CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director

From: Sean LeRoy, Project Planner

Date: January 10, 2012

File: **ZON11-00044 – TEMPORARY USE PERMIT FOR TENT CITY 4 HOLY SPIRIT LUTHERAN CHURCH & SHARE/WHEEL**

I. INTRODUCTION

A. APPLICATION

1. Applicants: Holy Spirit Lutheran Church and SHARE/WHEEL

2. Site Location: 10021 NE 124th Street (see Attachment 1)

3. Request: Temporary Use Permit (TUP) to locate a homeless encampment called Tent City 4 (TC4) within an existing parking lot and grassy area east and south of the existing Holy Spirit Lutheran Church building for a period of 92 days from January 21, 2012 to April 21, 2012. The maximum capacity of TC4 is 100 people.

   The request is to allow a food service area tent, community area, security tent, storage tent and sleeping tents along with a portable shower, portable toilets, and garbage dumpsters. A six-foot tall sight obscuring fabric fence is proposed twenty feet from the NE 124th Street property line that extends from the existing wood fence at the east property line to the western extent of the existing parking lot, wrapping back towards the Church. The site plan is found in Attachment 2.

   See Attachment 3 for the co-applicants' description of the project which includes an operational overview, utilities, food, security, TC4 code of conduct, and transportation.

4. Review Process: A TUP is requested per Kirkland Zoning Code (KZC) Chapter 127. A decision is made by the Planning Director.

B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I recommend approval of this application with the site plan and project description submitted by the co-applicants in Attachments 2 and 3, subject to the following conditions:

1. SHARE/WHEEL'S TC4 shall be limited to the maximum duration allowed by KZC Section 127.30.2.b which is 92 days. Based on a move in date of January 21, 2012, TC4 should leave the Church property by April 21, 2012.

2. The following performance and development standards pursuant to KZC Section 127.25 must be met by SHARE/WHEEL'S TC4:

a. Health and Safety

(1) SHARE/WHEEL'S TC4 shall permit daily inspections by Seattle/King County Public Health to check compliance with the standards for homeless encampments.

(2) SHARE/WHEEL'S TC4 shall comply with Washington State and City Codes including those concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, and fire resistant materials.

(3) SHARE/WHEEL'S TC4 shall permit frequent inspections by City inspectors to check compliance with the standards for homeless encampments and shall implement all directives from the inspectors within a specified time period.

(4) SHARE/WHEEL'S TC4 shall prohibit littering at the encampment and shall regularly conduct litter clean-up patrols in the immediate vicinity of the encampment.

(5) Open Flames are not permitted.

b. Conduct and Security

(1) The TC4 residents shall adhere to the "Code of Conduct" submitted as part of the application to this TUP (see Attachment 3).

(2) No animals shall be permitted in TC4 except for service animals.

(3) SHARE/WHEEL is responsible for enforcing the Code of Conduct.

(4) Quiet hours at TC4 shall be between 9:00 PM and 8:00 AM. During this time, activities in TC4 shall be limited to prevent disturbance to surrounding residential properties.

(5) SHARE/WHEEL'S TC4 shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements of the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

(6) SHARE/WHEEL'S TC4 shall immediately contact the City of Kirkland Police Department if the reason for rejection or ejection of an individual from the encampment is for an active warrant or a match on the sex offender check, or if in the opinion of the

encampment, the rejected/ejected person is a potential threat to the community.

Other individuals who are turned away from camp shall be handled as follows: 1) SHARE/WHEEL'S TC4 security workers shall walk the individual to the bus stop and wait with them until the bus arrives; or 2) a camp vehicle shall be used to drive the individual to the closest available bus service; or 3) a taxi or volunteer driver shall be called and TC4 security workers shall be available to wait with the person. Taxi vouchers shall be available from SHARE/WHEEL when buses are not operating.

(7) SHARE/WHEEL'S TC4 shall not register children under 18 to stay overnight at the homeless encampment. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay at the homeless encampment, SHARE/WHEEL shall immediately contact Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).

(8) SHARE/WHEEL may be contacted at (206) 448-7889 for complaints regarding TC4.

c. Parking and Transportation

(1) The total number of vehicles associated with SHARE/WHEEL'S TC4 shall not exceed five vehicles and shall be parked in the Church's parking lot as identified on the site plan (see Attachment 2).

(2) All TC4 residents shall be provided with bus tickets as needed.

d. General Standards

(1) The encampment shall be located at least 20 feet from property lines abutting residential uses.

(2) A sight-obscuring fence shall be required as shown in Attachment 2 and described in Section II.D.1.a below. If, after installation, the proposed double-layered fabric fence does not obscure views of TC 4 and/or does not hold up in inclement weather, the applicant shall work with City to install a replacement fence that meets City standards.

(3) Any exterior lighting shall be directed downward and contained within the homeless encampment.

(4) The maximum number of residents is 100.

3. The City may void this permit pursuant to KZC Section 170.50 if there are repeated violations of any aspect, including conditions of approval or performance and development standards, of the permit.

