

RESOLUTION NO. R- 2443

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CUP-UUP-77-19(H), BY CHRISTENSEN-MAC DONALD, INC., TO LOCATE TWO RESTAURANTS IN A PROFESSIONAL RESIDENTIAL ZONE, AND A HOTEL IN A FREEWAY INTERCHANGE DISTRICT OVERLAY ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT AND UNCLASSIFIED USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit and an Unclassified Use Permit filed by Christensen-MacDonald, Inc., the owner of said property described in said application and located within a Professional Residential and Freeway Interchange District overlay zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission and Houghton Community Council who held public hearings thereon at their regular meetings of July 12, 1977 and July 26, 1977 respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of the State Environmental Policy Act, an environmental worksheet has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission and Houghton Community Council after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Unclassified Use Permit and Conditional Use Permit subject to the specific conditions set forth in said recommendations.

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. CUP-UUP-77-19(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Conditional Use Permit and Unclassified Use Permit or evidence thereof delivered to the permittee.

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Section 3. Nothing in this section 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 Conditional Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit and Unclassified Use Permit is subject shall be grounds for revocation in accordance with Section 23.30.100 and 23.56.110 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Unclassified Use Permit and Conditional Use Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

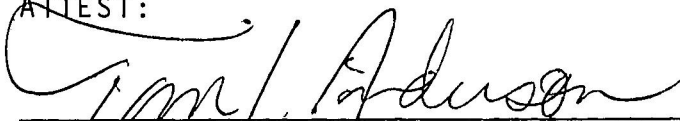
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building Department of the City of Kirkland
- (d) Fire Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 1st day of August , 1977.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

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FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application by Christensen-McDonald, Inc., for a Conditional Use Permit to locate two restaurants in a PR zone, and also an application for an Unclassified Use Permit to locate an 84-unit hotel in a Freeway Interchange District overlay zone. The subject property is located north of Northup Way and east of Lake Washington Boulevard. The southern and eastern boundaries of this project are the southern City limits of the City of Kirkland. (Refer to Exhibit "A" - Vicinity Map and "B" - Site Plan.)
2. As indicated in Exhibit "B", the 5400 square foot restaurant located at the north end of the project would be a one-story, 14 ft. high, sit-down type restaurant called the "Japan House". The southern restaurant would contain approximately 8400 square feet and would also be one-story in height and 25 feet high and would be a coffee shop type of restaurant similar to a "Coco's".
3. The proposed hotel will be located on the southern portion of the subject property and would contain approximately 9500 square feet per floor. This structure would be approximately 45 feet high and contain four floors. Along with this entire restaurant and hotel complex are 249 parking spaces and associated landscaping.
4. At the present time the applicant has not proposed any signing with the project and has indicated that he intends to meet the sign code ratio for this particular use.
5. Approval of this application will constitute a "Major Action" under the provisions of RCW 43.21C and WAC197-10. The applicant submitted an Environmental Checklist with this Conditional Use Permit and Unclassified Use Permit application. After reviewing the Environmental Checklist, the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality of the environment and that an Environmental Impact Statement was not required (on April 27, 1977). Subsequent to making the Preliminary Declaration, the Department of Community Development did require the applicant to make a traffic analysis of the subject property and said traffic analysis was reviewed by other governmental officials with expertise. Therefore, the Final Declaration took longer than the normal 15 days but after reviewing comments submitted by all interested parties and the governmental agencies with expertise, the Director of the Department of Community Development on June 20 1977, adopted the Proposed Declaration of Non-Significance as a Final Declaration of Non-Significance. (Refer to Exhibit "N").

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B. GOVERNMENTAL COORDINATION:

(Note: The Bellevue Public Service Department and the Washington State Highway Department were contacted regarding traffic engineering analysis required for the Final Environmental Declaration as mentioned above. Their comments are noted before the Kirkland Public Service Department comments in this case.)

6. Bellevue Public Service Department. Letter from Clark Douglas, Assistant Director of Public Works, dated June 10, 1977:

" Pursuant to your letter of 31 May 1977, we have analysed the Darland report in terms of the proposed Northup Way LID. Our findings are discussed below.

First, the trip generation information presented in the report is realistic in terms of the proposed development; however, the assignment of trips to the adjacent street network is erroneous. In each instance of access, he loaded a total directional count to each direction, consequently, the total observed trips on the network are actually twice what they should be (see attachment). We were unable to discern the validity of traffic projections on 108th NE and Lake Washington Blvd. due to lack of supporting data.

In terms of the Northup LID, a two way left turn lane was originally suggested; however, there is no property access on the south. Also, there is an imbalance in traffic flow in the eastbound direction. Therefore, we feel that it would be desirable to eliminate the two-way left turn lane and provide two thru lanes in each direction.

Property access on the south of NE 38th Place should be located coincident with property access on the north of 38th Place. This will eliminate unnecessary conflict points. At this time, this can be done with the Plankhouse driveway or the Yarrowood Office Park, which would be joint with the proposed Metro Park and Ride exit on NE 38th Place.

