



HEARING EXAMINER
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SPOKANE, WASHINGTON 99201-3333
509.625.6010
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BRIAN T. MCGINN
HEARING EXAMINER

November 29, 2016

Mr. Clay Conrad, Architect
Garco Construction, Inc.
4114 E. Broadway Ave.
Spokane, WA 99202

Re: Proposed Modification to Conditional Use Permit;
Z16-653CUP3, St. Anthony's Catholic Parish, Trinity School,
2315 N. Cedar, Spokane, WA, 99205

Dear Mr. Conrad,

This letter is provided in response to your correspondence dated November 2, 2016. In your correspondence, sent on behalf of the Applicant, you requested administrative approval of a modification to the St. Anthony's Catholic Parish Master Campus Plan (the "Plan"). The Plan was recently approved by this office as a conditional use permit, under File No. Z16-653CUP3. It appears that, to date, no construction work has been undertaken pursuant to the original Plan.

As I understand it, the proposed revisions to the Plan include the following:

- 1) The new school and daycare facility has been redesigned. The footprint of the new facility is being reduced from 16,000 square feet to 11,000 square feet. The total square footage of the new facility is being reduced from 27,000 square feet to 22,000 square feet. Because the proposed building is smaller, some setbacks are being increased. Specifically, the side yard setback from W. Carlisle is being increased from 15 feet to 25 feet. The rear yard setback from the west property line will be increased from 25 feet to 53 feet.
- 2) The existing school building will not be completely demolished, as originally proposed. Instead, the northern two-thirds of the existing school will be demolished. The remaining masonry shell, from the southern one-third of the existing building, will be tied back into a new, 7,000 square foot gym. The original proposal included the gym inside the new school facility. Under the proposed revision, the gym is being relocated to the site of the existing school and will be a stand-alone structure.
- 3) The existing driveway and curb-cut on Montgomery will remain under the revised Plan. Under the original 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 revised Plan, slightly less parking will be added. The total number of parking spaces under the revised proposal is 20.

In order to properly respond to your inquiry, I reviewed your e-mail request and our conditional use permit file. I then requested comments from city staff in various departments whose input would be important for purposes of evaluating your request. Copies of the correspondence between this office and city staff are enclosed for your review and information. I also sought comments from the only member of the public who

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November 29, 2016

testified at the CUP hearing. However, I did not receive any further comments from that individual within the time-frame stated in my request for comments. Having considered the matter in some detail, I can now provide a response to your correspondence.

The Hearing Examiner concludes that the proposed changes qualify as a minor modification to the original Conditional Use Permit, under the unique circumstances of this case. The Hearing Examiner already approved the characterization of the school properties as a "campus." With that understanding, changes that otherwise *might* be considered substantial, such as relocating the gym and demolishing only part of the existing school, remain relatively minor in nature. The reason is that the proposed changes are more or less internal, i.e. the revised Plan simply rearranges the uses within the campus. The proposed uses, which have already been approved, remain the same.

The intensity of the proposed uses either remains the same or is reduced to some degree. The proposed school facility, for example, will be smaller than originally proposed. The new school facility will have larger side and rear setbacks, and will be more in proportion with the neighborhood. There will also be more usable playground area on the school site. This will reduce the need for children to cross Cedar to reach the existing, eastern playground. In addition, the new gym, as a stand-alone structure, will have direct access to the eastern playground, a configuration that is more convenient and secure for the students. Security during community events will also be improved by having the gym in a separate building.

If there is one concern about the revised Plan, in terms of potential impacts on the neighborhood, that concern would be parking. The access to the eastern part of the campus is apparently unaffected by the proposed revisions. However, the total parking is reduced under the revised Plan, which likely means that additional vehicles will be parking in the neighborhood streets, at least on occasions when there is insufficient parking to support school activities. Despite this potential issue, the Hearing Examiner nonetheless concludes that the revised Plan constitutes a minor modification to the CUP. The total reduction in parking is only 3 spaces. In addition, the total parking will still be approximately double from what it is today.

