

February 25, 2018: City Responses are in bold blue and highlighted. Some responses reference previous communications (with duplicative statements/responses) or the legal response to Mr. Vander Wel, who represented the Damours at the hearing and submitted a brief/ legal comment on the project (includes duplicative comments/statements).

Feb 4, 2018

City of Redmond – Development Services Center
15670 NE 85th St, Redmond, WA 98052

Ref: LAND-2016-01036 – Neighborhood Feedback

We have been homeowners on NE 22nd Ct, Redmond for the past 10+ years, and we have been in the Redmond/Bellevue area for the past 19 years. Our twin sons are 7 years old. We are active in community events and in our Church. We love being here in Redmond and always look for ways to continually improve our community and support our neighbors.

This letter contains our feedback on the Proposed “LAND-2016-01036”. This proposed shelter has been in discussion for the past couple of years but has failed to address the concerns of the neighborhood and homeowners in the immediate vicinity. The information provided by the applicants about developments for the center has been spotty and communication with the neighborhood has been limited at best and misleading (see large white sign section). This part of the letter will focus on the most recent events: Technical Committee Review and the City of Redmond Comprehensive Plan. I am including my previous letter for continuity and copies the relevant city documents.

The Technical Committee should be an independent review of a proposal and then it is measured against the laws and rules for the City. In reading over the Technical Committee Report (see attached), there are several issues that seem to be overlooked by the Technical Committee.

1. Technical Committee Report on Page 7 states that the proposal is consistent with the Comprehensive Plan. This is incorrect, and the plan is inconsistent with the Comprehensive Plan. They provide several pages of support for this, but oddly seem to ignore the parts of the Comprehensive Plan that makes this proposal inconsistent with the City of Redmond Comprehensive Plan. First, Designation Policies LU-33 and LU-34 purpose and allowed use on page 5-12.

The City Attorney’s office has provided a detailed legal response to questions and statements regarding the proposal’s consistency with the applicable portions of the City of Redmond Comprehensive Plan. That document addresses consistency with LU-33, but it does not address LU-34, because that goal regards a different City zoning designation (Single-Family Urban) that does not apply to the project. The City Attorney’s response will be posted on the City website for all persons to view.

LU-33 Single-Family Constrained Designation

Purpose.

Provide for low-density residential neighborhoods for lands inappropriate for more intense urban development due to significant environmentally critical areas, extreme cost or difficulty in extending public facilities, or the presence of natural features Redmond is seeking to retain.

Allowed Uses.

Implement this designation through zones that allow densities of one to three dwelling units per acre. Permit detached single-family homes, equestrian facilities, the keeping of animals compatible with the size of the property, and other uses consistent with this designation.

LU-34 Single-Family Urban Designation

Purpose.

Provide for low- to moderate-density residential neighborhoods on lands suitable for urban development. Provide opportunities for a variety of primarily detached single-family housing types, sizes, densities and prices in a manner that is compatible with neighborhood character.

Allowed Uses.

Implement this designation through zones that allow densities of four to eight dwelling units per gross acre. Apply zones by taking into account the direction in Policies LU-10 and LU-26. Require a minimum site size of one acre for rezones to eight dwelling units per acre. Permit detached single-family homes; in zones that allow eight dwelling units per acre, attached single-family (multiplex) homes. Also permit the keeping of animals compatible with the size of the property. Unless otherwise permitted on a citywide, neighborhood or pilot program basis, consider allowing cottages, attached single family homes, and other types of innovative housing through a conditional review process in zones that allow six dwelling units per acre or less.

The underline was added for emphasis.

In reviewing the definition of Family provided by RZC:

Zoning code RZC 21.78 Definition of Family

(<http://online.encodeplus.com/regs/redmond-wa/doc-viewer.aspx?secid=549>)

Family. An individual or two or more persons related by blood or marriage; **eight or fewer nonrelated persons living together in a single dwelling unit**, unless a grant of reasonable accommodation as identified in [RZC 21.76](#), Review Procedures, allows an additional number of persons.

As the Technical Committee Report states in section II and III, the proposed site itself is Single-Family Constrained Residential with the surrounding locations are Single-Family Constrained Residential and one Single-Family Urban Residential. They further say that the proposal complies with all the site requirements for the R-3 (Single-Family Constrained Residential) Zone. This is not correct.

Having a 40-person homeless shelter does not meet this definition of single-family described in the Comprehensive Plan and the RZC which limits to 8 or fewer non-related persons living together in a single dwelling unit and is not allowed. Just considering that 40 people of which some may be related but most would not be related by blood or marriage in a single-family residential home and residential neighborhood is inconsistent with the Comprehensive Plan.

