



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 #

Bid #

Requisition #

Council Meeting Date: 07/22/2024

Submitting Dept	PLANNING & ECONOMIC
Contact Name/Phone	KAYCEE X6194
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.

FIRST READING OF THE ABOVE ORDINANCE HELD ON

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

7/22/2024
AND FURTHER ACTION WAS DEFERRED
CITY CLERK

PASSED BY SPOKANE CITY COUNCIL

8/12/2024
CITY CLERK



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

<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

Additional Approvals

Distribution List

smacdonald@spokanecity.org	kdowney@spokanecity.org
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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	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):

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

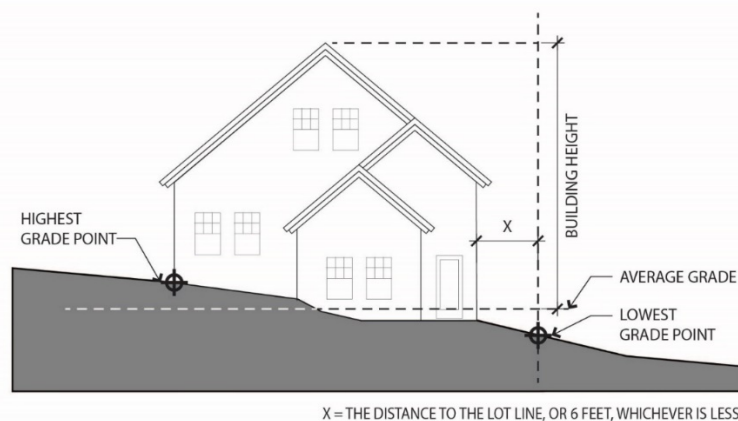


Figure 17C.111.230-A Height Measurement

6. For purposes of measuring building height in residential zones, the following terms shall be interpreted as follows:

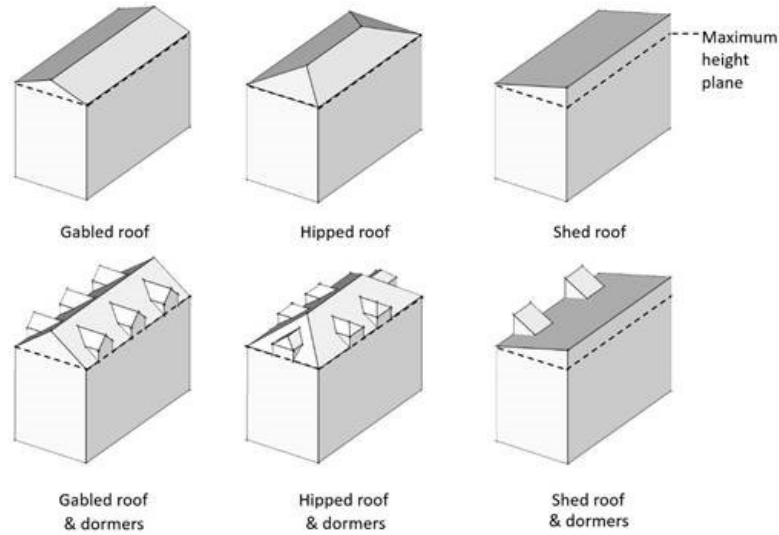
- a. "Grade" means the ground surface contour (see also "existing grade" and "finished grade").
- b. "Fill" means material deposited, placed, pushed, pulled or transported to a place other than the place from which it originated.
- c. "Finished grade" means the grade upon completion of the fill or excavation.
- 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.

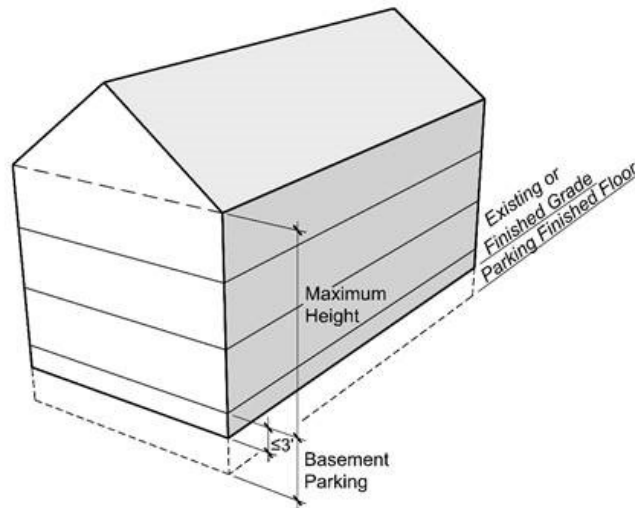


Figure ~~((17C.111.230-C))~~ 17C.111.230-B: Basement Parking Excluded from Height

((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

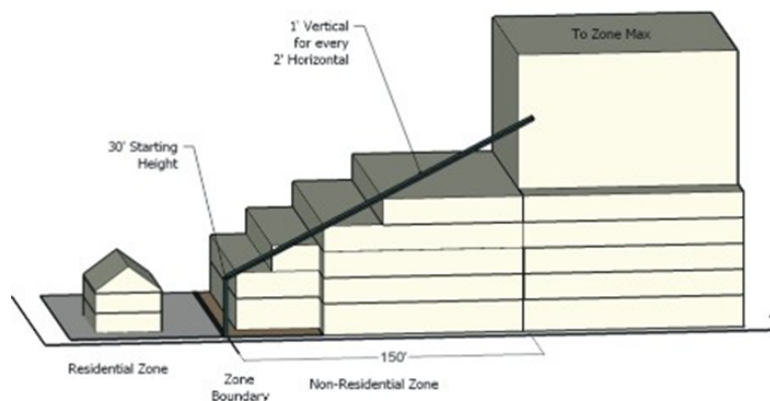
((5))4. Adjacent to R1 and R2 Zones.

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]

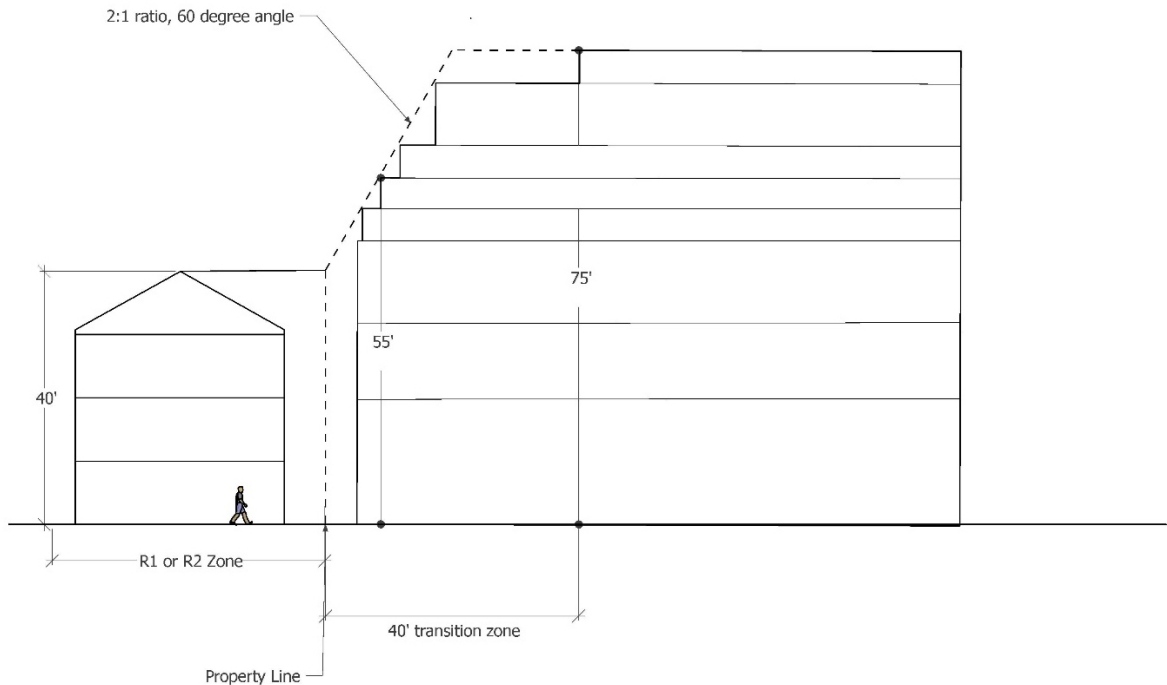


Figure 17C.111.230-C: Height Transition

~~((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.