Using a figure of 800 vehicles per hour for capacity considerations, our calculations indicated that the improvements proposed under the LID will reach capacity at the time of full development.

The development of the Christensen proposal changes the development time frame for that area. Consequently, we suggest that you require the developer to widen the street at this time to four lanes of traffic, with walkways as necessary, to fully provide for his future traffic. This proposal would generate substantial congestion and it seems only reasonable to require him to alleviate it.

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B. 6. (Cont'd)

Ordinarily, we might suggest him participating in the LID, but with him being in Kirkland and the balance of the project in Bellevue, I foresee procedural/legal problems in the offing.

There will no doubt be a substantial savings to him to do his own work rather than participating in an LID with its attendant high cost of administration design detail, etc. Since he is at one end of the project, a full section here should not create problems with transition that it might elsewhere. "

7. (Refer to Exhibit "Q")
Washington State Highway Department. Letter from James Cleary dated June 15, 1977:

" We have completed our review of the report submitted by your letter of May 31, 1977.

We basically concur in the conclusions of the report with the exception of the system signal warrant analysis for the intersection of SR-908 and Northrup Way. We do not feel that this location really fits the criteria of Warrant 7 since the signal is at an isolated location relative to other signals. However, recent counts we have made at this intersection shows that it meets basic signal warrants. A signal at the location is the responsibility of Bellevue.

The traffic volume for SR-908 shown as Figure 2 appears to be incorrect. Our data shows a volume of 16,000 per day on SR-908 at the intersection of Northrup Way.

The recommendation of a 5-lane section on Northrup Way appears reasonable; however, the existing R/W may not be adequate to accommodate the roadway. Attached is a copy of our R/W plans in the area for your information. "

8. Kirkland Public Service Department. Memo from Art Knutson dated June 14, 1977:

" The City of Bellevue letter dated June 10, 1977 provided a basis for settlement of the access road issue. I concur with this proposed program with the following comments.

1. The Kirkland Public Service Department should serve as liaison for for public improvements among the Kirkland Office of Community Development, City of Bellevue, Developer, and State Highway Department.
2. The area under consideration for development is in Area 4. The developer would pay a fee of \$.07 per square foot and grant utility easements as required. The City of Kirkland will install the water system with fire hydrants.

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B. 8. (Cont'd)

3. Sanitary sewers are available on their frontage and would be subject to the applicable fees and permits.
4. Storm drainage control will be developed on private property for controlled discharge into the public system.
5. It should be understood that the developer will be exempt from inclusion with the Bellevue local improvement district."

(NOTE: Additional comments from the Public Service Department are noted in their appropriate sections of this report.)

9. Kirkland Department of Fire Services. Please find enclosed memorandum from Dale Decker dated 5/19/77.

"This project should include the following provisions:

1. Type "B" fire alarm system required in the hotel building. (Type "B" system as defined in City of Kirkland Fire Department Operating Policy No. 8.)
2. Type "A" fire alarm system required in the largest of the two restaurant buildings. (Type "A" system as defined in City of Kirkland Fire Department Operating Policy No. 8.)
3. Access routes to the hotel building to be designed in such a manner as to provide access for fire department emergency vehicles. The largest FD vehicle requires a 41' radius for a 90° turn.
4. All hood and duct systems over cooking surfaces in the two restaurant buildings to be equipped with automatic fire extinguishing systems. Such systems to be approved by the City of Kirkland Fire Marshal.
5. Portable fire extinguishers to be provided and mounted in accordance with applicable codes."

10. Kirkland Police Department, Building Department and Park Department. These Departments have no further comments on this project. The Park Department did assist the landscape architect in designing proposed landscaping plan.
11. Bellevue Planning Department. No comments received.

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C. EXISTING PHYSICAL CHARACTERISTICS:

12. Soils/Geology. The generalized geology of the subject property is identified as Vashon Till, whereas the generalized soil mapping indicates the property to be of Alderwood Gravelly Sandy Loam (6-15%). These generalized conditions appear to be borne out by three test pits located along the subject property in Northup Way from the Northup Way Pre-Design Report.
13. Topography. The subject property has a slope of approximately 5% in the southwest direction. The highest point of the subject property is adjacent to N.E. 38th Place, whereas the lowest portion of the subject property is along Northup Way.
14. Hydrology. The subject property does not contain a stream, however it lies between the drainage basins of one stream running on the south side of Northup Way and one stream located on the property directly to the north. This subject property would be served by storm drainage system located in Northup Way and in Lake Washington Boulevard.
15. Vegetation. The subject property is entirely covered with a second growth of alder and willow trees with normally associated understory vegetation. Preliminary indications are that the applicant plans to remove all of this material and re-landscape the subject property as indicated in Exhibit "C".