2. Page 11 of the Technical Committee Report states: “The proposal conforms to the site requirements set forth in RZC 21.08.050 R-3 Zone. BelRed Family Resource Center will continue **to maintain the appearance of a single-family residence.** [emphasis added] There will be no exterior work done to the existing structure itself; therefore, the intended character, appearance, quality of development and physical characteristics of the property will not be affected... The existing single-family house will continue to appear as a single-family home as to blend into the neighborhood”.

So long as something appears to be something it is not, appearance matters more than fact? Surprising that the Technical Committee would put forth such a statement? Amazing! Appearance is not an acceptable workaround for a non-permitted activity per RZC on what is permitted in a single-family residence zone! Clearly this is incorrect as the zoning codes allow and dis-allow specific types of activities in a single-family residential area. The technical committee is incorrect in making the statement that appearance only is acceptable; it is missing that intended use is also a zone requirement. First, because the category of “social assistance, welfare and charitable services” is not listed anywhere under Comprehensive Plan LU-33 and LU-34 and the RZC for R-3 Zone, so the Redmond Zoning Code prohibits the use of the subject property as a homeless shelter. Second, it fails to meet the requirements of a family for a single-family residence. Lastly, they do plan to alter the grounds as with page 18 (section 4.d) “Smoking Area. The designated smoking area shall be located the furthest point from the western property line that meets the minimum required distance from the facility’s doors and windows”. There will now be a separate section near some neighbors that could have smoking (I would assume including marijuana) that the 40-person residents can utilize.

The proposal conforms to the criteria requirement. The City does not claim that the proposed shelter is a single-family use, but rather a religious use. The comments in the City’s technical report speak to the physical characteristics and appearance of the site. It would remain in appearance consistent with a single family home in the City of Redmond and the neighborhood in scale, height, materials, entry and all other design and visual appearances. The proposed six foot perimeter fence is allowed outright for all residential homes and properties under the current code and is not an uncommon feature of a residential home or home positioned on a corner lot. This question/ comment has been previously addressed in the public and neighborhood comments that have been made available to the public since the summer of 2017.

The Technical Committee Review and RZC 21.76.070 LAND USE ACTIONS AND DECISION CRITERIA (<http://online.encodeplus.com/regs/redmond-wa/doc-viewer.aspx?secid=3050>) – see attached

Section K.5.H states: “The proposed facility must be consistent with the Redmond Comprehensive Plan, unless the Comprehensive Plan would preclude the location of such facilities anywhere within the City;”

The City Attorney’s office has provided a detailed legal response to questions and statements regarding the proposal’s consistency with the City of Redmond Comprehensive Plan. That document will be posted on the City website for all persons to view.

The City of Redmond Comprehensive Plan can be found at www.redmond.gov/compplan

The Comprehensive Plan states:

1. On Page 1-6 “**How Is the Plan Implemented?** A number of tools are used to implement the Comprehensive Plan. The Zoning Code contains a set of regulations to direct land use and design as new development or redevelopment occurs. Growth is also directed in **keeping with the City’s land use and community character goals** through careful planning for the location and sizing of capital facilities.”

Furthermore, on page 3-1 “**Redmond has maintained its distinctive character.** The quality design of new development is a reflection of the value Redmond’s community members place on the community’s appearance.”

Bold is added for emphasis. Having a 40-person shelter in a single-family residential neighborhood and rotating the residents of the shelter continuously does not maintain the same character of the neighborhood.

2. The proposal is inconsistent with Comprehensive Plan on page 5-10 “**LU-27 Apply zones consistent with the Comprehensive Land Use Plan Map designations as follows:**
Single-Family Constrained R-1, R-2, R-3
Single-Family Urban R-4, R-5, R-6, R-8 and Residential Innovative (RIN)”

The 40-person shelter is not consistent with an R-3 designation and fails to meet the RZC definition of single-family as described above.

Furthermore, the Zoning Code expressly prohibits land uses not listed in the category of authorized uses under its individual zone use charts: “**Permitted Uses in Zone Use Charts.** Each zone use chart in RZC 21.08.020 through RZC 21.08.140 lists categories of land uses that may be permitted and any kind of conditional review process which may be required. Land uses not listed are prohibited unless otherwise provided by this chapter or some other provision of the Zoning Code.” RZC 21.08.160.A (underlining added).

