



777 108<sup>th</sup> Avenue, NE  
Suite 2300  
Bellevue, WA 98004

**Larry C. Martin**  
425.646.6100 tel  
425.646.6199 fax

[larrymartin@dwt.com](mailto:larrymartin@dwt.com)

September 12, 2014

Rob Odle  
Planning Director  
City of Redmond  
15670 NE 85th Street  
Redmond, WA 98073-9710

Re: Hopelink Request for Zoning Code Interpretation

Dear Rob:

We represent Hopelink in connection with development of a new facility in Redmond. Based on the following information, we ask that you issue an Administrative Code Interpretation confirming that the proposed new Hopelink Redmond Facility satisfies the requirements set forth in RZC 21.76.070 M (2) a-c for use of the Essential Public Facility alternative siting process.

Context

Despite a great deal of effort, Hopelink has not been able to locate a suitable site zoned to allow its proposed new Redmond Facility. Under the Redmond Zoning Code, Hopelink's activities are classified as "social assistance, welfare, and charitable service". Properties developed with a combination of warehouse and office space of the type Hopelink requires are located in areas zoned Business Park and Manufacturing Park. "Social assistance, welfare, and charitable service" is not a permitted land use in these zones.

The Redmond Zoning Code provides an alternative siting process for "Essential Public Facilities". As discussed below, the Hopelink Redmond Facility qualifies as an "Essential Public Facility" and satisfies the other zoning code criteria that entitle Hopelink to seek approval of a site through this alternative siting process. Upon approval of an application through this  
DWT 24772021v1 0200514-000001

Rob Odle  
September 12, 2014  
Page 2

process, and subject to obtaining all other required land use and development permits, Hopelink will be authorized to site its new facility at the designated location even though the facility is not a permitted land use under the zoning classification of that property.

Requirements for Use of the Essential Public Facilities Siting Process.

The requirements for using the Essential Public Facilities (EPF) siting process are set out in RZC 21.76.070 M 2:

*A proposal may be reviewed as an essential public facility under this section when the applicant makes a written request for such review to the Administrator, or when the Administrator requires that a proposal be reviewed as an essential public facility. A proposal qualifies as an essential public facility when:*

- a. The facility meets the definition of Essential Public Facility.*
- b. The facility is a type difficult to site because of one of the following:*
  - 1. The facility needs a type of site of which there are few sites;*
  - 2. The facility can locate only near another public facility;*
  - 3. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site; or*
  - 4. The facility is of a type that has been difficult to site in the past;*
- c. There is need for the facility, and Redmond is in the facility service area.*

As discussed below, the proposed Hopelink Redmond Facility satisfies each of these criteria.

The Hopelink Facility meets the definition of Essential Public Facility.

The definition of “Essential Public Facility” is set forth in Redmond Zoning Code Chapter 21.78. (The applicable portions of the definition appear in bold font):

Rob Odle  
September 12, 2014  
Page 3

***Essential Public Facility. A facility, conveyance, or site owned or operated by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.***

*Essential public facilities include, but are not limited to, airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, in-patient facilities (including substance abuse facilities, mental health facilities, and group homes), secure community transition facilities, and such other state facilities as are listed by the Office of Financial Management as essential public facilities likely to be built within the next six years pursuant to RCW 36.70A.210.*

Hopelink—a Nonprofit Organization with Substantial Governmental Contracts and Funding—Will Own and Operate the Facility,

Hopelink will be the sole owner and operator of the new Redmond Facility. As shown by the enclosed corporate registration information maintained by the Washington State Secretary of State, Hopelink is a Washington nonprofit corporation.

A large majority of Hopelink's operating revenue is derived from government funding and is expended in the performance of public services under contracts with governmental agencies. For example, as shown by the enclosed graphic and balance sheet summary titled "Financial Highlights", in fiscal year 2012-2013, of the roughly \$55 million in Hopelink funding, 79.2 % was derived from fees and grants from government agencies. In this period, 68.6% of total revenue was expended to provide public transportation services under governmental contracts. 22.7% was used to provide community services, including services performed under governmental contracts and programs. Expenditures of funds awarded by the federal government are shown on the enclosed "Schedule of Expenditures of Federal Awards For the Year Ended June 30, 2013".

