteen feet clearance above the street pavement at the curb and over alleys.*

Relevant Facts: Staff finds that this standard will be met.

[Section 12.02.0464](#) *Ramps – Malls and Walkways*

- A. *Ramps within the skywalk structure should be distributed continuously, uniformly, and symmetrically at an incline not exceeding one foot vertically for every twelve feet of*

horizontal distance (approximately eight and three-tenths percent). There should be no steps within a skywalk structure or in walkways associated with skywalks.

- B. Malls and walkways continuing from skywalks through buildings shall be maintained reasonably clear of obstructions so as to permit the skywalk system to effectively function in accordance with its purpose, to move pedestrian traffic rapidly within congested areas of the City.

Relevant Facts: Staff finds that this standard will be met.

Section 12.02.0470 Signs – Lighting

- A. No advertising, readerboards, or other signs, except City traffic signs, shall be permitted on the internal or external portions of the skywalk structures. Distinct internal directional signs designating routes within the skywalk system may be permitted, and such signing indicating routes to street access shall be provided at all vertical accesses. Decorations for holiday, seasonal, and civic events may be placed on skywalk structures, on a temporary basis, subject to the prior written approval of the director of engineering services.
- B. Skywalks must have inconspicuous, nonglare, internal lighting, and where necessary for pedestrian safety and convenience, inconspicuous external lighting.
- C. Signs located on or facing on the sidewalk indicating the direction to and location of skywalk entrances shall conform to guidelines established by the City plan commission and shall meet the following criteria:
1. Skywalk entrance direction signs on sidewalks or placed on a structure fronting on the sidewalk should be reasonably standardized and uniform throughout the downtown area.
 2. The signs should not be a safety hazard or unduly restrict pedestrian movement.
 3. The signs should be aesthetically pleasing and complementary with existing street furniture.
 4. Signs should be simple, readable, and contain no advertising.
 5. The costs of the sign and associated maintenance shall be borne by the property owners.
- D. The hearing examiner administers skywalk sign proposals submitted as a part of a skywalk application as well as those proposed separately from and not a part of a skywalk application. The hearing examiner may prepare and adopt guidelines that reflect the above criteria to assist in the administration of applications for placement of sidewalk entrance signs.

Applicant's Response: The graphic lettering that would provide the gateway announcement "CONVENTION CENTER" would be graphically incorporated into the glass of the skywalk with the intent of announcing the arrival in a subtle and sensitive manner to convey place and direction. The intent is to integrate the graphic into the context of the skywalk structure and not clash with the skywalk envelope or the buildings to which it serves.

Relevant Facts: The application has proposed a graphic on the skywalk that will act as a Gateway feature for the Convention Center Campus. This graphic will replace the existing Electronic Marque Sign that spans across a portion of Spokane Falls Boulevard right-of-way. The Convention Center, as part of their campus wide wayfinding strategy, is proposing pedestrian scale kiosks and directional signage in lieu of the large marque.

Fast Forward Spokane," the Downtown Plan Update, Chapter III, Section 1.2, "Downtown Experience," page 62, states:

"Downtown has a unified system of gateways that create a sense of arrival for residents and visitors that are entering the urban core."

Chapter V, Downtown Strategies, Section 3.0, page 114, states:

"A gateway, signage, and wayfinding program will inform residents and visitors of the existence and location of community services, recreational opportunities, retail shops, restaurants, campuses, parking, restrooms, and other information. A signage and gateway program will also support the creation of a cohesive identity for Downtown and its sub-districts. A successful signage scheme has been implemented in many other communities of various sizes. A clear hierarchy should be established to provide both directional and identification signage."

Gateway features are related to signage in helping to identify Downtown Spokane and signal the start of a unique area. Such features can be through a combination of landscaping, directional signage, lighting, public art, and building design. It can range from subtle to monumental in scale, but all gateways should fit with the overall character and image of surrounding development and Downtown Spokane."

Chapter V, Downtown Strategies, Section 3.9, page 116, states:

"Establish and install a hierarchy of wayfinding signage for the Downtown for bicyclists, motorists, and pedestrians that clearly delineate Downtown Districts, directions and distance to major attractions."

The Design Review Board approved the design, including the graphic representation, as submitted by the applicant at the Recommendation Meeting on June 25, 2014. The Design Review Board may approve deviations, SMC Section 17G.060.170E (3)(b)), as part of its recommendations on a skywalk application. The City Hearing Examiner is allowed to impose additional conditions or grant such exceptions as deemed appropriate following recommendations made by the Design Review Board, SMC Section 12.02.0424. Staff finds that this standard is met.