Because the subject property is zoned R-3, the individual zone summary set forth in RZC 21.08.050 applies. Under the heading of “**R-3 Single-Family Constrained Residential,**” that Code section provides this “zone provides for low-density residential at a base density of three dwellings per acre on lands inappropriate for more intense urban development due to significant

environmentally critical areas, extreme cost, or difficulty in extending public facilities or the presence of natural features Redmond is seeking to retain.” RZC 21.08.050.A.

The uses allowed in R-3 zoned property are set forth in RZC 21.08.050.D. Because the category of “social assistance, welfare and charitable services” is not listed anywhere under section D, the Redmond Zoning Code prohibits the use of the subject property as a homeless shelter. So, the proposal is inconsistent with the City of Redmond Comprehensive Plan.

3. The proposal is inconsistent with Comprehensive Plan page 5-11 “**Residential** Redmond residents treasure their neighborhoods. Each neighborhood has characteristics that are unique and make it special. There are also qualities that many residents throughout Redmond frequently cite as ones they value about their neighborhoods. These qualities include safety, quiet, friendliness, attractiveness and a feeling of connection to their neighborhoods and to the community as a whole. And coupled with Page 13-1 “The result is a place where people are friendly, often meet others they know, and feel comfortable and connected”. And Page 13-51 “Residents have also expressed an interest in public safety.”

With the transient nature of the planned residents of the shelter, these two sections are inconsistent with the proposal as to the short-term nature with no connection to the neighborhood. The applicant stated that they can transport residents from Seattle or other distant locations into the neighborhood so these connections are not possible and safety (as raised multiple times in the City Hall Neighborhood meetings where the Applicant stated that they cannot take responsibility for any people outside their property even if they are associated with the current residents and the Applicant stated that Homeless people have greater issues with substance abuse and violence) concerns will be on-going.

The project applicant provided information and emergency call data on two other similar facilities to that being proposed. The data provided by the applicant does not indicate an uptick in violent crime due to the services provided or clients served. The information provided by the applicant has been posted on the City website and made available to all persons immediately following the August 2017 neighborhood meeting.

4. The Proposal is inconsistent with the Comprehensive Plan on page 13-52 **N-ID-1 Support Idylwood residents in ongoing and enhanced communication with the City, as well as community-building efforts.**” And on page 13-56 for “**Residential Policies:** Idylwood is proud to be a diverse residential neighborhood within Redmond. The neighborhood contains an eclectic mix of old and new single-family homes ranging from custom lakefront homes to tract homes to vintage dwellings dating back over 70 years.

Neighborhood residents place significant value on this character throughout the majority of the neighborhood. Residents advocate **maintaining the existing zoning**, house sizes, proportionate dwelling size to lot size, and monitoring in-fill development and allowed density while **preserving the current proportions of multifamily and single-family dwellings**. Residents

recognize the unique character among the geographic subareas and neighborhood subdivisions,
....”

The proposal is inconsistent with the Comprehensive Plan with the very poor communications that have taken place with the Applicant working with the neighborhood (there was only a single neighborhood meeting done over 1 year ago on the project). Specifically, for our neighborhood, Idylwood, this does not maintain the existing zoning and current proportions of multifamily and single-family dwellings as the target residence does not meet the RZC definition of single-family.

One other significant communication failure was with the Large White Signs required to be placed on properties where some type of zoning action is under consideration. The signs and mailings were sent on the right before the deadlines for the upcoming Public Hearing. As can be seen in the picture below, the title simple states “BelRed Family Resource Center”.



There is no mention on the large white sign that this is a proposed homeless shelter or Women and Children Shelter/Home. The intent of the large white notice sign is to inform the public so that people will be informed of actions around their neighborhood. By using only the name “BelRed Family Resource Center”, this is very misleading and does not convey the true intent of

the proposed request for permit. Resource Center could be sometime as simple as an office for referrals and the term alone completely hides the true nature of a 24/7 homeless shelter.

The large white sign meets all adopted Redmond Zoning Code criteria. Staff provided a detailed response via e-mail on 1/17/2018 and included the noticing requirements within the hearing presentation (a side by side comparison with the code).

The flyer does have additional details on the project, but the project name on the flyer does not match the project name on the large white sign. The flyer contains "ECC Shelter" in the project name. This is another project name which confuses people trying to understand what is going on. The fact that this is a proposed shelter should be clearly displayed on the large white sign - without that information, the large white sign is misleading what the true intent of the public hearing for the permit.