The Hearing Examiner does not doubt that the revised Plan results in other benefits as well, such as an improved appearance, better internal layout, etc. However, the issue here is whether the proposed changes are substantial and therefore necessitate a public hearing before the changes can be considered. The Hearing Examiner believes, in this particular situation, that the changes can and should be approved administratively. The comments from city departments did not suggest a different result. The Planning Department did not object to the changes, in particular in light of the reduced lot coverage and more proportionate scale of the development. See E-mail of T. Palmquist, 11-18-16, 10:17 AM. The Engineering Department had more extensive comments about the project. See E-mail of P. Kells, 11-22-16, 4:19 PM. However, the Hearing Examiner concludes that the Engineering Department's comments largely concern code requirements that the applicant must adhere to in any event, or raise matters that were sufficiently addressed in the original project conditions.

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November 29, 2016

The Hearing Examiner hereby grants administrative approval of the proposed modification to the St. Anthony's Catholic Parish Master Campus Plan. In light of this decision, Condition No. 1 of the conditions of approval is modified to read as follows:

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 located at 2315 N. Cedar Street, and to partially demolish the existing school, construct a new gymnasium, once the new school is built, and to construct a new surface parking lot at 1306 W. Montgomery. 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).

Because the language of the conditions of approval has changed, a revised Covenant must be recorded to memorialize the change in the public records. Except as modified by this decision, all other terms and conditions of the CUP approval are applicable and remain in full force and effect.

I trust this letter fully addresses your inquiry. If I overlooked anything, or you are in need of clarification, please advise me accordingly.

Sincerely,



Brian McGinn
City of Spokane Hearing Examiner

c: Tami Palmquist
Patty Kells

Enclosures (2)

Reid, Lee Ann

From: Palmquist, Tami
Sent: Friday, November 18, 2016 10:17 AM
To: Reid, Lee Ann
Cc: Brast, Ali
Subject: RE: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

They appear to be reducing their lot coverage, and the scale seems more appropriate. We do not object to the proposed changes.

Tami Palmquist, AICP, CFM | Associate Planner | City of Spokane
509.625.6157 | *main* 509.625.6300 |

From: Reid, Lee Ann
Sent: Thursday, November 17, 2016 1:32 PM
To: Brast, Ali; Kells, Patty; Brown, Eldon; Saywers, John; Note, Inga; Kokot, Dave
Cc: Palmquist, Tami; Becker, Kris; Key, Lisa; cwc@garco.com; Hearing Examiner
Subject: FW: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

The Hearing Examiner's office has not yet received any staff comments on the attached request regarding the above subject, which was submitted to you for your review and comments on November 3rd with a requested response to the Hearing Examiner by today's date.

Please advise as to your anticipated response time. If you are not intending on providing a response that information would be helpful as well.

Respectfully,
Lee Ann

Lee Ann Reid
Office of the Hearing Examiner
509-625-6010

From: Reid, Lee Ann **On Behalf Of** Hearing Examiner
Sent: Thursday, November 03, 2016 8:49 AM
To: Brast, Ali; Kells, Patty; Brown, Eldon; Kokot, Dave; Note, Inga; Saywers, John
Cc: Palmquist, Tami; Becker, Kris; Key, Lisa; 'cwc@garco.com'
Subject: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

The Hearing Examiner's office has received a request for modifications by Garco Construction for the above project.

Please see the attached documents and provide any comments to this office by November 17th. A copy of the Hearing Examiner's decision is also attached for your reference.

Respectfully,
Lee Ann

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Reid, Lee Ann

From: Kells, Patty
Sent: Tuesday, November 22, 2016 4:19 PM
To: Reid, Lee Ann
Subject: RE: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

Good afternoon Lee Ann -

My apologies for getting this to you late! Here are Engineering's comments:

1. Our records indicate there are three existing four inch side sewers placed in 1922-1923 serving the property on Cedar and Carlisle from the main in the alley immediately south of the property. The ten-inch clay pipe main was constructed in 1924 and is approximately ten feet below the ground surface.
2. The six inch side sewer placed in 1928 to the existing school on Montgomery, as well as any other unused side sewer services, will need to be sealed and capped at the property line as part of the demolition of the structure. Sewer cards for each site were provided.
3. A new commercial side sewer shall be at least six inches in diameter, have a minimum slope of two percent and 3.5 feet of cover where vehicular traffic passes over, two feet minimum in other areas. Sewer and Water service separation requirements are 18 inches minimum vertical, five feet minimum horizontal. Sewer cleanouts shall be installed at every 100 feet and every angle 45 degrees or greater. See City of Spokane Design Standards Section 4 for additional information on Sewers. The property is within the General Facilities Waiver Zone, so GFCs will not apply for any new connection.
4. A grease trap is required for cafeteria use. The design of these facilities is covered in the Uniform Plumbing Code.
5. In the City of Spokane, the regulatory threshold for compliance with the basic stormwater requirements is defined as "the addition or replacement of any impervious surface"(SRSM Section 2.1.1).
6. All storm water and surface drainage generated on-site must be disposed of on-site, in accordance with *SMC 17D.060.140*. Stormwater requirements can be found in the Spokane Regional Stormwater Manual (SRSM) and City of Spokane Design Standards Section 6. Any new impervious surface such as pavement will require a geotechnical site characterization (report) and drainage report/plan. Please include a detailed Site Plan or Civil Plans, which show and clearly delineate existing and proposed sewer, water, drainage structures, dry well types, swale bottom areas and property lines. Show proposed and existing pavement. All swale bottom dimensions shall be shown on the plans. The geotechnical report, drainage report and civil plan must be stamped and signed by an engineer licensed in the State of Washington.
7. *"The City shall collect impact fees, based on the schedules in SMC 17D.075.180, or an independent fee calculation provided for in SMC17D.075.050, from any applicant seeking development approval from the City."* An impact fee will be assessed for this proposal for a new 37,334 building and calculated at a per student rate in the Northwest Service Area. The estimated fee is \$15,779.46 + admin fee with credit given for any previous uses after 2001 on this site. This fee must be paid prior to issuance of the building permit.
8. Any access to the unimproved alleys within this campus must be fully improved. This will require full design of the alley by a WA licensed civil engineer, per City standards with full improvements to be constructed.
9. Accessible barrier free parking spaces and aisles must be shown and comply with the City of Spokane Standard Plan G-54 & B-80A. An accessible route of travel connecting to the nearest accessible entrances and to the public sidewalk is required with a marked accessible route of travel. All barrier free spaces and aisles need to be designed, drawn, and noted on the plans, per

these standards. Note on the site plan the van-accessible stalls and the sign locations. The access aisle for van accessibility must be a minimum eight feet wide.

10. All parking and maneuvering areas must be hard surfaced. Please dimension the parking stalls, accessible stalls and access aisles, travel lanes and driveway approaches on the site sets submitted for the building permit.
11. Any new or modified driveway access locations must be reviewed and approved by Traffic Engineering prior to permit issuance. Please note the type of approach proposed from the City Standard Plans. All unused driveway approaches must be removed and replaced with City Standard curb and sidewalk. All required parking, landscaping and onsite stormwater designs must be within the property lines and not in the public right-of-way. Adequate access and maneuvering for refuse/emergency vehicles is required, per City Standards.

Thank you and Happy Thanksgiving!

Patty



Patty Kells | City of Spokane | Traffic Engineering Assistant

509.625-6447 | fax 509.625-6822 | pkells@spokanecity.org | spokanecity.org



From: Reid, Lee Ann
Sent: Monday, November 21, 2016 7:58 AM
To: Kells, Patty
Subject: RE: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

Thanks Patty!

Lee Ann Reid
Office of the Hearing Examiner
509-625-6010

From: Kells, Patty
Sent: Thursday, November 17, 2016 4:49 PM
To: Reid, Lee Ann
Subject: RE: Z16-653CUP3, St. Anthony's Parish Trinity School Campus

Engineering will have comments to you tomorrow.



Patty Kells | City of Spokane | Traffic Engineering Assistant

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