



# QUASI JUDICIAL

DATE: April 21, 2020

MEMO TO: Parties of Record

FROM: Office of the Hearing Examiner, 425-556-2190, [kbiegel@redmond.gov](mailto:kbiegel@redmond.gov)

SUBJECT: **ST. GEORGE COPTIC CHURCH DAYCARE CENTER CONDITIONAL USE PERMIT  
LAND-2019-00620**

## **Reconsideration of the Hearing Examiner's Decision**

Enclosed is a copy of the Hearing Examiner's Findings, Conclusions, and Decision on the St. George Coptic Church Daycare Center Conditional Use Permit, LAND-2019-00620. Pursuant to the Redmond Zoning Code, any party of record may file a written request for reconsideration with the Hearing Examiner. To be considered, a request for reconsideration must explicitly set forth alleged errors of procedure or fact, and must be filed within ten business days of the Hearing Examiner's Decision in this matter. Reconsideration requests must be received by the Office of the Hearing Examiner of the City of Redmond and can be submitted by email prior to **5:00 p.m. on May 4, 2020.**

## **City of Redmond Office of the Hearing Examiner Contact Information:**

Phone: 425-556-2190

Email: [kbiegel@redmond.gov](mailto:kbiegel@redmond.gov)

For your convenience, Request for Reconsideration forms are available online:  
<https://www.redmond.gov/913/Request-for-Reconsideration-or-Appeal>

## **FURTHER PROCEEDINGS**

Hearing Examiner decision may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040.

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF REDMOND**

In the Matter of the Application of	)	No. LAND-2019-00620
	)	
<b>Father Angelos Srakis, on behalf of</b>	)	<b>St. George Coptic Church</b>
<b>Saint George Coptic Church</b>	)	<b>Daycare Center</b>
	)	
	)	
For a Conditional Use Permit	)	FINDINGS, CONCLUSIONS, AND DECISION
_____	)	

**SUMMARY OF DECISION**

The requested conditional use permit to authorize construction and operation of a daycare center within the existing church known as Saint George Coptic Church located at 13216 NE 100th Street, without exterior alteration to the church or site, is **APPROVED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Father Angelos Srakis of the Saint George Coptic Church requested approval of a conditional use permit to authorize construction and operation of a daycare center inside the existing church to serve up to 36 children with nine employees. The church, located at 13216 NE 100th Street in Redmond, was approved via special use permit in 2011.

**Hearing Date:**

The City of Redmond Hearing Examiner conducted a virtual open record hearing on the request on April 6, 2020. At adjournment, the record was held open through April 8, 2020 to allow for additional written public comment from members of the public who had been provided with audio-only access to the proceedings, with instructions on how to provide such additional comments, and provision made to allow for responses from the parties. No written public comment was submitted through April 8, 2020 and the record closed on that date.

**Testimony:**

At the open record hearing, the following individuals presented testimony under oath:

- Cameron Zapata, Senior Planner, City of Redmond
- Min Luo, Senior Transportation Engineer, City of Redmond
- Sarah Pyle, Senior Planner, City of Redmond
- Rasha Younan, Applicant Representative
- Father Angelos Srakis, Applicant

**Exhibits:**

At the open record hearing, the following exhibits were admitted in the record:

1. Technical Committee Report to the Hearing Examiner, with the following attachments:
  - A. Application
  - B. Project Narrative
  - C. Previous Special Use Permit Approval
  - D. Plan Set
  - E. Notice of Application and Certificate of Posting
  - F. SEPA Exemption
  - G. Notice of Public Hearing
  - H. Applicant Response to Conditional Use Decision Criteria
2. Planning Staff's PowerPoint presentation
3. Phase 1 Phase 1 Trip Generation/Traffic Modelling study prepared by Transportation Solutions Inc., dated November 15, 2019

Upon consideration of the testimony and exhibits admitted into the record, the Hearing Examiner enters the following findings and conclusions:

**FINDINGS**

1. Father Angelos Srakis, on behalf of the Saint George Coptic Church (Applicant), requested approval of a conditional use permit to authorize construction and operation of a daycare center inside the existing church at 13216 NE 100th Street in Redmond. The request is to serve up to 36 children with nine employees within 2,610 square feet of the existing church building. *Exhibits 1, 1.A, 1.B, 1.C, and 1.D.*
2. The application was determined to be complete on August 15, 2019. *Exhibits 1 and 1.E.*
3. The subject property is located at the intersection of NE 100th Street and 132nd Avenue NE in the Willows/Rose Hill neighborhood. The site borders the City of Kirkland to the west. To the east, north, and south, it borders single-family residential development in Redmond, all of which share the subject property's Residential Innovative (RIN) zoning designation. The site has access to the public road network from both NE 100th Street and 132nd Avenue NE. *Exhibits 1 and 1.D; also see Exhibit 2, Slide 4.*
4. The Applicant received special use permit approval in 2011 for a religious facility with up to 250 seats. The existing two-story, 21,455 square foot building served by 82 surface parking stalls was permitted and constructed in 2011.<sup>1</sup> The existing improvements

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<sup>1</sup> The difference between square footage and parking stalls approved in the June 6, 2011 special use permit ( Exhibit 1.C, 19,739 square feet and 81 parking stalls) and the existing facilities (Exhibit 1, 21,455 square feet with 82

provide setbacks ranging from 37 to 84 feet from property boundaries. While the RIN zone allows up to 35% lot coverage by structure, existing structures occupy only 14.3% of the site, with 65% coverage by impervious surfaces as allowed in the zone. *Exhibits 1 and 1.C.*

5. The proposed daycare center would occupy 2,610 square feet of the existing church building. No exterior alterations are proposed. *Exhibits 1.D and 2 (Slide 5).* According to the final proposal, the daycare would serve a maximum of 36 children between 2.5 and 12 years of age. A total of nine day care employees are proposed. Hours of day care operation would be Monday through Friday 6:00 am through 6:00 pm, which offset from the peak church hours on Sunday. Outdoor play would be allowed during daycare operation hours on play equipment to be placed on an adjacent parcel owned by the church. Although no major changes are anticipated, if conditional use permission is granted for the daycare, the Applicant would apply for a Change of Occupancy building permit for converting the existing interior space into daycare center, which may have differing physical requirements under the Building Code. *Exhibits 1, 1.A, 1.D, and 1.H.*
6. Day care centers are allowed in the RIZ zone when developed within a building or building complex used for other uses, such as a school, church, or meeting hall. As a land use, daycare centers are subject to the requirements established at RZC 21.08.310. *RZC Table 21.08.070B(22).*
7. The existing church, which received administrative special use permit approval in 2011, was developed in conformance with the standards established in RZC 21.08.280. The existing site improvements included all required right-of-way dedication, street frontage requirements, site entrances to City standards, street lighting, easements for access and utilities, connection to municipal water and sewer service, stormwater management, fire department access and construction standards, tree preservation, waste management, and exterior lighting. The church underwent design review. It was required to develop and submit a transportation management plan for review and approval by the City's Transportation Demand Management Division. City Staff is unaware of any complaints received by the City regarding the operation of the existing church. *Exhibits 1 and 1.C; Testimony of Cameron Zapata and Min Luo.*
8. As previously noted, no exterior improvements and no changes to site access are proposed for the new use. Daycare center patrons would access the site at the gated, secondary access off 132nd Avenue, which would be left open for student drop off and pick up. Entrance to the daycare center would be via the church's secondary entrance at the southeast corner of the building, and adults would escort their children into the facility from the on-site parking area. Pursuant to RZC Table 21.08.070B(22), daycare uses are required to provide a minimum of one off-street parking space per employee. Because daycare center and church hours of operation are offset, the 82 stalls on-site