D. PUBLIC UTILITIES:

16. Streets. The subject property fronts on Northup Way and N.E. 38th Place, at the southern end of the Kirkland community. Northup Way connects to Lake Washington Boulevard to the west of the subject property and the subject property has access from SR-520 on and off-ramps at Lake Washington Boulevard and 108th Avenue N.E.

Northup Way has been scheduled for improvements in the City of Bellevue. This small portion of Northup lies in the City of Kirkland and the northern portion of proposed Local Improvement District between Lake Washington Boulevard N.E. and 148th Avenue N.E. (Please refer to Exhibit "O" which is a summary of the pre-design report for the Northup Way improvements.) Based on the letter from Clark Douglas, the City of Bellevue Assistant Public Works Director, minimum improvements would include four driving lanes along the frontage of Northup Way with sidewalks or pedestrian walkways as necessary. These improvements would be generated with the development of this restaurant and hotel complex and would then defer this applicant from participating in a Bellevue L.I.D. Said roadway improvements would be from 53 to 57 feet wide and based

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D. 16. (cont'd)

upon preliminary field investigation, it appears that there is approximately 50-60 feet right-of-way between the freeway fence and the property line (front). There is a possibility that the freeway on-ramp fence will need to be moved for completion of this project with the improvements of Northup Way. Further, original Bellevue Plan included a 6 foot bike trail on the south side of Northup and a 4 foot walkway on the south side.

Northeast 38th Place presently maintains 45 feet of right-of-way. Fifteen feet of additional right-of-way was acquired on the north side of the centerline when the Coldwell Banker Office Complex was developed. Fifteen feet of right-of-way will therefore need to be dedicated on the south side of N.E. 38th Place for a full 60 foot wide right-of-way.

17. Traffic/Access. In this application, the applicant proposes 3 access points off of Northup Way to the subject property with one access point from N.E. 38th Place. (Refer to Exhibit "B") The Public Service Department has reviewed the location of these proposed access points and would recommend that the access point to N.E. 38th Place be realigned so that it will intersect with that street at a 90° angle. Further, access points to Northup Way should be reduced to the southernmost two points due to the fact that the most northerly point is past the existing stop sign on Northup Way and would create sufficient traffic congestion and conflict to justify its removal. With the reduction of access points off Northup Way, the Kirkland Public Service Department has recommended that the two access points be widened to one in-bound lane and two out-bound lanes, one for right and left turning traffic with appropriate lane widths.

Please refer to Exhibit "P" which is a traffic analysis of the subject property which has been formerly referred to by the Highway Department, the City of Bellevue, and the City of Kirkland Public Works Department as indicated in Findings 6, 7, and 8.

18. Pedestrian Ways. There are no existing sidewalks or walkways along Northup in front of the subject property at the present time. The City of Kirkland and King County have designated Northup Way between Lake Washington Boulevard and 108th Avenue N.E. as a major pedestrian and bicycle route. In the improvements for Northup Way, a 6 foot walkway has been proposed adjacent to the subject property.

Internal circulation includes a sidewalk around the exterior of the hotel and located on the north side of the hotel with sidewalks across the parking islands connecting the restaurants with the hotel.

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- D. 19. Domestic Water. At the present time there is a 8 " water line located in Northup Way which is from Bellevue water service. This project will be subject to appropriate water hookup fees and improvement fees as identified in Ordinance 0-2319, and there is a possibility that service will be made from the City of Bellevue system. The Public Service Department will coordinate any joint agreements if necessary.
20. Fire Hydrants. There is a fire hydrant located at the center of the subject property adjacent to Northup, and one additional fire hydrant on Lake Washington Boulevard N.E. approximately 100 feet to the north of the subject property.
21. Sanitary Sewer. There is a 12" sanitary sewer line located on the north side of Northup Way.
22. Storm Sewer. At the present time Northup Way contains an open ditch drainage system which is connected beneath Northup Way to a stream on the south side of that roadway.

E. NEIGHBORHOOD CHARACTERISTICS:

23. Zoning. The subject property is presently zoned Professional Residential and lies within a Freeway Interchange District overlay zone, (FID). Those adjoining properties in the City of Kirkland are also under the same classification. The zoning surrounding this property located in the City of Kirkland includes Planned Area No. 2 to the west, and Single Family and Professional Office to the north. Those properties located in the City of Bellevue include the single family residences on acre lots and office classification to the east, with a number of general commercial classifications for those properties to the southeast and southwest. (Please refer to Exhibit "D" which is a composite zoning map for both the Cities of Kirkland and Bellevue.)
24. Land Use. The subject property is presently undeveloped. To the north and east also lie large undeveloped tracts of property in this general area of the SR-520 interchange. SR-520 is the predominant feature in this area lying to the south of this property and there is an existing METRO Park and Ride facility located to the north of the project. Significant land uses in this area include Coldwell Banker Office Complex and the Plankhouse Restaurant to the north, Yarrow Bay Condominiums and the Velvet Turtle Restaurant to the east, the Burgermaster to the south, and a meat distributorships to the west.