Additionally, the flyer clearly states an "Application and Completeness Date: June 7, 2017" - the project at that time (June) was called in emails and documents from the city as "Application LAND-2016-01036 ECC Women and Children Shelter" (or sometimes House) If the application refers to June 2017 as the application date, this again is confusing with project name changes. The sign should use the name that was used in June 2017 (and maybe list both names to make this very clear). Several examples are provided in attachments where Shelter was utilized for the Proposal Title.

The flyer included both the current project name and the previous project name per the request of the residents. It did not only include ECC as the project name. This was a voluntary addition provided to assist in communication requests by the residents. The Bel-red Family Resource Center has been the project name of the proposal since July of 2017 and is referenced and discussed on all notice and meeting documents that went out: re-issued NOA (7/17), Neighborhood Meeting notice, Neighborhood meeting presentation and on the website since the summer of 2017.

On Sunday, I noticed a person walking their dog past the sign. He stopped to read the sign and then kept going. From this large white sign, the person would have no clue as to true intent of the permit request which is to establish a homeless shelter for up to 40 persons (in our single-family residence neighborhood). If the intent of Public Hearings is to inform residents, the large white sign should properly state the name from the June application and city emails/documents as a shelter and not mislead the true intent of the application. This was just a failed opportunity for greater communication with the proposal process and greater transparency with the neighborhood community.

I and others pointed this out to the city and within days an 8x11 inch paper was secured to the sign that had a job description indicating a 40-person shelter This was better than before, but the printing was certainly not a visible as the lettering on the large white sign. Again, this effort once again failed consistency with Comprehensive Plan on page 13-52 **N-ID-1**.

This was a voluntary addition and not a requirement. There is not requirement for this information nor a height or sizing requirement for it within the Zoning Code. The notice

board met all adopted code regulations and the application/ City provided additional information where reasonable and available.



5. The proposal is inconsistent with the Comprehensive Plan on page 13-57 “**N-ID-20 Design single-family dwellings and significant expansions to single-family dwellings to have living space as the dominant feature of the street elevation.**” as the proposal looks to make the single-family residence act as a continuously changing multifamily residence. This homeless shelter in a single-family neighborhood is inconsistent with this character of space.

This planning factor addresses the exterior appearance of dwellings and expansions in the neighborhood, not the use of property. As noted in the City’s technical report, the proposed shelter will not change the exterior of the residence. The City Attorney’s office has provided a detailed legal response to other questions and statements regarding the proposal’s consistency with the City of Redmond Comprehensive Plan. That document will be posted on the City website for all persons to view.

6. Finally, the proposal is inconsistent with Comprehensive Plan page **13-57** “Idylwood offers a safe, quiet and peaceful place for residents to live and spend time in their neighborhood.” as the Applicant stated that they cannot be responsible for activities outside their property even if individuals are associated with residents of the shelter (such as spouses or significant others) and homeless people have a greater likelihood of substance abuse, alcoholism, and violence. The Applicant has also stated that they will not do background checks on the children who can be up to 17 years of age (and even into 18 years of age under specific circumstances). This has caused great concern by many current neighborhood residents who see this proposal as a security risk to their families.

The project applicant provided information and emergency call data on two other similar facilities to that being proposed. The data provided by the applicant does not indicate an uptick in violent crime due to the services provided or clients served. The information provided by the applicant has been posted on the City website and made available to all persons immediately following the August 2017 neighborhood meeting. Additionally, this information was included into the record as part of Attachment 20 of the Technical Committee Report to the Hearing Examiner.

The City Attorney’s office has provided a detailed legal response to questions and statements regarding the proposal’s consistency with the City of Redmond Comprehensive Plan. That document will be posted on the City website for all persons to view.

The next section is the previous material my wife and I submitted and is included for continuity.

Aug 16, 2017

City of Redmond – Development Services Center
15670 NE 85th St, Redmond, WA 98052

Ref: LAND-2016-01036 – Neighborhood Feedback

We have been homeowners on NE 22nd Ct, Redmond for the past 10+ years, and we have been in the Redmond/Bellevue area for the past 19 years. Our twin sons are 7 years old. We are active in community events and in our Church. We love being here in Redmond and always look for ways to continually improve our community and support our neighbors.

This letter contains our feedback on the Proposed “LAND-2016-01036”. This proposed center has been in discussion for the past couple of years but has failed to address the concerns of the neighborhood and homeowners in the immediate vicinity. The information provided by the applicants about developments for the center has been spotty and communication with the neighborhood has been limited at best.

After submitting our initial feedback in July, the applicant re-submitted the application which had several changes including: modifying the number of individuals in the single-family home from 25 to 40 and a request change to “Conditional Use – Change of Use.” This feedback letter is amended to address the new request.

