



**CITY OF KIRKLAND**  
**PLANNING & COMMUNITY DEVELOPMENT**  
 123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3225  
 www.ci.kirkland.wa.us

**RECEIVED**  
 JUN 23 2009

PLANNING DEPARTMENT

**APPLICATION FORM: TEMPORARY USE PERMIT**

BY \_\_\_\_\_

PROCESS: PLANNING DIRECTOR DECISION

Applicant's name: SHARE/WHEEL and Holy Spirit Lutheran Church Daytime phone: 425-823-2727

Applicant's mailing address: 10021 NE 124th Street Kirkland, WA 98034

Note: If applicant is not property owner, he/she must be authorized as agent (see page 2)

Property Owner's name: Holy Spirit Lutheran Church Daytime phone: 425-823-2727

Owner's address: 10021 NE 124th Street Kirkland, WA 98034

A COPY OF THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF DECISION WILL BE MAILED TO THE APPLICANT. PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER: YES \_\_\_ NO

(1) Property address (if vacant, indicate lot or tax number, access street and nearest intersection):

10021 NE 124th Street Kirkland, WA 98034

(2) Tax parcel number: 2926059047

(3) The property is zoned: commercial and is presently used as: church / welfare / religious service

(4) Describe permit application and the nature of project (attach additional pages if necessary):

Temporary use permit to host a homeless encampment.

(5) Have there been any previous zoning permits for the subject property? YES If so, what is the Department of Planning and Community Development file number? PRE07-00083

(6) Have you met with a planner prior to submitting your application? YES  NO \_\_\_  
 Name of planner: Sean Leroy Date of pre-submittal meeting: 6-2-09

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

**APPLICATION FORM: TEMPORARY USE PERMIT**

**STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT**

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate Victoria Newland to act as our agent with respect to this application.

**AUTHORITY TO ENTER PROPERTY**

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

**HOLD HARMLESS AGREEMENT - READ CAREFULLY BEFORE SIGNING**

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

Applicant		Property Owner #1	
Signature:	<u>Mary Alyce Burleigh</u>	Signature:	<u>Mary Alyce Burleigh</u>
Name:	<u>Mary Alyce Burleigh</u>	Name:	<u>Mary Alyce Burleigh</u>
Address:	<u>Holy Spirit Lutheran Church</u>	Address:	<u>Council President ASLC</u>
	<u>10021 NE 124th St</u>		<u>10021 NE 124th St</u>
	<u>Kirkland, WA 98034</u>		<u>Kirkland, WA 98034</u>
Telephone:	<u>425-823-2727</u>	Telephone:	<u>425-823-2727</u>
Agent (Other than Applicant)		Property Owner # 2	
Signature:	<u>Randy Dequise</u>	Signature:	_____
Name:	<u>Randy Dequise</u>	Name:	_____
Address:	<u>P.O. Box 2548</u>	Address:	_____
	<u>SEATTLE, WA. 98111</u>		_____
Telephone:	<u>206-618-3901</u>	Telephone:	_____

**APPLICATION FORM: TEMPORARY USE PERMIT**

EXHIBIT A: LEGAL DESCRIPTION

Lot 1 of KC short plat #1280045  
Rec #8111200644 SD SP DAF-N 1/2  
of NW 1/4 of NW 1/4 of SW 1/4 less  
CO roads.

**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.
2. Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.
3. Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

RESPONSE

*see attachment*

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PERFORMANCE STANDARDS – HOMELESS ENCAMPMENTS  
KIRKLAND ZONING CODE 127.25

The following definitions and standards apply to homeless encampments:

1. Definitions

- a. Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
- b. Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.
- c. Sponsor – An entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.

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

- 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.

Attached

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

Attached

- 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.

Attached

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

Attached

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) Quiet hours

*Attached*

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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.

*Attached*

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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.

*Attached*

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

*Attached*

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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, stay together and 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.

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PERFORMANCE STANDARDS—HOMELESS ENCAMPMENTS KIRKLAND  
ZONING CODE 127.25

AM  
PLANNING DEPARTMENT  
BY

- 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 August 1, 2009 to October 31, 2009.

- 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 westside 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: #255, #935, #234, #260 and #277. 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 124<sup>th</sup> 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.

