



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

From: Eric Shields, Planning Director
Tony Leavitt, Associate Planner

Date: March 5, 2009

Subject: AFFORDABLE HOUSING AGREEMENT FOR CITY MINISTRIES PLANNED UNIT DEVELOPMENTS

RECOMMENDATION

Authorize that the City Ministries be allowed to give priority to income qualified foster families as part of the final Affordable Housing Agreement, as recommended by the City Council Housing Committee.

BACKGROUND DISCUSSION

When approving the City Ministries Planned Unit Development (PCD File No. ZON03-00029), the City Council added a requirement that the applicant not consider membership in or affiliation with the City Church in leasing or renting the three affordable units to income qualified households (see Enclosure 1). Additionally, this condition was required as part of the second City Ministries Planned Unit Development (PCD File No. ZON06-00021) approved in 2007.

The City Attorney's Office and the applicant are currently negotiating the final Affordable Housing Agreement that is required by the City prior to occupancy of the affordable housing units. The basic agreement that was reviewed by the City Council during the approval of the first PUD has been modified to reflect the condition of approval in the ordinance. Additionally, the applicant has requested that the agreement be modified to give first priority to income qualified foster families from the general public. If there are no qualifying foster families available, the units would then be offered to all income qualifying persons.

This request was brought before the City Council Housing Committee on March 3rd and the Committee supported this change, but directed that this item be brought before the entire Council at their March 17th Meeting.

ENCLOSURES

1. Ordinance 3936

ORDINANCE NO. 3936

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A PRELIMINARY AND FINAL PUD AS APPLIED FOR BY DENNIS RIEBE FOR CITY MINISTRIES IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. PD-03-73 AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application, pursuant to Process IIB, for a Preliminary and Final Planned Unit Development (PUD) filed by Dennis Riebe for City Ministries as Department of Planning and Community Development File No. PD-03-73 to construct a 9 Unit PUD within a RSX 7.2 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of March 15, 2004; and

WHEREAS, the Kirkland Hearing Examiner after his public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Process IIB Permit subject to the specific conditions set forth in said recommendations; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for PUD to be made by ordinance;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by him and filed in the Department

of Planning and Community Development File No. PD-03-73 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 3719, as amended, the Process IIB Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council, and subject to the additional condition that the applicant (City Ministries), the Generation Intern School or the City Church, and their successors (collectively, the "City Church"), shall not consider membership in or affiliation with the City Church in leasing or renting the three affordable units to income qualified households or persons.

Section 3. Nothing in this ordinance shall be construed as excusing the applicant from compliance with any federal, state or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB Permit is subject shall be grounds for revocation in accordance with the Kirkland Zoning Code, Ordinance 3719, as amended.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.09.010.

Section 6 A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Section 8. Certified or conformed copies of this ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council
in open meeting this 6th day of July, 2004.

SIGNED IN AUTHENTICATION THEREOF on this
6th day of July, 2004.



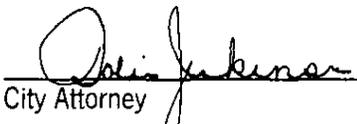
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney