

ORDINANCE O-4898

AN ORDINANCE OF THE CITY OF KIRKLAND EXTENDING THE TERM OF THE PLANNED ACTION ORDINANCE FOR PARKPLACE, APPROVED IN ORDINANCE NO. O-4473 AND AS AMENDED BY ORDINANCE NO. O-4897, AND EXTENDING THE TERM OF THE DEVELOPMENT AGREEMENT FOR PARKPLACE, APPROVED BY RESOLUTION R-5140.

1 WHEREAS, in February 2015, the City Council adopted a Planned Action Ordinance  
2 (Ordinance O-4473) for the Parkplace Project that identified the physical parameters,  
3 programming, and design of the development project, a project that is currently known as  
4 Kirkland Urban; and  
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6 WHEREAS, the purpose of the Planned Action Ordinance was to evaluate the  
7 environmental impacts of the Kirkland Urban Project on an area-wide basis early in the  
8 planning stage, such that the environmental review of individual development projects within  
9 the area could be streamlined; and  
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11 WHEREAS, the Planned Action Ordinance was effective for ten years and was set to  
12 sunset on March 1, 2025, unless further extended following a public hearing; and  
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14 WHEREAS, in August 2015, following adoption of the Planned Action Ordinance, the  
15 City Council, through Resolution R-5140, adopted a Development Agreement with KPP  
16 Development LLC for the Kirkland Urban Project, which among other things specified the  
17 development regulations to which the project would be subject; and  
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19 WHEREAS, the term of the Development Agreement was linked to the term of the  
20 Planned Action Ordinance, such that it was also set to expire on March 1, 2025, unless the  
21 Planned Action Ordinance was extended; and  
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23 WHEREAS, much of the Kirkland Urban Project has been developed in the past ten  
24 years, but the last phase of the project (Kirkland Urban East) has not yet been completed; and  
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26 WHEREAS, on February 18, 2025, the City Council passed Ordinance O-4897 in order  
27 to temporarily extended the expiration date of the Planned Action Ordinance to June 1, 2025,  
28 in order to allow sufficient time to hold a public hearing prior to any longer-term extension; and  
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30 WHEREAS, on April 15, 2025, the City Council held a public hearing regarding the  
31 proposed extension of the Planned Action Ordinance and the Development Agreement for the  
32 Kirkland Urban Project; and  
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34 WHEREAS, the City Council has determined that it is in the City's best interest to  
35 extend the Planned Action Ordinance and Development Agreement an additional five years to  
36 allow the last phase of the project to be completed; and  
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38 WHEREAS, in order to provide this extension, the Sunset provision of the Planned  
39 Action Ordinance is hereby amended and the Vesting and Term provisions of the Development  
40 Agreement are hereby amended; and  
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42 WHEREAS, the Development Agreement binds the successors and assigns of the  
43 original property owner but, for clarity, legal successors and assigns are also hereby explicitly  
44 referenced in the revised Term section of the Development Agreement; and  
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WHEREAS, in the event that the developer desires additional time beyond five years, the Planned Action Ordinance and the Development Agreement contemplate extensions for additional terms if again authorized by the City Council after another public hearing.

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

Section 1. In order to extend the Planned Action Ordinance, for Parkplace, now known as Kirkland Urban, by five years, Section 6 of the Planned Action Ordinance, as adopted in Ordinance O-4473 and as thereafter amended by Ordinance O-4473, is hereby amended to read as follows, with new text shown in underline and deleted text shown in ~~strikethrough~~; the remainder of Ordinance O-4733 is not modified:

Section 6. Sunset. The provisions of this Ordinance shall be of no force and effect on and after June 1, 2025 2030, unless the Ordinance is extended by the City Council following a report from the SEPA Responsible Official and a public hearing.

Section 2. In order to extend vesting for the Kirkland Urban project by five years, Section 3.1 of the Development Agreement, initially adopted by Resolution R-5140, is hereby amended to read as follows:

3.1 Vesting of Development Regulations.

The provisions of the Kirkland Municipal Code in effect on the day of this Agreement, except as otherwise provided in this Agreement, shall apply to the development of the Kirkland Parkplace Project until the sunset of Ordinance O-4473, the Planned Action Ordinance for the Kirkland Parkplace, or ten years from date of this Agreement, whichever comes ~~first~~ later.

Section 3. In order to extend the Development Agreement by five years, Section 6.10 of the Development Agreement, initially adopted by Resolution R-5140, is hereby amended to read as follows:

6. 10 Term. The term of this Agreement shall be ~~ten (10) years through June 1, 2030~~. The City and KPP (and their legal successors and/or assigns) may agree to extend the term of this Agreement, provided such extension is approved by the City Council.

Section 4. The City Manager is directed to ensure the property owner and/or developer records a copy of this Ordinance on the property to accurately reflect the extension of the Development Agreement.

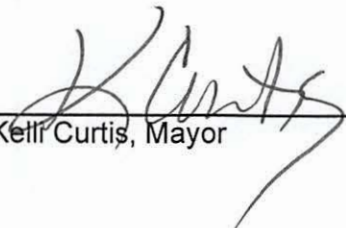
Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

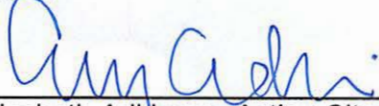
Passed by majority vote of the Kirkland City Council in open meeting this 6th day of May, 2025.

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Signed in authentication thereof this 6th day of May, 2025.

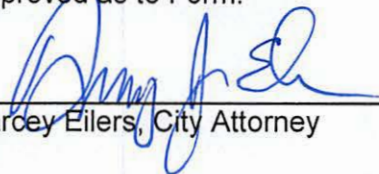
  
Kelli Curtis, Mayor

Attest:

  
Elizabeth Adkisson, Acting City Clerk

Publication Date: May 12, 2025

Approved as to Form:

  
Darcey Eilers, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4898

AN ORDINANCE OF THE CITY OF KIRKLAND EXTENDING THE TERM OF THE PLANNED ACTION ORDINANCE FOR PARKPLACE, APPROVED IN ORDINANCE NO. O-4473 AND AS AMENDED BY ORDINANCE NO. O-4897, AND EXTENDING THE TERM OF THE DEVELOPMENT AGREEMENT FOR PARKPLACE, APPROVED BY RESOLUTION R-5140.

1     SECTION 1.   Amends the Sunset provision of Ordinance O-4733.  
2

3     SECTIONS 2 - 3.   Amend the Development Agreement initially adopted by  
4 Resolution R-5140.  
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6     SECTION 4.   Requires this Ordinance to be recorded on the property.  
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8     SECTION 5.   Provides a severability clause for the ordinance.  
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10    SECTION 6.   Authorizes publication of the ordinance by summary and establishes the  
11 effective date as five days after publication of summary.  
12

13    The full text of this Ordinance will be mailed without charge to any person upon request  
14 made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City  
15 Council at its meeting on the 6th day of May, 2025.  
16

17    I certify that the foregoing is a summary of Ordinance O-4898 approved by the Kirkland  
18 City Council for summary publication.

  
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Elizabeth Adkisson, Acting City Clerk