~~((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.

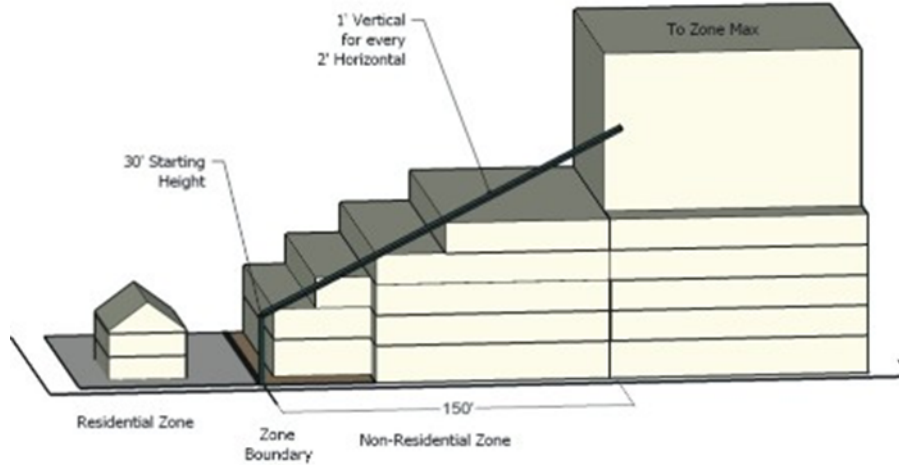
3. Adjacent to ~~((Single-family))~~ R1 and ~~((Two-family Residential))~~ R2 Zones.

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]

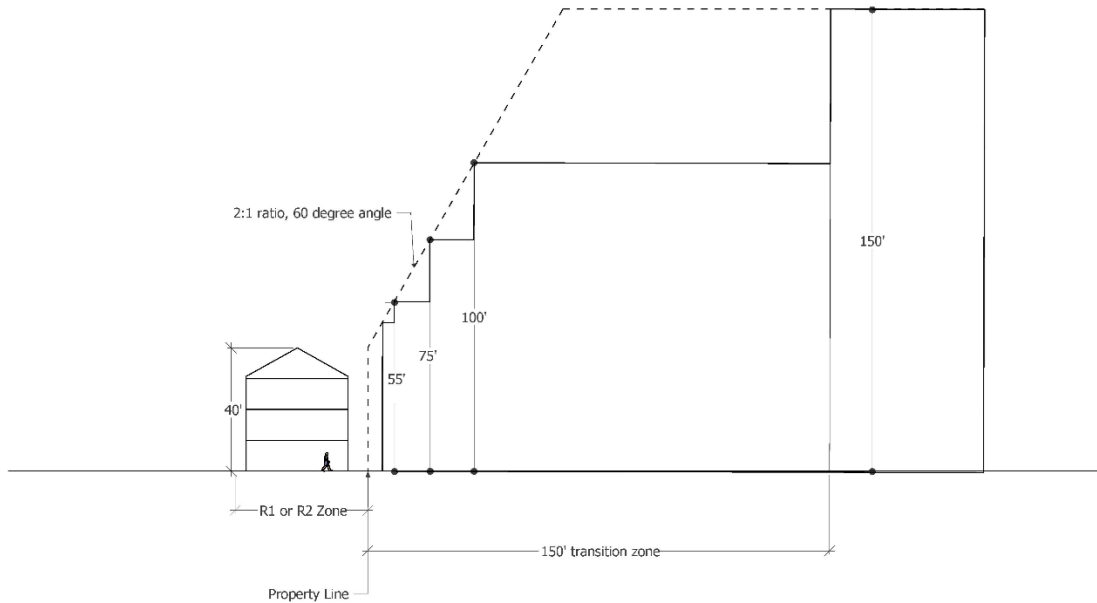


Figure 17C.120.220: Height Transition

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 August 12, 2024.



Attest:

Leri L. [Signature]
City Clerk

Betsy [Signature]
Council President

Approved as to form:

[Signature]
Assistant City Attorney

Lisa Brown
MAYOR

8/16/24
DATE

Sept 15, 2024
EFFECTIVE DATE