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G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

25. In reviewing the application for a Conditional Use Permit the Kirkland Planning Commission and the City Council shall be guided by the following standards and provisions:
(Section 23.56.080)

- a. The use or modification requested by the Conditional Use Permit shall be within the intent of this Ordinance and in the public interest.

Applicant's Response: "This area is presently developing into a like or complementary use and planned under the Comprehensive Plan. "Restaurant Use" is a Conditional Use in this zone."

- b. The use or modification requested by the Conditional Use Permit for the operation of a permitted business in a residential zone will not do damage to adjacent residential properties by decreasing property values, creating excessive noises or creating other nuisances.

Applicant's Response: "This use is the same function as surrounding properties and shall create a desirable service to the community."

26. When reviewing an application for a Unclassified Use Permit, the Kirkland Planning Commission and City Council shall be guided by the following standards and provisions:
(Section 23.30.080)

- a. The use requested by the Unclassified Use Permit shall be within the intent of this Ordinance, the Comprehensive Plan, and the public interest.

Applicant's Response: "F.I.D. at this location recommends motel use."

- b. The use requested by the Unclassified Use Permit shall demonstrate that it is consistent with the performance standards in Chapter 23.36. of this Ordinance.

Applicant's Response: "This use has no adverse effect and does not exceed the standards as established in Ordinance No. 2183."

- c. The use requested by the Unclassified Use Permit shall be made on the basis of site plan submitted pursuant to Section 23.62.030 of this Ordinance. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.

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- G. 26. c. Applicant's Response: "No."
27. This application will also need to comply with the following sections of the Kirkland Zoning Ordinance No. 2183.
- a. Section 23.14, Professional Residential Zone Requirements.
 - b. Section 23.30, Unclassified Use Permit Requirements
 - c. Section 23.31, Freeway Interchange District Requirements
 - d. Section 23.34, Parking and Loading Requirements
 - e. Section 23.36, Performance Standard Requirements
 - f. Section 23.40, Landscaping and Screening Requirements
 - g. Section 23.56, Conditional Use Permit Requirements
28. This application will also need to comply with the following policies of the Land Use Policy Plan which are appropriate to this application:
- a. Economic Activities Section, Policies 1, 4 and 5.
 - b. Public Service/Facilities Element, Policies 2 and 3.
 - c. The following sections of the Houghton/Bridle Trails Neighborhood Discussion Portion of the Preliminary Land Use Policy Plan regarding the subject property:
 - " Much of the northeast quadrant of the SR 520/Lake Washington Boulevard interchange has already been committed to certain economic activities including large office structures and a restaurant. Due to the availability of adequate public services, easy access to major arterials and to the freeway, and the overall compatibility with adjacent land uses, the northeast quadrant of this interchange can be devoted to commercial activities. The most appropriate use of this land could include such activities as office structures, and some freeway oriented uses, such as motel facilities. Limited convenience commercial facilities may be included as part of the office structures or with freeway oriented uses, but not as a primary use. Retail commercial facilities beyond the scope of convenience facilities are not considered appropriate because these kinds of activities should be concentrated in existing major commercial centers (the Central

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- G. 28. c. Business District or Totem Lake Shopping Center) as well as neighborhood shopping centers. Commercial uses are to be ancillary to other uses at this location. All developments, especially along Lake Washington Boulevard, should include landscaping and other elements to enhance this interchange as an entry to the City. "

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Conditional Use Permit for two restaurants and an Unclassified Use Permit for a hotel are generally consistent with the provisions found in the Freeway Interchange District overlay zone and the underlying Professional Residential zone with the exceptions noted, specifically in Section G. of the Conclusions.

B. GOVERNMENTAL COORDINATION:

2. Bellevue Public Service Department. Incorrect trip generation information has been corrected by the applicant's traffic consultant since the date which these comments were received. Access onto N.E. 38th Place will be accommodated by the best possible means, however this will not preclude the use of this access point. After due consideration it appears that Bellevue has considered modification of the proposed L.I.D. in this area to four lanes of moving traffic with sidewalks at least on the north side of the street. Further, Bellevue considers the combining of an L.I.D. between the City of Kirkland and Bellevue to be somewhat of a cumbersome item and therefore recommends that the applicant in this project pick up the improvement of the appropriate frontage along Northup Way which will be then integrated into the Bellevue L.I.D. proposal.
3. Washington State Highway Department. Their only comment is that that the intersection of Lake Washington Boulevard and Northup Way does presently meet warrants for a signal which is the responsibility of the City of Bellevue and that if the applicant participated as recommended above, would not be responsible for any assessment for this light.

The question of right-of-way is one which has been addressed by the Department of Community Development in previous Findings, however, specific information should be gathered and analyzed at the time of the design of the roadway improvements.

