

City of Redmond
Notice of Decision

December 21, 2006

David Rogerson
St. Jude's Church
10526 166th Avenue NE
Redmond, WA 98052

Scott Morrow
SHARE/WHEEL
Post Office Box 2548
Seattle, WA 98111

SUBJECT: **Short Term Temporary Use Permit for Share/Wheel Tent City at St. Jude's
File Number L060474**

Location: *10526 166th Avenue NE, Parcel Number: 362605-9070*

Dear Mr. Rogerson and Mr. Morrow:

The Code Administrator for the City of Redmond has reviewed and approved your proposal. The approval is subject to the conditions of approval for this permit.

Approval of this application shall be for no more than 110 days, approximately from February 11 to May 13, 2007 and is subject to the conditions attached within this letter. Once the approval period has expired this approval shall terminate and the application shall be void and deemed withdrawn.

Copies of this decision will be mailed to all parties of record associated with this permit. Decisions of the Code Administrator may be appealed to the Hearing Examiner pursuant to the Redmond Community Development Guide by filing an appeal with the Planning Department within 14 calendar days of the date of this letter. Appeal forms are available at the Permit Center or on line at www.redmond.gov. A complete appeal form must be submitted on or before the last day of the appeal period. If you have any questions, please contact Steven Fischer, Senior Planner, at sfischer@redmond.gov or (425) 556-2432.

Should you have any questions regarding the conditions of this permit please contact the planner above.

Sincerely,

ROBERT G. ODLE
*Planning Director
Department of Planning and Community
Development*

Attachments and Enclosures:

- Attachment A – Conditions of Approval
- Attachment B – Finds of Fact

CC: Parties of Record

ATTACHMENT A
APPROVAL CONDITIONS

This attachment identifies the Conditions that must be met for your proposal. Please be advised that unless otherwise stated herein, the proposal shall comply with all applicable regulations, including, but not limited to, the Redmond Comprehensive Plan, and the Redmond Community Development Guide. If you have questions regarding these conditions, please contact the staff person for that City department. The contact information is listed under each Department/Division title.

I. Approved Plan Set and Supporting Material

A. The following table identifies those materials that are approved with conditions by this Notice of Decision. The “Date Received” is the date that is stamped as “Received” by the Redmond Permit Center.

<u>Item</u>	<u>Date Received</u>	<u>Notes</u>
Conceptual Site Plans	11/14/2006	<i>and as conditioned herein.</i>

II. Approval Conditions

- 1) The approval shall be for a maximum of 110 days beginning on approximately February 11, 2007 and allow up to 100 persons to be housed at this location. On or before the encampment reaches sixty-five (65) persons, the applicant shall provide a modified site plan demonstrating how the location will accommodate the additional persons within the conditions of this approval.
- 2) The encampment area shall be located on the pervious surface area located west of the church between the surface parking lot and the church buildings. No portion of the encampment (sleeping tents, community tents/structures, storage structures, portable toilets, or portable showers) shall be permitted south of the church buildings as depicted in Plan Alpha or Plan Omega that were submitted with the application. All Tent City facilities shall be located within one fenced area.
- 3) The placement of tents, portable toilets, or other such non-motorized equipment shall not be placed within the parking lot.
- 4) No more than five (5) vehicles associated with Tent City shall be parked within the church surface parking lot. No vehicles associated with Tent City will be parked within the surrounding neighborhoods.
- 5) The use shall comply with all applicable standards of the Seattle-King County Health Department.
- 6) The applicant shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).
- 7) The site occupied by Tent City shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
- 8) All security background checks for new residents of Tent City shall be processed through the Redmond Police Department.
- 9) St. Jude’s Church shall provide sidewalk monitors along both NE 104th Street and 166th Avenue NE during the normal hours when elementary and junior high school students are going to and

from Redmond Junior High School, Horace Mann Elementary School, and Norman Rockwell Elementary School. An operating plan and schedule shall be provided to the City of Redmond prior to occupancy. After 30 days the plan shall be evaluated based on criteria established by St. Jude's and the City, prior to occupancy of the encampment, to determine its effectiveness and necessity.

- 10) Members of Tent City shall not perform neighborhood security foot patrols into the adjoining residential neighborhood.
- 11) The applicant shall contact the City of Redmond Development Services Center and obtain, if necessary, a Temporary Electrical Power Permit. Please contact the City of Redmond at 425-556-2473.
- 12) Members of SHARE/WHEEL and the next host church shall begin application with the appropriate governmental jurisdiction within ten (10) days of occupying the St. Jude's Church site.

