

A Resolution Related to Planning and Design in the Southgate District Center

WHEREAS the city of Spokane executed a land use change in 2005 that created a CC2 District Center in the Southgate neighborhood, and

WHEREAS development on these properties is subject to binding Developer's Agreements (Ordinances C34256, C34261, and C34257) that incorporate by reference the general development standards in effect at the time of their approval (Section 3.3), and

WHEREAS Section 5 of the Developer's Agreements requires development and implementation of a binding Integrated Site Plan (ISP), and

WHEREAS the Southgate Neighborhood has developed and the city has adopted neighborhood plans related to connectivity and transportation and open space in Southgate Neighborhood, and

WHEREAS elements of these plans have been incorporated into the District Center ISP, and

WHEREAS Section 8.4.1 of the Developer's Agreement requires that, "Any improvements or facilities shall be constructed in accordance with adopted City standards...", and

WHEREAS Section 7.1 of the Developer's Agreement requires projects to conform to the Integrated Site Plan, and

WHEREAS site design and right of way improvements approved by the city do not conform to the above referenced codes and guidelines, and

WHEREAS all building permits on the Black Property have been issued without promised resolution of these issues, and

WHEREAS the city is currently considering off-site right-of-way (ROW) improvements in the District Center under engineering permit application #P1305899PDEV, and

WHEREAS on-street parking is required in District Centers by the Spokane Municipal Code (Section 17H.010.120), and

WHEREAS SMC 17H.010.120 was in effect at the time of the approval of the Developers' Agreement, and

WHEREAS on-street parking is a ROW improvement sought by the Southgate Neighborhood Council in conformance with accepted neighborhood plans and the

Integrated Site Plan, and

WHEREAS street section designs for the District Center are delineated in the ISP (Part C, pages 10 and 12), and,

WHEREAS there is no evidence that those designs, including on-street parking, are being incorporated into the design for the District Center right-of-way improvements, and

WHEREAS the Southgate Neighborhood Council has attempted on multiple occasions and in multiple venues over the past 18 months to engage city staff and project developers and resolve these issues, and

WHEREAS the Southgate Neighborhood Council and the City of Spokane did enter into a Settlement Agreement in 2009 that required the Southgate Neighborhood to drop its appeal of the 2005 Land Use Change in exchange for enforcement of the adopted Developer Agreements by the City of Spokane (Settlement Agreement and Release, Section B(1)), and

WHEREAS the above mentioned exclusions constitute a possible violation of the binding Developer's Agreement and Integrated Site Plan in regards to right-of-way improvements,

THEREFORE BE IT RESOLVED by the Southgate Neighborhood Council:

1. To announce their extreme and continued disapproval of the city's decisions regarding site design elements and lack of good faith in adhering to the requirements of the Spokane Municipal Code and Developer's Agreements as they relate to development and ROW improvements in the Southgate District Center.
2. That acceptance of any new permits in the Southgate District Center and review of the existing engineering permit (Permit#: P1305899PDEV) be halted until the plans can be brought into compliance with Developer's Agreements and Spokane Municipal Code through discussions that include input and review by the Southgate Neighborhood Council as a party with standing in the Developer Agreements.
3. That City Administration direct engineering staff to design and construct all elements of the right-of-way improvements required by the Developer's Agreements, the Integrated Site Plan, and Spokane Municipal Code.
4. That compliance with all requirements is demonstrated to the Neighborhood Council and City Council prior to the issuance of any engineering permits or building Certificates of Occupancy.
5. To announce the Southgate Neighborhood's intent to pursue city adherence to city code and design guidelines in all future development in the District Center through any means and methods available to them under federal, state, and local law.