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- B. 4. Kirkland Public Service Department. Based on the two previous conclusions, the Public Service Department basically agrees with Bellevue and the Washington State Highway Department comments, and would serve as a liaison for the public improvements which would be needed along Northup Way. Secondly, the City finds no substantial problems in providing water as per Ordinance No. 2319 whereas storm and sanitary sewer connections should also be no problem. It should be noted again that the applicant will be exempt from any Local Improvement District for improvements in Northup Way if the applicant provides adequate right-of-way improvements with the development of this project.
5. The applicant shall be required to meet those requirements of the Kirkland Department of Fire Services.

C. EXISTING PHYSICAL CHARACTERISTICS:

6. Soils/Geology. The applicant should have no substantial difficulty in providing foundation designs for the subject property based on generalized soil and geologic mapping. However, it should be noted that with the hotel that there will likely be a bearing load of more than 2,000 pounds per square foot on the foundation and if this occurs that a soils report will be required by the Uniform Building Code.
7. Topography. The applicant should not substantially change ground elevations adjacent to existing large vegetation located along the southern property line in the area of the Burgermaster and the southern Kirkland boundary line to protect those materials. Further, with the realignment of the access point to N.E. 38th Place, the applicant should provide an area at least one car length and no greater than 5% slope adjacent to N.E. 38th Place which is free of view obstructions for accessing onto N.E. 38th Place from the subject property.
8. Hydrology. The applicant should be required to install a storm water retention system which includes oil-silt separators to insure that the water quality of adjacent streams will not be increased based on a 10-year storm.
9. Vegetation. Where possible, the applicant shall retain existing vegetation in the landscape plan, and those trees which are to remain shall be indicated on the revised landscaping plan to be submitted with the Building Permit application.

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D. PUBLIC UTILITIES:

10. Streets. The applicant should be required to make appropriate improvements to his frontage on Northup Way as per City of Kirkland, Bellevue, and Washington State Highway Department requirements. These improvements to include but not be limited to the following:
- a. Improvement of Northup Way to a 4-lane arterial.
 - b. Improvements shall include curbs, gutters and associated storm water drainage.
 - c. There shall be a minimum of a 6 foot concrete sidewalk located on the north side of the right-of-way.
 - d. Modifications to the freeway on-ramp fence will be made as necessary.

The City of Kirkland should provide the applicant with liaison functions to coordinate this project between appropriate local and state governments.

The applicant shall be required to dedicate an additional 15 feet along N.E. 38th Place and improve this frontage to those standards normally associated with the improvements to the Coldwell Banker Office Complex located on the north side of N.E. 38th Place. This shall include access points and 6-foot asphaltic sidewalk with rampdowns as necessary.

11. Traffic/Access. The applicant shall only be permitted two access points from Northup Way and one access point from N.E. 38th Place. Said access points on Northup Way shall be in the general location of the two southernmost access points on Exhibit "B" and these points shall be widened to one in-bound lane and two out-bound lanes. The applicant shall be required to stripe these lanes as appropriate and provide stop signs at each point.

Access point to N.E. 38th Place shall be realigned to meet N.E. 38th Place at a 90° angle and meet the requirements of Conclusion No. 10 above. Further, landscaping adjacent to any access point shall be kept lower than 36" maximum height in an area 20 feet along Northup Way and 5 feet in from the said property line.

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- D. 12. Pedestrian Ways. By providing a 6 foot pedestrian walkway on both Northrup Way and N.E. 38th Place, the applicant will be completing his portion of designated pedestrian walking system. The pedestrian way on Northrup Way should connect to existing sidewalk on Lake Washington Boulevard.

Internal circulation adjacent to the hotel should be re-located from the north to the south side of the building with primary emphasis of traffic circulation and entrance being located on that side of the building. Further, the internal pedestrian circulation system should be made as convenient as possible with rampdowns and markings in the parking lot area through the use of striping or buttons to indicate pedestrian walking system from the hotel to the restaurants.

13. Domestic Water/Fire Hydrants. Adequate water supply will be provided to the project with the payment of fees as identified in Ordinance No. 2319.
14. Sanitary and Storm Sewers. Refer to Conclusion No. 4.

E. NEIGHBORHOOD CHARACTERISTICS:

15. Zoning/Land Use. At the present time the SR-520 interchange area has an extremely varied and wide range of uses from general commercial to multi-family residences. The addition of the restaurants would appear to be consistent with an emerging demand for restaurant sites in the City of Kirkland, whereas the hotel is oriented along Northrup Way mainly for its visibility and access from SR-520. Both uses will necessarily need to meet the minimum requirements of the appropriate zone and are consistent with the use designations identified in the adopted Land Use Policies Plan. Although a permitted structure and use at this location, the potential impacts of the size and bulk of the hotel should be mitigated to the greatest possible extent through the use of landscaping and larger landscaping materials. This is in reference to both adjoining developed and undeveloped properties.