ATTACHMENT B **Findings of Fact**

BACKGROUND

Applicant: David Rogerson
St. Jude's Church
10526 166th Avenue NE
Redmond, WA 98052

Scott Morrow
Share/Wheel
Post Office Box 2548
Seattle, WA 98111

Application Date: File L060474, November 14, 2006

Date Application Determined Complete/Vested:
File L060474, November 14, 2006

Project review authority and procedures: Pursuant to Redmond Community Development Guide (RCDG) Section 20F.40.170, Temporary Use, certain temporary uses are intended to be permitted when they are found to be consistent with the Development Guide and when safe and compatible with adjacent uses. Temporary Uses are classified as a Type I Permit (RCDG Section 20F.30.30-015) which establishes the Planning Director (Code Administrator) as the decision maker for this permit.

Code Administrator: Pursuant to RCDG Section 20F.50.15-020, Code Administrator – Authority and Duties, the Code Administrator shall “enforce and administer the Redmond Community

Development Guide unless otherwise specified; investigate complaints and initiate appropriate action; and keep adequate records of land use applications enforcement actions, and appeals.”

Project Location/Description: St. Jude’s church is located at 10526 166th Avenue NE at the northeast corner of the intersection of 166th Avenue NE and NE 104th Street. The church proposes to host Tent City 4 for a period of up to 110 days beginning on approximately February 11, 2007 and provide shelter for up to 100 adults.

SHARE/WHEEL will manage Tent City 4 and provide tent shelters and logistical support including a kitchen, common area with library and TV, shower, dumpsters, toilets, donation management, bicycles, bus and taxi passes. Dumpsters will be emptied twice a week and portable toilets will be emptied three times a week. St. Jude’s will provide access to water, and grey water drain for the shower, and access to electrical power.

Neighborhood: The St. Jude’s Church is located within the Education Hill Neighborhood as identified within the 1995 Comprehensive Plan.

Land Use Designation: The land use designation is Single Family Urban, as described in Comprehensive Plan Policy LU-33. This designation allows for residential densities between four and eight units per gross acre.

Zoning Designation: The site is zoned R-6 and is referred to as Single Family Urban.

Surrounding Land Use and Zoning: The site is currently developed containing the existing St. Jude’s church, administrative offices, and surface parking areas. Surrounding land use and zoning are as follows:

	<u>Zoning</u>	<u>Land Uses</u>
Northwest	R-6	Single-Family Residential
North:	R-6	Single-Family Residential
Northeast	R-6	Single-Family Residential
East:	R-6	Single-Family Residential
Southeast	R-6	Single-Family Residential
South:	R-6	Single-Family Residential
Southwest	R-6	Redmond Junior High School
West:	R-6	Single-Family Residential

Access: Vehicular access to the existing church on this site is currently provided by means of two paved driveways; one leading out to NE 104th Street and the other out to 166th Avenue NE. These two entries are connected by an internal circulation road and surface parking.

Topography: The site generally slopes from east to west with approximately 40 feet of grade drop within the 10,220 square foot property

Vegetation: The perimeter of the site consists of a natural wooded area of various widths that buffers the church site from the adjacent residential uses. A large wooded area exists in the southwest corner of

the site. Lawn and a combination of native and ornamental plant material surround the church buildings on this site.

Public Input: The Redmond Community Development Guide does not require a public comment or notification period for Type I permits. Understanding the public interest in this application, the City provided a Notice of Application that was sent out to all property owners within 500 feet of the St. Jude's site. Additionally, the City of Redmond held a public comment meeting on December 13, 2006 at the Redmond Junior High School in an effort to hear concerns and comments from the public. At this meeting 112 people signed up to become a party of record and 35 people provided public comments either in favor or in opposition to the proposal. Finally, the City posted a large white public notice sign at the intersection of NE 104th Street and 166th Avenue NE announcing the application and the public comment meeting as well as posting information concerning the public comment meeting on the City's web site and issuing press releases. The City of Redmond has received 59 emails and letters on this application. The concerns that have been expressed, either at the public comment meeting or in writing, include: safety of the children walking to and from school, how background checks were to be possessed, possible criminal activity, and possibility of an increase in crime within the neighborhood. Those that supported the proposal expressed that crime had not increased in areas where previous Tent Cities have been held, that Tent City is a positive place for the homeless to live, and that it does not degrade a neighborhood.

V. TEMPORARY USE PERMIT STANDARDS

Temporary Use Permits are a mechanism by which the City may authorize certain temporary uses when they are consistent with the Development Guide and when they are safe and compatible with adjacent uses. The following section discusses the St. Jude's application compatibility with the Temporary Use Permit decision criteria.