The shelter at this location is not appropriate and should be denied for the following reasons:

1. The Applicable Individual Zone Summary in the Redmond Zoning Code Prohibits the Proposed Use.

The Zoning Code expressly prohibits land uses not listed in the category of authorized uses under its individual zone use charts: “**Permitted Uses in Zone Use Charts.** Each zone use chart in RZC 21.08.020 through RZC 21.08.140 lists categories of land uses that may be permitted and any kind of conditional review process which may be required. Land uses not listed are prohibited unless otherwise provided by this chapter or some other provision of the Zoning Code.” RZC 21.08.160.A (underlining added).

Because the subject property is zoned R-3, the individual zone summary set forth in RZC 21.08.050 applies. Under the heading of “**R-3 Single-Family Constrained Residential,**” that Code section provides this “zone provides for low-density residential at a base density of three dwellings per acre on lands inappropriate for more intense urban development due to significant environmentally critical areas, extreme cost, or difficulty in extending public facilities or the presence of natural features Redmond is seeking to retain.” RZC 21.08.050.A.

The uses allowed in R-3 zoned property are set forth in RZC 21.08.050.D. Because the category of “social assistance, welfare and charitable services” is not listed anywhere under section D, the Redmond Zoning Code prohibits the use of the subject property as a homeless shelter.

This has previously been responded to in detail within public comment and neighborhood responses that have been made available to the public since the summer of 2017. Additionally, the City attorney has provided a legal response to questions and statements regarding “allowed/ permitted use”. That document will be posted on the City website for all persons to view.

2. The Proposed Use is Not as a Religious Institution.

While the principal of the applicant may be a religious institution, he does not propose to use the subject property as a religious institution. Pursuant to the Code, such uses consist of “[c]hurches, temples, synagogues, monasteries, and similar institutions operated by religious organizations.” RZC 21.78.R Definitions.

Rather, the applicant seeks to use the property as a 40-person homeless shelter. Such use falls in the category of social assistance, welfare and charitable services. The Code definition of this category is the following: “**Social Assistance, Welfare and Charitable Services.** The

provision of social assistance services, including shelters, directly to individuals in need.” RZC 21.78.S Definitions.

The proposed homeless shelter, therefore, does not qualify as use as a religious institution. That use is not what applicant has proposed.

The City attorney has provided a legal response to questions and statements regarding the proposal meeting the “use” designation of religious institution. That document will be posted on the City website for all persons to view. Staff has previously provided responses to this statement on the City’s website as part of public comment and neighborhood meeting responses.

3. The Comprehensive Allowed Uses Chart in the Redmond Zoning Code Prohibits the Proposed Use.

The Zoning Code, in its Comprehensive Allowed Uses Chart, does not authorize the use of the subject property as a shelter. “This chart is meant to serve as a compilation of permitted uses within each of the individual zone summaries ...” RZC 21.04.030.A.

The Comprehensive Allowed Uses Chart for residential zones is specifically set forth in RZC 21.04.030.B. Permitted uses for R-3 zoned properties are designated in the column under R3 with a “P” whereas conditional uses are designated there with a “C.”

A category for uses involving social assistance, welfare and charitable services exists in the Comprehensive Allowed Uses Chart under the subheading of “Education, Public Administration, Health Care and other Institutions.” But the corresponding R3 column is blank, i.e., it contains neither a “P” nor a “C.” Because shelters fall within this category but the column is blank, this Chart obviously prohibits the use proposed.

Note that, attesting to the extreme nature of the permit sought via the application, shelters are not authorized in *any* properties in Redmond that are zoned residential. Looking across horizontally on the Comprehensive Allowed Uses Chart after the subcategory for social assistance, welfare and charitable services, all of the columns are blank. Shelters for humans, therefore, are not authorized in *any* residential zones in Redmond. This applies to uses that are both less intense and more intense than R-3 permits. Allowing a shelter in the R-3 zone here would clearly be a direct violation of the City’s Zoning Code.

The proposal falls under “religious institutions” within the chart. This has previously been responded to in detail within public comment and neighborhood responses that have been made available to the public since the summer of 2017. Additionally, the City attorney has provided a legal response to questions and statements regarding “allowed/ permitted use”. That document will be posted on the City website for all persons to view.