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parking stalls) was not clearly explained in the record; nor is the difference between the 250 seat maximum in the June 2011 special use permit and the 350 seats referenced in the Phase 1 Trip Generation/Traffic Modelling letter (Exhibit 3) explained. However, City Staff testified that there have been no complaints about the church and it is assumed that interim approvals permitting the existing facilities were inadvertently omitted from the record.

would be available to those accessing the daycare center, far exceeding this minimum requirement. The Applicant submitted a Phase 1 Trip Generation/Traffic Modelling letter prepared by professional transportation consultants, which concluded that the proposal would generate 28 new am and pm peak hour trips to and from the subject property. Daycare trips would be off-set from the typical AM peak traffic hour, which is from 7:00 to 9:00 am, while daycare drop off is expected before 7:00 am. The Applicant's traffic consultants concluded that the existing road network has capacity to absorb the trips from the proposed daycare without traffic signal installation or other mitigation. *Exhibit 3; Min Luo Testimony.*

9. Some materials in the record reference a slightly larger daycare proposal, that was intended to occupy 3,288 square feet of the existing church and to employ 12 persons to serve 48 children. As explained on the record, these numbers reflect early stages of planning a possible daycare center on site. As of the time of notice and of the public hearing, the proposed use was expressly limited to 2,610 square feet, nine employees, and 36 children. *Exhibits 1, 1.A, 1.B, and 1.H; Rasha Younan Testimony.* At hearing, City Staff clarified, and Applicant representatives acknowledged, that the City's recommendation of approval for the proposal was strictly limited to the smaller proposal reflected in the application at Exhibit 1.A. Should the Applicant desire to expand the areas on-site included in the day care use beyond the areas indicated in the sites plans at Exhibit 1.D, or to employ more persons and/or serve a higher number of children, further land use review would be required, possibly including further conditional use permit review. *Sara Pyle Testimony.*
10. The City of Redmond Comprehensive Plan contains policies promoting: land use patterns that fit with existing uses (FW-12); development that retains existing neighborhood character while providing needed services and facilities (FW-22); compatible nonresidential uses in Residential zones, specifically including appropriately-scaled day care centers (LU-30); and commercial land uses that support or provide services to adjacent land uses to encourage nonmotorized travel (LU-37). Planning Staff submitted that the proposed daycare center in the existing church would be consistent with the intent of these Comprehensive Plan policies. *Exhibits 1 and 2; Cameron Zapata Testimony.*
11. Notice of application was published on the City website; posted at City Hall, the Redmond Regional Library, and on the subject property; and mailed to owners of property within 500 feet of the site on August 23, 2019. There was no public comment in response to the notice of application. *Exhibits 1 and 1.E.*
12. Because the project involves a land use decision that would result in no site disturbance and only minor interior changes if necessary to meet daycare occupancy provisions of the Building Code, the City determined that the proposal is exempt from review under the State Environmental Policy Act pursuant to Washington Administrative Code (WAC) 197-11-800(2)(f) and 197-11-800(6)(b). *Exhibits 1 and 1.G.*

13. Notice of the public hearing was mailed to owners of property within 500 feet of the site and posted at City Hall and the Redmond Regional Library on March 9, 2020; notice of hearing was published in *The Seattle Times* and posted on site on March 16, 2020. *Exhibit 1.G.* There was no public comment on the application prior to or at the time of the public hearing. *Cameron Zapata Testimony.* The hearing clerk confirmed there was no public comment submitted in the two-day post-hearing public comment period agreed to by the parties on the record.
14. The proposal was reviewed by the Technical Review Committee, which body forwarded recommended conditions for approval of the project. The Transportation and Engineering, Water and Sewer Service, and Stormwater Utility Departments all indicated that no specific conditions were required to ensure the proposal complies with applicable Code and development standards. The Fire and Planning Departments recommended conditions intended to notify the Applicant and interested parties of particular conditions required to ensure compliance with the development standards administered by those two departments. Again, the proposal would undergo Building Permit review to ensure the structure satisfies childcare occupancy-related requirements of the Building Code prior to commencement of the daycare center use on site. *Exhibit 1.*

## CONCLUSIONS

### **Jurisdiction:**

Pursuant to RZC 21.76.050.C (Table B) and RZC 21.76.060.F, the Hearing Examiner has jurisdiction to hear and issue the City's final decision on requests for a conditional use permit.

