

RESOLUTION NO. R- 2624

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-79-30(P), BY TOTEM LAKE ASSOCIATES TO DESIGNATE THE MADISON HOUSE DINING FACILITIES AS A RESTAURANT, BEING WITHIN A RESIDENTIAL MULTI-FAMILY 3600 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH UNCLASSIFIED USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Unclassified Use Permit filed by Totem Lake Associates, the owner of said property described in said application and located within an RM 3600 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of May 17, 1979, and

WHEREAS, pursuant to City of Kirkland Ordinance 2319 concerning environmental policy of the State Environmental Policy Act, an environmental checklist 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 checklist and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Unclassified 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. UUP-79-30(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified Use Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

Section 3. 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 Unclassified Use Permit or evidence thereof delivered to the permittee.

Section 4. 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,

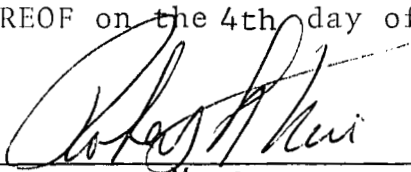
Section 5. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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) Fire and Building Department of the City of Kirkland
- (d) Parks 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)

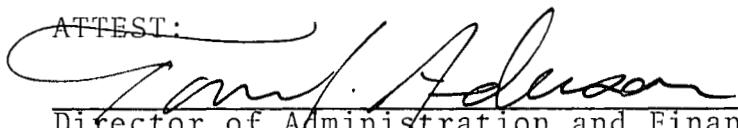
ADOPTED in regular meeting of the City Council on the 4th day of June, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 4th day of June, 1979



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____
XXX RECOMMENDED BY _____ DATE May 17, 1979
ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION Kay Maenggi
Kay Maenggi, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER UUP-79-30 (P)

APPLICANT T. D. MORTIMER, TOTEM LAKE ASSOCIATES

PROPERTY LOCATION 12516 120th Ave. N.E.

SUBJECT APPLICATION FOR UNCLASSIFIED USE PERMIT TO DESIGNATE MADISON HOUSE DINING FACILITIES AS A RESTAURANT

HEARING/MEETING DATE June 4, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan

"D" Notice of Approval "E" Environmental Information

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

Mr. T. D. Mortimer of Totem Lake Associates is applying for an Unclassified Use Permit to designate the Madison House dining facilities as a restaurant. No physical changes to the site have been proposed. The property is located north of Totem Lake, at 12516 120th Avenue N.E.

B. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions, and Exhibits "A" through "E", we recommend that this application for Unclassified Use Permit be approved subject to the following conditions:

1. The occupant load of the dining room shall remain at 99 persons.
2. The serving of liquor shall be incidental to other dining occurring in the dining room.
3. No additional signing shall be allowed to the exterior of the building.
4. The facility will not be available for use by the general public after 5 p.m.
5. This permit shall be for a one-year period at which time it shall be reviewed by the Department of Community Development and Planning Commission.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

- a. An Unclassified Use Permit for the construction of Madison House was approved on September 7, 1976. The original U.U.P. was described as follows in a letter from Willis McClarty dated April 5, 1976:

" We propose to construct this multi-family residence for retirement living to partially fulfill a need for such accommodations in the greater Kirkland area. Recent local attention has been directed to the lack of availability of a living environment specifically designed for elderly persons. This facility, located as it is immediately adjacent to shopping and medical care, will provide the type of living being sought by these people.

It is a well established fact that our older population is increasing in numbers and in income - in fact it is anticipated that by 1980 this nation will have over 23 million people who are 75 years of age or older. These people may or may not be retired and seem to be more active than their forerunners. They are alert, interested in community affairs, are attracted by malls, arts and crafts fairs, swimming pools and golf facilities, (The median income of retired males on pension plans in 1972 was \$3,380 per year. When you add this to Social Security payments, investment income and proceeds from the sale of a home worth \$30,000 - \$40,000 you get the picture of someone living comfortably and responsibly). This is the type of tenant who will occupy this building.

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II. A. 1. a. (Cont'd)

The services provided will include dining room, lounges, personal laundries, crafts room, library, beauty shop, activities, and game areas, and outdoor recreation facilities. A manager and an activities director will provide full time coordination of active and leisure time of the tenants. Additionally, mini-bus service will be provided for access to churches, shopping, and other legitimate and/or emergency uses. All tenants must be ambulatory.

We intend to provide 81 automobile parking spaces - plus loading and unloading. Historically, it has been established that about one vehicle per four dwelling units is adequate to properly serve a use of this type when located in close proximity to shopping and services (and where mini-bus service is provided). It should be borne in mind that many of the dwelling units will have only one occupant who, in all probability, will not maintain an automobile. (The zoning ordinance of Seattle allows a ratio of 1:4; the cities of Spokane and Edmonds have allowed similar facilities to provide 1:3 and 1:4 ratios, by variance. The Danmor Company expects no tenants under the age of 62 years. Since the demand for this type facility has been well established and due to the particular type use it is, we submit that the provision of 81 parking spaces be adjudged to be adequate for the use and location concerned. This is necessary for this project and will result in the provision of needed amenities in lieu of unneeded parking spaces. The resultant reduction in paved area will not cause increased demand for parking spaces elsewhere, nor will it result in any conceivable adverse effect upon the health or safety of persons in the neighborhood, upon the public welfare or have any materially injurious effect upon any other properties adjacent or otherwise. "

- b. A letter dated October 3, 1978 was received by the Department of Community Development. This letter is in reference to a Class H Liquor License Application and reads as follows:

" Similar to other such facilities in the Seattle area, Madison House retirement apartments has a licensed restaurant serving our residents. The evening meal is included in the monthly rental. The residents may, at their option, purchase breakfast and luncheon meals. Their apartments include fully furnished kitchens for the residents convenience. The dining room has a hostess to seat patrons, and service is by waitresses to each table. Our residents are often visited by friends and relatives as their dining guests in the restaurant. Occasionally outsiders patronize the restaurant when in the area inspecting the building for possible living quarters and while visiting friends and relatives involved in the neighboring hospital and other local medical community. Thus, of necessity, the restaurant is open to the public.

II. A. 1. b. (Cont'd)

Parking at Madison House has never been a problem. Ample space is provided for our tenants, although very few have cars as they are, for the most part, beyond the age of desiring to drive their own automobiles. Our experience at our other retirement apartment facilities is that only one out of six retains an automobile for any length of time after moving into our facility, as we furnish complete transportation for shopping, medical, social excursions, special events, etc., through our own minibuses. This acts as an added incentive to our tenants disposing of their automobiles and the attendant expenses.

Madison House also owns additional undeveloped land just above the present parking lot which can easily be made available for additional parking if ever required (per requirements stated in the UUP). Other than at the driveway entrance, there are no signs directing people to Madison House. We do not have signs on the building saying there is a restaurant within. From time to time people do come, as noted earlier, to look at the complex, and if they wish to have a meal we certainly accommodate them, much the way the restaurant in the adjacent hospital is handled.

Our residents have indicated in the past that they would like to be furnished an alcoholic beverage service not only for themselves, but for their friends and relatives who often visit them at the facility, in order that they may enjoy a more familiar social contact. We are attempting not to have a sterile living environment, but rather present a more normal, noninstitutional resident feeling for our residents. We maintain no gambling devices, amusement machines, etc.

Therefore, while the basic intent of the application for a Class H License is for the benefit of the residents of Madison House/Totem Lake retirement apartments, the restaurant of necessity is open to the public. There will be no bar or lounge as such, and liquor will be served in conjunction with meal services to our residents and their guests.

I would hope that a recommendation can be made for approving a license by utilization of a zoning variance, or an unclassified use permit. My representatives or I will be in contact again with you in the near future. Again, thank you for your courteous reception and consideration of this request. "

II. A. 1. c. The Building Department Manager for the City of Kirkland, Bruce Lorentzen, sent a letter stating the position of the City concerning the Class H Liquor License:

"I am in receipt of a letter directed to Robert H. Ely from Mr. Mortimer in reference to an application for a Class H Liquor License at Madison House/Totem Lake. My research indicates that no amendment to the Certificate of Occupancy is necessary if the following requirements are met:

1. The occupant load of the dining room is to remain at 99 persons.
2. The serving of liquor will be incidental to other dining occurring in the dining room.
3. The serving of liquor will be only for the benefit of the residents and their guests.
4. The serving of liquor will not be promoted or represented as a use available to the general public.
5. No additional signing will be erected on the exterior of the building.

If the above requirements are met the Building Department will have no objection to the issuance of a Class H License for Madison House/Totem Lake."

d. Advertisements for dining at Madison House/Totem Lake appeared in the Daily Journal American on December 20, 1978 and March 30, 1979.

2. Conclusions.

The City does not have any objection to the issuance of a Class H Liquor License nor the limited use of the eating facilities by non-residents. No external signing should be allowed.

II. B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Fire Department. Present access is adequate for emergency vehicles. Present fire hydrants are adequate, and present fire flow meets the flow requirements.
- b. Public Service Department. No additional services or improvements required providing no exterior structural changes occur.
- c. Building Department. No change of building or occupancy certificate would be necessary from Building Department.
- d. Police Department. This would not create an undue public safety problem.

2. Conclusions.

These City Departments would have no additional requirements if this application were approved.

C. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is presently zoned RM-3600. To the north of the site is Planned Area 12, containing Evergreen General Hospital. To the east is RS 35,000 zoning, to the south is Planned Area 8, and to the west is Community Business zoning.
- b. Land Use. The subject property is developed as a retirement complex. The complex contains 147 units and associated facilities including a dining hall, lounges, and other activity and recreation facilities.

To the north of the subject property is Evergreen Hospital. To the west is Totem Lake Shopping Center, and to the east lies the apartment complex of Salish Village. Totem Lake lies to the south. Much of the property surrounding Totem Lake is undeveloped, but some commercial uses are in the process of construction.

II. C. 2. Conclusions.

A restaurant use is not permitted in an RM 3600 zone or envisioned in the approved Unclassified Use Permit.

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

1. Statements of Fact.

a. Zoning. Chapter 23.30.080 of the Zoning Ordinance requires that unclassified uses be considered according to provisions stated as follows, with responses by the applicant:

- (1) 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: "There will be no change in use from the previously approved UUP-76-34. The restaurant designation will provide a means for legally allowing the public to use the dining facilities."

- (2) 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 (water, air, noise, light, heat, junk, etc.).

Applicant's Response: "In every instance, this use complies with the performance standards set forth in Chapter 23.36. There will be no change in the land or buildings from what was approved under UUP-76-34."

- (3) The use requested by the Unclassified Use Permit shall be made on the basis of site plans submitted pursuant to Section 23.62.030 of this Ordinance.

Applicant's Response: "Since no physical changes are being proposed, only a site plan illustrating the existing facility is being submitted."

b. State Environmental Policy Act. The applicant has complied with the provisions of the State Environmental Policy Act by submitting an Environmental Checklist. A Final Declaration of Non-Significance was made by the Responsible Official on March 8, 1979.

I. D. 2. Conclusions.

The availability of the eating facilities for the general public is reasonable so long as the use does not expand in area or operate evenings as a true commercial restaurant. The public interest is also served by the opportunity for residents of the retirement facility to have some contact on site with members of the general public.

III. APPENDICES

Exhibits "A" through "E" are attached as a part of this report.

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