4. At least by the end of the TUP period (April 21, 2012), the site shall be returned to its original condition by the co-applicants. The co-applicants shall reimburse the City for any expenses incurred by the City in abating the temporary use (see Attachment 4).

5. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Fire and Building Code. It is the responsibility of the co-applicants to ensure compliance with the various provisions contained in these ordinances. Attachment 5, Development Standards, is provided in this report to familiarize the co-applicants with some of the additional development regulations.

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning

a. Facts:

(1) Size: The size of the area proposed to be occupied by SHARE/WHEEL'S TC4 is approximately 25,843 square feet or 0.59 acres (includes setback areas). The Church property is 108,206 square feet or 2.48 acres in size. Attachment 6 contains the property survey.

(2) Land Use: Church. In addition, the parking lot west of the Church building serves as a King County METRO Park and Ride.

(3) Zoning: RM 3.6 (multi-family zone)

(4) Terrain and Vegetation: The area in which TC 4 is being located contains a surface parking lot, lawn area. This area ranges from being generally flat to having a slight slope in the areas of the proposed tents. There are several significant trees adjacent to the east property line and they are not proposed to be disturbed with the placement of the tents.

b. Conclusions: The area of the encampment is a small fraction (approximately 24%) of the total site area of the church. There will be little site disturbance because the tents and other TC 4 structures and uses will be placed in vacant areas of the property.

2. Neighboring Development and Zoning

a. Facts:

North – RM 3.6 – NE 124th Street. Bowie Place Condominiums
East – RM 3.6 – Cobblestone Condominiums
South – RM 2.4 – Cedar Mills Condominiums
West – RM 1.8 – 100th Avenue NE; Hampton Park Condominiums

b. Conclusion: The Church and encampment site is bordered on all sides by medium and high density residential uses. TC 4 should be subject to the requirements for temporary uses found in KZC Chapter 127. Section II.D below contains an analysis of the City's requirements and the proposed encampment.

B. HISTORY

SHARE/WHEEL'S TC4 current proposal marks the eighth such request Citywide, though at various locations, since 2005. The current proposal would mark the third stay at Holy Spirit Lutheran Church, with the first being in 2007. In each of the prior seven proposals, a Temporary Use Permit was approved by the Planning Director.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Fact: This application is exempt from SEPA per WAC 197-11 800(1) Minor construction.

2. Conclusion: The applicant and City have met the requirements of SEPA.

D. APPROVAL CRITERIA

1. Section 127.20 – Criteria for Granting a Temporary Use Permit

The City may grant a temporary use permit only if it finds that:

- The proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity; and
- The proposed temporary use is compatible with existing land use in the immediate vicinity; and
- The proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

a. Facts:

(1) Materially Detrimental: The proposal includes operational guidelines that speak to the conduct and governance of the residents as well as health and safety issues. SHARE/WHEEL'S TC4 has a Code of Conduct with which it pledges to comply. It has two security workers on–duty at all times that check visitors at the entrance to the camp. The security workers patrol the camp and the surrounding area. An Executive Committee (the internal governing committee for TC4) member is also on-duty at all times.

The security of surrounding properties and residents or visitors is the responsibility of the Kirkland Police Department and King County Sheriff. The law enforcement community has a joint response agreement in effect and routinely responds to requests from neighboring jurisdictions. The City has designated a Fire/Building Inspector to make frequent visits to TC4 to check-in and confirm compliance with permit conditions and standards. ID checks are conducted and logs of individuals are maintained by the encampment. KZC Section 170.50 addresses what the City should do if there are repeated violations of any aspect of a permit approved by the City.

(2) Compatibility: The encampment has fairly generous setbacks from surrounding condominium developments, the closest being 20 feet along the east and south property lines. Along the north property line, TC4 is situated over 100 feet from the property line of the condominium complex to the north and over 150 feet from the nearest condominium units, due to the width the NE 124th Street right-of-way, To the west, TC4 is separated by approximately 270 feet (at its nearest point) from the condominium complex to the west due to the width of 100th Avenue NE and primarily interior placement of the TC 4 on the Church property. TC4 has established a quiet time from 9:00 PM to 8:00 AM.

SHARE/WHEEL staff and TC4 residents have stated that concerns from neighbors may be called in to SHARE/WHEEL at any time and a response will be provided as soon as possible.

An existing 6-foot tall wood fence is located along the east and along a portion of the south property lines. A 6-foot tall sight obscuring double-layered fabric fence is proposed at the northern most point of the encampment, wrapping back towards the Church. This fence will contain a gate to allow for access to portable waste facilities. Metal posts with wood slats are proposed to hold up the fabric fence and are to be spaced 4 to 6 feet apart to prevent sagging. The proposed set-up will make it easy to visually gauge the allowed footprint for TC 4 tents and other improvements.

