

RESOLUTION NO. R-2846

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CZ-81-19, BY JAMES WEYMOUTH TO CONSTRUCT A MOTEL, BEING WITHIN A COMMUNITY BUSINESS WITH A FREEWAY INTERCHANGE DISTRICT OVERLAY ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by James Weymouth, the owner of said property described in said application and located within a Community Business with a Freeway Interchange District overlay zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearings thereon at their regular meetings of May 21, 1981 and June 18, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 concerning environmental policy and 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 hearings 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 Conditional Use Permit subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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. CZ-81-19 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional 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 Conditional Use Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this resolution 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.

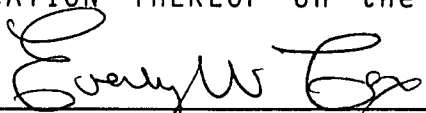
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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 Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) The Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.

Passed by majority vote of the Kirkland City Council on the 6th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of July, 1981.

  
\_\_\_\_\_  
Mayor pro tem

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(Ex officio City Clerk)

5570A



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE June 18, 1981  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

BOARD OF ADJUSTMENT \_\_\_\_\_

HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

XX PLANNING COMMISSION Carol Goddard

Carol Goddard, Chairperson

CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER CZ-81-19

APPLICANT James Weymouth

PROPERTY LOCATION Between NE Kingsgate Way & NE 124th St., E. of I-405

SUBJECT CONDITIONAL USE PERMIT FOR "SILVER CLOUD MOTEL"

HEARING/MEETING DATE July 6, 1981

BEFORE Kirkland City Council

EXHIBITS ATTACHED See list on reverse

I. SUMMARY

A. PROJECT DESCRIPTION

James Weymouth is applying for a Conditional Use Permit to construct a three-story, 98-unit motel with related parking in the Totem Lake neighborhood. The project includes the installation of a middle driving lane in N.E. 124th Street if federal funding for NE 124th Street right-of-way improvements is not obtained. The site is located between N.E. Kingsgate Way and N.E. 124th Street, east of I-405 and next to VIPS restaurant. A portion of the northern area of the site includes a wetland habitat.

Major issues found in review of this application are: Compliance with the State Environmental Policy Act, with the Zoning Code standards, with the Land Use Policies, and with the Conditional Use Permit criteria, and signage.

B. RECOMMENDATIONS

Based on the statements of fact, conclusions and exhibits in this report, we recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Kirkland Municipal Code and Kirkland Zoning Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Section V, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.
2. The recommendations found in the soils report, Exhibits "F" and "H" shall be followed.
3. Upon application for a building permit, the applicant shall:
  - (a) Indicate storm water control methods used during construction and permanent storm water retention system. A filter fabric fence shall follow the 120 foot contour line. The Building Department shall inspect this fence and find it satisfactory according to Exhibit "K" prior to each phase of construction approval.

- (b) Show tree sizes to be 1-3/4" in caliber on the landscaping plan. Trees which will survive the growing conditions and reach building height be planted along the Kingsgate side, according to approval of the Department of Community Development.
4. The applicant shall present to the Planning Commission under the Conditional Use Permit a comprehensive sign packet relating to the exterior finish of the building and adjacent buildings. This shall be completed prior to the application of any exterior finish to the building.

## II. SITE BACKGROUND

### A. SITE DESCRIPTION

1. The 98,528-square-foot site contains no significant vegetation in the way of large trees. There are cattails in the standing water of the wetland habitat in the northern portion of the site; the wetland is roughly between the 120-foot and 122-foot contour lines on the site, as shown in Exhibit "B." A 15-foot wide sanitary sewer easement containing a 10-inch line runs through the wetland portion. The wetland is fed by water flowing through an 18-inch in diameter culvert crossing under N.E. 124th Street, to an open-ditch drainage on the north side of 124th Street, and on through the south side of Kingsgate Way N.E., and backwash from Totem Lake during the winter months. The age of the wetland is indeterminate. The shallow amount of peat beneath the wetland indicates that the wetland may be relatively recent. However, a letter from the King County Conservation District (Exhibit "I") states that this wetland was probably part of the Totem Lakes wetland and that the construction of Kingsgate Way N.E. created a man-made barrier separating the two wetland.

### B. HISTORY

1. This lot is a part of a short subdivision reviewed by the Development Review Committee during the summer of 1980. Their approval stipulated that a drainage easement must be established up to the 120 foot contour line to protect the wetland and that "no construction, clearing, grading, filling or alteration is allowed in this drainage easement." Some additional conditions include curb, gutter and

sidewalk improvement along Kingsgate Way N.E. and along the 120 foot contour around the wetland area, and an \$11 front footage fee for property abutting the N.E. 124th Street right-of-way.

2. The site contains four soil types as described in the King County Conservation District letter (Exhibit "I"). These soil categories were identified from the U.S. Soil Conservation Survey maps, drawn in a generally large scale; there may be some differences between the King County Conservation District soils map and a detailed soil analysis for the specific site. Such a detailed soil analysis has been provided as a part of the State Environmental Policy Act compliance and is discussed in the following Section III, A.
3. The other predominant feature of the site is an off-site characteristic: heavy traffic on both Kingsgate Way N.E. and N.E. 124th Street. A median barrier has been placed in Kingsgate Way N.E. prohibiting left-turning movements onto and off of the Pizza Hut site from Kingsgate Way N.E. The Public Services Department has found in the past that these left-turning movements are hazardous.

### III. MAJOR ISSUES

#### A. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (SEPA)

##### 1. Statements of Fact

- a. An Environmental Checklist was submitted with the Conditional Use Permit application in August 1980. More information regarding the Environmental Checklist was requested in September 1980 and was received during January and February, 1981.

Further review resulted in a request made in March 1981 for some specific additional information, and this information was obtained in the same month. The primary environmental impact concern centered on soils and traffic, and a series of meetings in April 1981 resulted in a modification of the proposal to mitigate these adverse impacts. A Declaration of Non-significance was then issued by the responsible official on May 7, 1981.

b. Soils

The site has had extensive fill south of the 120-foot contour line, in the area of the knoll. This fill consists of asphalt, wood and concrete debris as well as indeterminate soils. Based on the recommendation of the Soils Report (Exhibit "H"), the applicant may either support the structure with pilings or use conventional spread footings. If conventional spread footings are used, they must be supported from the underlying, naturally occurring soils and cannot rest on the fill.

c. Exhibit "C" shows the relationship of the building and finished elevations to existing grades. The building is placed between the knoll and the wetland. Most of the building is placed on naturally occurring soils and a 12 foot cut will be made into the knoll area.

d. With the exception of the wetland north of the 120-foot contour, the entire site will be cleared and graded to accommodate the building and accessory parking. The terrain slopes toward the wetland area, and runoff during construction will fall into the wetland unless erosion control measures are taken. The applicant is proposing a silt fence along the 120-foot contour line to hold water-borne sediments. The applicant is also proposing on-site retention ponds during construction to hold the water. The Soils Report further suggests an excavation drainage system of perforated pipe (Exhibit "H", page 4). This will hold water from seepage zones throughout the site.

e. Traffic impacts have been analyzed and the results reported in Exhibits "F" and "G". Traffic can enter and exit the site via N.E. 124th Street and Kingsgate Way N.E. A median barrier in Kingsgate Way N.E. prevents left-turning movements onto and off of the site. No median barrier exists on N.E. 124th Street. To avoid impacting traffic on N.E. 124th Street with additional left-turning movements onto and off of the site, the applicant proposes to construct a middle left-turn lane according to City engineering standards. This middle turn lane is a design element

proposed by the City of Kirkland in their application for federal/state funding for NE 124th Street right-of-way improvements. If the requested funds are received, the City will install the middle left turn lane.

