

CITY OF SPOKANE HEARING EXAMINER

Re: Conditional Use Permit Application by) FINDINGS, CONCLUSIONS,
Dwayne Alexander to allow the change of) AND DECISION
use of a historic structure, located at 2936)
E. Olympic Avenue, from a church to)
retail sales and service) FILE NO. Z1500068-CUP3

SUMMARY OF PROPOSAL AND DECISION

Proposal: Dwayne Alexander seeks a conditional use permit in order to allow the change of use of a historic structure located at 2936 E. Olympic Avenue. The existing structure is on the Spokane Register of Historic Places and was most recently used as a church. Pursuant to the proposal, the use would be converted from a former church to retail sales and service, to include a barber shop combined with a drinking establishment. Renovations to the site would include a new driveway and interior alterations.

Decision: Approval, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

Applicant/ Dwayne Alexander
Agent: 3016 E. Queen Avenue
Spokane, WA 99217

Owner: Hillyard Investment Group, LLC
3016 E. Queen Avenue
Spokane, WA 99217

Property Location: The address of the site is 2936 E. Olympic Avenue. The property is located on the southwest corner of Olympic Avenue and Haven Street, in the Hillyard neighborhood.

Legal Description: The legal description of the property is provided in Exhibit 2C. The property is designated as Tax Parcel No. 36343.2101.

Zoning: The property is zoned Centers and Corridors Type 4 District Center, Mixed Use Transition Zone (CC4-DC).

Comprehensive Plan Map Designation: The property is designated as Centers and Corridors Transition (CC Transition).

Site Description: The project site is approximately 3,750 square feet in size. The site is flat and is rectangular in shape, and is improved with a historic structure. The building on the site has approximately 2,500 square feet of floor area. The last permitted use of the structure was a church. Prior to being used as a church, it served as a Montessori Center for three years, and

prior to that was the Hillyard Branch Library for over fifty years. The property is surrounded by a mixture of domestic architecture built from 1900-1950 as well as commercial buildings constructed as recently as 2000.

Surrounding Uses: The land to the north, south, and west of the property is zoned Center and Corridor Type 4 District Center, Mixed Use Transition (CC4-DC). The land to the east is zoned Center and Corridor Type 1 District Center (CC1-DC). Residential High Density and Residential Two-family (RTF) are nearby, to the west and northwest.

Project Description: The applicant is seeking to convert the original Hillyard Branch Library to a barber shop combined with a drinking establishment. The Hillyard Branch Library was placed on the Spokane Register of Historic Places on July 13, 2015. The building is currently vacant, but was most recently used as a church. Under the proposal, the barber shop and drinking establishment will both be located on the main floor, and the basement will continue to be used as storage and house the mechanical equipment. The applicant proposed to add a kitchen to the main floor, in furtherance of the proposed drinking establishment. To preserve the structure's historical character, no exterior renovations of the building are proposed.

PROCEDURAL INFORMATION

Authorizing Ordinances: Spokane Municipal Code ("SMC") 17C.122, Center and Corridor Zones; SMC 17.335, Historic Structures; and SMC 17G.060.170, Decision Criteria.

Notice of Community Meeting:

Mailed: July 16, 2015
Posted: July 17, 2015

Notice of Application/Public Hearing:

Mailed: September 21, 2015
Posted: September 21, 2015

Community Meeting: July 31, 2015

Public Hearing Date: October 29, 2015

Site Visit: October 28, 2015

SEPA: This project is exempt from SEPA pursuant to SMC 17E.050.070.

Testimony:

Donna deBit, Assistant Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Kirsten Straight
N. 4016 Nettleton
Spokane, WA 99205

Dwayne Alexander
3016 E. Queen Avenue
Spokane, WA 99217

Jake Samuelson
3020 E. Queen Ave.
Spokane, WA 99217

Exhibits:

1. Planning Services Staff Report
2. Application, including:
 - 2A General Application
 - 2B Conditional Use Permit Application
 - 2C Notification Map Application
 - 2D Aerial view of site and surrounding zoning
 - 2E Floor Plans with photos
3. Pre-Development Conference notes
4. Historic Preservation comments
 - 4A Notice of Management Agreement dated 06-22-15
 - 4B Spokane Register of Historic Places Nomination
5. Spokane Tribe of Indians comments
6. Notice map
7. Parcel listing
8. Notice of Community Meeting
9. Notice of Application and Public Hearing
10. Affidavit of mailings:
 - 10A Community meeting dated 07-16-15
 - 10B Application and Public Hearing dated 09-21-15
11. Affidavit of posting:
 - 11A Community meeting dated 07-16-15
 - 11B Application and Public Hearing dated 09-21-15
12. Affidavit of sign removal for community meeting dated 08-28-15
13. SEPA Categorically Exempt dated 10-26-15
14. Community meeting sign in sheet
15. Community meeting notes
16. Letter dated 06-26-15 to Dwayne Alexander from Donna deBit
re: community meeting instructions
17. Email to Dwayne Alexander from Donna deBit
re: submitted documents and procedures
18. Letter dated 09-01-15 to Interested Parties from Donna deBit
re: requesting comments
19. Letter dated 09-18-15 to Dwayne Alexander from Donna deBit
re: notice of application/public hearing instructions
- A. Public Comments
 - A-1 Email dated 10-05-15 from Donna Barry, supporting project
 - A-2 Email dated 10-07-15 from Quinn Davis, concerns regard project
 - A-3 Email dated 10-07-15 from David Griswold, supporting project
 - A-4 Email dated 10-07-15 from Justin Taylor, concerns regarding project
 - A-5 Email dated 10-07-15 from Adonia Davis, opposing project
 - A-6 Email dated 10-07-15 from Sheena Bennett, petition supporting project
- B. Exhibits received at hearing
 - B-1 Planning's PowerPoint presentation

FINDINGS AND CONCLUSIONS

To be approved, the proposed conditional use permit must comply with the criteria set forth in Spokane Municipal Code sections 17G.060.170 and 17C.335.110(C). The Hearing Examiner has reviewed the proposed conditional use permit and the evidence of record with regard to the application and makes the following findings and conclusions:

1. *The proposal is allowed under the provisions of the land use codes. See SMC 17G.060.170(C)(1).*

The project site is zoned Centers and Corridors Type 4 District Center, Mixed Use Transition Zone (CC4-DC). "The intent of this zone is to provide a transition of mixed uses (office, small retail and multifamily residential) between the core of the center or corridor and existing or designated residential areas." See SMC 17C.122.020(D). The uses allowed in Center and Corridor Zones are shown on Table 17C.122-1. See SMC 17.122.070.

The table does not specifically identify a barber shop among the regulated uses. See Table 17C.122-1. Nonetheless, the table does provide that "Retail" and "Personal Services" are permitted in the CC4 zone. The Hearing Examiner concludes that a barber shop easily fits within the meaning of both "Retail" and "Personal Services," and therefore a barber shop is outright permitted in the CC4 zone.

The Applicant is also proposing to use the premises for a "Drinking Establishment." This use is specifically addressed in the table of allowed uses. In the CC4 zone, "Eating and Drinking Establishments" are "Not Permitted." See Table 17C.122-1. Although the use is not normally permitted, the municipal code allows a historic structure to be used for any use by Type III permit from the Hearing Examiner, if the criteria under 17C.335.110(C) (entitled "Change of Use") are satisfied. The change permitted includes "...any use other than a use allowed in the base zone district..." See SMC 17C.335.110(C). Thus, at least with respect to the use of a historic structure, the code allows the proposed use (assuming the listed criteria are satisfied).

Because the applicable provisions of the municipal code allow the property to be used for both a barber shop and a drinking establishment, the Hearing Examiner concludes that this criterion for approval is satisfied.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. See SMC 17G.060.170(C)(2).*

The Hearing Examiner finds that the project is consistent with the goals and policies of the comprehensive plan. The project will result in unique blend of uses, on a relatively small scale, and in a way that is consistent with the business uses nearby. As the Staff noted, granting this change of use request would be consistent with "...the continuing effort to revitalize the Hillyard neighborhood..." by "...infilling existing structures with a variety of uses." See Exhibit 1, p. 4. In this way, the project furthers various elements of the comprehensive plan.

The Centers and Corridors designation is intended to promote mixed uses and activities. See Policy LU 3.2, Centers and Corridors. The project promotes pedestrian-friendly uses and helps to create mutually reinforcing land uses. See Policy LU 3.5, Mix of Uses in Centers. In addition, Goal LU 3 seeks to promote the efficient use of land by encouraging mixed-use

development in close proximity to retail businesses, public services, places of work, and transportation systems. See Goal LU 3, Efficient Land Use. As the Staff concluded, the Applicant's "unique business model" is will serve to "entice more economic activity in the surrounding area." See Exhibit 1, p. 4.