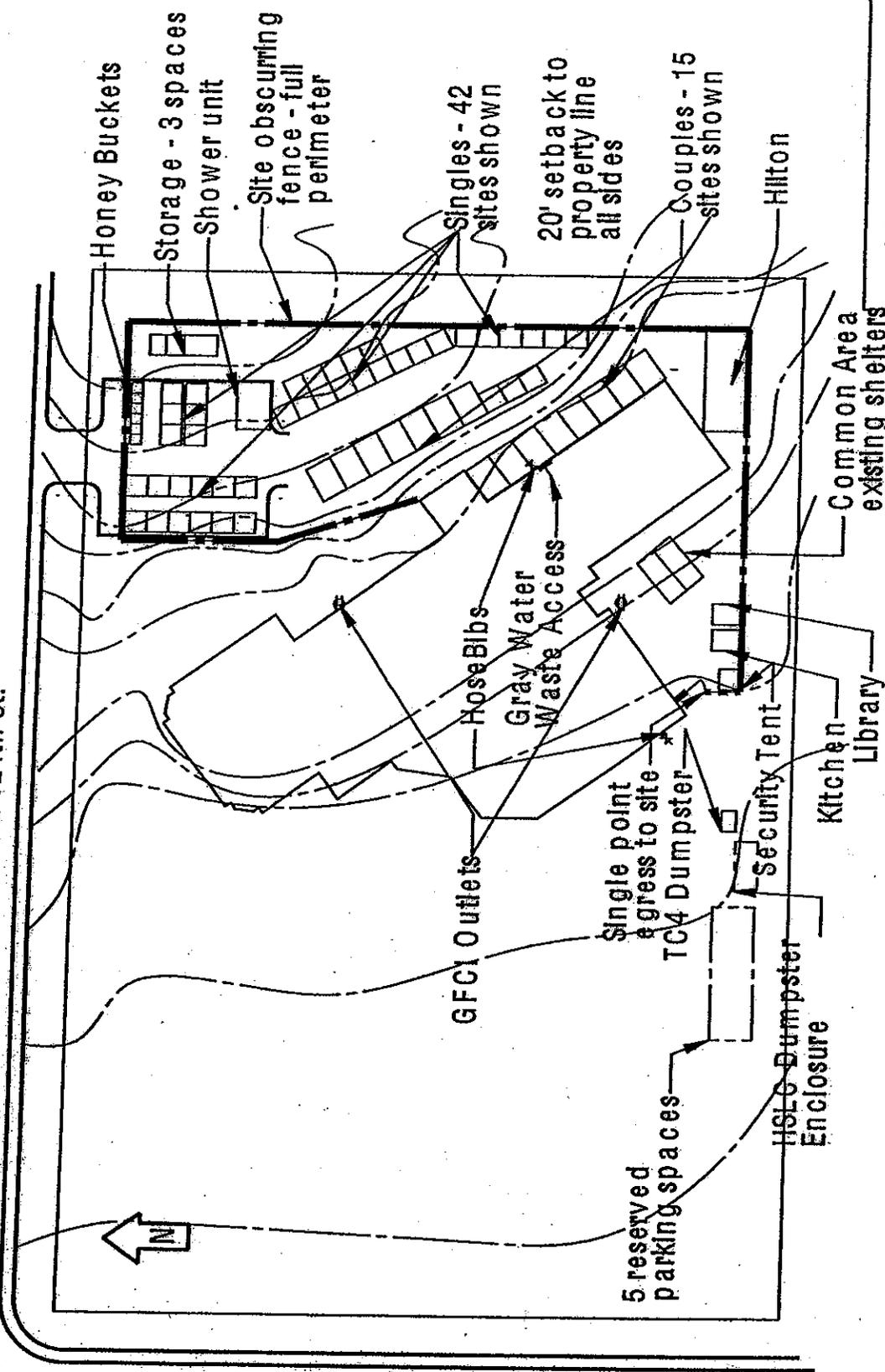
- 2.i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.**

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.**

NE 124th St.

100th Ave NE



**Holy Spirit LC**  
**Tent City 4**  
**Site Plan**

TITLE:

SIZE DWG. NO.

REV

**A**

**A**

SCALE: 1:1 WEIGHT:

SHEET 1 OF 1

Holy Spirit Lutheran Church  
 Site Plan for TC4 placement  
 11/2007 - 2/2008  
 Scale 1"=60'

1  
2  
3  
4  
5

- 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.