

CITY OF SPOKANE HEARING EXAMINER

Re: Application by St. Anthony's Catholic) FINDINGS, CONCLUSIONS,
Parish to Modify a Conditional Use) AND DECISION
Permit for a Master Campus Plan for)
a school and other facilities at 2315)
N. Cedar) FILE NO. Z16-653CUP3

SUMMARY OF PROPOSAL AND DECISION

Proposal: St. Anthony's Catholic Parish seeks to modify its Master Campus Plan for the property located at 2315 N. Cedar. The Master Campus Plan was approved through a conditional use permit on September 27, 2016. A modification of the Master Campus Plan was administratively approved approximately 2 months later, on November 29, 2016. Under the current proposal, the parish is requesting that the Master Campus Plan be modified to (1) include additional property within the campus boundaries; (2) to construct a new gymnasium, larger in size than originally proposed, on the eastern portion of the site at 1306 W. Montgomery; (3) to relocate the playground; and (4) to reconfigure the parking areas. The project is located Residential Single-Family Zone in the City of Spokane, Washington.

Decision: Approved, with conditions.

FINDINGS OF FACT
BACKGROUND INFORMATION

**Applicant/
Property Owner:** St. Anthony's Catholic Parish – Spokane
2320 N. Cedar
Spokane, WA 99205

Agent: Clay W. Conrad & Matt Hoffman
Garco Construction
4114 E. Broadway
Spokane, WA 99202

Property Location: The site consists of three tax parcels, 25121.6014; 35073.3501, and 35073.3401. The applicant is proposing to add Tax Parcel 35072.6304, commonly known as 1315 W. Carlisle, to the campus. All of this property is located in the Northeast ¼ of Section 12, Township 25 North, Range 42 East, W.M., in Spokane, Washington.

Zoning: The property is zoned RSF (Residential Single Family).

Comprehensive Plan Map Designation: The property is designated as R 4-10 (Residential 4-10 units per acre).

PROCEDURAL INFORMATION

Notice of Public Hearing: Mailed: July 11, 2018
Posted: July 11, 2018

Public Hearing Date: August 9, 2018

Site Visit: August 21, 2018

Testimony:

Ali Brast, Assistant Planner
City of Spokane Planning & Development
808 West Spokane Falls Boulevard
Spokane, WA 99201

Clay W. Conrad
Garco Construction
4114 E. Broadway
Spokane, WA 99202

Laura Snyder
1301 W. Montgomery Avenue
Spokane, WA 99205

Sandra L. Nokes
1306 W. Montgomery Avenue
Spokane, WA 99205

Father Jose L. Millan
2320 N. Cedar Street
Spokane, WA 99205

Mel McGinnis
1320 W. Carlisle
Spokane, WA 99205

Exhibits:

1. Planning Services Staff Report
 2. Site Plan
 3. SW Campus Site Overview
 4. Notice of Revised Application and Public Hearing
 5. Notice Map
 6. Parcel listing
 7. Affidavit of Individual Notice dated 07-11-18
 8. Affidavit of Public Notice dated 07-11-18
 9. Letter dated 07-06-18 to Matt Hoffman from Ali Brast
re: notice of application instructions
 10. Email dated 07-12 & 13-18 to/from Ali Brast and Laura Snyder
re: campus changes
- A. Material received at hearing:
- A-1 Hardcopy of Staff's PowerPoint presentation

FINDINGS AND CONCLUSIONS

A. Project History

To better understand the grounds for this decision, a brief review of the project history and a summary of the current proposal may be helpful.

Original Master Campus Plan. On September 27, 2016, the Hearing Examiner approved St. Anthony's Parish for a Master Campus Plan. See Findings, Conclusions, and Decision, File No. Z16-653CUP3, 9-27-16. At that time, the property consisted of five tax parcels. The property included three contiguous parcels (25121.6003; 25121.6002; and 25121.6001) on the southwest corner of Cedar Street and Carlisle Avenue. Those lots were improved with an asphalt playground and a grass field. There were two more contiguous lots (35073.3501 and 35073.3401), located to the southeast, and on the other side of Cedar Street. These lots were improved with a school, the church, associated parking, and a playground.