Government funding sources in 2013 included:

- Federal Government
- State of Washington

Rob Odle  
September 12, 2014  
Page 4

- King County
- Bellevue
- Bothell
- Issaquah
- Kenmore
- Kirkland
- Redmond
- Sammamish
- Shoreline
- Snoqualmie
- Woodinville

Staff members based in the new facility will deliver multiple services designed to help low-income individuals and families in the Redmond community achieve stability and gain the skills needed for them to overcome poverty. The services include:

- emergency and supplemental food assistance
- home heating assistance
- emergency financial assistance
- case management
- employment services
- adult education classes

Hopelink's services are funded through several dozen governmental grants and contracts with local, state and federal government sources, leveraged with private philanthropic dollars. For example, Hopelink is the designated service provider for distribution of funds from the federal Low Income Heating and Assistance Program (LIHEAP) in North and East King County.

Hopelink will provide public education at the Redmond Integrated Service Center including GED classes as well as English for Work classes. These educational programs are funded by the State Board of Community and Technical Colleges and are designed to help students who are not successful in traditional adult learning environments such as community colleges to succeed and achieve an educational credential. Both programs are

Rob Odle  
September 12, 2014  
Page 5

“contextualized” for employment, which means that there is a dual purpose of educational gains in conjunction with helping the adult student improve their employability and, therefore, increase their household income.

The New Hopelink Redmond Facility is Necessary for Hopelink to Adequately Provide Public Services

In 2011, a panel of experts completed an analysis of what steps Hopelink needed to take in order to expand its food supply to better meet the needs of low income households in its service area of North and East King County. A key component of the strategies outlined in this report was a centralized warehouse large enough to hold staple and perishable food product to be distributed to all five Hopelink food banks located in Redmond, Bellevue, Kirkland, Shoreline and Snoqualmie Valley. This warehouse would allow Hopelink to receive and store large quantities of food when available and then distribute that food over time throughout the full food system.

Hopelink will implement this strategy by establishing its Combined Food Warehouse at the new Redmond Facility. The Combined Food Warehouse will be the warehousing and distribution hub for all Hopelink integrated service centers and food banks located in Redmond, Bellevue, Kirkland, Shoreline and Snoqualmie Valley.

The need for all services Hopelink provides is growing at a troubling rate. One barometer of poverty and need for services is enrollment in free and reduced price school lunch programs in Hopelink’s service area as shown by the following table:

Rob Odle  
 September 12, 2014  
 Page 6

**STUDENT ENROLLMENT IN FREE & REDUCED-PRICE LUNCH  
 PROGRAM IN HOPELINK SERVICE AREA**

<b>School District</b>	<b>% of Students Enrolled</b>	<b># of Students Enrolled</b>
Bellevue	20.7%	3,881
Issaquah	9.5%	1,728
Lake Washington	16.3%	3,159
Mercer Island	4.1%	175
Northshore	17.7%	3,571
Riverview	18.9%	646
Shoreline	33.2%	2,859
Skykomish	94.2%	30
Snoqualmie	13.5%	868
<b>TOTAL IN HOPELINK SERVICE AREA</b>		<b>16,917</b>

Despite its best efforts, Hopelink is only able to serve a fraction of people in its service area who are in need of assistance. Hopelink's two current Redmond facilities are simply inadequate to meet demand for its services.

The new Hopelink Redmond Facility will support employees and volunteers who carry out Hopelink Community Services programs. Significant efficiencies and expanded service capacity will be achieved by integrating the larger building spaces needed to provide public services to more people. The new facility will serve 18,500 people annually—3,960 through the Integrated Service Center and 14,540 through the distribution of food from the Centralized Food Warehouse. The new Hopelink Redmond Facility is needed to provide these public services.

Rob Odle  
September 12, 2014  
Page 7

The New Hopelink Redmond Facility is a Type that is Difficult to Site

Hopelink's Redmond facility has been difficult to site in the past. Hopelink's administrative headquarters have been located in Redmond since 1991. When Hopelink outgrew its former Redmond location in the Together Center and needed to relocate, despite a thorough and time consuming search for a new location, Hopelink was unable to secure a suitable site within the City that would meet its building space needs. To stay in Redmond, Hopelink was forced to split functions and programs and to move them to two separate locations—the administrative office location on Willows Road, and the integrated service center location on Cleveland Street. This division has been inefficient. Hopelink is committed to bringing these functions back together in Redmond to best serve the community.

The currently proposed new Redmond Facility has proved difficult to site. Hopelink has searched for a suitable Redmond site for the new facility for nearly two years. Throughout this period a team of professionals with expertise in real estate, facility planning, architecture, engineering, finance, development project management and human services, led by Hopelink's CEO and its Director of Housing and Asset Building, has been unable to identify any suitable site in Redmond zoned to allow Hopelink's unique combination of land uses. This effort has included:

- Analysis of current and proposed Redmond land use plans and zoning;
- Detailed architectural and financial analysis of a proposal to purchase and redevelop Hopelink's current leased integrated services center site;
- Extensive analysis of available commercial properties with assistance of commercial real estate brokerage professionals;
- Submission of a proposal to the Redmond Planning Commission for revisions to the Redmond Comprehensive Land Use Plan and Zoning Code;
- Negotiations with multiple property owners to purchase buildings and property for redevelopment;
- Loss of an opportunity to purchase a suitable building when the owner chose to lease to another user due to the long contingency period required for Hopelink to obtain a change in zoning.

Rob Odle  
September 12, 2014  
Page 8

These efforts have finally led to identification of site for sale that has the combination of warehouse, office space, generous parking, good access and room for expansion that Hopelink requires. However, the site is zoned Manufacturing Park, and thus the proposed facility is not a permitted use at this location. Hopelink has negotiated and entered into an agreement to purchase the site, with a limited contingency period during which it is seeking siting approval through the Essential Public Facilities Alternative Siting Process.

For these reasons, and based on the information we have provided, was ask that you issue an Administrative Code Interpretation that Hopelink's proposed facility meets the requirements of RZC 21.76.070 M 2 such that Hopelink is entitled to apply for approval to site its new facility using the Essential Public Facilities alternative siting process.

Thank you for considering our request. Please let us know if you need any additional information.

Sincerely,

Davis Wright Tremaine LLP



Larry C. Martin

Enclosures:

Wash. Secretary of State Corporations Division Registration Data  
Financial Highlights graphic and balance sheet summary  
Schedule of Expenditures of Federal Awards

cc: Lauren Thomas  
Susanna Cioch  
Meghan Altimore  
Pat Vache'



## Corporations

### Corporations Division - Registration Data Search

#### HOPELINK

[Purchase Documents for this Corporation »](#)

UBI Number	601141400
Category	REG
Profit/Nonprofit	Nonprofit
Active/Inactive	Active
State Of Incorporation	WA
WA Filing Date	08/08/1972
Expiration Date	08/31/2014
Inactive Date	
Duration	Perpetual
Charity	This corporation is also a charity. <a href="#">View Info »</a>

#### Registered Agent Information

Agent Name	NATIONAL REGISTERED AGENTS INC
Address	505 UNION AVE SE STE120
City	OLYMPIA

<b>State</b>	WA
<b>ZIP</b>	98501
<b>Special Address Information</b>	
<b>Address</b>	
<b>City</b>	
<b>State</b>	
<b>Zip</b>	

**Governing Persons**

Title	Name	Address
Chairman	PINERO, JOSE	22824 NE 100TH PL REDMOND, WA 98053
Director	ADDITIONAL NAMES ON FILE, *	,
Treasurer	GOERDEL, ANDY	12511 NE 95TH ST KIRKLAND, WA 98033
Vice President	TANAKA, THOMAS	PO BOX 1209 SEATTLE, WA 98111
Secretary	FILIPOVICH, JENNIFER	9518 168TH AVE NE REDMOND, WA 98052
Director	CARTER, CHELSEA	9838 NE 190TH ST APT F303 BOTHELL, WA 98011

[Purchase Documents for this Corporation »](#)

[« Return to Search List](#)

**Disclaimer**

Neither the State of Washington nor any agency, officer, or employee of the State of Washington warrants the accuracy, reliability, or timeliness of any information in the Public Access System and shall not be liable

## Financial Highlights

Fiscal Year 7/1/2012 to 6/30/2013

### Operating Support & Revenue

Fees and Grants from Government Agencies	\$	43,552,524
Contributions and Grants	\$	5,403,276
In-Kind Contributions	\$	4,338,889
Earned and Other Revenue	\$	1,377,917
United Way	\$	298,909
<b>Total Operating Support &amp; Revenue</b>	<b>\$</b>	<b>54,971,515</b>