(3) Not Otherwise Allowable: Temporary housing or camps are not listed as allowed uses within any zone in Kirkland. KZC Section 5.780 defines a Residential Use as, "Developments in which persons sleep and prepare food, other than developments used for transient occupancy."

b. Conclusions: The application complies with the criteria for a TUP provided that the following actions are taken:

(1) SHARE/WHEEL's TC 4 should check identification of incoming residents and provide the information to the King County Sheriff's Office or the City in order to check for warrants and sex offender status.

(2) SHARE/WHEEL's TC 4 should contact the Kirkland Police Department if there is a rejection of an individual from the encampment that is a potential threat to the community. Other persons who are not accepted should be escorted to a bus stop by TC 4 security or provided a ride from a volunteer or taxi. Taxi vouchers should be made available in situations when buses are not operating.

(3) The City should continue to have a Fire/Building inspector or other City official make frequent visits to the site to check for compliance with permit conditions.

(4) SHARE/WHEEL's TC 4 should be held to the same standard as other residents or visitors in Kirkland in terms of their behavior in public areas.

(5) Children, whether or not accompanied by parents or guardians, should not be allowed to stay overnight at TC 4. Child Protective Services should be immediately notified if children try to enter or accompany adults entering TC 4.

(6) Litter should be patrolled and cleaned up as necessary by SHARE/WHEEL's TC 4.

(7) The City should void the TUP if there are any repeated violations of the conditions of approval.

(8) Quiet hours should be observed by the encampment residents between the hours of 9:00 PM and 8:00 AM every day.

(9) A sturdy, six foot tall, sight-obscuring fence should be provided for separation and privacy as proposed.

2. <u>KZC Section 127.25.2 Dimensional Requirements and Development and Performance Standards for homeless encampments</u>

a. <u>Facts</u>: KZC Section 127.25.2 standards for homeless encampments are listed below:

(1) An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. *Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.*

(2) The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

(3) Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.

(4) Exterior lighting must be directed downward and contained within the homeless encampment.

(5) The maximum number of residents within a homeless encampment is 100.

(6) Parking for five vehicles shall be provided.

(7) A transportation plan is required which shall include provision of transit services.

(8) The homeless encampment shall be located within one-half mile of transit service.

(9) No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.

(10) No animals shall be permitted in encampments except for service animals.

(11) A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:

a) No drugs or alcohol.
b) No weapons.
c) No violence.
d) No open flames.
e) No loitering in the surrounding neighborhood.
f) Quiet hours.

(12) The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

(13) The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

(14) The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

The applicant has submitted a written response to the above listed standards (see Attachment 3).

b. Conclusions: Based on a review of the applicant's proposal, Staff has determined that the applicant's proposal is consistent with the required standards found in KZC Section 127.25. Therefore, the TUP should be

contingent on the applicant following through on the proposal so that the standards in KZC Section 127.25 are met.

3. KZC Section 127.30 Frequency and Duration of Temporary Use

a. Facts: KZC Section 127.30.1 states that the City may not grant a temporary use permit at the same site more frequently than once in every 365-day period. The City may only grant a temporary use permit for a specified period of time, not to exceed 60 days. For homeless encampments, the time period cannot exceed 92 days.

The applicant is proposing to host TC4 for a period of 92 days from January 21, 2012 to April 21, 2012.

b. Conclusions: The City may approve a TUP for TC4 at the Holy Spirit Lutheran Church for up to 92 days. The applicants proposed dates for TC4 is consistent with this code requirement.

4. KZC Section 17.35 Removal of Temporary Use

a. Facts: Section 127.35 requires the City to designate a deadline for removal of the temporary use and to ensure that if the use is not removed, the applicant will pay 100% of the cost for the City to remove the temporary use.

As part of the application materials, the City received a signed and notarized agreement 'Temporary Use Permit' which specifies an agreement for the removal of a temporary use.

b. Conclusions: The application complies with KZC Section 127.35.

E. DEVELOPMENT REVIEW

1. Fact: Additional comments and requirements placed on the project are found as development standards listed in Attachment 5.

2. Conclusion: The applicant should follow the requirements in Attachment 5.

III. APPEALS

There is no administrative appeal of the Planning Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

IV. APPENDICES

Attachments 1 through 7 are attached.

1. Vicinity Map
2. Site Plan
3. Project Description
4. Temporary Use Agreement
5. Development Standards
6. Property Survey
7. Applicant Response to Criteria

Review by Planning Director:

I concur [x] I do not concur [ ]

Comments: _____

_____

_____

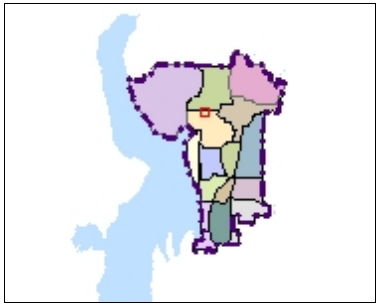
_____

_____ January 12, 2012

Eric R. Shields, AICP, Planning Director Date

CC:
Pete Schnebele, Holy Spirit Lutheran Church, 10021 NE 124th Street, Kirkland, WA 98034
Scott Morrow, SHARE/WHEEL, PO Box 2548, Seattle, WA 98111

GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



Legend

- Address
- City Limits
- Grid
- QQ Grid
- Streets
- Parcels
- ComPlace Names
- Buildings
- Lakes
- Parks
- Schools

1: 1,155

0.0 0 0.02 0.04 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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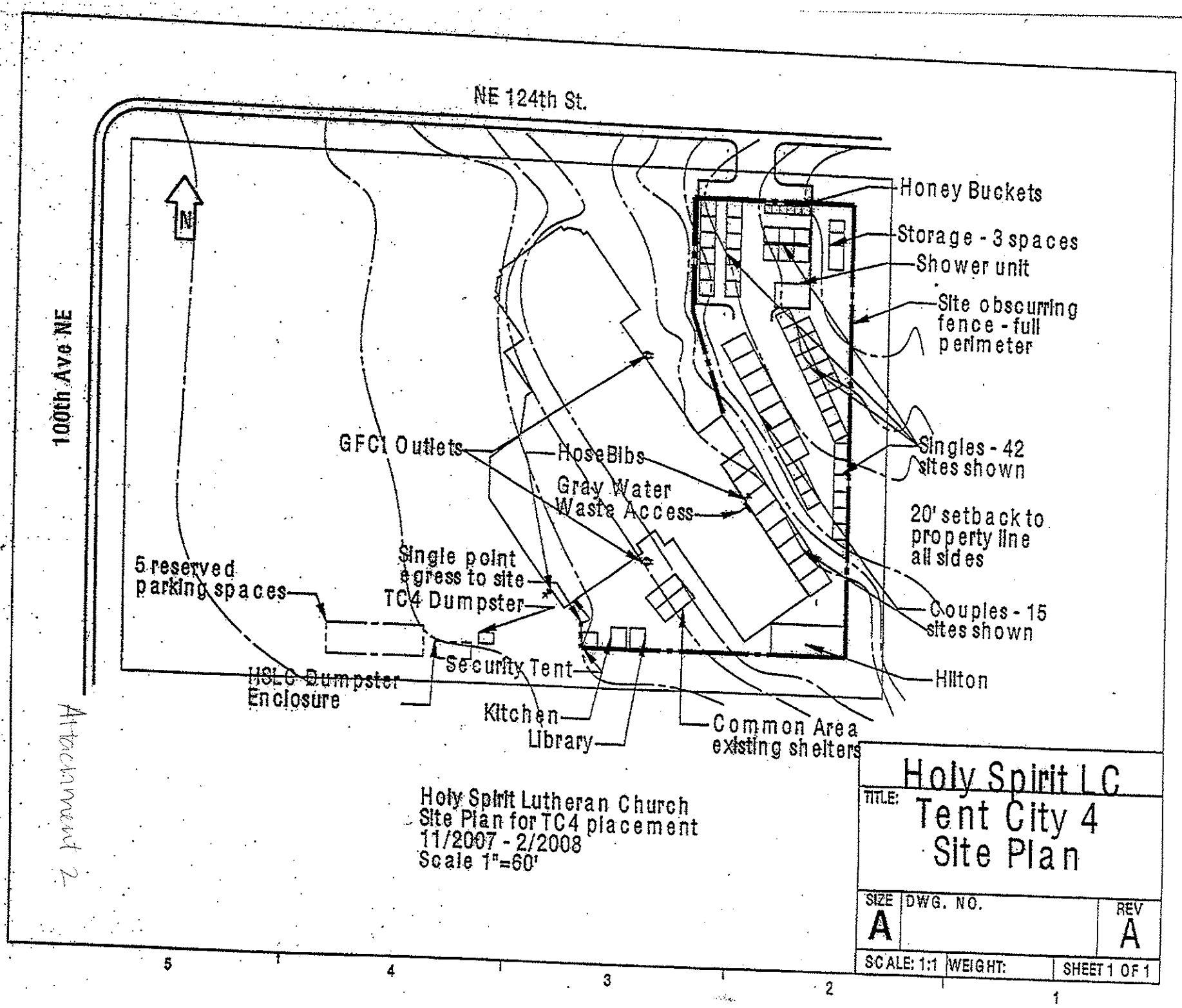
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

