



## **EXHIBIT A**

### **TECHNICAL COMMITTEE REPORT**

MEMO TO: Sharon Rice, Hearing Examiner

FROM: Technical Committee

DATE: July 24, 2013

PREPARED BY: Steven Fischer, Principal Planner (425-556-2432)

SUBJECT: ADMINISTRATIVE APPEAL (FILE NUMBER LAND-2013-01289) OF THE CODE ADMINISTRATOR'S DECISION TO APPROVE THE APPLICATION FOR THE SHORT TERM TEMPORARY USE PERMIT FOR SHARE/WHEEL TENT CITY AT REDWOOD FAMILY CHURCH (FILE NUMBER LAND-2013-00929)

REQUEST: The appellant is appealing the Code Administrator's decision to approve the application for the Short Term Temporary Use for SHARE/WHEEL Tent City at Redwood Family Church.

HEARING DATE: August 7, 2013

## **EXHIBIT B**

### **ATTACHMENTS**

1. Application
2. Vicinity Map
3. Notice of Application and Public Meeting
4. Public Meeting
5. Public Comment
6. Notice of Decision
7. Notice of Appeal Hearing
8. Appeal
9. PowerPoint Presentation

## **BACKGROUND**

### **Appellant:**

John Baumann  
11414 Redmond Woodinville Road  
Redmond, WA 98077

**Temporary Use Application Date:** May 28, 2013, File LAND-2013-00929 (See Attachment 1: Application)

### **Appeal Date:**

The City of Redmond received an appeal of the Notice of Order for file LAND-2013-00929 on July 11, 2013.

**Hearing Date:** August 7, 2013

**Location:** The proposed project is located at 11500 Redmond Woodinville Road (See Attachment 2: Vicinity Map).

**Neighborhood:** The proposed project is within the North Redmond Neighborhood as identified within the Comprehensive Plan.

**Land Use Designation:** The land use designation is Single Family Urban as described in the Comprehensive Plan Policies LU-34.

**Zoning Designation:** The property under consideration for this development application is zoned Single Family Urban Residential (R-4). Religious Facilities are allowed in all residential zones as either a Special Use or Conditional Use depending on the size of the proposed facility.

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

	<u>Zoning</u>	<u>Land Uses</u>
Northwest	R-4	Single-Family Residential
North:	R-4	Single-Family Residential
Northeast	R-4	Single-Family Residential
East:	R-4	Single-Family Residential
Southeast	R-4	Single-Family Residential
South:	R-4	Single-Family Residential
Southwest	R-4	Single-Family Residential
West:	R-4	Single-Family Residential and the Armenian Church

**Access:** Vehicular access to the existing church on this site is currently provided by means of a single paved driveway out to NE 116<sup>th</sup> Street. This entry is connected to a surface parking lot located along the west and southern portions of the church building.

**Topography:** The site generally slopes from east to west with approximately 20 feet of grade drop within the 154,576 square foot property.

**Vegetation:** The site consists of a tree lined drive from NE 116th Street leading to the church building and perimeter landscaping. A stand of evergreen trees exist along the southern property line and a row of evergreen trees is located along the eastern property line extending north from the southeast property corner approximately 210 feet providing further buffering. A second planting of evergreen trees is also located along Red-Wood Road extending north from the southwest corner of the property approximately 275 feet. Lawn and a combination of native and ornamental plant material surround the church buildings on this site.

**Public Input:** The Redmond Zoning Code, Section 21.46.030D does require a public comment period for temporary encampments. The form of the notice shall include a mailed and posted Notice of Application (See Attachment 3: Notice of Application and Public Meeting), the posting of a Major Land Use Action Sign on the encampment site, and a required neighborhood meeting. The Major Land Use Sign was installed and the Notice of Application was mailed to all property owners within 500-feet of the project site and posted on June 3, 2013. On June 24, 2013 the required neighborhood meeting was held at the Church of the Holy Cross. Approximately 30 individuals attended this meeting (See Attachment 4: Public Meeting). Several questions were asked by the public including: how the permit process works; how Share/Wheel is operated; what are the rules of the encampment; frequency of Tent City coming to Redmond; concern about noise coming from the encampment; crime and personal safety in neighborhoods with Tent City; and the loss of property value to surrounding properties due to Tent City. During the 21-day public comment period provided through the Notice of Application, the City of Redmond has received no written/mailed comments and 27 email from 18 individuals on this application (See Attachment 5: Public Comment). Three of the emails were supportive of the application. The remainder of the email expressed concerns such as: noise, lack of public transportation, concerns about increased crime, loss of property value, not an appropriate use in a residential neighborhood, and the frequency of Tent City being in Redmond.

**Public Notice:**

**Notice of Application/Public Meeting:** The City of Redmond issued the Notice of Application and Public Meeting on the Short Term Temporary Use Permit on June 3, 2013 in accordance to RZC 21.46.030D.1, RZC 21.46.030D.2 and RZC 21.76.080B. A public meeting for this project was held on June 24, 2013.

**Notice of Decision:** The City of Redmond issued the decision on the Short Term Temporary Use Permit on June 26, 2013 in accordance to RZC 21.76.080G and copies of the decision were mailed out to the applicants and all parties of record. As set forth in RZC 21.76.080H a fourteen day appeal period followed (See Attachment 6: Notice of Decision).

**Notice of Appeal Hearing:**

Notice of the hearing was mailed to each of the appellants on July 24, 2013 in accordance to RZC 21.76.080H (See Attachment 7: Notice of Appeal Hearing).