### Operating Expenses

<b>Program Services:</b>		
Transportation	\$	38,552,758
Community Services	\$	12,750,474
<b>Total Program Services</b>	<b>\$</b>	<b>51,303,232</b>

### Supporting Services:

Management and General	\$	2,727,430
Fundraising	\$	2,073,909
Rental Property Activities	\$	130,525
<b>Total Supporting Services</b>	<b>\$</b>	<b>4,931,864</b>

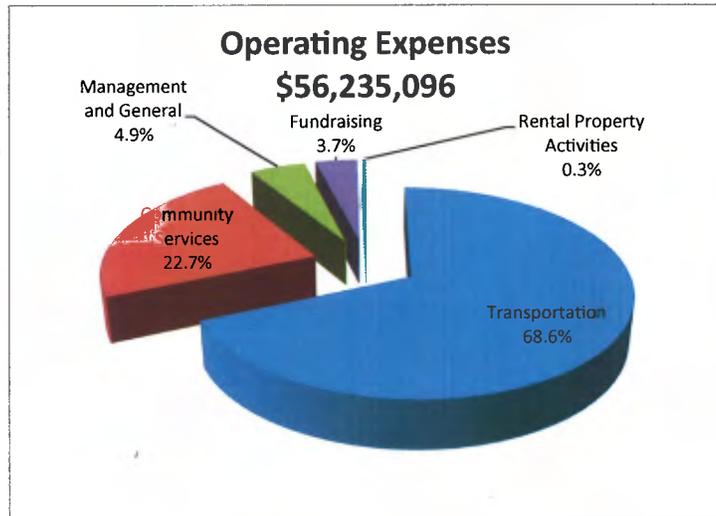
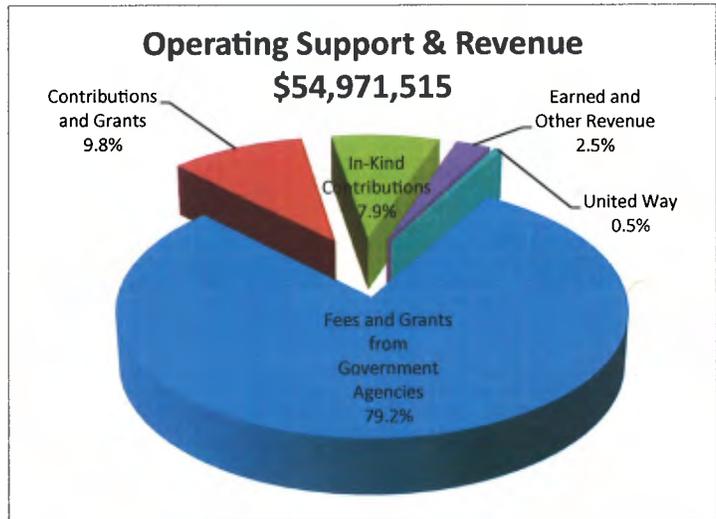
**Total Operating Expenses** **\$ 56,235,096**

**Change in Net Assets from Operations** **\$ (1,263,581)**

Change in Net Assets from Non-Operations **\$ 26,841**

**Change in Net Assets** **\$ (1,236,740)**

Net Asset Balances	
Unrestricted	\$ 14,159,912
Temporarily Restricted	\$ 6,535,937
<b>Total Net Assets</b>	<b>\$ 20,695,849</b>



*Audited financial statements are available for review at the Hopelink Administrative office.  
The IRS Form 990 is posted on the Hopelink website at [www.hope-link.org](http://www.hope-link.org).*