The approval of the Conditional Use Permit allowed the parish's property to be treated as a single campus, and thereby to apply certain developments standards, in particular the Floor Area Requirements, to the campus as a whole. As part of the CUP application, St. Anthony's Parish proposed to construct a school and child care facility to be located at the southwest corner of Cedar and Carlisle. The proposed facility would have a footprint of approximately 16,000 square feet and an overall square footage of approximately 27,000 square feet. Once the new school/daycare was constructed, the existing school across Cedar and next to the church would be demolished. After the existing school was demolished, a new surface parking lot would be constructed in its place, to serve the parish and the new school/daycare facility. The parking lot would include approximately 23 spaces.

First Modification to Master Campus Plan. On November 29, 2016, the Hearing Examiner administratively approved a minor modification to the Master Campus Plan. This approval was granted to accommodate the parish's request to change several elements of the Master Campus Plan. Under the approved modification, the new school and daycare facility was redesigned. The footprint of the building was reduced from 16,000 square feet to 11,000 square feet. The total square footage of the new facility was also reduced from 27,000 square feet to 22,000 square feet. The existing school building would not be completely demolished, as originally proposed. Instead, the northern two-thirds of the existing school would be demolished. The remaining masonry shell, from the southern one-third of the existing building, would be tied back into a new, 7,000 square foot gym. The original proposal included the gym inside the new school facility. Under the modified plan, the gym was relocated to the site of the existing school and would be a stand-alone structure. Under the previously approved plan, there would be a total of 23 parking spaces once construction was completed. Approximately 12 spaces would have been added to the existing parking. Under the modified plan, the total number of parking spaces in the new parking lot would be reduced to 20.

Second Modification to Master Campus Plan. The proposal being considered here is the second request to modify the Master Campus Plan. St. Anthony's Parish requested

that its proposed changes be administratively approved by the Hearing Examiner. On May 21, 2018, the Hearing Examiner determined that the requested changes constituted a major modification of the Master Campus Plan and therefore a public hearing was necessary. On June 20, 2018, the Hearing Examiner denied the parish's request to reconsider that decision. Subsequently, on August 9, 2018, a public hearing was conducted regarding the requested modification to the Master Campus Plan.

By the time the parish made its request for a second modification, the new school and daycare facility had already been constructed in accordance with the site plan approved on November 29, 2016. The site of the school was formerly made up of three tax parcels: 25121.6003; 25121.6002; and 25121.6001. Those tax parcels have been aggregated into a single tax parcel: 25121.6014. The remaining two parcels of the campus, 35073.3501 and 35073.3401, are also supposed to be aggregated into a single tax parcel, per the project conditions. However, that aggregation has not yet taken place. In addition to the foregoing, the old school has been demolished.

Through the second proposed modification, St. Anthony's seeks approval of several changes to the Master Campus Plan. St. Anthony's acquired an additional parcel, designated as 35072.6304, located at 1315 W. Carlisle. St. Anthony's proposes to include this parcel within the boundaries of its campus. In the most recent version of the Master Campus Plan, the parish proposed to demolish only part of the old school and to convert the remainder into a new gym. The parish has since determined that that plan is not feasible. Under the second proposed modification, St. Anthony's proposes to build a stand-alone gym on the eastern portion of the site at 1306 W. Montgomery. The gym has been redesigned, increasing its size from 7,000 square feet to 9,256 square feet. The playground will be relocated so that it is situated between the church and the new gymnasium. Finally, the parking areas will be slightly reconfigured in light of the above design changes.

B. Discussion

The Hearing Examiner concludes that the second proposed modification to the Master Campus Plan should be approved. The Hearing Examiner's analysis of the decision criteria, contained in his Findings, Conclusion, and Decision dated September 27, 2016, applies with equal validity to this decision. Rather than repeating that analysis here, the Hearing Examiner incorporates his previous analysis by reference. However, because the prior decision did not address the changes now proposed for the Master Campus Plan, some additional explanation is provided for the sake of clarity.