The Hearing Examiner finds that the project is consistent with the goals and policies of the comprehensive plan, and therefore this criterion is satisfied.

3. *The proposal meets the concurrency requirements of Chapter 17D.010SMC. See SMC 17G.060.170(C)(3).*

The decision criteria for Type III decisions (such as a conditional use permit) mandate that all proposals must satisfy the concurrency requirements under SMC 17D.010. See SMC 17G.060.170(C)(3). Accordingly, on September 1, 2015, a Request for Comments on the application was circulated to all City departments and outside agencies with jurisdiction. See Exhibit 18.

The city received minimal response to its request for comments. See e.g. Exhibits 4 & 5. City staff noted that "...there were no departments or agencies that reported that concurrency could not be achieved." See Exhibit 1, p. 4. To the extent that there was a lack of substantive comments from departments and agencies with jurisdiction, the Hearing Examiner must conclude that concurrency standards are satisfied. See SMC 17D.010.020(B)(1). In addition, there was no testimony at the public hearing suggesting that the concurrency standards would not be satisfied.

The Hearing Examiner finds that the project satisfies the concurrency requirements of the municipal code. Therefore, this criterion for approval of the conditional use permit is met.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. See SMC 17G.060.170(C)(4).*

The Hearing Examiner finds that the property is suitable for the proposed use given its physical characteristics. The property is rectangular and is basically flat. The site is already improved with the historic library building. The alterations to the property are relatively minor and will not significantly change the intensity of use of the site. The building is not being expanded in size. The Applicant will be required to satisfy code requirements that are applicable to the work being performed, which should address any concerns that might arise. There are no indications of surface water on the site. There is no reason to expect that groundwater will be impacted by this project. There are no known cultural resources on this site. See Exhibit 5. The site does have historic significance, but the proposed alteration and use will serve to put the structure to productive use while also preserving its historic features.

The Hearing Examiner concludes that the property is suitable for the proposed use, given the conditions and characteristics of the site. As a result, this criterion is satisfied.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effect or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use. See SMC 17G.060.170(C)(5).*

This project involves minor modifications to the interior of an existing structure. Since the work involved is limited and falls within certain flexible thresholds, the project is categorically exempt from SEPA review. See SMC 17E.050.070; see also Exhibit 1, p. 4. On this record, there are no significant environmental impacts that call for mitigation of the proposal.

The Hearing Examiner finds that the project will not result in significant adverse impacts on the surrounding properties or neighborhood. The building is fairly small, and the proposed use of the property as a sports bar and barber shop is of relatively low intensity. The sports bar will feature virtual golf, which will take up a lot of space within the sports bar. *Testimony of D. Alexander.* In addition, the bar will not be a music venue, for example, and thus will not be a source of significant noise. See *id.* Thus, the proposal is in the nature of a small, neighborhood business, which is more likely to be an asset to the local community. See e.g. Exhibits A-1, A-3, & A-6.

It should be acknowledged that the building is surrounded by single family residences on three sides. Not surprisingly, some neighbors raised concerns about allowing a sports bar in a residential neighborhood. See Exhibits A-4 & A-5. Although the neighbors certainly raised some legitimate concerns, the Hearing Examiner finds that the impacts will be limited in scope and will be mitigated to some degree. As noted above, the intensity of the use is modest. The site abuts Haven, a relatively busy street, and sits just across from the business district (and only one block from Market Street). Further, to protect abutting residential uses from the potential impacts, the Applicant has stipulated limit the business hours to 10AM to 10PM, Monday through Friday. See Exhibit 1, p. 4. This is a reasonable mitigation measure which will ensure that the business is operated in a manner consistent with the city noise ordinance. *Testimony of D. deBit;* see also SMC 10.08D.090.

The project also benefits the community by preserving a structure that has historic significance for Hillyard. See Exhibit 4; *Testimony of K. Straight.* The building has been vacant for the past two years. See Exhibit 1, p. 4. Instead of allowing the building to deteriorate, the Applicant is putting the structure to a productive use. Further, the Applicant is preserving the exterior of the building, and thus is protecting the historically significant features of the building. See Exhibit 1, p. 4.