Section 12.02.0472 Level of Connection

- A. *Skywalks in the central business district must connect at the second floor, or equivalent height, levels so as to continue the skywalk system without necessity of vertical movement of pedestrian traffic. Individual skywalks above the second floor level may be permitted where high buildings require connecting circulation of pedestrian traffic.*
- B. *In no case may a skywalk above the second floor level be approved in lieu of a second floor level skywalk where such a skywalk is needed to tie the subject block into the pedestrian skywalk system.*

Relevant Facts: This proposed skywalk is on the second floor level. Staff finds that this standard is met.

Section 12.02.0474 Street Access

- A. *Skywalks must have adequate pedestrian access to and from the street level, such access to be available at, at least, one of the termini points of each skywalk.*
- B. *Each one-block area should have at least one street level pedestrian access point for every two skywalks that enter the subject block. This street level pedestrian access may*

be through stairways or by mechanical means and such access may be internal or external to the structure.

- C. In the case of existing structures into which a skywalk is built, existing access systems at the property perimeter may be counted for this access to and from the street if it is well marked, accessible, and within fifty feet of the skywalk terminus.*
- D. Skywalks outside the central business district shall be provided with such street level pedestrian access as deemed warranted by the city council, acting with the advice and recommendation of the plan commission.*

Relevant Facts: Internal stair systems with street level access will be provided on both the Convention Center side and the Convention Center Hotel side of the proposed skywalk. Additional wayfinding signage is proposed that will help direct pedestrians both inside of each building and at street level. Staff finds that this standard will be met.

- 3. The proposed skywalk or air rights use conforms to the standards contained in the development codes.*

Relevant Facts: The proposed skywalk must conform to the development standards when the applicant applies for a building permit. Staff finds that this criterion will be met at that time and should be included as a condition of approval.

- 4. The City is compensated for the fair market value of public air space used for any activity other than public pedestrian circulation.*

Relevant Facts: The proposed Skywalk will be for public pedestrian circulation, therefore compensation is not warranted. Staff finds that this criterion is not applicable.

- 5. An agreement, satisfactory to the city attorney, indemnifies and holds the City harmless against all loss or liability, and the applicant obtained approved public liability insurance, naming the City as an additional named insured, with combined limits of five hundred thousand dollars.*

Section 12.02.0430 Agreement – Conditions – Indemnification

- A. At the time of consideration by the city council, the applicant must present a signed agreement, approved by the city attorney. Said agreement identifies the airspace and location of the skywalk, its construction, lists any conditions or exceptions, and promises the applicant will fully indemnify and hold harmless the City, its officers, agents, and employees against all losses or liabilities for any personal injury or property damage to any person or entity occasioned by the issuance of the skywalk permit or enjoyment of permit privileges.*

Relevant Facts: The applicant's legal representation is currently working with our legal department on the necessary agreements and these shall be completed before City Council consideration. Staff recognizes that this criterion is not met at the time this report was written, but it will be met before City Council consideration.

VI. RECOMMENDATION

TO APPROVE the Skywalk Permit to allow a new skywalk connecting the Ag Trade Center portion of the Convention Center to the Convention Center Hotel, located respectively at 334

and 333 W. Spokane Falls Blvd.; substantially in conformance with the plans and application on file in Planning and Development, and the following conditions of approval:

1. The project shall be developed in compliance with the plans on record and comments received on the project from City Departments and outside agencies with jurisdiction.
2. Per, SMC Section 12.02.0452 Further Specifications, construction plans submitted for a building permit must conform with the following requirements:
 - A. The construction of skywalks shall be in accordance with the plans and specifications filed with the City, and shall comply with the City building code, so as to provide necessary fire protection between the pedestrian skywalk structure and the buildings to which it is connected, as well as necessary fire protection between properties within the tributary malls and walkways.
 - B. Skywalks must be designed and constructed so as to bear solely upon privately owned land and be removable without affecting the structural integrity of the buildings situated on private land.
 - C. All glazing within the skywalk structure shall be not less than one-quarter inch thick tempered glass set in metal frames. Skywalks must have internal, controlled, year-round drainage to adjoining building systems or to the storm sewer, constructed and maintained to the satisfaction of the City of Spokane.
3. The Applicant shall complete the required air rights agreement and indemnification statements subject to approval by the City Attorney prior to City Council consideration.
4. Adhere to any additional performance and development standards documented in comment or required by City of Spokane, Spokane County Washington State, and any Federal agency.