



March 18, 2013

Tami Palmquist, City Planner
Spokane City Planning & Development Department
808 West Spokane Falls Blvd.
Spokane, Washington 99201-3329

SENT VIA EMAIL (tpalmquist@spokanecity.org)

RE: Comments on Type II - Shoreline Substantial Development Permit

Dear Ms. Palmquist;

These comments are submitted on behalf of the Center for Justice on the Type II - Shoreline Substantial Development Permit for expansion of the Spokane Convention Center. The Center for Justice is a local not-for-profit legal advocacy organization, which houses the Spokane Riverkeeper program. The Center participated in the recent stakeholders' group designed to discuss shoreline improvements associated with the expansion of the Convention Center.

We appreciate the opportunity to provide comments on issues that should be addressed in the shoreline permitting process for the proposal and have identified the following issues that should be addressed as part of the final proposal to protect and enhance the shoreline areas of the Spokane River:

1. Opportunities for Public Use and Access

The Center strongly supports the proposal advanced in the stakeholder process to create and enhance public access as part of the Convention Center expansion. This includes providing restroom facilities, providing a non-motorized boat launch, and bike access to the Centennial Trail, creating opportunities for vending, and public parking within a reasonable distance from the boat launch. These measures were discussed as part of the stakeholder process and were committed to by Convention Center expansion proponents during the recent election.

Moreover, these measures are consistent with Spokane's Comprehensive Plan that states:

Non-water oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in a shoreline use analysis or special area planning.

Here, a non-water oriented use, such as the Convention Center, cannot limit the existing recreational uses of the river. There currently is suitable parking for vehicles carrying canoes, kayaks, or bicycles. Maintaining this parking and reasonable walking distance to the Centennial Trailhead and a river access point is critical and required by the Comprehensive Plan.

Moreover, the City's Shoreline Master Program (SMP) requires that the expansion include other public amenities. Spokane Municipal Code § 17E.060.820 provides that shoreline developments in the downtown district must include buildings and additions that promote visual and physical access to the water, such as shoreline benches, shoreline public faces, or public seating and vending opportunities facing the shore. Specifically, this section states:

Along the river, new buildings shall provide at least three of the following (R):

- a. Outdoor seating or opportunities for outdoor dining.
- b. Building entry from the river side.
- c. Benches along pedestrian trail.
- d. Outdoor balconies.
- e. Public plaza with seating.
- f. Public viewpoint with interpretive signs (see SMC 17E.060.810(A)(2)(a)(iii), Overlooks and Public Development, and SMC 17E.060.810(A)(2)(b), Overlooks in Private Development).
- g. Public art.
- h. Opportunities for outdoor vending such as food or bicycle rental.

Protecting and enhancing existing access by providing restroom facilities, providing a non-motorized boat launch, and bike access to the Centennial Train, creating opportunities for vending, and public parking within a reasonable distance from the boat launch is consistent with the SMP and the Comprehensive Plan.

2. Low Impact Development

The Center strongly supports the use of Low Impact Development (LID) techniques in all aspects of the expansion project.

LID is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and managing / treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through small, cost-effective landscape features located at the lot level. These landscape features, known as Integrated Management Practices (IMPs), are the building blocks of LID. Almost all components of the urban environment have the potential to serve as an IMP. This includes

not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and redevelopment / revitalization projects. LID use is particularly important in the Spokane River watershed because stormwater is one of the most significant sources of pollution.

The SMP requires several LID measures. First, all open spaces, courtyards, plazas, and other public spaces must “allow for the capture of rainwater and filtration into a natural cleansing system of vegetation and sub-grade materials.” SMP § 17E.060.820. Other surfaces must “include at least ten percent pervious surfaces.” *Id.* The SMP indicates that this could include at-grade planted areas, permeable paving, green roofs, and protection of existing trees. *Id.* All these measures have been used successfully in other projects.

The Center also requests that pervious pavement options be used for any sidewalk or trail construction. Studies support the utilization of permeable materials that minimize water quality associated impacts of trail development. Permeable pavements have proven to be practical, cost-effective, and watershed-friendly due to their ability to reduce stormwater runoff. Because these permeable materials allow water to pass through the surface (in the case of porous asphalt and concrete) or through void spaces (in the case of concrete pavers or grid pavers), both runoff volume and water quality impacts are reduced. This infiltration of runoff can reduce nuisance flooding, recharge groundwater supplies, filter out pollutants, and help keep drinking water healthy.