### **JURISDICTION**

In accordance with RCZ 21.76.060.D.4, Director Decisions on Type I Reviews and RCZ 21.76.060. I, Appeals to the Hearing Examiner on Type I and Type II Permits, the appellant is required to specify the basis of their appeal. An appeal must be based on an error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing or consideration of approval. The appellant must provide: 1) facts demonstrating that they were adversely affected by the decision, 2) a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria, 3) the specific relief requested, and 4) any other information reasonably necessary to make a decision on the appeal. The appellant has provided a basis for appeal consistent with these regulations (See Attachment 8: Appeal).

### **APPELLANT'S BASIS FOR APPEAL**

The City of Redmond issued the Notice of Decision, approving with conditions the Short Term Temporary Use Permit for the SHARE/WHEEL Tent City at the Redwood Family Church on June 27, 2013, (See Attachment 3: Notice of Decision). During the 14-day appeal period of this decision, the City of Redmond received one appeal of the Short Term Temporary use decision from an adjacent neighbor (See Attachment 5, Appeal).

In accordance with the Redmond Zoning Code (RZC) 21.76.060I, the appellant is required to specify the bases of their appeal. An appeal must set forth:

- a) Facts demonstrating that the person is adversely affected by the decision;
- b) A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the decision fails to satisfy the application decision criteria;
- c) The specific relief requested; and
- d) Any other information reasonably necessary to make a decision on the appeal.

The bases of the appeal, as described by the appellant, is listed as follows:

- 1) Statement of fact demonstrating how you are adversely affected by the decision

**Appellant:** It has negative impact on the adjacent properties that belong to me and my family.

- 2) Provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria

**Appellant:** The plans and drawing are incomplete and do not show the true size and location of tent city. They are actually very deceptive.

- 3) Please state the specific relief requested.

**Appellant:** If the plans were to scale and complete it would be clear to the City that the tent city should not be allowed. It also would have allowed the neighbors to see true impact.

- 4) Any other information reasonably necessary to make a decision on the appeal

No additional information was provided by the appellant.

### **BURDEN OF PROOF**

The burden of proof for demonstrating that the City's approval of the Short Term Temporary Use Permit application for the SHARE/WHEEL Tent City at the Redwood Family Church was in error is on the proponent (appellant); see RZC 21.76.060I(4). The appellant must prove that the Short Term Temporary Use decision is "not supported by a preponderance of the evidence or was clearly erroneous."

### **ANALYSIS**

The following responses provide the analysis to the appellant's assertions as presented in the previous section.

1. **Basis of Appeal:** Statement of fact demonstrating how you are adversely affected by the decision

**Assertion:** It has negative impact on the adjacent properties that belong to me and my family.

**Response:** Mr. Baumann owns property at 11414 Red-Wood Road which is just east of the Redwood Family Church site. Mr. Baumann submitted public comment on this land use application and is a party of record to this application.

2. **Basis for Appeal:** Provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria

**Assertion:** The plans and drawing are incomplete and do not show the true size and location of tent city. They are actually very deceptive

**Response:** As part of the Notice of Application and Public Meeting notice, the City also enclosed a vicinity map and a site map. The intent of the vicinity map is to give the viewer a general idea of where the encampment will be held in relation to the church and surrounding properties. The site map depicts the existing church building and the layout of the proposed encampment as they relate to the church, parking lot, a tree and shed building.

At the public meeting, held on June 24, 2013, the City also provided additional maps in the form of a PowerPoint presentation (See Attachment 9: PowerPoint Presentation) that depict the surrounding area and where the encampment was proposed to be located. Approximately 30 individuals, which included about ten members from Share/Wheel, attended this meeting. Several questions were asked by the public including: how the permit process works; how Share/Wheel is operated; what are the rules of the encampment; frequency of Tent City coming to Redmond; concern about noise coming from the encampment; crime and personal safety in neighborhoods with Tent City; and the loss of property value to surrounding properties due to Tent City.

The City provided adequate notice to the public of the proposed tent city encampment, collected public comments on the application, and held a public meeting where members of the public shared their comments and concerns. The maps, (both vicinity and site map) enclosed with the Notice of Application and Public Meeting convey to the viewer the general size, location, and scope of the encampment.

3. **Basis for Appeal:** Please state the specific relief requested.

**Assertion:** If the plans were to scale and complete it would be clear to the City that the tent city should not be allowed. It also would have allowed the neighbors to see true impact.

**Response:** No relief is specified in the appeal.

The vicinity map and site map are not prepared to scale. The intent of the vicinity map is to give the viewer a general idea of where the encampment will be located. This area is depicted as a shaded oval. The site map which depicts the layout of the encampment does contain a few dimensions; however, the intent is to convey to the viewer the area of the encampment by means of landmarks such as the church building, parking lot, a tree and a shed building.

Additional information and maps were shared with those members who attended the public meeting held on June 24, 2013 as noted above.

The City provided adequate notice to the public of the proposed tent city encampment. The maps, both vicinity and site map) enclosed with the Notice of Application and Public Meeting convey to the viewer the general size, location, and scope of the encampment.

### **RECOMMENDATION**

Prior to the public hearing and based upon the analysis and conclusions in this report, the Technical Committee recommends that the Hearing Examiner deny the appeal.

### **CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION**

The Technical Committee disagrees with the appellant's assertions that the permit was issued in error and must either be denied or the conditions of approval must be modified. The Technical Committee stands by its Letter of Decision approving the SHARE/WHEEL Tent City Short Term Temporary Use Permit.



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