The Hearing Examiner concludes that the project will not have significant impacts on the environment or the surrounding neighborhood, and therefore this criterion is satisfied.

6. *The Applicant has satisfied the criteria of SMC 17C.335.110(C), which govern the approval of a change of use for a historic structure.*

Pursuant to SMC 17C.335.110(C), a change to any use other than a use allowed under the base zoning may be allowed through a Type III permit approved by the Hearing Examiner. The criteria for approval of a change of use are discussed below.

- a. *The structure is listed on the Spokane Register or the National Register of Historic Places. See SMC 17C.335.110(C)(1).*

The Hillyard Branch Library was placed on the Spokane Register of Historic Places on July 13, 2015. See Exhibit 1, p. 5; see also Exhibit 4. Therefore, this criterion for approval of the change of use is satisfied.

- b. *All proposed changes to the structure have been approved by the landmarks commission as being compatible with the historical designation of the property, the form of approval being specified in the rules of procedure of the hearing examiner. See SMC 17C.335.110(C)(2).*

This criterion requires that the landmarks commission approve all proposed changes to a historic structure. The Staff argued that this standard was satisfied because no major interior restoration work has been proposed, and there will be no modifications to the exterior of the structure. See Exhibit 1, p. 5. Upon inquiry at the hearing, the Staff maintained that the landmarks commission did not need to approve this project because the commission's responsibilities are limited to alterations to the exterior of buildings. *Testimony of D. deBit*. In any event, Staff noted, the Historic Preservation Officer for the city had approved the new use and had concluded that the proposed changes would have no impact on the historic integrity of the building. See *id.*; see also See Exhibit 4 (Memorandum of Megan Duvall, Historic Preservation Officer). The Staff seemed to suggest this was sufficient to satisfy the approval criterion.

The Hearing Examiner disagrees with the Staff analysis on this issue, for a few reasons. First, the landmarks commission's role, under the applicable code provisions, is not limited to considering change to the exterior of buildings or structures. The approval criterion states that the landmarks commission must approve "all proposed changes" to a structure listed on the Spokane Registry. See SMC 17C.335.110(C)(2). This language does not limit the review to changes to the exterior of a building or structure. See *id.* The Staff's interpretation may nonetheless be sustained, despite the breadth of the criterion, if it could be shown that the specific provisions governing the landmarks commission limited its review authority to exterior modifications. However, the code provisions listing the duties of the landmarks commission contains no such limitation. Instead, the landmarks commission has a nonexclusive list of duties. Those duties include, but are not limited to, reviewing proposals to construct, change, alter, modify, remodel, etc., properties or districts on the register. See SMC 04.35.080(B)(1)(d).

Second, the property is subject to a recorded covenant, captioned as a "Management Agreement," which was established when the property was placed the Spokane Register of Historic Places. See Exhibit 4A. In accordance with that covenant, the property owner must obtain a "Certificate of Appropriateness" from the landmarks commission for a "change of use," among other things¹. See *id.* This requirement is also codified in the municipal code. See SMC 17D.040.200(A). Whether measured against the historic use (library) or the most recent permitted use (church), the proposal to utilize the building for a sports bar and barber shop is clearly a "change of use" within the meaning of the covenant and the municipal code.

¹ A Certificate of Appropriateness must also be obtained for "any work affecting items described in Exhibit A." See Exhibit 4A. However, there is no Exhibit A attached to the Management Agreement in this record. The Hearing Examiner therefore does not know whether the covenant requirement for a Certificate of Appropriateness applies to this project for reasons in addition to the proposed change of use.

Third, the Historic Preservation Officer's ("HPO") recommendation to approve the proposal is not a substitute for the required approval of the landmarks commission. Notably, the HPO's recommendation to approve the proposal was based, in material part, on the fact that there was a process in place for the review and approval of the project by the landmarks commission. See Exhibit 4. The HPO also emphasized that the use or alteration of the property was subject to both review by the landmarks commission and the requirements of the Management Agreement discussed above. See *id.* That said, the Hearing Examiner acknowledges that the HPO may apply an exemption from the Certificate of Appropriateness requirement, in certain circumstances. Specifically, the HPO "...may exempt ordinary repairs and maintenance if the work does not involve a change in design, material or exterior treatment or otherwise affect the exterior appearance." See SMC 17D.040.200(C). However, in this case the HPO did not determine that the proposed work qualified as "ordinary repairs and maintenance" or that the project was exempt from the certificate requirement. See Exhibit 4. In the absence of such a determination, the Hearing Examiner must conclude that review by the landmarks commission is required in this case.

The Hearing Examiner concludes that the change of use of the building, and alterations to the building, require review and approval by the landmarks commission. Therefore, the approval of the conditional use permit must be conditioned upon obtaining the blessing of the landmarks commission, consistent with the Management Agreement and the applicable code provisions. The Hearing Examiner concludes that the project, as so conditioned, satisfies this criterion to approve a change of use.

- c. *The change in use is demonstrated as necessary to ensure that the structure will be preserved, considering all uses allowed in the underlying zone. See SMC 17C.335.110(C)(3).*

The Hearing Examiner concludes that the change of use is demonstrated as necessary, considering the potential uses allowed in the zone. As the Staff points out, the structure has been vacant for the last two years. See Exhibit 1, p. 5. The proposal will put the structure into productive use, and prevent the deterioration that will likely result if the property is neglected. "The change in use would be bringing the public back into the historic structure and would be maintained by the new owner, rather than continuing to deteriorate and remain unsupervised." See Exhibit 1, p. 5.

The property is zoned Centers and Corridors, Type 4 (CC4). Under that zone, a limited range of uses are permitted, including uses such as Residential, Religious Institutions, Government, Structure Parking, and small-scale gasoline sales. See Table 17C.122-1 (Center and Corridor Zone Allowed Uses). The last permitted use was as a church, which fits the Religious Institution category. However, that use of the site ended two years ago, and no proposal for continuing that use has been made, on this record. Various other possible uses allowed in the CC4 zone appear unrealistic given the size and configuration of the building, the size and configuration of the lot, and other factors. For example, some permitted uses simply are not compatible with the notion of preserving the structure, such as structured parking, parks or open space, public service or utility structures, or gasoline sales.

The most likely option under the CC4 zone, other than for a religious institution, would be to use the property for some type of residential project. However, the HPO ruled out that option.

She stated: "Because of the unique structure of the building, it is not adaptable to meet the current zoning as a single-family residence while still maintaining its historic integrity." See Exhibit 4 (Memorandum of Megan Duvall, Historic Preservation Officer).

The Hearing Examiner is convinced the proposed change in use is necessary to ensure that the historic structure is preserved over the long-term. As a result, this criterion for change of use is satisfied.

- d. The benefits to the public arising out of preserving the structure are greater than the harm to the public resulting from allowing the proposed use of the structure, considering the factors listed in the municipal code. See SMC 17C.335.110(C)(4).*

The Hearing Examiner concludes that there is a net benefit to the public arising from preserving the Hillyard Branch Library.

Allowing the proposed use puts this historic building to productive and beneficial use, in the highest and best manner available under the circumstances, and with relatively small impact to the surrounding neighborhood. As noted above, the building has been sitting vacant for the past two years. There are limited uses available for this structure, given the nature of the building, the applicable zoning, the configuration of the building and property, and the location. However, the owner has devised a plan to put the structure to a positive use. The characteristics of the business and the relatively small scale of the space will ensure low impacts to the surrounding residences. The hours of operation will be limited to further mitigate any impacts. Adding a sports bar and a barber shop will create a new gathering place in the Hillyard area, and would seem to nicely complement the other businesses in the area.

Putting the property to productive use will also serve to preserve a rather unique and historic structure. See Exhibit 4B. As the Staff concluded, preserving the Hillyard Branch Library "...would maintain one of the most uniquely designed historic structures in the Hillyard neighborhood." See Exhibit 1, p. 5. The public certainly benefits by preserving historical and cultural structures that give Spokane its unique character. The Hearing Examiner also agrees with the Staff that: "The Retail Sales and Service use would complement the area and the movement towards making the Hillyard neighborhood more economically sustainable." See *id.*

The Hearing Examiner acknowledges that some understandable concerns were raised about the proposed use. For example, there were objections about allowing a bar in a residential area, and impacts such as public intoxication, drunk driving, and noise. See Exhibits A-2, A-4, & A-5. However, the Hearing Examiner believes the relatively small scale of the proposed use and with the limited hours materially cuts against the worst-case scenarios feared by some neighbors. The proposal includes a barber shop in addition to a sports bar. And the bar will include virtual golf, which will take up some the space. The venue will not feature live music, and the business will not be open late into the night. On the whole, the Hearing Examiner believes that the benefits realized from the project outweigh countervailing considerations.