Information indicates that this material is cost-effective and long lasting. According to EPA¹, these materials are well suited to northern climates such as Spokane, resulting in increased lifespan for paved areas:

Due to the well-draining stone bed and deep structural support of porous asphalt pavements, they tend to develop fewer cracks and potholes than conventional asphalt pavement. When cracking and potholes do occur, a conventional patching mix can be used. Freeze/thaw cycling is a major cause of pavement breakdown, especially for parking lots in northern climates. The lifespan of a northern parking lot is typically 15 years for conventional pavements; porous asphalt parking lots can have a lifespan of more than 30 years because of the reduced freeze/thaw stress (Gunderson, 2008). ... Porous asphalt has been found to work well in cold climates as the rapid drainage of the surface reduces the occurrence of freezing puddles and black ice. Melting snow and ice infiltrates directly into the pavement facilitating faster melting (Gunderson, 2008).

Cold weather and frost penetration do not negatively impact surface infiltration rates. Porous asphalt freezes as a porous medium rather than a solid block because permeable pavement systems are designed to be well-drained; infiltration capacity is preserved because of the open void spaces (Gunderson, 2008).

Another study conducted by the University of Rhode Island found that these materials are cost effective, stating:

¹ See <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=135&minmeasure=5>.

On a yard-by-yard basis, the cost of porous asphalt is about the same as the cost of conventional asphalt (i.e., \$0.50-\$1.00/ft²).

The underlying stone bed is usually more expensive than a conventional compacted subbase, but is offset by the reduction in storm-water pipes and inlets, and elimination of detention basins. Generally, porous pavement installation does not require deep excavations, and there is less earth-work than for conventional asphalt.

Moreover, these types of materials are readily available, including available locally at Central Premix (see <http://www.centralpremix.com/sand276>).

3. Ground Floor Enhancements

In order to enhance the character of the shoreline area, the SMP requests ground floor amenities that the Center strongly supports. The SMP § 17E.060.820 states:

The ground floor of buildings shall incorporate a combination of at least three of the following features (R):

- i. Windows covering more than thirty percent of the ground level façade facing the shoreline.
- ii. Windows covering more than thirty percent of the ground level façade facing the street.
- iii. Masonry or stone covering the ground level façade and producing a “plinth” effect.
- iv. Ground level details such as accent lighting, decorative medallions, and canopies.
- v. Sculpture, bas relief murals, art worked into paved surfaces.
- vi. Retail uses, such as cafes and restaurants, bike rental, and brew pubs.
- vii. Publicly accessible gardens, courtyards, or plazas.

4. Stormwater Permitting Requirements

While not directly related to the shoreline permitting requirement, it is critical that the expansion project comply with the City of Spokane’s stormwater permitting requirements and by obtaining a Construction Stormwater NPDES permit from the Department of Ecology. Measures must be implemented during and after construction to avoid the discharge of any stormwater directly into the Spokane River or into the City’s stormwater/CSO system.

It is unclear what specific mitigation measures will be employed to avoid stormwater impacts to the Spokane River from increase development (the SEPA checklist indicates that the existing stormwater

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discharge may be used increasing the stormwater discharge amount into the river). The City should condition the permit to prohibit any additional discharge of stormwater to the Spokane River.

In order to comply with Clean Water Act permitting, no discharge to the Spokane River of construction stormwater will be allowed during the construction or operation of the expanded facility.

5. MTCA Status of the Site

The Convention Center site is included on Ecology's list of contaminated sites and has been subject to clean-up orders under the Model Toxics Control Act (MTCA). According to a PFD document, the following contaminants have been identified at the site:

- Analytical data indicates that near surface soil (0 to 5 feet deep) at various locations are impacted with cPAHs and metals (lead, arsenic, and cadmium) above MTCA Method A cleanup levels.
- Areas of the Site contaminated with COCs appear to be associated with fill material; Site impacts are likely the result of a combination of contaminated fill brought to the Site and historic Site activities that contaminated the fill following placement.

*See Revised Corrective Action Plan.*² According to the Action Plan, there is the potential of soil to groundwater and direct soil contact exposure to these contaminants. The Action Plan sets forth a cleanup action for address these risks during 2013.

The approval of shoreline activities in this area by the City should be conditioned on the implementation of these activities to ensure protection of human health and the environment.

We appreciate the opportunity to comment on this matter and request a copy of any decision document issued as part of this proposal.

Sincerely,

CENTER FOR JUSTICE



Rick Eichstaedt
Executive Director

² Available at <http://www.spokanepfd.org/completion/rfp-exhibits/C-Existing-Geo-Environmental/Spokane%20Convention%20Center%20Expansion%20Project%20Revised%20CAP.PDF>.