4. The Proposed Use Contravenes the Very Purpose of Establishing Zones.

The proposal seeks authorization of a use that circumvents the very purposes of the Zoning Code. RZC 21.04.010 provides as follows:

The purpose of establishing zones is to:

- a. Provide a pattern of land use that is consistent with and fulfills the vision of Redmond's Comprehensive Plan;
- b. Maintain stability of land uses and protect the character of the community by encouraging groupings of uses that have compatible characteristics;
- c. Provide for appropriate, economic, and efficient use of land within the city limits; and
- d. Provide for coordinated growth and ensure that adequate public facilities and services exist or can be provided in order to accommodate growth.

The use of the subject property for a homeless shelter is inconsistent with and contravenes the vision of Redmond's Comprehensive Plan. The Comp Plan designates the subject property as Single-Family Constrained, not the dense population that the proposal describes. The proposal contravenes the LU-33 Designation Policies thereof.

A homeless shelter, moreover, will destabilize the land uses and endanger the character of the community because its characteristics are incompatible with the general area consisting of residential Single-Family homes. At the Neighborhood Meeting in May 2017 at City Hall, I asked the applicant directly if they had considered ***any*** alternative sites or options instead of using this site for a 40 person, Multi-Family shelter forcing a request for zoning changes. Indeed, several options had been suggested to the applicant at the local neighborhood meeting held the previous year. Unfortunately, he said "No. No alternatives were considered." This undermines Redmond's Comprehensive Plan vision and Zoning Code in that the applicant has neither investigated nor considered any other options other than forcing a zoning exception for the project. For the number of years this shelter has been under consideration, the applicant has failed due diligence and good faith attempts to be in line with Redmond's Zoning Codes.

Please see previous above responses.

5. The Proposed Use is Not for a Single-Family.

The property is appropriately zoned Single-Family, not Multi-Family. The Code defines "family" as "[a]n individual or two or more persons related by blood or marriage; eight or fewer nonrelated persons living together in a single dwelling unit, unless a grant of reasonable accommodation as identified in RZC 21.76, Review Procedures, allows an additional number of persons." RZC 21.78.F Definitions.

An occupancy of 40 individuals far exceeds the eight-person limit that applies to Single-Family residences. And the Review Procedures do not allow such a high occupancy in the Single-Family Constrained Residential zone.

Single Family Residences is a primary use of the zone, but is only one of 31 allowed uses within the R-3 zone. The proposal makes no assertions that it is a Single Family use or will

be for a single family unit. The proposal only asserts that it will maintain an appearance that is consistent with the appearance, quality and characteristics of the neighborhood and will maintain traditional household hours of operation/ activity as allowed under its proposed use of Religious Facility.

6. The Proposed Use Does Not Meet the Requirements for a Conditional Use Permit.

Specifically, it fails to meet the requirements detailed in Redmond's zoning code, RZC 21.76.070K4:

K4.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;

This has previously been responded to in detail within public comment and neighborhood responses that have been made available to the public since the summer of 2017. The facility's proposal meets this requirement and in both physical appearance and occupancy will be as similar in character as the existing Church Assembly building located next door (which is currently ran by the Co-Applicant).

K4.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;

The proposal is for a facility that would maintain traditional household hours of operation/ activity as allowed under its proposed use of Religious Facility. Additionally, the City attorney has provided a legal response to questions and statements regarding "allowed/ permitted use". That document will be posted on the City website for all persons to view. Lastly, no data, evidence or non-opinion information has been provided or reviewed that confirms any additional hazards would be subjected upon the neighborhood. Upon a review of emergency data from similar facilities, all information shows no increase in hazard or crime. This has previously been responded to in detail within public comment, neighborhood responses and operational information/ data from the applicant that have been made available to the public since the summer of 2017.

There are two main reasons for the failure to meet these requirements:

First, as detailed above, this area in Redmond is zoned as Single-Family residences and the subject property is zoned R-3. There are a number of important quality of life and community environments fostered by setting aside such an area. The applicant intends this center to be a 40-person, Multi-Family residence. The length-of-stay is intended to be short-term, so a continual turnover of resident is expected. This is contrary to the goals of Single-Family residential neighborhoods and fails to meet and be compatible with the existing and intended character and quality of development of the immediate vicinity. The center will have clients with no long-term ties to the community. Indeed, the applicant states that its clients may come from areas outside

this immediate vicinity. There will be multiple families in a single residence. Clearly, this proposal does not meet the K4.B compatibility restriction of Redmond's Zoning Code.