F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

16. The following comments are appropriate in the review of Conditional Use Permits for restaurants as per Section 23.56.080:
- a. Based upon the adoption of the Land Use Policies Plan, a restaurant use at this location does appear to be an acceptable freeway oriented use and in the spirit and intent of the Professional Residential zone.

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- F. 16. b. Proposed restaurant uses would be similar to and complementary to those existing restaurants located in this interchange area.
17. The following comments are appropriate for review of the Unclassified Use Permit for the hotel as per Section 23.30.080:
- a. The Land Use Policies Plan specifically identifies freeway-oriented commercial as a motel type of use, and is therefore appropriate in this location.
 - b. This Unclassified Use Permit for hotel would appear to be consistent with the Performance Standards Section 23.36 of the Kirkland Zoning Ordinance. However, with the final Building Permit application, the applicant shall be required to provide a lighting plan for the subject property. Said lighting plan shall indicate that lights used for this project shall be generally internally oriented and have little or no adverse impacts to adjoining properties.
 - c. The applicant has submitted site plans as required by Section 23.62.030 of this Ordinance. Further, the applicant has indicated that permits will be over a period shorter than two years in time.
18. The following comments are appropriate in reference to this project complying with the following sections of the Kirkland Zoning Ordinance No. 2183:
- a. Section 23.14. Professional Zone Requirements: That the most southerly restaurant shall be adjusted to provide a minimum 10 foot setback to the north-easterly property line. The hotel is within the height regulations as set forth in Section 23.10.090 for residential uses located in a Professional Residential zone. Using its existing setbacks, maximum height of this structure would be 52 feet or 6 feet above the proposed height.
 - b. Section 23.30. Unclassified Use Permit Requirements: With the submittal of appropriate site and elevation drawings, the applicant has met the requirements of the Unclassified Use Permit section regarding the submittal of an application.
 - c. Section 23.31 Freeway Interchange District requirements. The submittal of required drawings and elevations has been accomplished and therefore the applicant has met the requirements of the Freeway Interchange District zone provisions. Further, by being consistent with either the Professional Residential zone requirements as indicated above, and/or the uses permitted in the Land Use Policies Plan, the applicant shall meet the requirements of this Section.

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- F. 18. d. Section 23.34. Parking and Loading Requirements. At the present time the applicant has provided 249 parking spaces on site whereas the minimum code requirement is approximately 232 spaces including employees. The Kirkland Zoning Ordinance would permit a lesser amount of parking in this case due to the combining of uses and the efficiencies of scale gained by combining uses and particularly the uses proposed in this application. Hopefully there will be some usage of the restaurants by motel guests. Therefore, a minimum number of stalls which would meet code requirements would be 209, however the Department of Community Development would not recommend such a low ratio based upon the conditions found at the Velvet Turtle Restaurant and due to the fact that no additional parking will be permitted on Northup Way after the improvement to that arterial is complete. Therefore, the Department of Community Development finds the proposed ratio generally consistent with some minor modifications as indicated in the following. 1) It should be noted that some parking spaces will be taken out or added due to access modifications and that any additional parking spaces shall be required to meet all code requirements. 2) There are a number of locations on site where there is not a minimum of 4 feet of landscaping located between parking and the property lines. In general locations, this problem exists along the entire frontage of the subject property to the north of the hotel and between the southern restaurant, and on the access road to N.E. 38th Place. Due to the fact that there is not substantial width to have four feet of landscaping on either side of the access road to N.E. 38th Place, it shall be required on the south property line. 3) The applicant shall be required to meet all other requirements of Section 23.34 regarding slopes, driving lane widths and the like.
- e. Section 23.36. Performance Standards Requirements: Refer to Conclusion No. 17.

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F. 18. f. Landscaping and Screening Requirements. (Section 23.40)
The following comments shall be addressed prior to the applicant applying for a Building Permit for the subject property and shall be incorporated into the final landscaping plan for the subject property..

- 1) As mentioned in the above Conclusion, number of areas presently do not contain minimum widths to locate planting materials. This is notably present in the access point from N.E. 38th Place to the hotel where landscaping on the south side of the subject property needs to be slightly modified and supplemented by site screening fence 6 feet high and located on the property line. This fence could continue around the remainder of the s. property line but the fence at the aforementioned location will provide appropriate compliance with the code requirement.
- 2) Any portion of unused right-of-way along Northup Way which will not be used for right-of-way improvements may be landscaped, but will not diminish the minimum 4-foot requirement.
- 3) At the present time there is no landscaping on the north side of the hotel or between the hotel and the southern restaurant. To remedy this situation, the northernmost driving lane should be removed along with the pedestrian walkway which should be relocated to the south side of the building and in front of the pool. With minor modification, the hotel should be moved approximately 6-8 feet to the north to provide for additional roadway area to the south of the building and could still accommodate a service entrance. Landscaping on the north side of the hotel should be extremely dense and large to screen this building from the northern property. This would be an appropriate place to continue the Lombardy Poplar or other large size trees in this area.
- 4) The landscaping surrounding the hotel should be bigger than normal whereas the landscaping adjacent to the hotel needs to be substantially larger. Trees adjacent to the hotel should be evergreens. to have a year-around appearance and should be installed at 20-25 feet in height. Further, the red oaks adjacent to the hotel should be replaced with evergreens.
- 5) With the movement of the hotel slightly to the north, the southern landscaping area should be enlarged wider than the minimum 4 foot requirement.