The Hearing Examiner concludes that the project, on balance, is substantially beneficial to the public. This criterion for change of use is therefore fulfilled.

DECISION

Based on the findings and conclusions above, it is the decision of the Hearing Examiner to approve the proposed conditional use permit subject to the following conditions:

1. Approval is for a conditional use permit to allow the Applicant, Dwayne Alexander, to change the use of an existing, historic structure, located at 2936 E. Olympic Avenue, from a former church to retail sales and service, to include a barber shop combined with a drinking establishment. Any changes to the application must be submitted to Planning Services for its review and approval. If Planning Services finds the proposed changes to be substantial, then the changes shall be forwarded to the Hearing Examiner for review and approval.
2. The property will be used and the improvements will be made in substantial conformance with the plans that were submitted at the time of application for this Conditional Use Permit. The plans are included in the record as Exhibit 2E.
3. All parking and maneuvering areas shall be paved as shown on the site plan submitted and all required parking must be onsite and not in the right of way. In accordance with comments made by City Engineering, credit will be given for on-street parking with stalls measuring 8'x 20' with a distance of 15' from an intersection and 5' on each side of all driveways.
4. Parking calculations based on the existing and proposed uses must be stated on the overall site plan. Parking calculations must also be submitted with the building permit application.
5. Prior to the issuance of any building or occupancy permits, the Applicant must obtain the approval from the Spokane Historic Landmarks Commission for the change of use and any remodeling, changes, alterations or modifications to the historic structure, all in a manner consistent with the Management Agreement and the municipal code.
6. The business hours of the approved use are limited to the hours of 10AM to 10PM, Monday through Friday.
7. This approval does not waive the Applicant's obligation to comply with all of the requirements of the Spokane Municipal Code including the Uniform Codes, as well as requirements of City Departments and outside agencies with jurisdiction over land development.
8. This project must adhere to any additional performance and development standards documented in comments or required by the City of Spokane, the County of Spokane, the State of Washington, and any federal agency.
9. Spokane Municipal Code section 17G.060.240 regulates the expiration of this approval, and Table 17G.060-3 sets forth the time frame for the expiration of all approvals.
10. Prior to the issuance of any building or occupancy permits, the Applicant shall submit evidence to this file that the property owner has signed and caused the following statement to be recorded with the Spokane County Auditor's Office.

COVENANT

Development of this property is subject to certain conditions on file with the City of Spokane Planning Department and the Office of the City of Spokane Hearing Examiner. The property may not be developed except in accordance with these conditions. A copy of these conditions is attached to this Covenant.

This statement shall be identified as a Covenant. The owner's signature shall be notarized.

11. This approval is subject to the above-stated conditions. By accepting this approval the Applicant acknowledges that these conditions are reasonable and agrees to comply with them. The filing of the above required covenant constitutes the Applicant's written agreement to comply with all conditions of approval. The property may not be developed except in accordance with these conditions and failure to comply with them may result in the revocation of this approval.

DATED this 3rd day of November 2015.



Brian T. McGinn
City of Spokane Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Appeals of decisions by the Hearing Examiner are governed by Spokane Municipal Code 17G.060.210 and 17G.050.

Decisions by the Hearing Examiner regarding conditional use permits and variances are final. They may be appealed by any party of record by filing a Land Use Petition with the Superior Court of Spokane County. **THE LAND USE PETITION MUST BE FILED AND THE CITY OF SPOKANE MUST BE SERVED WITHIN TWENTY-ONE (21) CALENDAR DAYS OF THE DATE OF THE ISSUANCE OF THE DECISION.** Pursuant to RCW 36.70C.040(4)(a), the date of the issuance of the decision is the date the decision is entered into the public record. This decision was entered into the public record on November 3rd, 2015. **THEREFORE, THE DATE OF THE LAST DAY TO APPEAL IS THE 24th DAY OF NOVEMBER 2015 AT 5:00 P.M.**

In addition to paying any Court costs to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing a verbatim transcript and otherwise preparing a full record for the Court.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.