

City of Spokane
Planning Services Department
Attn: Tami Palmquist
808 West Spokane Falls Boulevard
Spokane, WA 99201-3329

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AGREEMENT

4/18/13

Reference #: Z1300003-SSDP

Grantor: City of Spokane

Grantee: Spokane Public Facilities District

Site Address: 334 West Spokane Falls Boulevard, Spokane 99201

Assessor's Parcel Number: 35184.0082, 35184.0002, 35184.3001, 35184.3003, 35184.0407, 35185.0041, 35184.0093, 35184.3002 and 35184.3004.

The development of this property is subject to certain conditions on file with the City of Spokane Planning and Development Department. The property may not be developed except in accordance with these conditions. By accepting this approval, the applicant acknowledges that these conditions are reasonable and agrees to comply with them, and that failure to comply with them may result in the revocation of this approval. A copy of these conditions is attached to this agreement (Attachment "A").

(Authorized signature for Property Owner)

Date

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss.

On this day personally appeared before me _____
known to be the individual described herein and who executed the within and foregoing
instrument, and acknowledged that he/she signed the same as
_____ free and voluntary act and deed, for uses and purposes
therein mentioned.

Given my hand and official seal this _____ day of _____, 2013.

Notary Public in and for the State of Washington,
residing in:

My commission expires:

ATTACHMENT "A"

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.