For the reasons stated in the decision approving the Conditional Use Permit, the revisions to the Master Campus Plan are permissible under the land use codes. See SMC 17G.060.170(C)(1). As was true with the prior plan, all of the development standards of the municipal code are being met under the revised proposal. *Testimony of A. Brast*. One issue that should be specifically discussed, however, is the Floor Area Ratio requirements. The campus concept was originally pursued so that the FAR standards could be applied to the campus as a whole, rather than applied to each lot or parcel individually. This allowed the parish greater flexibility in designing new school facilities. Under the second modification to the Master Campus Plan, the new gymnasium is being enlarged from 7,000 square feet to 9,256 square feet. The question arises, then, as to whether these changes still comply with the FAR requirements, as applied to the campus. The Hearing Examiner finds that the revised Master Campus Plan still complies with the FAR

requirements. Updated FAR calculations are included in the revised site plan. See Exhibit 2. Those calculations demonstrate that the total floor area under the revised Master Campus Plan is 34,591 square feet. See *id.* This is less than the total allowed floor area for the campus, i.e. 34,985 square feet. See *id.* As a result, the revised Master Campus Plan complies with the FAR standards.

The second modification to the Master Campus Plan is consistent with the comprehensive plan and satisfies the concurrency requirements of the municipal code. See SMC 17G.060.170(C)(2)-(3). The Hearing Examiner's prior analysis on these issues fully addresses these questions. The Hearing Examiner remains convinced that the property is suitable for the proposed uses given the physical characteristics of the property. See SMC 17G.060.170(C)(4). The hearing on the proposed modification did not call the previous findings or conclusions into question. Similarly, there is no reason to suspect that the proposed revisions will result in a significant impact on the environment or the surrounding properties. See SMC 17G.060.170(C)(5).

The revisions to the Master Campus Plan will not result in a material decrease in the overall residential appearance and function of the area. See SMC 17C.320.080(F). As the Hearing Examiner's prior decision noted, the site has been used for church and school purposes for decades without creating any apparent incompatibility with the neighborhood. The nature and intensity of the use is not materially changing, even with the substantive changes being made to the Master Campus Plan. The new facilities have been designed with stylistic consistency in mind, with the objective of creating buildings that blend well with the neighborhood. For example, the new school was designed to incorporate Spanish elements, to maintain some architectural consistency with the church. The design also avoids the blockish look of a typical office building, in order to better blend with the neighborhood. These same design considerations have been incorporated into the plans for the new gymnasium. *Testimony of C. Conrad*; see also Exhibit 3. In addition, the project must adhere to the institutional design standards for such uses in a residential area. See SMC 17C.110.500 *et seq.* Staff has generally confirmed that the project renderings generally appear to satisfy those standards, and there were no comments, from the public or any agency, to the contrary. Thus, the proposal satisfies the criterion calling for compatibility with adjacent residential developments. See SMC 17C.320.080(F)(2) & SMC 17C.320.080(I)(3)(a).

The Hearing Examiner adheres to the previous conclusion that the proposal will not have significant adverse impacts on the livability of nearby residential lands due to noise, glare, late-night operations, odors and litter, or privacy and safety issues. See SMC 17C.320.080(F)(3) & 17C.320.080(I)(3)(b). Likewise, the Hearing Examiner concludes that the project does not appear to create any new or unique burdens on the transportation system or on other public facilities. See SMC 17C.320.080(F)(4). These issues were sufficiently addressed in the Hearing Examiner's original decision approving the CUP. At the original hearing, there was no testimony objecting to the project on the basis of any of these issues. Prior to or at the hearing on the proposed modification, however, some concerns were raised about the project by at least a few neighbors. Those concerns should be given some consideration.

One neighboring property owner objected to the proposal to place playground equipment on the vacant lot. *Testimony of M. McGinnis*. He testified that he already had to contend with the inconvenience and noise from traffic related to the school. See *id.* He did not see why there should be an additional "strip playground" installed right across the

street. See *id.* Another neighbor contacted the Planning Department with an entirely different concern about the vacant lot. This neighbor was concerned that the parish planned to convert the vacant lot into a parking lot. *Testimony of A. Brast.*

Initially, it should be emphasized that the Hearing Examiner has not encountered any substantive reason that the vacant lot should not be annexed to the campus. The campus is quite irregular in shape, a circumstance that is not improved by the addition of the vacant lot. However, it is not usual for the configuration of a campus to change over time, as properties are acquired. The vacant lot was not proposed for inclusion the campus originally because it had not yet been acquired. *Testimony of C. Conrad.* In the two years (approximately) since the CUP was originally approved, the property was acquired and the residence formerly located there was demolished. See *id.* The lot is now owned by the parish and is adjacent to the campus. The Hearing Examiner concludes that it is appropriate to incorporate that property into the campus.

The proposed use of the vacant lot is the subject of the neighbors concern. While the Hearing Examiner is sympathetic to the complaints about the noise and traffic from the school, the church and school have been operating in that location for decades. The incidence of some inconvenience from traffic and noise seems inevitable. However, that impact does not appear to be truly significant or materially detrimental to the neighborhood or the community. Specifically with respect to traffic, there was no evidence that the amount of traffic places an undue burden on the transportation system. Two public hearings have been conducted concerning the project and no specific evidence of traffic impacts has been submitted for review, from any source.

A specific complaint was lodged about the proposal to place playground equipment on the vacant lot. However, the neighbor simply objected to the idea. Presumably, the neighbor would want such a use to be prohibited, since there was no suggestion concerning possible mitigation measures that might be satisfactory. There really wasn't a specific explanation as to why playground use would be genuinely harmful. Rather, there was a general assertion that such use would be annoying, just like the excess traffic and noise from car doors. *Testimony of M. McGinnis.* The Hearing Examiner is sympathetic to the desire for peace and quiet, but ultimately concludes that the proposed use is not offensive. The parish is proposing to use the lot as open space, possibly to include placing its playground equipment there to have extra space for the kids to play. The Hearing Examiner believes this is a very low-impact use that should not pose any serious problems for the neighborhood. As a result, that use should be permitted. It puts the property to a productive use without creating any significant impacts on the neighborhood. The Hearing Examiner is not inclined to place specific conditions on that use. Rather, the Hearing Examiner encourages the parish to confer with its neighbors, and the Planning Department, to determine whether some mitigating measures might be appropriate and help allay any concerns.

There was another concern about the use of the vacant lot, i.e. that the lot would be converted into a parking lot. This issue can be disposed of in short order. The parish has not proposed that this lot be used for parking. *Testimony of C. Conrad.* More than that, the parish believes that managing that lot as parking would be a "nightmare." *Testimony of F. Millan.* In addition, the lot cannot be legally converted into a parking lot because a stand-alone parking lot is not permitted in a residential zone. *Testimony of A. Brast; Testimony of C. Conrad.* Given the foregoing, there is no risk that the lot will be used for parking.

C. Conditions of Approval

In the Addendum to Staff Report, there are 5 suggested conditions of approval for this modification to the Master Campus Plan. See Exhibit 1, p. 3. However, with some immaterial differences in wording, all of those conditions are already included in the original decision approving the CUP. See Findings, Conclusions, and Decision, File No. Z16-653CUP3, 9-27-16 (Condition Nos. 2-5 & 10). As a result, there is no need to supplement or revise the existing project conditions to include the conditions proposed in the Addendum to Staff Report.

Condition No. 1 of the CUP approval, most recently revised on November 29, 2018, will again need to be amended to reflect this second modification to the Master Campus Plan. Specifically, Condition No. 1 of the conditions of approval should be replaced with the following:

1. Approval is for a conditional use permit for a Master Campus Plan to allow the St. Anthony's Catholic Parish to construct a school and daycare facility; to demolish the existing school; to relocate the playground and the associated equipment; to construct new surface parking; and to construct a new gymnasium. This approval also authorizes a modification to the boundaries of the campus to incorporate Tax Parcel No. 35072.6304, commonly known as 1315 W. Carlisle, into the campus governed by the Master Campus Plan. The project shall be completed substantially in conformance with the plans and application on file with the Planning and Development Department. Proposed amendments to the Master Campus Plan shall be processed in accordance with SMC 17C.320.080(l)(5).

DECISION

The Hearing Examiner hereby approves the application of St. Anthony's Parish to modify the Master Campus Plan. Condition No. 1 of the conditions of approval, as most recently revised on November 29, 2018, is hereby deleted and replaced with the revised Condition No. 1 set forth in Paragraph C above. A new Covenant attaching the updated conditions of approval shall be recorded by the Applicant within thirty (30) days of this decision.

DATED this 22nd day of August 2018.



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 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 three days after a written decision is mailed by the local jurisdiction. This decision was mailed on August 22, 2018. **THEREFORE, THE DATE OF THE LAST DAY TO APPEAL IS THE 17th DAY OF SEPTEMBER 2018 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.