1. Decision Criteria:

The decision criteria for reviewing temporary use permits is located in RCDG Section 20F.40.170-040 – Decision Criteria. The Administrator may approve or approve with conditions a temporary use permit after consultation with all other applicable city departments and other agencies only when all of the following applicable determinations can be made:

- (a) The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.

The proposed tent city encampment will not impact the normal operation of St. Jude's church. The encampment will take place on the lawn portions of the site and will not cause the loss of on-site vehicular parking except for the five parking stalls which represent approximately two percent of the 230 available on site parking.

- (b) The temporary use will be compatible with uses in the general vicinity and on adjacent properties.

The use as proposed and further conditioned will be compatible with the uses in the general vicinity. Churches are permitted in all residential zones as a conditional or special use. Providing social services to the community, such as establishing food banks or caring for the homeless, is a typical associated use for many churches. As conditioned, this proposal will be compatible with the surrounding residential uses.

- (c) The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.

The proposed tent city will not significantly impact the Church's ability to use its parking lot and thus create a parking problem within the surrounding neighborhood. The City has heard the concerns by many residents about the safety of school children traveling to and from school. As conditioned, sidewalk monitors shall be present during the hours when children are traveling to and from school to address this community concern.

SHARE/WHEEL will provide portable toilets, showers, and dumpsters for the members of the encampment. Dumpsters are to be emptied twice a week and the portable toilets emptied three times a week. St. Jude's Church will provide access to water and electricity as well as the disposal of water from the showers.

- (d) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.

As approved, the tent city encampment shall be located central to the church property (west of the church building) and is well screened from the surrounding residential uses and 166th Avenue NE.

- (e) The temporary use shall comply with the goals, policies and standards of the Development Guide.

The use as proposed and conditioned will comply with the applicable goals, policies, and standards of the Development Guide.

2. General Conditions.

- (a) A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.

The tent city encampment will not take place within the parking area of St. Jude's Church. In order to provide parking of vehicles for the residents of the encampment, up to five (5) parking spaces have been allowed through this permit to be used by the residents of Tent City. This proposal meets this condition.

- (b) Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with RCDG [20D.130.10-050](#), Parking, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.

All activities of the tent city encampment will take place outside of the existing surface parking lot that serves St. Jude's Church. Additionally, the residents staying at the tent city encampment typically have between two to five vehicles. The parking of five (5) cars within the church's surface parking lot will not adversely impact the parking of churchmembers. This proposal meets this condition.

- (c) The temporary use shall comply with all applicable standards of the Seattle-King County Health Department.

The Short Term Temporary Use shall be conditioned that it meet all applicable Health Department standards. The Seattle King County Health Department will periodically monitor the site as they have done with previous encampments.

- (d) No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.

The proposal calls for the temporary use to be located on private property owned by the St. Jude's church. No activity is requested to be held within, nor is any activity permitted within any public park or right-of-way.

- (e) No short-term temporary use shall occupy or operate within the City of Redmond for more than six months within any calendar year unless approved by the Technical Committee under a long-term temporary use permit or by the City Council for an extended-term temporary use permit. A day of operation shall mean any or part of any day in which the business is conducted. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day is designated and approved.

The application requests that Tent City to be at this site no more than 110 days; therefore, a short-term temporary use is being applied for.

- (f) All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).

The Short Term Temporary Use is the only City land use approval necessary. The applicant shall contact the City of Redmond Development Services Center and obtain, if necessary, a Temporary Electrical Power Permit and any other permit needed.

- (g) The applicant for temporary use shall supply written authorization from the owner of property on which the temporary use is located.

The applicant, in this case, is the property owner. The proposal meets this condition.

- (h) Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

The project shall be conditioned that the site be free of any litter upon completion of the temporary use.

- (i) All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site; provided, that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation. By virtue of having been in consistent operation prior to the existence of the ordinance codified in this chapter the open air craft and farmer's market operation, commonly known as the Saturday Market, shall be allowed to store structures on-site between weekend activity of the market, but such structures must be reviewed by the Administrator annually and permission to leave them in place between market sessions may be denied if they become a visual blight, safety, or health problem. They shall be removed at the end of the permit period.

The applicants shall remove or cause to be removed all material and structures associated with this temporary use from the site upon the conclusion of the Tent City encampment.

- (j) The Administrator may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

The Administrator has placed additional conditions on this application to ensure compatibility with the surrounding properties and address concerns of public safety.

CONCLUSIONS IN SUPPORT OF RECOMMENDATION

The St. Jude's Tent City application appears to satisfy the Redmond Community Development Guide's standards for Temporary Uses provided that the additional conditions placed on this proposal are met.