### **Criteria for Review:**

#### *Conditional Use Permit*

Pursuant to RZC 21.76.070.K.4, applications for conditional use permit may be approved if the Applicant demonstrates compliance with the following criteria for approval:

- a. The conditional use is consistent with the RZC and the Comprehensive Plan;
- b. The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;
- c. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- d. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses minimize unusual hazards or characteristics of the use that would have adverse impacts;

- e. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- f. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area or conditions are established to mitigate adverse impacts on such facilities.

**Additional Applicable Development Standards:**

*RZC 21.08.310, Commercial Day Care Centers (Residential Zones)*

- a. Day care centers shall comply with all building, fire, safety, and health codes, and all applicable development standards.
- b. Day care centers shall obtain a business license and maintain the use license as long as the use operates.
- c. Day care centers shall obtain all required state approvals.
- d. In the RA-5 zone, stand-alone day care centers are prohibited.
- e. Day care centers shall not be located closer than 300 feet from another existing day care operation in residential zones.
- f. The minimum lot size shall be 20,000 square feet in all residential zones.
- g. Play equipment used in the day care operations shall be placed no closer than 10 feet from any property line.
- h. Off-street parking for each employee shall be provided.
- i. Building design, site plans and landscaping shall be of a character which is appropriate for the area.
- j. Day care centers may be approved in new or existing churches and other places of worship, and no additional approval will be required, provided all other requirements of this section are met.
- k. Day care centers located in residential zones shall operate within the hours of 5:30 a.m. to 9:00 p.m.

**Conclusions Based on Findings:**

1. As conditioned, the proposed daycare use would remain consistent with the RZC and the Comprehensive Plan. No exterior changes to the subject property are proposed, required, or authorized by the instant decision. The expanded use of the existing facilities onsite would remain consistent with Comprehensive Plan policies relating to promoting and allowing limited commercial/nonresidential uses to be located in and serve surrounding residential areas without impacts to neighborhood character, while encouraging reduced vehicular transportation. *Findings 1, 3, 4, 5, 6, 7, 8, 9, 10, and 14.*
2. The proposed additional use of the existing facilities, and any interior improvements required for a childcare occupancy pursuant to the Building Code, would not affect the

character, appearance, quality, or physical characteristics of the subject property or improvements in the immediate vicinity. Traffic from the additional use is anticipated to primarily be on local roads outside of peak traffic hours. *Findings 3, 5, 6, 7, 8, and 14.*

3. No new buildings, structures, walls, fences, or screening vegetation are proposed or are required for the amended use of the existing site facilities. *Findings 1, 5, and 7.*
4. No unusual hazards or potential adverse impacts to the surrounding residential properties were identified in review of the project. The proposal would use existing facilities to provide additional services onsite during hours the church is not in use. A condition of approval was added to clearly indicate that separate conditional use permit approval would likely have to be obtained if increased enrollment or staffing levels are proposed in the future. *Findings 5, 6, 7, and 8.*
5. The record includes a Trip Generation/Traffic Modelling letter prepared by a professional transportation consultant, which letter identified no hazards to pedestrian or vehicular traffic in the vicinity from use of the facility for daycare while the church is not in use for religious services. Pedestrian access to the daycare center would be from the on-site parking lot. *Findings 7 and 8.*
6. As conditioned, the amended uses in the existing facility would continue to be supported by adequate public facilities and services and would not adversely affect public services to the surrounding area. *Findings 5, 6, 7, 8, 9, and 14.*

**DECISION**

Based on the preceding findings and conclusions, the requested conditional use permit to authorize construction and operation of a daycare center within the existing church known as Saint George Coptic Church located at 13216 NE 100th Street, without exterior alteration to the church or site, is **APPROVED** subject to the following conditions:

**A. Site Specific Conditions of Approval**

The following table identifies those materials that are approved with conditions as part of this decision.