Secondly, security around the immediate vicinity is questionable, and neighborhood security is not promoted by this application. The center's intended population is stated to have various unfortunate, negative associated issues including domestic violence, substance abuse and/or mental illness (by the applicants own admission). There are large green belt areas, grade schools, and parks around the proposed center location that can have both center's clients as well as associates of the clients deciding to have unsupervised (from the center's intentions to screen and monitor clients) activities. The applicant states that they will screen and monitor clients, but this does not address off-center property and associates from off-center associates who may seek shelter and/or interaction with their children, wives, or friends within the center. The center fails to meet the K4.D zone regulation. It brings risks and adverse impacts to the neighborhood.

With the recent refiling of the application, we submit these additional comments to respond to the applicant's application recently modified to "Conditional Use – Change of Use."

7. The Hearing Examiner Does Not Have Jurisdiction to Modify the 1968 CUP.

Sherwood Forest Baptist Church filed Conditional Use Petition No. 10 on October 22, 1968. See Redmond Resolution No. 207. In it, that church requested permission to use a single 3.41-acre parcel "for a church complex."

The City of Redmond subsequently issued the Conditional Use Permit ("the CUP"). In Section 3 of Resolution 207, the Council provided that it "may revoke or modify the conditional use herein granted"

The City did not subsequently delegate its authority to modify the CUP to the Hearing Examiner. The Hearing Examiner, therefore, does not have jurisdiction to consider the applicant's modified request to modify the 1968 CUP.

A request is not being made to modify the previous CUP. The City Attorney has provided a legal response to questions and statements regarding "CUP application". That document will be posted on the City website for all persons to view

8. The Applicant Cannot Rely On and Use the 1968 CUP Because It Terminated by Abandonment.

The CUP expired long ago. Section 41.3.1 of City Ordinance 310, passed in 1963, provided as follows:

Abandonment of Use. When a conditional use of property is abandoned for a continuous period of one year, all permits or rights granted on the basis of such conditional use permission shall be void.

The owners of the 0.50-acre subject property located at 2321 173rd Avenue NE (Tax Parcel 252505-9158) abandoned the conditional use permit long ago. This property has never been used as a church complex.

Section 2.2 of Resolution 207 referred to the house on the subject property already in 1968. That house has been used solely as a residence since that time.

The evidence that the subject property was never used for a church complex is overwhelming. Since its construction in 1941, the structure thereon has always been used as a single-family residence. A letter from then applicant Redmond Christian School dated June 26, 1985 described the usage at that time as follows: "2321 173rd N.E. is used as a single family dwelling."

The City issued a Building Permit on April 29, 1976 for the construction of a garage at 2321 173rd Avenue NE. A City Technical Committee Report dated July 17, 1985 identified the structure on the 2321 property as a "single-family residence" and made absolutely no mention of an existing CUP.

With respect to an application from Redmond Christian School for a Special Development Permit ("the First SDP"), the City Hearing Examiner in a Memorandum dated August 7, 1985 indicated (on page 3, point 4) that the applicant also sought "to use a single-family residence, located on the property, as an additional classroom or office space." He indicated (on page 10) that the request was to locate a school on both 2315 and 2321 173rd Avenue NE.

More recently, the City's Building Permit issued April 2, 2007 for 2321 173rd Avenue NE described the work and use authorized as follows:

ADDITION OF A 1,507 SF HEATED SPACE FOR RESIDENTIAL PURPOSES ONLY. NO EVANGELICAL CHINESE CHURCH ACTIVITIES WILL BE CONDUCTED IN RESIDENCE. **RESIDENCE TO PROVIDE HOUSING FOR PASTOR AND OCCASIONAL GUEST.**

(Emphasis added.) This mirrored the limiting language contained in the applicant's Residential Permit Application dated January 11, 2007.

Because the subject property was never used for a church complex, the owners thereof abandoned the CUP when they segregated it from the 2.91-acre property located at 2315 173rd Avenue NE (Tax Parcel 252505-9040). At the very latest, this segregation occurred by 1985 when the City Technical Committee Report dated July 17, 1985 indicated that the parcel size was "2.91 and .50 = 3.41 acres" and had the addresses of "2315 and 2321 173rd Avenue NE." Attached to that Report, moreover, were separate legal descriptions for 2315 173rd Avenue NE and 2321 173rd Avenue NE.

The applicant's reliance upon the CUP, therefore, is misplaced. He is not entitled to bootstrap in a CUP that expired long ago as to the subject property.