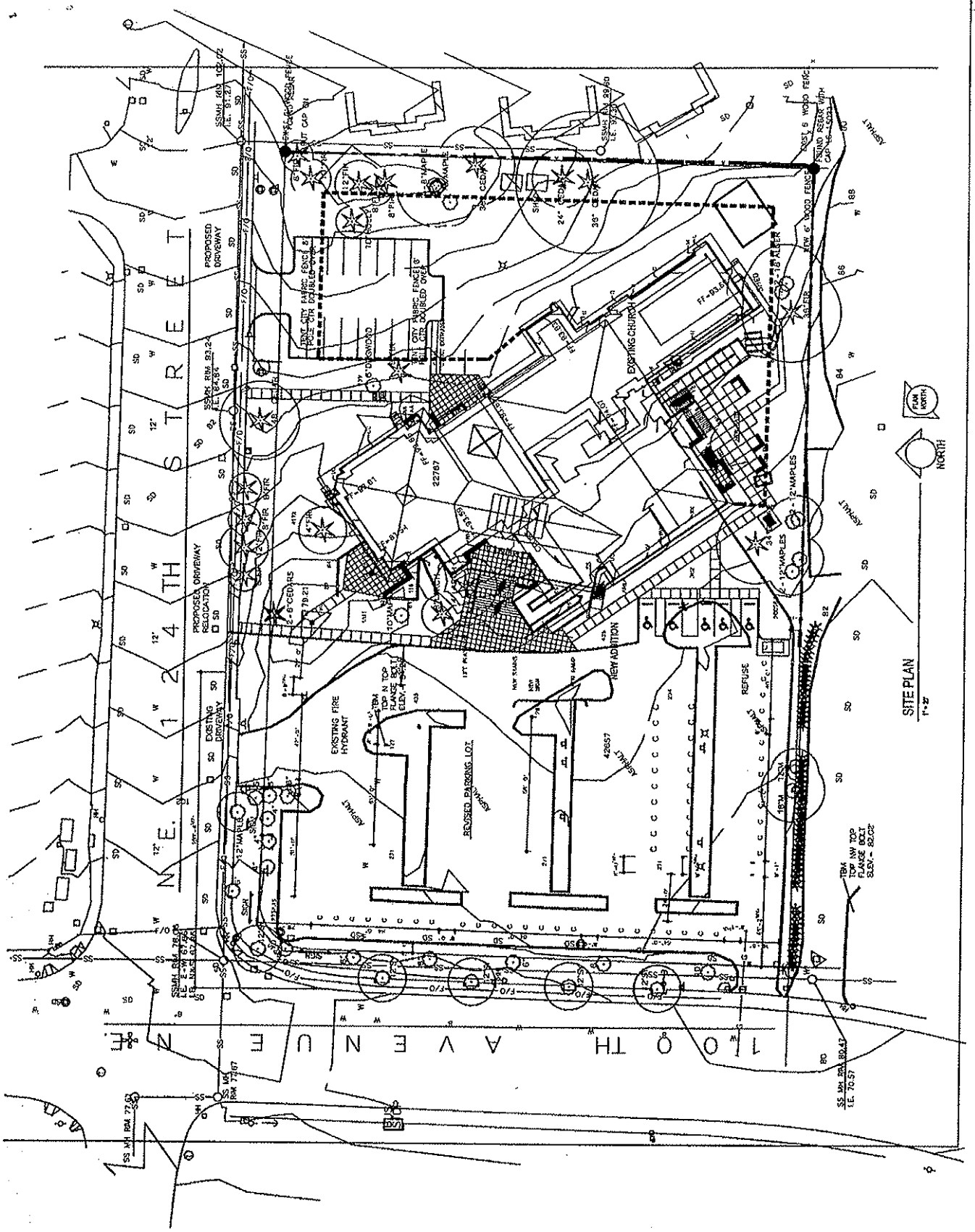
ATTACHMENT 1



Attachment 2

ATTACHMENT 2

ATTACHMENT 2



PERFORMANCE STANDARDS—HOMELESS ENCAMPMENTS **Attachment 2**
KIRKLAND ZONING CODE 127.25

1. Definitions

no response required

2. Standards – Please describe how the application complies with each standard by filling in the blanks below:

2.a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.

Holy Spirit Lutheran Church is applying for this Temporary Use Permit as the sponsoring organization along with SHARE/WHEEL which will serve as the managing agency for Tent City4. Holy Spirit Lutheran Church would like to invite Tent City4 to stay on its grounds from January 21, 2012 and Apri 21, 2012.

2.b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

We have planned the camp layout carefully to leave 20 feet between our property line and Tent City structures and residents. See attached camp layout.

2.c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.

There is a solid fence on the east and most of the south sides and of the property and the west side of the camp will be hidden by our building. For the privacy and comfort of Tent City resident's and our neighbors Tent City's portable site-obscuring fencing will be used to obscure the encampment from view on the north end of the property.

2.d. Exterior lighting must be directed downward and contained within the homeless encampment.

No exterior lighting is planned.

2.e. The maximum number of residents within a homeless encampment is 100.

Tent City4 will maintain a camp of 100 or fewer residents. Those seeking shelter above this number after the buses stop running will be allowed to stay until the buses start running or day break. Every effort will be made to try and find appropriate shelter elsewhere for these individuals. Bus tickets maybe used for residents being barred from the camp and people who would like to have joined the camp but were turned away.

2.f. Parking for five vehicles shall be provided.

We have made arrangements for 5 vehicles to park in our parking lot. These parking spots will be marked as reserved for Tent City 4.

2.g. A transportation plan is required which shall include provision of transit services.

Holy Spirit Lutheran Church serves as a Park and Ride and is ideally suited to offer excellent access to transit to the residents of Tent City4. The following Metro buses stop within one block of the Church: #234, #235, #244, #260 and #935. See attached map of transit routes. These routes connect with many other bus routes at busy Park and Rides on the Eastside and in downtown Seattle. The buses run everyday of the week including Sundays and Holidays.

Holy Spirit Lutheran Church already has a parking agreement in place with the Community Center on 124th Street. When our parking lot is filled, our members park at the Community Center and walk to Church on side walks and cross the street at a lighted cross walk. We will continue to offer shuttle service from the Community Center to the church on Sundays which are expected to be very busy, such as Easter.

2.h. The homeless encampment shall be located within one-half mile of transit services.

Two bus stops are located within a block of the Church.

2.i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.

No children will be registered at the camp or become residents. Those under 18 will be turned away, except under exigent circumstances. Child Protective Services will be called within one working day of arrival.

2.j. No animals shall be permitted in encampments except for service animals.

Only service animals are allowed in Tent City4.

2.k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum: 1) no drugs or alcohol 2) no weapons 3) no violence 4) no open flames 5) no loitering in the surrounding neighborhood 6) quite hours.

Every member of Tent City4 is required to live by the Code of Conduct which is strictly enforced. The code reads as follows:

We, the people of SHARE/WHEEL, In order to keep a more harmonious community, ask that you observe the following Code of Conduct: SHARE/WHEEL's Tent City4 is a drug and alcohol free zone. Those caught drinking or using drugs will be asked to leave. Sobriety is required. No weapons are allowed. Knives over 3 ½ inches must be checked in. Violence will not be tolerated. Please attempt to resolve any conflict in a creative and nonviolent manner. Degrading ethnic, racist, sexist or homophobic remarks are not acceptable. No physical punishment, verbal abuse or intimidation will be tolerated. We are a community. Please respect the rights and privacy of your fellow citizens. No men in the women's tents. No women in the men's tents. No open flames. No loitering or disturbing neighbors. No trespassing. Attendance of at least one of the several community meetings held through the week is required. Days and times will be posted so that you may work it into your schedule. If these rules are not respected and enforced, Tent City4 may be permanently closed.

The camp also enforces a quiet time 9:00 PM to 8:00 AM.

2.l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

Drinking water shall be provided by using the Church's water supply. Sufficient porta-potties are provided by SHARE/WHEEL and serviced three times per week along with a wash station for hand washing and wastewater. Tent City 4 owns a shower. SHARE/WHEEL provides a dumpster which is emptied twice a week. Electricity is required only for nighttime light for the security tent and several small appliances such as a coffee pot, microwave, television and shower. The camp will access Church electricity. No electricity is allowed in the sleeping tents.

2.m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

Two security workers will be on duty at all times, and will check in all visitors at the camp's sole entrance. They will patrol the grounds in the camp, and the surrounding neighborhood. An executive Committee Member will also be on duty at all times. Security workers and the executive committee are responsible for ensuring that the Code of Conduct is upheld.

The Kirkland Police will be informed of all individuals barred or turned away from Tent City4 who appear likely to not leave the neighborhood peacefully, or who show the potential of loitering in the neighborhood.

Tent City4 will cooperate fully in any and all criminal investigations.

Neither Tent City4, at it previous locations, nor Tent City3, since its inception in March of 2000, has ever been materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity, in any way.

2n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

Inspectors will be welcome at anytime.

TEMPORARY USE PERMIT

File Number: ZONII-0044

Parcel: 292605-9047

Issued to: Holy Spirit Lutheran Church / Share Wheel

For: Tent City 4

Finding that the proposed Temporary Use:

1. Will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity, and;
2. Will be compatible with existing land use in the immediate vicinity, and;
3. Is not otherwise allowable in the zone in which it is proposed.

The City of Kirkland approves the Temporary Use for the period beginning on Jan 21, 2012 and expiring on April 21, 2012 and subject to the following conditions:

1. See conditions set forth in ZONII-0044
2.
3.

The City shall not grant another Temporary Use Permit to this user for 365 days following the above expiration date.

Eric Shields, Planning Director — Date 1/18/12

The decision of the Planning Director may be appealed using the appeal provision, as applicable, or Process I Zoning Code Sections 145.60 through 145.110.

AGREEMENT FOR REMOVAL OF TEMPORARY USE

(Record after 69 days if temporary use is not removed.)

Parcel Data File: 292605-9047

THE UNDERSIGNED acknowledge that application has been made to the City of Kirkland for:

Project Name: Tent City 4

Project Address: 10021 NE 124th St

for the proposed development of the hereinafter described real property.

THE UNDERSIGNED warrant to the City of Kirkland that they are all the owners of the real property hereinafter described with full power to enter into agreements and/or covenants which will run with the land.

Start-up Date of Temporary Use: Jan 21, 2012

Expiration Date of Temporary Use: April 21, 2012

To insure actual removal of the temporary use Permit No. ZONII-0044 should said temporary use and all physical evidence of said use not be removed by the applicant within 92 calendar days after the first day of operation of the temporary use, THE UNDERSIGNED agree to pay for 100 percent of the City's cost to remove said temporary use, plus all administrative and attorneys' fees associated with its removal.