**HOPELINK****Schedule of Expenditures of Federal Awards  
For the Year Ended June 30, 2013**

<i>Federal Grantor/Pass-Through Grantor/Program Title</i>	<i>Federal CFDA Number</i>	<i>Pass-Through Entity Identifying Number</i>	<i>Federal Expenditures</i>
<b>U.S. Department of Education:</b>			
Office of Vocational and Adult Education-			
Passed through State Board for Community and Technical Colleges:			
Workforce Investment Act, Title II Adult Education & Family Literacy - El Civics	84.002	271-ELC-13	\$ 22,231
Workforce Investment Act, Title II Adult Education & Family Literacy - ABE CBO Basic Skills	84.002	271-CBO-13	30,394
Workforce Investment Act, Title II Adult Education & Family Literacy - Workforce Investment	84.002	271-ABE-13	101,542
Workforce Investment Act, Title II Adult Education & Family Literacy	84.002	271-TRN-13	<u>3,300</u>
<b>Total U.S. Department of Education and 84.002</b>			<b>157,467</b>
<b>U.S. Department of Health and Human Services:</b>			
Administration for Children and Families-			
Passed through the State of Washington Department of Commerce:			
Low-Income Home Energy Assistance Program	93.568	F-12-32106-071	93,651
Low-Income Home Energy Assistance Program	93.568	F-13-32106-071	<u>1,566,183</u>
Subtotal 93.568			<u>1,659,834</u>
Community Services Block Grant	93.569	F12-32100-020	174,659
Community Services Block Grant	93.569	F13-32100-020	<u>134,978</u>
Subtotal 93.569			<u>309,637</u>
<b>Total U.S. Department of Health and Human Services</b>			<b>1,969,471</b>
<b>U.S. Department of Homeland Security:</b>			
Passed through United Way of America-			
Emergency Food and Shelter National Board Program	97.024	28-8890	81,399
Emergency Food and Shelter National Board Program	97.024	28-8890	<u>82,740</u>
<b>Total U.S. Department of Homeland Security and 97.024</b>			<b>164,139</b>
<b>U.S. Department of Transportation and Transit Services Program Cluster:</b>			
Federal Transit Administration (FTA)-			
Passed through State of Washington Office of Superintendent of Public Instruction:			
Job Access-Reverse Commute Program	20.516	GCA6167	234,868
Veterans Capital Grant	20.500	UCB1075	<u>5,194</u>
<b>Total U.S. Department of Transportation and Transit Services Program Cluster</b>			<b>240,062</b>

See notes to schedule of expenditures of federal awards and independent auditors' report.

**HOPELINK****Schedule of Expenditures of Federal Awards (Continued)  
For the Year Ended June 30, 2013**

<i>Federal Grantor/Pass-Through Grantor/Program Title</i>	<i>Federal CFDA Number</i>	<i>Pass-Through Entity Identifying Number</i>	<i>Federal Expenditures</i>
<b>U.S. Department of Housing and Urban Development:</b>			
Office of Community Planning and Development-			
Passed through King County:			
Community Development Block Grants/Entitlement Grants - Loan	14.218 *	D29676D	300,000
Community Development Block Grants/Entitlement Grants - Loan	14.218 *	D32231D	83,691
Community Development Block Grants/Entitlement Grants - Loan	14.218 *	D32231E	49,500
Community Development Block Grants/Entitlement Grants	14.218	14.UNKNOWN	3,941
Community Development Block Grants/Entitlement Grants	14.218	14.UNKNOWN	46,166
Community Development Block Grants/Entitlement Grants	14.218	533263	49,348
Passed through Bellevue:			
Community Development Block Grants/Entitlement Grants	14.218	CDBG-254	12,493
Subtotal 14.218			<u>545,139</u>
Passed through King County:			
Emergency Shelter Grants Program	14.231	533263	120,615
Passed through King County:			
Supportive Housing Program	14.235	D40143D	85,500
Supportive Housing Program	14.235	14.UNKNOWN	27,847
Subtotal 14.235			<u>113,347</u>
Home Investment Partnerships Program - Mortgage Loan	14.239 *	D35915D/E/F	1,008,000
Office of Sustainable Housing and Community-			
Passed through Impact Capital:			
Sustainable Communities Regional Planning Grant Program	14.703	PA# 1111104	21,173
<b>Total U.S. Department of Housing and Urban Development</b>			<u><b>1,808,274</b></u>
<b>Total Expenditures of Federal Awards</b>			<u><b>\$ 4,339,413</b></u>

\* Denotes an outstanding loan.

See notes to schedule of expenditures of federal awards and independent auditors' report.