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- F. 18. f. 6) Due to the fact there is a 20 foot landscaping area to the east of the proposed hotel, the hotel and its associated improvements should be moved generally 10 feet to the east and have this additional setback area located in front of the building adjacent to the pool and located in the front landscaping area adjacent to Northup Way. This additional space adjacent the hotel will allow for continuation of pedestrian sidewalk along the south side of the pool.
- 7) Consideration should be given to removing 4-5 parking spaces located adjacent to N.E. 38th Place on the access road due to the distance to the hotel and other facilities. If these spaces are removed they should be replaced with landscaping.
- 8) As indicated in Conclusion 9, existing vegetation is to be maintained on site where possible.
- 9) As indicated in Conclusions 11, landscaping adjacent to access point should be lower than 36" or higher than 7 feet to provide maximum visibility at these points.
- 10) Red maples located along Northup Way should be located at approximately 30 feet on center.
- 11) Those materials located adjacent to parking areas between property lines shall be a minimum of 36" to 48" in height at the time of planting and generally between 3-5 feet on center. Those materials should be required to meet the spirit, intent and letter of Section 23.40.060.
- g. Conditional Use Permit Requirements. (Section 23.56) Refer to Conclusion 16.
19. The following comments are relevant regarding this application's compliance with the Land Use Policies Plan:
- a. Economic Activities Section. This application conforms to the Economic Activities Section of the Land Use Policies Plan by meeting many of the above requirements regarding site plan submittal, landscaping requirements, access design and orientation to adjoining projects. These activities will conform to Performance Standards and will minimize adverse impacts to adjacent land uses and/or of the "foot loose" type of use.
- b. Public Services/Facilities Element. The applicant will be required to maintain on site a storm water retention system which will handle runoff from the subject property due to development based on a 10-year storm. Said

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Conclusions, Cont'd

F. 19. b. (Cont'd)

retention system shall include oil-silt separators so as to not decrease the water quality or increase velocity of runoff leaving the site. Further, by addressing the access and roadway improvements to Northup Way, the applicant will be minimizing any adverse impacts to the adjoining streets and roadway systems and through the inclusion of pedestrian sidewalk will be addressing all appropriate transportation impacts.

- c. The proposed land uses are motel (hotel) facilities and are freeway-oriented uses as specified by the Houghton Bridle Trails Neighborhood discussion portion of the Preliminary Land Use Policies Plan.

RECOMMENDATIONS:

Subject to the foregoing Findings and Conclusions and as identified in Exhibits "A" through "T", we hereby recommend that this application for a Conditional Use Permit for two restaurants and an Unclassified Use Permit for a hotel be approved subject to the following conditions:

1. The applicant shall be required to make appropriate improvements to his frontage on Northop Way as per City of Kirkland, Bellevue, and Washington State Highway Department requirements. These improvements shall include but are not limited to the following:
 - a. Designing Northup Way for the eventual widening to five moving lanes, two in each direction and a center left-turn lane. However, the applicant shall only be required to make immediate improvements to four moving lanes with the understanding that the applicant shall install the fifth lane at such time as the City requests such an improvement based on need and traffic analysis.
 - a. Improvement of Northup Way to a four-lane arterial.
 - b. Improvements to include curbs, gutters, and associated storm drainage.
 - c. There shall be a minimum 6 foot concrete sidewalk located on the north side of the right-of-way. Said sidewalk shall be connected to the existing sidewalk on Lake Washington Blvd.
 - d. Modifications to the freeway on-ramp fence will be made as necessary.

For the above, the City of Kirkland shall provide the applicant with the liaison functions to coordinate this project between appropriate local and state governments.

2. The applicant shall be required to dedicate 15 feet of property adjacent to N.E. 38th Place and improve this frontage with those standards normally associated with the improvements to the Coldwell Banker Office Complex located on the north side of N.E. 38th Place. These improvements shall include the access points

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3. The applicant shall only be permitted two access points from Northup Way and one access point from N.E. 38th Place. Said access points on Northup Way shall be the two southernmost access points as identified on Exhibit "B". These access points shall both be widened to one inbound lane and two outbound lanes. These access points shall be widened to appropriate widths and shall be striped as required. All three access points shall require stop signs.

The access point to N.E. 38th Place shall be aligned to meet N.E. 38th Place at a 90° angle.

