

FEB 13 2015

PLANNING & DEVELOPMENT SERVICES



City of Spokane
Request for Appeal or Reconsideration
Application

Please answer each question completely. If more space is needed, attach additional paper.

1. APPELLANT

Name: Claire Eastlund
Address: 1829 E. Pinecrest Rd., Spokane 99203
Phone: (home) 509-474-1084 (work) 509-720-4452
Email: eastlund.claire@gmail.com

2. RESPONDENT

Name: City of Spokane Planning Director
Address:
Phone: (home) (work)
Email:

3. FILE NUMBER (of application or permit, if applicable):

- 4. This is an appeal or reconsideration of: This is an appeal or reconsideration to the:
Hearing Examiner
City Council
[X] Planning Director
[X] Hearing Examiner
Planning Commission
Planning Commission
Director of Building
Other
City Engineer
Traffic Engineer
City Council
Homeless Encampment Decision
Junk Vehicle Determination
Other

5. What is the decision being appealed or request for reconsideration? (i.e. approval or denial of a special permit or issuance of a building permit, etc.)

I am appealing the approval of a Conditional Use Permit to Summit Church to expand its building and parking.

6. Why is the decision wrong?  
 Error or misinterpretation of FACT  
 Error or misinterpretation of LAW OR COMPREHENSIVE PLAN  
 Error in PROCEDURE

7. Please identify the specific factual, legal or procedural errors or misinterpretations that you believe resulted in the decision being wrong and how correcting the error would result in a different decision. If you believe a misinterpretation of the law or Comprehensive Plan or procedural error was made, please identify the specific laws, code sections or plan policies that you believe were misapplied, misinterpreted or violated.

Please see attached.

8. What is the harm resulting to you from the decision?

Please see attached.

9. What relief do you seek? What would you have the decision maker do?

Please see attached.

**SUBMITTED BY:**

Claire Eastlund      Claire Eastlund

**ACKNOWLEDGEMENT**

I certify that I know or have satisfactory evidence that Claire Eastlund signed this instrument and acknowledged it to be his/her own free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 2/13/15

Stephanie Bishop  
 Notary Public in and for the City of Spokane,  
 State of Washington.  
 My commission expires: 4/6/18

STEPHANIE N BISHOP  
 Notary Public  
 State of Washington  
 My Commission Expires  
 June 06, 2018

**For Staff Use Only:**

Date appeal filed: 2/13/15  
 Was appeal timely filed? yes  
 Appeal fee? \$250.00  
 Transcript fee?

Date appeal period ends: 2/13/15  
 Is appellant a party of record? yes.  
 Fee paid? yes.  
 Fee paid?



**7. The following erroneous statements were made in the CUP application. The original statements made by the church are in red; my corrections are in black.**

Original statement: Remodeling the Church will allow more people to attend and provide more space for Community events.

Correction: Summit Church does not serve our neighborhood; the vast majority of attendees come from outside the neighborhood. In our direct neighborhood, there is one family, and an assistant pastor's family that lives nearby who attend the church. A neighbor who lives on Pinecrest west of Pittsburg stated that on a recent Sunday, she counted 40 cars whizzing past her home in a 5 minute period, arriving from outside the neighborhood. She said that's a typical occurrence.

Original statement: The site will not increase traffic to the current system.

Correction: Each service will grow from the capacity of 350 people to 650. Currently, anywhere from 30 to more than 40 cars are found parked on the streets. With the potential for 300 additional attendees, both traffic and parking will most definitely congest our streets.

Original statement: The site is an active Church with plenty of additional parking to support the proposed additional floor space and activities.

Correction: With its current 148 parking spaces and maximum of 350 attendees, there are between 30 and more than 40 cars parked on the street on any given Sunday. This implies that  $148 + 30 = 178$  parking spaces are currently needed, and the church averages 2 people per car (350 people divided by 178 parking spots). With an increased capacity of 300 additional attendees and only 23 additional parking spaces (as stated at the August community meeting),  $650 \div 2$  parking spots = 325 parking spots are needed. 178 spots would be on the church property, and at least 147 cars would be parked on the street. Therefore, the original statement is false; there is not ample parking, nor is ample parking planned. Our neighborhood streets are expected to absorb at least 147 cars.

Neighbor Laura Brunell has observed that consistently there are several unused parking spots during church services. Attendees apparently park on the street to make a quick getaway after church. Even in the current state, the church needs some traffic directors to direct traffic and completely fill their off-street parking.

Original statement: There will be no impact to the environment or surrounding properties.

Correction: there will be a significant environmental impact to the neighborhood with the proposed expansion, due to increased traffic, parking, and noise. As stated

above, there is currently insufficient parking, and the situation will be greatly worsened.

Traffic will nearly double, and this will impact the neighbors' rights to a peaceful residential neighborhood. The city should conduct a traffic impact study before moving forward.

The third environmental impact is noise. On three occasions when we have been home (and possibly more in our absence), the church has thrown two parties and a baptism with loud music resembling a rock concert, many times louder than the legal 55 decibels that municipal code 10.08D allows. This loud music rattled our windows and disrupted our right to peace in our home. At the first community meeting, the pastor said there would be no more loud baptisms. But he did not address the outdoor parties with rock concert-level music. With the church planning to nearly double in size, this problem will only worsen. A residential neighborhood is not the appropriate setting for a mega-church with excessively loud parties. That would be more appropriate for a commercial district.

During the community meeting on August 28<sup>th</sup>, one neighbor said that the weekly Thursday evening youth groups are so loud that if he sits out on his back patio with a guest, they cannot hear each other's conversation. It was also stated that a resident in the gated Grapetree Community was at times bothered by the noise.

**The following erroneous statements were made in the SEPA Environmental Checklist. The original statements are in red; my corrections are in black.**

#7: Since the size of the expansion would not be limited, it could encompass long term expansion plans. No future additions or expansions are being planned at this time.

Also

#8 (Land and shoreline use) L. The church was previously remodeled in 2012 and may be remodeled again over the next few years.

The pastor stated at the August community meeting that this would be the church's last expansion. Neighbors were worried about future expansion, and he reassured them that this would be the last time. However, this was merely a verbal commitment with no legal binding. The city has left the door open for future expansion if the church desires.

#9. We are not aware of applications that are or may be pending government approvals of other proposals directly affecting the property.

The city has drafted plans to remove the cement median at Pittsburg and 29<sup>th</sup> Avenue in the next multiyear plan for 29<sup>th</sup> Avenue, pending future community input.

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The approval of the church's expansion directly relates to the median removal. If church traffic doubles, then it supports the argument for removing the median, in order to absorb the increased traffic. However, longstanding residents of Pittsburg recall having no median in the past, and they said it made Pittsburg like a freeway. This is a neighborhood of families and senior citizens who enjoy bike riding and walking without the fear of speeding traffic. The neighborhood will be contesting the opening up of Pittsburg as an arterial in order to protect our quality of life and safety for families and the elderly. Therefore, the church expansion should not be approved, because it will likely lead to a slippery slope of the median being removed. A megachurch belongs in a commercial district, not residential single family.

Air #a. Upon project completion...automobile emissions will likely return to previous levels.

With attendance nearly doubling from 350 to 650, and with parking patterns showing that there's an average of two people per car, automobile emissions will clearly increase, not return to previous levels. In addition to traffic, parking, and noise, pollution is an additional consideration.

#12c. The Sunday morning kids program consists of several kids' classes during Sunday services. On Tuesday evening the facility is packed with 5<sup>th</sup> -12<sup>th</sup> grade students who meet in three distinct large group settings. The Kids & Youth programs have experienced the same significant growth as the worship services, thus maximizing these program facilities as well.

The church is giving the impression that it serves the local neighborhood. In fact, the vast majority of attendees come from outside the neighborhood. In our direct neighborhood, I am aware of one family plus the youth pastor and his family who attend the church. The traffic and parking influx on Sundays supports this statement. The church does not directly benefit the vast majority of its neighbors.

#14c. Currently the Church is utilizing 149 parking stalls. Given the pending expansion, the number may be as much as 374 parking stalls.

Yet, at the August 28<sup>th</sup> community meeting the church passed out a handout that stated:

23 more parking stalls are allowed with the current schematic design area addition.

I believe the 374 quoted in the SEPA checklist to be a typographical error; in the DNS, and in a church handout, 24 additional parking stalls are cited as allowable in this expansion. This is clearly insufficient even for the current number of attendees.

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**The following procedural errors occurred during the process:**

- At the first community meeting, the church neglected to invite many of their neighbors from the Rockwood Crescent condos across the street. Therefore, they agreed to host a second community meeting.
  - For the second community meeting, they chose the same date and time as the neighborhood elementary's (Hutton's) annual Monster Mash dance. No families with children were available to attend this meeting. This further demonstrates that the church does not serve the local community.
  - Although I received notice of the two community meetings in triplicate, I did not receive any notice of the application decision, despite being within 400 yards of the church property. I saw a sign posted in front of the church, so I called the city. The church's engineering firm claimed they mailed it to me, but I did not receive it. I believe I was intentionally omitted after vocally opposing the church's expansion. I was supposed to have 14 days to make comment and to share information with my neighbors. I found out about 4 days into the process.
  - After 13 neighbors wrote letters, we expected to be notified by the city regarding the planning director's decision. However, I contacted the city and learned that a decision was reached without notifying any letter writers. The city posts the decision on the web, but does not notify anyone unless they've requested notification. Again, we were days into the 14 day appeal period. This is a frustrating, disenfranchising policy that needs to be changed. Please notify all letter writers in the future.
  - Also, neighbor Laura Brunell submitted questions via email to the church as she was unable to attend the first community meeting. The church answered her questions at the meeting, but never communicated with Ms. Brunell or followed up with answers.
  - Neighbors feel that there have been many instances of being left in the dark by the church, the engineering firm, and the city. It has been a frustrating, disenfranchising process.
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8.

The decision to approve the church's expansion harms my family as well as the overall neighborhood on the grounds that it's detrimental to our right to a peaceful, quality of life neighborhood existence. The church has a negative track record of excessive noise, lack of consideration and communication with the neighborhood, excessive traffic and parking, and it serves a population of people predominantly from outside the neighborhood. They are seeking to expand as a megachurch, which is more suited to a commercial area than a residential single family zone. Furthermore, allowing them to expand paves the way for removing the median at 29<sup>th</sup> and Pittsburg, which will create even more excessive traffic and disrupt the peace and safety for our neighborhood families and elderly.

9.

- I'm requesting a traffic impact study of the current traffic and parking caused by the church.
  - I'm requesting that their application to expand be denied on the grounds that a megachurch is detrimental to the peaceful quality of life of a residential neighborhood. It's more appropriate in a commercial zone.
  - I'm requesting that traffic directors or a traffic cop be engaged by the church on Sunday to ensure that all off-street parking is being utilized first.
  - I'm requesting that the church be put on notice about excessive noise, and that neighbors have a clear process for making noise complaints.
  - I'm requesting that a church census be conducted to prove that it is not serving the direct neighborhood, therefore allowing it to expand is all detriment and no benefit to our neighborhood.
  - I'm requesting that the city considers allowing and requiring additional parking spaces on the south side of the church bordering 29<sup>th</sup> Avenue.
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