Previous entitlements include a range or permitted uses for the structure. Building permits for one of the uses permitted under the entitlement versus another would not void the entire entitlement. Whether uses previously/ currently entitled for the structure have been

terminated are not relevant to this proposal or application. *The City Attorney has provided a legal response to questions and statements regarding “abandonment of use”. That document will be posted on the City website for all persons to view. Staff has previously responded to in-detail within public comment and neighborhood responses that have been made available to the public since the summer of 2017.*

9. The Applicant Cannot Rely On and Use the 1968 CUP Because It Only Authorized the Operation of a Church.

When Sherwood Forest Baptist Church filed its Conditional Use Petition No. 10 on October 22, 1968, it never requested that the 3.41-acre parcel be used as a homeless shelter. The use requested was “CHURCH BUILDING.” It requested therein permission to maintain a “[c]hurch facility to house the Sherwood Forest Baptist Church of Redmond, Washington.”

The City issued a Notice of Public Hearing dated November 6, 1968 on Conditional Use Petition No. 10. It notified the public that that applicant’s request was “[p]ermission to construct a church building.”

The CUP only authorized the use of the property “for a church complex.” A letter dated November 25, 1968 to Sherwood Forest Baptist Church enclosing a copy of Resolution 207 stated that the CUP was “for a church building complex.”

The City Attorney has provided a legal response to questions and statements regarding “previous entitlements and current CUP application”. That document will be posted on the City website for all persons to view.

10. The Applicant Cannot Rely On and Use the 1968 CUP Because the 1985 SPD Superseded It.

The City issued the First SDP for the subject property via a Final Approval Order that Mayor Doreen Marchione signed on September 3, 1985. The City issued a second SDP for the subject property via a Final Approval Order that Mayor Doreen Marchione signed on April 15, 1986. Because a property cannot simultaneously have a CUP and an SDP, the SDPs superseded the CUP even if it had remained in existence at that time. The applicant’s reliance on the superseded CUP, therefore, is misplaced.

This is not accurate and no documentation or code has been provided that supports this statement or any information which states a property cannot have more than one entitlement. The City Attorney has provided a legal response to questions and statements regarding “SPD superseding the CUP”. That document will be posted on the City website for all persons to view. Staff has previously responded to in-detail within public comment and neighborhood responses that have been made available to the public since the summer of 2017.

11. The Applicant Cannot Rely On and Use the 1968 CUP Because the Subject Property Has Never Before Been Used as a Homeless Shelter.

The July 17, 1985 Technical Committee Report indicates that the 2321 property was never before intended to be used as a homeless shelter. Under “BACKGROUND” on page 1 thereof, it stated the following (emphasis added):

“[T]he applicant is requesting approval to use a single-family residence which it owns next door to the school for additional classroom or office space, if needed in the future. When it was discovered that part of the driveway for the abutting single-family house to the north was actually on the school’s property, the school decided to buy the property for its own use. There are no plans to change the structure, only to change its use. It will continue to be used as a residence but they would like to have the option to use it for offices or classrooms.”

The description under “INTRODUCTION” on page 2 thereof was consistent therewith.

The application makes no statement that the structure was previously a shelter. The City Attorney has provided a legal response to questions and statements regarding “previous entitlements and current CUP application”. That document will be posted on the City website for all persons to view.

12. The Applicant Cannot Rely On and Use the 1968 CUP Because the 3.41-Acre Tract Was Subsequently Divided Into Two Parcels and the CUP Remained, If At All, with the 2.91-Acre Church Parcel, Not the Segregated 0.50-Acre House Parcel.

The 2321 property has always been used as a single-family residence. It has never legally been used for any other purpose, whether as a homeless shelter, church or otherwise.

The 1968 CUP only authorized a church to be maintained on the then 3.41-acre parcel. Because the church building was and remains located and operated on what was subsequently segregated into the southern 2.91-acre parcel and the house was and remains located and used for residential purposes on what was subsequently segregated into the northern 0.50-acre parcel, any CUP which remains after all these years went with the southern parcel, not the subject 2321 property.

All entitlements run with the land. This is also highlighted in previous communications and the previous entitlements. The City Attorney has provided a legal response to questions and statements regarding “lot line addition”. That document will be posted on the City website for all persons to view.

We acknowledge the intentions of the applicants but the location currently under review is not appropriate by being a direct violation of the Redmond Zoning Code and fails to meet the requirements specified in the Redmond Zoning Code. We urge the City of Redmond Technical

Committee and Examiner to reject the proposal and encourage the applicant to site an area that will meet the goals of their effort while aligning with local zoning codes.

Sincerely,

Kevin & Michelle Damour (with their 7 year old sons, David & Michael)
17215 NE 22nd Ct
Redmond, WA 98052-6003