## 2. Conclusions

- a. Soils - The small knoll and fill on the site will require either pilings or typical concrete spread footings resting on the underlying natural soils. If concrete footings are chosen, they must bear on the underlying soil. Other recommendations in the Soils Report should be followed because of the uneven terrain and difficult soil. The wetland must be protected with a silt fabric fence to be regularly inspected by the Building Department prior to approving each phase of the building. The silt fence should be maintained with regular cleaning, and the construction of the silt fence is to include a 45-degree bracing on the back and a trench in the front with pebbles and is to be in the typical design shown in Exhibit "K".
- b. Vehicular turning movements onto and off of the site will not create an adverse impact to the traffic on N.E. 124th Street because a middle turn-lane will either be installed by the City through federal and state funding or by the applicant. The motel traffic will almost double the number of left-turning movements out of the site and will increase the impact of vehicular traffic on N.E. 124th Street by 25 percent (from VC Point 29 to VC Point 54). In view of prevailing conditions, this doubling of turning movements is considered by staff to be a significant adverse impact. Left turns out of the site are difficult since the signallized intersections to the east and west are not coordinated to provide adequate gaps in the traffic flow on N.E. 124th Street. The middle left-turn lane will take the following rough design feature:

Heading east on 124th Street N.E., a 200-foot taper which leads into a 250-foot - to 300-foot-long, 11-foot-wide middle lane; and then a 200-foot taper. The 250-foot to 300-foot section should have a full lane width, which is 150 feet west of the easement road and 100 feet east. If



the City of Kirkland receives the federal and state funds for the N.E. 124th Street right-of-way improvement, the middle left-turn lane will not be required of the applicant. The \$11 per front foot required of the underlying short subdivision can be applied either to the applicant's installation of the middle left-turn lane or the City's 124th Street N.E. right-of-way improvements.

B. COMPLIANCE WITH THE ZONING ORDINANCE STANDARDS

1. Statement of Fact

- a. The site is located in a Community Business (BC) zone with Freeway Interchange District (FID) overlay. Freeway oriented commercial can be developed through a Conditional Use Permit. The motel use is a freeway oriented development.
- b. The following list outlines the various requirements of the Zoning Ordinance:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Parcel Size	None	98,528 sq ft
No. of Units	None	98 motel units
No. of Parking Stalls	Planning Commission Decision (see C. below)	98 stalls
Height and Setbacks (For every foot of building height above 30 feet, each side yard and front yard setback shall be increased one foot)	The 40 foot building requires 15 foot sideyards and 30 foot front yards	Sideyards are 17 feet and 80 feet in length. Front yards are 85 feet and 115 feet in length
Buffering	Superior landscaping solution for parking screening since the parking is in the front setback area. The minimum requirement is a 4 foot wide buffer with plants 4 feet high providing a dense year round screen in 3 years.	A 4 foot wide planter bed with 4 foot high Photinia Fraseri meets the minimum buffering requirement. The addition of landscape islands every 8 stalls and Red Sunset Maples is a "superior" solution. The trees are 1-1/4" in diameter.

- c. Section 23.34.020 of the Zoning Ordinance states that the parking ratio for motels "will be determined on a case-by-case basis based on the type of facility proposed." The Silver Cloud proposal does not include a coffee shop, cocktail lounge or banquet rooms; it is strictly a motel use with 98 rooms and one meeting room. The applicant proposes 99 parking stalls, a ratio of about one stall per motel unit.

## 2. Conclusions

- a. The motel use meets all Zoning Ordinance requirements and, with an increase in tree caliber to 1-3/4 inches, demonstrates a superior landscaping solution in compensation for the 23 parking stalls in the front yard setback.
- b. A ratio of about one parking stall per unit for a total of 99 stalls for the 98 units seems like a reasonable request. It is highly unlikely that more than one car will be used for any one unit.

