

ORDINANCE 4062*

AN EMERGENCY ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO PERMIT THE USE OF THE CITY-OWNED PROPERTY AT 13013 NE 65TH STREET AS A COMMUNITY FACILITY BY KIRKLAND HOPELINK FOR UP TO 75 DAYS, WHILE A PROCESS I APPLICATION IS PENDING; REQUIRING KIRKLAND HOPELINK TO SECURE PROCESS I APPROVAL WITHIN 75 DAYS OF THIS ORDINANCE AND MAINTAIN PROCESS I APPROVAL THROUGH ANY ADMINISTRATIVE OR JUDICIAL APPEALS OR TO VACATE THE PREMISES AT 13013 NE 65TH STREET; AND DECLARING AN EMERGENCY. (FILE MISO6-00038.)

WHEREAS, the City funds essential human services through its adopted biennial budget; and

WHEREAS, for 35 years, Hopelink has been helping its clients work toward self-sufficiency and end the cycle of homelessness; and

WHEREAS, the services provided by Hopelink include: food; housing; child care; family development programs; literacy programs; transportation; interpreter services; financial assistance; energy assistance; and classes; and

WHEREAS, in September 2006, Kirkland Hopelink learned that it would need to immediately relocate from its current offices at 302 First Street, in Kirkland; and

WHEREAS, the City of Kirkland extended an invitation to house Kirkland Hopelink's "Community Facility" use in a building owned by the City located at 13013 NE 65th Street, Kirkland, located in a Professional Office Residential (PR) Zone; and

WHEREAS under Kirkland Zoning Code (KZC) 25.10 a Community Facility use in a PR Zone requires approval through Process I; and

WHEREAS, on Friday, September 29, 2006, Kirkland Hopelink requested approval through Process I, described in KZC Chapter 145, to locate its "Community Facility" in a Professional Office Residential (PR) Zone (Zoning File: ZON06-00029); and

WHEREAS, the typical review under Process I can take more than four months; and

WHEREAS, in order to allow for the relocation of Kirkland Hopelink and its uninterrupted service to local families, seniors, people with disabilities, and others who depend upon it, the Kirkland City Council has determined that there is a need for an emergency ordinance; and

WHEREAS, a public hearing on this emergency Ordinance was held prior to the passage of this Ordinance;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Kirkland City Council makes the following findings:

- a. The typical timeline for reviewing an application for Process I approval would not allow for the immediate relocation of the Kirkland Hopelink Community Facility use to the City-owned property at 13013 NE 65th Street in Kirkland within a PR Zone.
- b. Kirkland Hopelink has made application for Process I approval for its Community Facility to be located at the subject City-owned property.
- c. Kirkland Hopelink provides vital community services that should not be suspended while the Process I approval is pending.
- d. Until the pending application may be reviewed, there is an immediate need to relocate Kirkland Hopelink within the City.
- e. The interests of the citizens of Kirkland are served by providing a City-owned location for Kirkland Hopelink and the declaration of an emergency is necessary to allow the immediate, lawful occupancy of the City-owned property, subject to the terms and conditions of this ordinance.

Section 2. The City Manager is authorized to negotiate and enter into an agreement with Kirkland Hopelink for the immediate relocation of Kirkland Hopelink to the City-owned property at 13013 NE 65th Street, Kirkland, while its application for Process I approval is pending. The agreement shall include the following conditions:

- a. Kirkland Hopelink must secure a Process I approval within 75 days of this Ordinance and maintain the Process I approval through any administrative or judicial appeals. In the event Kirkland Hopelink fails to secure Process I approval within 75 days or the Process I approval is reversed on administrative or judicial appeal, it must vacate the premises at 13013 NE 65th Street, Kirkland, 45 days after notice is given that the Process I approval has been denied following any administrative or judicial appeals.
- b. The hours of operations for the daytime food bank, currently held on Thursdays, shall be completed by 1:30 p.m. to be done before the local students walk home from school.
- c. On food bank day, Kirkland Hopelink staff shall direct parking to provide an efficient flow of traffic in and out of the site.
- d. Truck deliveries to the site shall not occur before 8:30 a.m. each day.
- e. Pest control services shall be provided on a weekly basis for 75 days.
- f. Litter shall be picked up along 130th Ave NE and in front of the building after each food bank service day.
- g. All exterior lighting on the building shall be downcast and shielded to prevent glare on adjacent residential properties.
- h. Noise from the use shall not exceed the State standards found in RCW 70.107 as regulated in KZC 115.95.
- i. Kirkland Hopelink shall provide the City Council and the Human Services Advisory Committee a quarterly report on the

operations of the services, any neighborhood concerns, and how the concerns have been addressed.

Section 3. Duration. This Ordinance shall be effective for 75 days. This Ordinance may be renewed for one or more four-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 5. Emergency Ordinance. This is an emergency Ordinance necessary for the protection of the public health and safety and shall be in force and effect immediately upon passage by the City Council.


Passed by majority vote of the Kirkland City Council in open meeting this 17th day of October, 2006.

Signed in authentication thereof this 17th day of October, 2006.



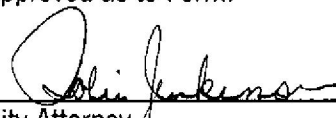
MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney