ORDINANCE O-4950

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTERS 5 AND 112 OF THE CITY OF KIRKLAND ZONING CODE TO FACILITATE AFFORDABLE HOUSING DEVELOPMENT ON PROPERTY OWNED OR CONTROLLED BY FAITH-BASED ORGANIZATIONS.

WHEREAS, state law, RCW 35A.63.300, requires Washington cities planning under the Growth Management Act (GMA), chapter 36.70A RCW, to adopt regulations that allow increased density bonuses for long-term, income restricted affordable housing development on property owned or controlled by faith-based organizations; and

WHEREAS, state law requires that at least 50 percent of the residential units must be reserved for households earning at or below 80 percent of the Area Median Income (AMI), or 20 percent of the units reserved for households earning at or below 50 percent of the AMI; and

WHEREAS, City of Kirkland staff worked with staff from A Regional Coalition for Housing (ARCH), which is a partnership between King County and East King County cities that works to preserve and create affordable housing for low- and moderate-income households, to prepare these amendments and to put in place programs and procedures to provide assistance to all parties involved in affordable housing development on property owned by faith-based organizations; and

WHEREAS, the City Council received a briefing on this project on May 5, 2026, and Council provided feedback for staff to take to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed this project on May 14, 2026, and following Council's guidance, advised staff to develop standards that would provide specific development bonuses to encourage development of affordable housing, yet maintain simple and objective processes; and

WHEREAS, on August 5, 2026, the City Council was briefed again on this issue, and Council expressed support for staff's engagement with stakeholders, such as developers and faith-based property owners, and also expressed support for staff's work to draft regulations that are simple and fair and can be administratively approved in most cases; and

WHEREAS, Council acknowledges that projects providing above-average amounts of affordable housing on faith-based lands will be a complex undertaking for applicants, and in alignment with supportive Comprehensive Plan policies, program support at the staff level is warranted and can include, but is not limited to, free pre-submittal meetings and expedited permit review; and

WHEREAS, the Planning Commission held an open record public hearing on May 14, 2026, which was attended by stakeholders such as a local church and Habitat for Humanity, both of whom provided verbal comments, after which the PC considered the record and the public comments, and then voted to unanimously approve the staff-recommended code amendments, with some modifications to address issues raised during public comment; and

WHEREAS, review was conducted under the State Environmental Policy Act (SEPA) and a SEPA Addendum (File No. SEP26-00038) was issued that concludes that the proposed amendments would not result in new adverse impacts beyond those identified in previous environmental review documents applicable to this project; and

WHEREAS, the City Council has considered the recommendations of staff and the Planning Commission and has determined that it is in the best interests of current and future residents of Kirkland to adopt the provisions listed below to achieve compliance with state law and to encourage the development of affordable housing in the city.

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

Section 1. A new section entitled "Faith-based organization" is hereby created, to be added to Chapter 5.10 of the Kirkland Zoning Code (KZC) and codified as KZC 5.10.299.7, which shall read as follows:

5.10.299.7 Faith-based organization.
The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property, which has the same meaning as "religious organization" as defined in RCW 35A.63.300, now or as hereafter amended.

Section 2. KZC 112.20, and the corresponding portions of Ordinance No. 4905 § 8 (Ex. H) (2025), is amended as follows with the new text shown in underline, deletions shown in ~~strikethrough~~, and the intentional omission of unchanged sections or parts of tables indicated with three asterisks (* * *); all other provisions of these sections remain unchanged and in full force, and these provisions for identifying changes apply throughout this ordinance:

112.20 Basic Affordable Housing Incentives

1. Approval Process. Unless otherwise specified in this section, ~~The~~ the City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.

* * *

7. Housing on Faith-Based Property.

a. Purpose and Intent. This section is intended to increase affordable housing by enabling residential development on property owned or controlled by faith-based organizations and by offering flexible development standards to support such projects. It aims to maximize the development opportunities of limited residential land, encourage production of income restricted housing both for renter-occupied and owner-occupied affordable housing, and allow faith-based organizations to provide community-supporting uses. Developments using this section should strive to balance the public benefits in providing affordable housing, supporting neighborhood compatibility, and upholding fair housing principles while applying the incentives offered in this section.

b. Land Acquired from Faith-Based Organizations. Residential development located on real property acquired from a faith-based organization by another person for the purpose of providing affordable housing shall be considered equivalent to development located on property owned or controlled by a faith-based organization. Such development is eligible to use all alternative standards, incentives, and provisions contained in this section, provided it meets the applicable affordable housing requirements set forth in this chapter 112.

c. Residential development, including new construction, rehabilitation, conversion, or alteration, located on real property owned or controlled by a faith-based organization is

an allowed use. Such development is eligible for the alternative standards of this section, provided that the following affordable housing set aside is included:

1) At least 50 percent of housing units are reserved for, or occupied exclusively by, households with incomes at or below 80 percent of AMI; or

2) At least 20 percent of the housing units are set aside for, or occupied exclusively by, households with incomes at or below 50 percent of AMI.

d. As an alternative to the affordable housing set aside described in subsections c(1) and c(2) a residential development may provide affordable housing units at the equivalency ratios shown below. Studio units are not eligible to use the 60 percent AMI or 70 percent AMI exchange ratios, and one-bedroom units are not eligible to use the 70 percent AMI exchange ratio.

Renter-Occupied: Exchange Ratio (50% AMI: Equivalent AMI Unit)	
≤30% AMI	2:1
≤40% AMI	1.5:1
≤60% AMI	1:1.3
≤70% AMI	1:1.7

Owner-Occupied: Exchange Ratio (80% AMI: Equivalent AMI Unit)	
≤90% AMI	1:1.2
≤100% AMI	1:1.4

When calculating the number of affordable units required for any of the alternate affordability levels, any fraction of a unit shall be rounded up to the next whole number.

e. All residential developments that meet the requirements of this section are exempt from design review and from the design regulations of Chapter 92 KZC and are subject only to building permit review.

f. All residential developments that meet the requirements of this section are exempt from the applicable density, minimum lot size, and floor area ratio standards of the underlying zone.

g. Residential developments that meet the requirements of this section may include the following additional uses as part of the development:

1) Faith-Based Facilities;
2) Community Facilities;
3) Day-Care Center;
4) Day-Care Operation; and/or
5) Ancillary Office Uses.

h. The dimension standards included in the following Alternative Dimensions Table will apply to all residential developments that meet the requirements of this section.

Alternative Dimensions Table

Zone	Use	Required Yards			Maximum Lot Coverage	Maximum Height of Structure
		Front	Side	Rear		
Low Density Zones	Detached, Attached or Stacked Dwelling Units and other uses identified in section 5.g.	10ft. (Zero with front entry porch)	5ft. (Zero if attached)	10ft. (Zero if attached)	70%	35ft. above ABE
Medium Density Zones					80%	40ft. above ABE
All other zones		Same as the underlying zone for Faith-Based Facility uses, but never more than 10 ft.			Same as the underlying zone for Faith-Based Facility uses	An additional 15ft above the maximum height of structures for Faith-Based Facility uses.

1) A front required yard may be reduced to zero feet when a front entry porch is provided, so long as the porch complies with all of the following design standards:

   i) The porch must be open on at least three sides.
   ii) The porch must have a minimum depth of 5 feet measured perpendicular from the building façade to which it is attached.
   iii) The finished floor elevation of the ground floor entry porch may be no more than 4 feet above finished grade.
   iv) Upper story porches are permitted, provided that they meet the design standards of i. and ii. and no upper story porch projects into the required yard farther than the ground floor porch, excluding steps leading to the ground floor porch.
   v) The roof form of the uppermost porch must be compatible with the roof form of the building to which it is attached.

2) On a subject property providing affordable housing under this section of 112.20, the building footprint of the primary structures associated with an existing, retained, or rebuilt Faith-Based Facility are exempt from lot coverage requirements.

3) A residential development is eligible for an added height bonus if it provides affordable housing set aside at least five percent above the minimum required in subsections b and c. Additional affordable units may be provided at the required affordability levels in subsection b or the equivalent ratios in subsection c. These units may be located anywhere within the development.

Eligible developments in this subsection may reach the following maximum building heights:

i) Up to 50 feet in low density zones
ii) Up to 60 feet in medium density zones
iii) Up to 25 feet above the maximum height otherwise permitted for Faith Based Facility uses in all other zones

4) For developments utilizing the height bonus described in subsection h(3), the following additional yard requirements apply only to a structure abutting a property line shared with a low density or medium density zone:

i) Low density zones: Required yards along property lines abutting low density zones must be increased by one foot for every two feet of building height above 35 feet.
ii) Medium density zones: Required yards along property lines abutting medium density zones must be increased by one foot for every two feet of building height above 40 feet.
iii) All other zones: No increase in required yards is applied along property lines abutting any other zone.

5) For Stacked Dwelling Units, see KZC 115.120 for rooftop appurtenance requirements and KZC 115.122 for rooftop amenities and rooftop common room requirements.

i. The development standards stated in the following Alternative Development Standards Table will apply to all residential developments that meet the requirements of this section.

Alternative Development Standards Table

Zone	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking
Low Density	D	B	See KZC 105.22
Medium Density			
All other zones		Same as the underlying zone for Faith-Based Facility uses	

j. The residential development authorized by this chapter must not discriminate against any person who qualifies as a member of an income eligible household on the basis of race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601 *et seq.*).

k. The Planning and Building Director may approve minor deviations of up to 10 percent from the Alternative Dimensions and Development Standards for residential development when strict compliance with this section is not feasible due to the configuration of existing site improvements. Any approved deviation must enhance visual interest, maintain overall design quality, and not result in adverse impacts to neighboring properties. The Director may grant such deviation when it is the minimum

necessary to address the identified site constraint, does not exceed a 10 percent deviation from the development standard, and remains consistent with the purpose and intent of this section. The Director is not authorized to approve any deviation that would result in additional building height beyond what is allowed in subsection h(3).

l. An applicant may enter into a development agreement approved by the City Council pursuant to Chapter 36.70B RCW to allow alternative standards for residential development beyond those the Planning and Building Director may approve under subsection k. The City Council may approve such alternative standards if it finds and concludes in the development agreement that the resulting project would provide an overall commensurate, or greater, community benefit, than what would be required to utilize the incentives of this section.

Section 3. The Director of Finance and Administration may modify the fee schedule authorized in KMC 5.74.070 to reduce or eliminate the fee for a pre-submittal meeting for the development of housing on faith-owned lands authorized by Section 2 of this ordinance.

Section 4. 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. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and 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 20th day of October, 2026.

Signed in authentication thereof this 20th day of October, 2026.

Kelli Curtis, Mayor

Attest:

Anastasiya Warhol, City Clerk

Publication Date: October 26, 2026

Approved as to Form:

Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4950

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTERS 5 AND 112 THE CITY OF KIRKLAND ZONING CODE TO FACILITATE AFFORDABLE HOUSING DEVELOPOMENT ON PROPERTY OWNED BY FAITH-BASED ORGANIZATIONS.

SECTION 1. Adds a new definition for "Faith-Based Organization" to Chapter 5.10 of the Kirkland Zoning Code (KZC).

SECTION 2. Amends KZC Section 112.20 related to basic affordable housing incentives.

SECTION 3. Allows the Planning and Building Director to modify the fee schedule authorized in KMC 5.74.070 related to pre-submittal meetings for the development of housing on faith-owned lands.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 20th day of October, 2026.

I certify that the foregoing is a summary of Ordinance O-4950 approved by the Kirkland City Council for summary publication.

Anastasiya Warhol

Anastasiya Warhol, City Clerk