Addition of the following item:

Action Item:

Item 5 Request Approval of an Agreement with Dimensions Health Group LLC, to Make Frontage Improvements on N. Schreiber Way – City Attorney Randy Adams
DATE: JULY 10, 2023
FROM: RANDY ADAMS, CITY ATTORNEY
SUBJECT: APPROVAL OF AGREEMENT WITH DIMENSIONS HEALTH GROUP LLC TO MAKE FRONTAGE IMPROVEMENTS ON N. SCHREIBER WAY

DECISION POINT: Should City Council approve an agreement with Dimensions Health Group LLC (“Dimensions”) to make improvements to pedestrian ramps, driveway approaches, and sidewalks at 3815, 3817, and 3819 N. Schreiber Way?

HISTORY: Dimensions owns the property at 3815, 3817, and 3819 N. Schreiber Way. See attached photo. In January 2023, Beacon Cancer Center pulled a permit to do tenant improvements in the Dimensions building located at 3815 N. Schreiber Way. The estimated value of the improvements is $2,500,000. In addition, in February 2023, Dimensions pulled a permit for exterior upgrades and interior demolition to the same building. The estimated value of this work is $2,000,000. During the project review for these projects in late 2022, the Streets and Engineering Department identified certain frontage improvements that would have to be completed in order to comply with the ADA. These improvements included replacement of six PED ramps, two driveway approaches, and approximately 25% of the sidewalk along the 650-feet of Schreiber Way frontage. See attached diagram. The CEO of Beacon Cancer Center requested 24 to 36 months to complete the frontage improvements due to the overall cost of the project and the substantial immediate outlay of funds for building improvements.

FINANCIAL ANALYSIS: There will be no cost to the City.

PERFORMANCE ANALYSIS: Schreiber Way in an area of mixed use. Originally zoned industrial, a number of commercial business have moved into the area, including Federal Express, construction supplies companies, and a brewery. The City’s Police Department headquarters is across the street from the Dimensions building. There are sidewalks throughout this area, but the nature of the businesses on Schreiber Way are such that little foot traffic is generated. Under the negotiated Agreement, five panels of sidewalk will be replaced by August 10, 2023, and the rest of the improvements will be completed no later than October 1, 2025. A Temporary Certificate of Occupancy will be issued when the work on the building and the sidewalk panels has passed City inspection. A permanent Certificate of Occupancy will not be issued under all frontage improvements have been complete. Dimensions has agreed that the Temporary Certificate may be revoked if the frontage improvements are not completed on time. This compromise will assist a critical business for the community and assure that needed improvements to frontage will be completed.

DECISION POINT/RECOMMENDATION: Council should approve the Agreement with Dimensions Health Group LLC for completion of frontage improvements along N. Schreiber Way.
AGREEMENT TO MAKE IMPROVEMENTS

THIS AGREEMENT is made this ____ day of __________, 2023, between Dimensions Health Group LLC, whose address is 980 W. Ironwood Dr., #207, Coeur d’Alene, Idaho, hereinafter referred to as “DHG,” and the City of Coeur d’Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is 710 E. Mullan Avenue, Coeur d’Alene, Idaho, hereinafter referred to as the “City.”

WHEREAS, the City issued building permit number 142917-B on February 1, 2023, to DHG which triggered the need to improve six (6) Pedestrian ramps, two (2) driveway approaches, and a portion of the sidewalk abutting 3815, 3817, and 3819 N. Schreiber Way, Coeur d’Alene, Idaho, (hereinafter referred to as the “Property”) in order to comply with City standards and the Americans With Disabilities Act (“ADA”); and

WHEREAS, DHG has requested more time to complete the improvements due to the cost of the improvements and the overall cost of the work under building permit numbers 142917-B, 143042-D, and 143043-B; and

WHEREAS, the areas requiring improvement are in relatively good condition and do not present a substantial hazard to the public; and

WHEREAS, it is the intent of the City that all sidewalks abutting the Property shall be free of damage and in compliance with the ADA when the work under the existing permits is complete.

NOW, THEREFORE,

IT IS AGREED AS FOLLOWS:

DHG shall complete the repair and replacement of a portion of the sidewalk adjacent to the building at 3815 N. Schreiber Way, Coeur d’Alene, Idaho, as identified by the City, to City standards by August 10, 2023. The work to be completed by August 10, 2023 shall comprise the replacement of five (5) panels of sidewalk as shown on Exhibit “A,” attached hereto, located generally in the area marked in blue on Exhibit “B,” attached hereto. If this work is completed in a manner acceptable to the City, a Temporary Certificate of Occupancy will be issued for DHG’s premises.

DHG further agrees to complete the improvement of the six (6) Pedestrian ramps, two (2) driveway approaches, and sidewalks abutting the Property, as shown in red on Exhibit “B”), to City standards by October 1, 2025. DHG shall apply for an encroachment permit prior to the commencement of this work. In addition, the parties agree that additional portions of the sidewalk abutting the Property may require repair and/or replacement if the City determines that other portions of the sidewalk are damaged or do not meet ADA standards. If this work is completed in a manner acceptable to the City, a Certificate of Occupancy will be issued for DHG’s premises. If the work is not completed in a manner acceptable to the City, the Temporary Certificate of
Occupancy will be revoked.

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

City of Coeur d'Alene

Dimensions Health Group LLC

By                     By
James Hammond, Mayor   Shayna E. Wood (print name)

DHG Member Board (title)

ATTEST:

Renata McLeod, City Clerk
Deferred Sidewalk Work

Corner ramp and one square

Half of Approach

Corner ramp and one square

Approach

Corner ramp and one square

14'-0" 15'-3" 15'-3" 14'-0"

1
1
1
1
1
AD1b
AD1a

6 Broken walk panels and either install ecology blocks or add a new approach

11 Panels - Bring into ADA Compliance

Items noted in RED to be brought into ADA Compliance by October 1, 2025

Replace 5 panels by August 10, 2023

11 Panels - Bring into ADA Compliance