<b>Item</b>	<b>Date Received</b>	<b>Notes</b>
Plan Set, [pages 1-8]	1/28/2020	<i>and as conditioned herein.</i>
SEPA Checklist	1/28/2020	<i>and as conditioned herein.</i>

**The following conditions shall be reflected on the Civil Construction Drawings, unless otherwise noted:**

1. **Development Engineering - Transportation and Engineering**  
**Reviewer: Min Luo, Senior Engineer**  
**Phone: 425-556-2881**



**Email: [mluo@redmond.gov](mailto:mluo@redmond.gov)**

There are no specific required Transportation improvements for the daycare use.

**2. Development Engineering – Water and Sewer**

**Reviewer: Zheng Lu, Senior Utility Engineer**

**Phone: 425-556-2844**

**Email: [zlu@redmond.gov](mailto:zlu@redmond.gov)**

- a. Water Service.** The existing water service has adequate capacity. No improvement for water system is required for the daycare use project.

(Code Authority: RZC 21.74.020.D)

- b. Sewer Service.** The existing side sewer has adequate capacity. No improvement for sewer system is not required for the daycare use project.

(Code Authority: RZC 21.74.020.D)

**3. Development Engineering – Stormwater/Clearing and Grading**

**Reviewer: Andrew Steele, Senior Utility/Stormwater Engineer**

**Phone: 425-556-2706**

**Email: [asteele@redmond.gov](mailto:asteele@redmond.gov)**

There are no stormwater-related conditions or requirements for approval of this proposed change of use, no changes to stormwater have been proposed.

**4. Fire Department**

**Reviewer: George Toles, Deputy Fire Marshal**

**Phone: 425-556-2903**

**Mobile: 206-306--5643**

**Email: [gntoles@redmond.gov](mailto:gntoles@redmond.gov)**

The current submittal is generally adequate for LAND-2019-00620 Approval but does not fully represent compliance with all requirements. The following conditions are integral to the approval and shall be complied with in Civil Drawings, Building Permit Submittals, Fire Code Permit submittal, and/or other applicable processes:

- a. Site Plan Condition –** If an automatic gate is used, it shall be subject to the conditions of RFDS 2.0 and IFC 503.6, to include UL325, ASTM F 2200, operable by either strobe sensor or click to enter (FD radio) and shall be equipped with a Knox box manual override.
- b. Fire Protection Plan –** Egress systems, Fire Protection systems, and occupant loads shall be evaluated for compatibility with the proposed change of use.

- c. Fire Code Permit – Gate permit shall be required if gate is used. Consider places of assembly, as well as modifications that may affect fire protection coverage and devices.

(Code Authority: RMC 15.06; RZC Appendix 3, RFD Standards, RFDD&CG, IFC.)

**5. Planning Department**

**Reviewer: Cameron Zapata, Senior Planner**

**Phone: 425-556-2411**

**Email: czapata@redmond.gov**

- a. **Impact Fees.** For the Purpose of Impact fees, the revised use assigned for this project is determined to be: 2,610 SF classified as Day Care Center and 18,845 SF classified as Church. The following total square footage of 2,610 SF classified as Church use may be credited for the change of use. The daycare center use shall employ a maximum of nine employees and serve a maximum of 36 children.