**ADMINISTRATIVE INTERPRETATION**

Section Reference:	Sections 21.76.070.M and 21.78.E of the Redmond Zoning Code
Subject:	Essential Public Facilities – Definition
Issue/Question:	<p>Does a facility that provides social assistance, welfare, and charitable services and includes associated warehouse and office space as part of a single or combined facility, and that meets all other aspects of the definition, fall under the definition of an “Essential Public Facility”?</p> <p>Furthermore, by the nature of the uses involved is such a single facility difficult to site under the City’s decision criteria for an Essential Public Facility?</p> <p>Redmond’s Zoning Code defines an Essential Public Facility (EPF) as follows: <b>“Essential Public Facility.</b> A facility, conveyance, or site owned or operated by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site. Essential public facilities include, but are not limited to, airports, state education facilities, state and local correctional facilities, state or regional transportation facilities, solid waste handling facilities, in-patient facilities (including substance abuse facilities, mental health facilities, and group homes), secure community transition facilities, and such other state facilities as are listed by the Office of Financial Management as essential public facilities likely to be built within the next six years pursuant to RCW 36.70A.210.”</p>
Interpretation:	A facility that provides social assistance, welfare, and charitable services and includes associated warehouse and office space as part of a single facility, and that meets all other aspects of the definition, meets the definition of “Essential Public Facility” under the Redmond Zoning Code.
Reasons:	<p>WAC 365-196-550(1)(f) states that “Regardless of whether it is a new, existing or an expansion or modification of an existing public facility, the major component in the identification of an essential public facility is whether it provides or is necessary to provide a public service and whether it is difficult to site.</p> <p>With respect to the first issue, provision of a public service, essential public facilities need not be listed in a definition in order to be considered an essential public facility under state law and local ordinance (CPSGMHB Case NO. 95-3-2011, FDO, at 17). In this FDO, the Hearings Board said that, “Significantly, essential public facilities may be large or small, many or few, and may be capital projects (e.g., airports and prisons) or uses of land and existing structures (e.g., mental health facilities and group homes). The characteristic they share is that they are essential for the common good, but their local siting has been thwarted by exclusionary land use policies, regulations or practices.”</p>

Organizations providing social assistance, welfare, and charitable service provide a public service. Public service is defined as “a service rendered in the public interest” meaning a service rendered in the interest of the public health, safety, and general welfare. A use that is the location for multiple social, welfare and charitable services designed to help low-income individuals and families achieve stability and gain the skills needed to overcome poverty is a necessary public service. Examples of these social services include emergency and supplemental food assistance, home heating assistance, and emergency financial assistance. Such a facility provides for the public interest by delivering social services to both Redmond residents and to the greater Eastside community. Redmond’s quality of life would be diminished in the absence of such a facility.

The definition in Redmond’s Zoning Code for “Essential Public Facility” includes that the “...facility, conveyance or site be owned or operated by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations...” “Substantial” is defined by Merriam-Webster’s dictionary as “being largely but not wholly that which is specified.” The clear meaning of the definition would mean more than half but less than all; therefore any organization which receives at least half of its funding from government agencies receives “substantial” funding from government agencies. In addition, per *WAC 365-196-550(1)(b)*, “For the purpose of identifying facilities subject to the ‘essential public facilities’ siting process, it is not necessary that the facilities be publicly owned.”

With respect to the second issue, *WAC 365-196-550(2)* identifies that any one or more of the following conditions is sufficient to make a facility difficult to site:

- a) The public facility needs a specific type of site of such as size, location, available public services, which there are few choices.
- b) The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location.
- c) The public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.
- d) Use of the normal development review process would effectively preclude the siting of an essential public facility.
- e) Development regulations require the proposed facility to use an essential public facility siting process.

A facility that provides social assistance, welfare and charitable services, and includes associated warehouse and office space is difficult to site. Properties that typically include warehouse space are located in areas zoned Business Park and Manufacturing Park. “Social assistance, welfare, and charitable service” is not a permitted land use in these zones. The availability of sites located in areas that do permit this use, such as zones in the Downtown, is very limited and for those that are available, can become cost prohibitive due to the City’s zoning standards for the Downtown, which calls for structured or below grade parking.

In addition, social assistance, welfare and charitable services facilities, are the type of uses that are generally perceived by the public to have significant adverse

impacts and as a result, provoke NIMBY (Not in My Backyard) responses. The response by business and property owners to a proposal to allow human services as a use in the Marymoor Subarea of Redmond is a recent indication that for this type of facility, siting difficulties are compounded by public perceptions of adverse impacts.

For these reasons, it is therefore reasonable to interpret that a facility that provides social assistance, welfare, and charitable services and includes associated warehouse and office space as part of a single facility, and that meets all other aspects of the definition, meets the definition of "Essential Public Facility" under the Redmond Zoning Code.



Robert G. Odle, Director  
Department of Planning and  
Community Development

10/31/2014  
Date