THE UNDERSIGNED agree to be responsible for the full performance of this agreement and agree that any of the above-described costs to the City which are unpaid for seven days after the temporary use has been removed shall be a lien upon the real property hereinafter described. This agreement is binding upon all the owners of the real property hereinafter described and their heirs, successors and assigns, and runs with the land described as follows:

DATED at Kirkland, this 11th day of JANUARY, 2012.

(Corporations Only)

OWNER(S) OF REAL PROPERTY

Holy Spirit Lutheran Church
(Name of Corporation)

Mary Alyce Burleigh
By President

By Secretary

CHRISTIAN P. GEITZ
COMMISSION EXPIRES
NOTARY
PUBLIC
04-01-2013
STATE OF WASHINGTON

(Corporations Only)

STATE OF WASHINGTON)
) SS.
County of King)

On this 11th day of JANUARY, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared MARY ALYCE BURLEIGH ~~and~~ _____ to me known to be the individual(~~s~~) described herein and who executed the Temporary Use Permit and acknowledged that SHE signed the same as HE free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

CHRISTIAN P. GEITZ
Print Notary's Name

Notary Public in and for the State of Washington, Residing at: KING COUNTY

My commission expires: 4/1/2013

The foregoing Agreement is accepted by the City of Kirkland this _____ day of _____, _____.

CITY OF KIRKLAND

BY: _____

ZON11-00044 Holy Spirit Lutheran Church January 12, 2012
Temporary Use Permit to host Tent City 4 from January 21, 2012 to April 21, 2012

FIRE DEPARTMENT CONDITIONS

1 - An approved certification regarding flame retardancy or resistiveness of the tent material shall be retained and displayed in the tent.

2 - Smoking shall not be permitted in the tent. Approved "NO SMOKING" signs shall be conspicuously posted.

3 - One fire extinguisher, minimum rating 2A10BC, shall be provided in the tent.

4 - A minimum of two exist shall be provided from the tent. The required minimum clear width of exits and aisles shall be maintained.

5 - The minimum distance from the tent for the parking of automobiles or other internal combustion engines shall be 30 feet and shall be roped off.

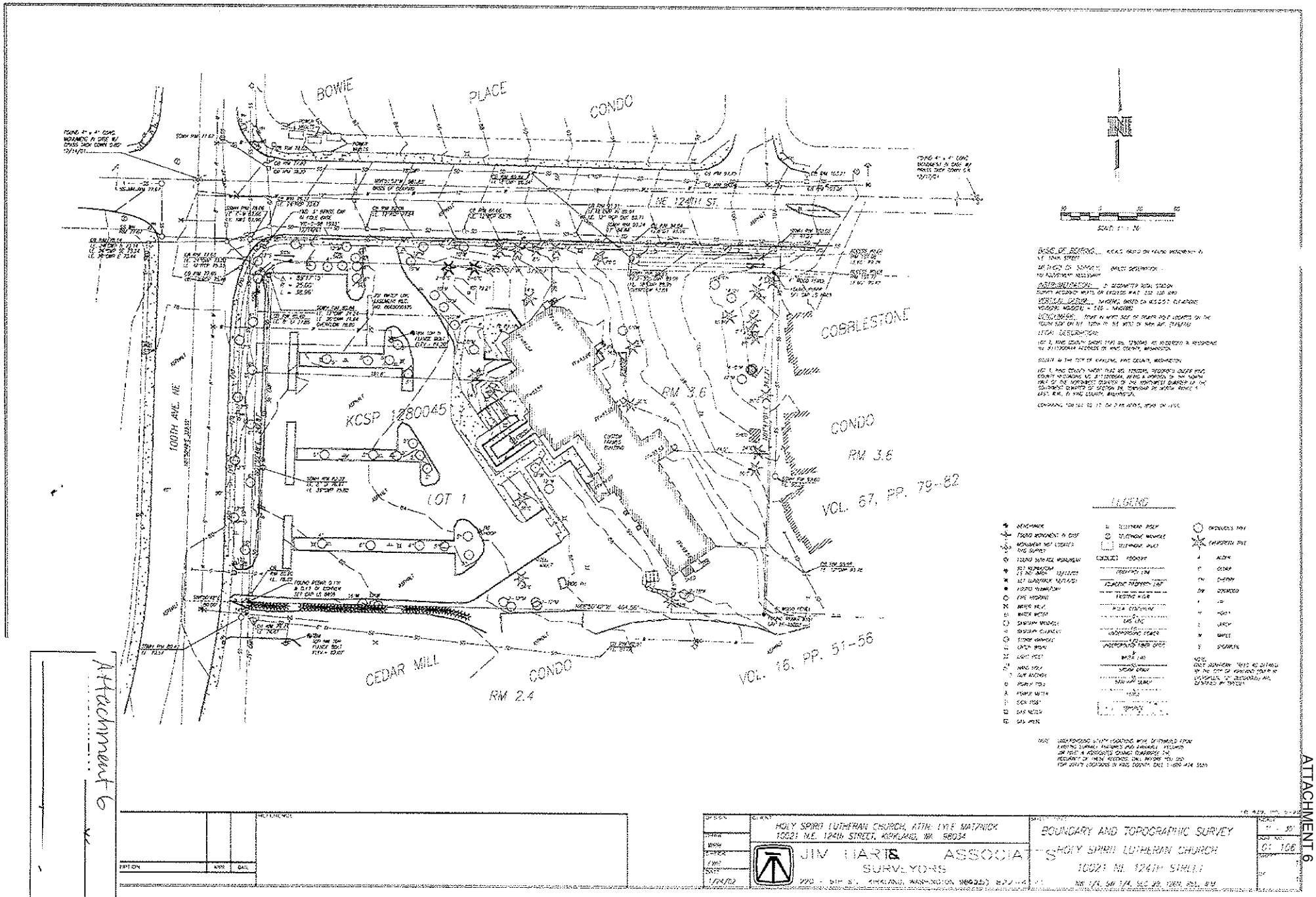
BUILDING DEPARTMENT CONDITIONS

1 - Maintain exit egress from the church at all times. Two exit gates are required from the fenced enclosure at least 1/2 the diagonal distance apart from each other. Gates to be out-swinging and shall be readily openable from the egress side without the use of a key or special knowledge or effort.

2 - Shower waste water must drain to sanitary sewer (not storm).

3 - Maintain access for the general public to the accessible routes of travel.

4 - No open flames allowed in or near any of the temporary membrane structures (tents).



Attachment 6

ATTACHMENT 6

Holy Spirit Lutheran Church and SHARE / WHEEL
TUP Application Addendum

CRITERIA SHEET
FOR A TEMPORARY USE PERMIT (SECTION 127.20)
PLANNING DIRECTOR DECISION

1. **Explain how the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.**

Tent City4 has an excellent record of safety in previous neighborhoods. We firmly believe that hosting the encampment will not have material detrimental effects on public welfare. The area directly surrounding Holy Spirit Lutheran Church is composed of high-density residential housing. The up to 100 residents of Tent City will not significantly affect the neighborhood's density and will hardly be noticed. After their stay everyone and everything brought to the property by and for Tent City4 will be removed, returning the property to its previous state.

Many men and women are homeless in King County nightly. There aren't nearly enough shelter beds, so the majority of these homeless people sleep outside, alone and in danger. Consequently, many people die outside or by violence in King County every year.

Our community's Ten Year Plan to End Homelessness created and implemented by the King County Committee to End Homelessness "recognizes that people experiencing homelessness are at immediate personal risk and have a basic right to safety, as do all members of our community. Interim survival mechanisms – services focused on keeping people alive – that respect the rights of all community members and neighborhoods are necessary until such time that affordable permanent housing is available to all."

Tent City4 is an interim survival mechanism that helps keep some of these people, who would otherwise be at great risk, to stay together and be safe. It allows its participants to store their belongings while away from camp at work and appointments, and allows participants to return at hours convenient to their jobs and appointment schedules. Not only do these members of the public benefit from Tent City4 but the public at large benefits by these residents being safe and secure.

2. **Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.**

   Our site is zoned for a church, and this mission is well within the normal activities of a place of worship, therefore allowable in the zone where it is proposed. Holy Spirit Lutheran Church offers services and support to many vulnerable people on our grounds. We host a community supper every Tuesday for people living in transitional housing (KITH) and we host meetings for Alcoholics Anonymous and many other groups working to make themselves stronger. We hosted the Hopelink Food Bank for nine years. It was a disappointment to us that Hopelink outgrew our site. Outside our grounds, we anticipate only normal foot traffic to and from bus stops and local area businesses; therefore significant impact on these areas is not anticipated. We also believe that because of the dense housing in our area that the residents of Tent City4 will make only a minor impact on the neighborhood.

3. **Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.**

   We actually believe that because our property is zoned for a church, and because housing the homeless and serving the poor is a traditional and sacred duty of churches, that hosting Tent City4 is allowable in within our zoning. Holy Spirit Lutheran Church has a long-standing, core mission of sheltering and caring for poor and homeless people in our community. We practice this daily in supporting a number of groups which help individuals and the community grow stronger. We are long-term members of the Kirkland Interfaith Network (KIN), Kirkland Interfaith Transitions in Housing (KITH) and the Compass Housing Alliance, we host dinner every Tuesday for residence of KITH in our building and we hosted the Hopelink food bank for nine years before they out grew our space. On a long-term and ongoing basis we donate our time, treasure and talents to organizations such as the Woman's Day Center in Bellevue, Sophia's Way (the Eastside's women's shelter), Eastside Domestic Violence Program's transitional housing and Eastside Habitat for Humanity. Without waiving our constitutional right to practice our religion we are applying for this permit with SHARE and WHEEL in order to work cooperatively with the City of Kirkland and our neighbors.