4. The proposed site plan, Exhibit "B", shall be modified to include the following at the time of Building Permit application:
- Hotel shall be moved 6-8 feet to the north and 10 feet to the east of its present location.
 - The entrance of the hotel shall be oriented to the south with the asphalt to the north of the hotel being reduced in width to only provide minimum service entrance to the hotel.
 - Delete pedestrian walkway located on the north side of the hotel.
 - With the aforementioned modifications to the hotel location, landscaping areas should be increased in size where appropriate adjacent to Northup Way, the southern property line, adjacent to the south side of the pool, and between the service entrance and the north property line most primarily.
 - There shall be a minimum of 4 feet of landscaping between any parking area and a property line except as in No. 4(f).
 - The south side of access point from the hotel to N.E. 38th Place shall be a minimum of 2 feet wide and include a 6 foot site obscuring fence in this area. This may be extended along the entire southern property line but shall not diminish any other requirement.
5. The applicant shall submit revised plans conforming to the above site modifications but shall also include the following at the time of Building Permit application:
- A 6 foot fence on the south side of the access to N.E. 38th Place.
 - Any portion of unused right-of-way of Northup Way or N.E. 38th Place may be landscaped but shall not diminish the minimum 4 foot requirement.
 - The landscaping surrounding the hotel shall be larger than normal, whereas trees adjacent to the hotel shall be substantially larger. Trees adjacent to the hotel shall be of evergreen species, 20-25 feet in height and representative of the numbers and location as identified on Exhibit "S". Further, the red oaks adjacent to the hotel shall be replaced with evergreens and trees not adjacent to the hotel shall be a minimum of 10-14 feet for evergreen species and 2-2 1/2 inches in caliper for deciduous species.

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Recommendations, Cont'd

5. d. The landscaping area to the north of the hotel shall be made extremely dense with large screening materials such as a continued row of Lombardy Poplar or other substantial tree materials with associated shrubs.
 - e. Areas where additional landscaping has been created due to relocation of the hotel shall be landscaped consistent with adjoining landscaping.
 - f. The 4-5 parking spaces directly adjacent to N.E. 38th Place shall be replaced with landscaping.
 - g. Where possible, the applicant shall retain existing vegetation and identify those trees which shall remain in the landscaping plan.
 - h. Topography grades adjacent to the southern property line shall not be substantially changed so as to not impact the existing large vegetation along this area.
 - i. The landscaping adjacent to any access point shall not be permitted to grow between 36" and 7 feet in an area 20 feet either side of the access point and 5 feet in from said property line.
 - j. Red maples along Northup Way should be located approximately 30 feet on center.
 - k. Those materials located adjacent to parking areas and between property lines shall be a minimum of 36" to 48" in height at the time of planting and generally be between 3 and 5 feet on center. (This to meet the spirit, intent and letter of Section 23.40.060).
 - l. Contact the serving solid waste utility regarding the location of approved site-screened solid waste receptacles.
6. Internal circulation adjacent to the hotel shall be relocated from the north to the south of the building with primary traffic circulation and entrance located on that side of the structure. Further, the pedestrian circulation system shall be made as convenient as possible with ramp-downs and markings in the parking lot area through the use of striping or buttons to indicate pedestrian walking system from the hotel to the restaurants.
- The applicant shall work with the property owner to the north at such time as development application is proposed on that property and the two joint projects shall coordinate internal circulation, both pedestrian and vehicular between the two projects.
7. The applicant shall be required to meet all the requirements of the Public Service Department regarding water, sanitary sewer and storm sewer improvements to the subject property. Further, the applicant shall be required to comply with Ordinance No. 2319 regarding the installation of water services.

Recommendations, Cont'd

8. The applicant shall be required to meet those requirements of the Department of Fire Services.
9. The applicant shall be required to design and construct a storm water retention system which will not increase the velocity or quantity or decrease the quality of the water leaving the site at the present time for a 10 year storm. Further, oil-silt separator system shall be included with this storm water retention system.
10. The applicant shall submit a lighting plan which indicates that the proposed lighting will be internally oriented and have little impact upon adjacent properties with a Building Permit application.
11. Colored renderings submitted by the applicant at the Kirkland Planning Commission meeting of July 14, 1977 shall be made a part of this application indicating the general colors, textures and design of the building exteriors and roofs, and shall be identified as Exhibit "S" - Revised Landscaping Plan and Exhibit "T" - Colored Perspective. Final occupancy for said buildings shall be based upon a comparison between the constructed buildings and these colored renderings and shall not greatly differ from those drawings.
12. The applicant shall submit a comprehensive signing plan to be reviewed by both the Houghton Community Council and the Kirkland Planning Commission under a Conditional Use Permit prior to the issuance of a Certificate of Occupancy for any structure. Said Conditional Use Permit application shall be reviewed subject to conforming to the following general requirements: a. No roof mounted signs. b. Signs shall not be higher than 17 feet. c. Illumination of the signs shall be reviewed with this application.

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