(Code Authority: RMC 3.10)

Condition Applies: Building Permit, Business License

**B. Compliance with City of Redmond Codes and Standards**

This approval is subject to all applicable City of Redmond codes and standards, including the following:

**Transportation and Engineering**

RMC 6.36:	Noise Standards
RZC 21.52:	Transportation Standards
RZC 21.40.010(E):	Design Requirements for Parking Facilities
RZC 21.54:	Utility Standards
RMC 12.08:	Street Repairs, Improvements & Alterations
RMC 12.12:	Required Improvements for Buildings and Development
RMC 12.16:	Highway Access Management
RZC 21.76.100(F)(9)(c)	Nonconforming Landscaping and Pedestrian System Area
RZC 21.76.020(G):	Site Construction Drawing Review
RZC 21.76.020(H)(6):	Preconstruction Conference
RZC 21.76.020(H)(7):	Performance Assurance
RZC Appendix 3:	Construction Specification and Design Standards for Streets and Access
City of Redmond:	Record Drawing Requirements, July 2015

City of Redmond: Standard Specifications and Details (current edition)

### **Water and Sewer**

RMC 13.04: Sewage and Drainage  
RMC 13.08: Installing and Connecting Water Service  
RMC 13.10: Cross-Connection and Backflow Prevention  
RZC 21.17.010: Adequate Public Facilities and Services Required  
RZC Appendix 4: Design Requirements for Water and Wastewater System Extensions  
City of Redmond: Standard Specifications and Details (current edition)  
City of Redmond: Design Requirements: Water and Wastewater System Extensions - January 2012.

### **Stormwater/Clearing and Grading**

RMC 15.24: Clearing, Grading, and Storm Water Management  
RZC21.64.060 (C): Planting Standards  
RZC 21.64.010: Critical Areas  
RZC 21.64.040: Frequently Flooded Areas  
RZC 21.64.050: Critical Aquifer Recharge Areas  
RZC 21.64.060: Geologically Hazardous Areas  
City of Redmond: Standard Specifications and Details (current edition)  
City of Redmond: Stormwater Technical Notebook, 2012  
Department of Ecology: Stormwater Management Manual for Western Washington (revised 2005)

### **Fire**

RMC 15.06: Fire Code  
RZC Appendix 3: Construction Specification and Design Standards for Streets and Access  
City of Redmond: Fire Department Design and Construction Guide 5/6/97  
City of Redmond: Fire Department Standards

### **Planning**

RZC 21.08: Residential Regulations  
RZC 21.58-21.62 Design Standards  
RMC 3.10 Impact Fees  
RZC 21.32, 21.72: Landscaping and Tree Protection  
RZC 21.34: Exterior Lighting Standards  
RMC 6.36: Noise Standards  
RZC 21.38: Outdoor Storage and Service Areas  
RZC 21.40: Parking Standards  
RZC 21.44: Signs

**Building**

2012 International Building Codes (IBCs)  
2012 Uniform Plumbing Code  
2012 International Residential Code (IRC)

**Decided** April 20, 2020.

By:



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Sharon A. Rice  
City of Redmond Hearing Examiner

Note: Pursuant to RZC 21.76.050.H.1, the decision of the Hearing Examiner in this Type III permit process is appealable to King County Superior Court.

1 **BEFORE THE HEARING EXAMINER**  
2 **FOR THE CITY OF REDMOND**


3  
4 In the Matter of the Application of ) NO. LAND-2019-00620  
5 )  
6 St. George Coptic Church Daycare Center ) CONDITIONAL USE PERMIT  
7 )  
8 ) CERTIFICATE OF SERVICE

9 CERTIFICATE OF SERVICE

10  
11 I HEREBY CERTIFY that on this 21st day of April, 2020, a true and correct copy of the Findings,  
12 Conclusions and Decision in the Matter of the Application of **ST. GEORGE COPTIC CHURCH**  
13 **DAYCARE CENTER LAND-2019-00620** for approval of a Conditional Use Permit was sent via  
14 email to the Staff Planner and via United States Postal Service first class mail to the Parties of Record  
15 with adequate postage prepaid.

16  
17  
18 April 21, 2020

19 \_\_\_\_\_  
20 Date

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24 \_\_\_\_\_

25  
26 Cheryl Xanthos  
27 City Clerk  
28 City of Redmond, Washington  
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30