## C. COMPLIANCE WITH THE LAND USE POLICIES PLAN

### 1. Statements of Fact

- a. The Land Use Policies Plan identifies the site as a wetland area (figure 41), which includes uneven settlement and surface water table. N.E. 124th Street is a major arterial, and Kingsgate Way N.E. is a secondary arterial which also provides a link in the pedestrian/bicycle trail system (Figures 43 and 42, respectively).
- b. Land Use Policies Plan - Wetlands. "Lands surrounding the five-acre Totem Lake may be subject to uneven settlement. In this area, developments must include methods to handle drainage; prevent methane entrapment; and prevent the settlement of structures and utility systems (see Natural Elements Policy I.B.). In all areas subject to uneven settlement, soils analysis is required prior to development in

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order to identify and mitigate possible problems." (page 393) "Streams and other elements of the natural drainage system are to be maintained or restored, if necessary, to a natural, stable condition (see Public Services/Facilities Drainage Policy I). Storm runoff from developed sites is to be limited to predevelopment levels (see Public Services/Facilities: Drainage Policy II). Totem Lake and the adjacent wetland are an element of special concern. The lake and surrounding platy areas show great quantities of storm runoff and reduced suspending settlements. Development around the lake and wetland should not impair these functions of storage and cleansing."

- c. Land Use Policies Plan - Traffic Movement. ". . . while Kingsgate Way/124th Avenue N.E. is the main north/south access in addition to I-405. The intense economic activity present in the Totem Lake area requires adequate access for employees, customers, delivery and emergency vehicles, as well as through traffic flows. Care should be taken to ensure unobstructed access for emergency vehicles to and from the hospital." "N.E. 124th Street should be redesignated as a major arterial to recognize heavy east/west travel and access to the Interstate. Signalization of this street on both sides of the freeway interchange may be necessary to reduce rush-hour traffic congestion and simplify turning movements."
- d. Land Use Policies Plan - Pedestrian/Bicycle Movement. "To facilitate transportation alternatives to the automobile, safe, convenient bicycle/pedestrian paths should be developed (Public Services/Facilities: Transportation Policy II.B and Quasi-Public Utilities Policy I). Only the major path elements are shown in Figure 42, including the railroad right-of-way path discussed in the Parmac Transportation Analysis. The Totem Lake area could conceivably develop as an aggregation of dwellings, employment

opportunities, commercial facilities and social services with convenient access to regional transit facilities. The opportunity to provide residents with nonautomotive alternatives to meet daily needs should not be lost." (page 405) "Pedestrian and bicycle pathways are also part of the park and open-space system, in addition to providing a transportation function. Major pathways in the Totem Lake area should be established according to the designation in figure 42." (page 403).

## 2. Conclusions

- a. The Land Use Policies Plan identifies the site as a wetland area with differential settlement. The wetland should be preserved; no construction activity shall occur within the 120 foot contour line. A silt barrier fence with back bracing should be erected and periodically inspected by the City. Grading should not occur in November through April. On-site retention during construction is also required. Permanent storm retention should meet the standards of Ordinance No. 2430.
- b. A detailed soils report has been provided with the Conditional Use Permit proposal. These recommendations in the soils report regarding construction techniques should be followed.
- c. Curb, gutter and sidewalk improvements to Kingsgate Way N.E. were a requirement of the previous Short Subdivision application and do support a pedestrian/bicycle use. N.E. 124th Street and Kingsgate Way N.E. experience heavy traffic and are designated as major and secondary arterials, respectively. Traffic movement will be controlled through installation of a middle left turn lane to ensure unobstructed traffic flows.

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D. COMPLIANCE WITH THE CONDITIONAL USE PERMIT CRITERIA

1. Does the use or modification requested by the Conditional Use fit within the intent of the Kirkland Zoning Ordinance, and in the public interest? If so, indicate the proposed use and how it fits the above.

Applicant's response. "Motel--it will comply with the business, commercial and freeway interchange and enhance the surrounding area as a well landscaped facility, while still maintaining the natural beauty of the wetland. It will complement the nearby restaurants, shopping center, hospital, and nursing homes by providing overnight accommodations for visitors to the area."

2. Statement of Fact

- a. Section 23.18.030 of the Community Business Zone (BC) allows hotels and motels with a Conditional Use Permit process.
- b. The Kirkland Zoning Ordinance Section 23.31.032(2) of the Freeway Interchange District (FID) states that the proposal shall conform to the regulations and guidelines of the Land Use Policies Plan. The Land Use Policies Plan on page 400 designates this area for freeway-oriented commercial activity and requires all developments in this area to conform to the standards listed below.
  - (a) A demonstration that the proposed use is dependent on a location near a freeway interchange.
  - (b) The prevention of encroachment of non-residential, freeway interchange uses into residential areas not yet impacted by such activities.
  - (c) The proposed development will not increase the adverse impacts on existing nearby residential areas.
  - (d) The development will assist in the mitigation of freeway related impacts in and around interchanges.

- (e) Development in the interchange areas will be designed to enhance these areas as entry points to the City (see Community Goals and Policies -- Policy 2 and Open Space/Parks Policy 2.h.).
- (f) Signing for interchange activities should not exceed signing permitted for other local activities. The State Highway Department should be encouraged to develop and to install along the Interstate informative signing related to services and activity areas (see Community Goals and Policies Policy 3).
- (g) Other applicable standards relating to such developments in a freeway interchange areas (see Economic Activities Policy 5 and Policy 4).

### 3. Conclusions

- a. The hotel, by its very nature, is dependent on a freeway interchange to attract travelers. There is no residential activity in the area. The applicant will be providing City approved street trees and parking screening to improve this entry way into Kirkland.
- b. Under the existing Zoning Ordinance, the applicant is allowed 500 square feet of signage. This exceeds the amount necessary for adequate identification. Restrictions on signage should be imposed to improve the entry way to the City. This is further discussed in the following section. The Community Business zone does allow hotels and motels through the Conditional Use Permit process.

### E. Signage

#### 1. Statement of Fact

- a. The Land Use Policies Plan states that development in this area shall be used to enhance the entry point into the City. Signage should not exceed that permitted for other local activities. Strip commercial activities should be avoided in this area.

- b. The Land Use Policies Plan - Economic Activities Policy 5E and subsequent discussions (pages 95 through 96) states that there should be control of the use of free-standing signs and the size and number of wall-mounted signs. In the competition to achieve increased visibility, commercial activity usually creates a confused array of advertising signs. Strip signing should be restricted to a manner in which the signs inform the motorist that there will be available services without competing for attention or detracting from traffic safety and signing.
- c. The Land Use Policies Plan - Community Policy 3 establishes a policy to develop a coordinated system of street graphics that will more effectively present needed information while protecting the local aesthetic character.
- d. Ramada Inn is the only other hotel/motel within the Kirkland City limits. Their recent Conditional Use Permit amendment, approved January 1981, allows an increase in their square foot of signage. As a hotel/motel use, Ramada Inn argued the need to attract travelers on the freeway, and received approval for a sign 105 square feet in size on the south facade and a 93 square foot sign on the west facade. The larger sign attracts travelers on SR 520 at a distance of roughly 1,800 feet away from the building. Sign design is simple, without a border or garrish colors.
- e. The proposed hotel requests a sign to attract travelers off of I-405, at a distance of roughly 2500 square feet, as well as travelers on N.E. 124th Street.

## 2. Conclusions

Based on the Land Use Policies Plan and the Ramada Inn Conditional Use Permit amendment, signs for the Silver Cloud Motel should be reviewed as a comprehensive sign packet. The sign packet shall relate to the exterior finish of the building and to adjacent buildings.

IV. ALTERNATIVES

1. The requested use development is supported in the Land Use Policies Plan and the Zoning Ordinance. Site redesign could be required with such elements as: the relationship between the wetland and the site construction, signage, and site layout.

V. DEVELOPMENT STANDARDS

1. Temporary storm water control and permanent storm water retention shall meet the standards of Ordinance 2430 and the approval of the Public Service Department. A filter fabric fence and retention ponds shall be used for temporary storm water control. Permanent storm water retention shall include oil/silt separator(s) and hold water runoff to pre-development level.
2. Two fire hydrants shall be installed, charged and fully operational before the framing stage of construction begins. No parking-fire lanes shall be painted on the curbs which do not provide parking, per approval of the Fire Department.
3. The right-of-way improvement ordinance (Ordinance 2576) was adopted after this application was submitted and does not apply.

VI. APPENDICES

Exhibits "A" through "L" are attached. Application materials are available in file during the hearing.

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