

January 21, 2020  
Winslow Hotel PLN50880-SPR/CUP  
To: Hearing Examiner, City of Bainbridge Island, WA  
From: Kjell Stoknes

**RE: Implications regarding the proposed Winslow Hotel not conforming to the definition of a Hotel because it includes banquet and spa uses.**

Hotel definition: BIMC 18.36.030.130. "Hotel means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants....." The definition does not say that banquet facilities and spas are allowed in a Hotel in addition to rooms and restaurant(s). In BIMC 18.36.010.M, the term Hotel, as defined, is a standard, not a guideline. "Compliance with standards is mandatory." "A failure to meet a mandatory standard may be used as a basis for the city's denial of a project application."

BIMC 18.09.020 Use Table: shows that a Hotel is a use listed in the MUTC-CC zone but permitted to locate only after review and approval of a Conditional Use Permit. Reviewing zoning regulations, including definitions, occurs at the time an application is submitted to determine if it meets applicable code requirements and whether or not the application can be accepted. The proposed Winslow Hotel falls outside of the definition of a Hotel because it contains banquet facilities (7,500 sf) and a spa (3,916 sf). A Hotel, as defined, only allows guest rooms and one or more restaurants.

Page 25 of the PCD (Planning and Community Development) report to the Hearing Examiner dated 1/15/20 implies that banquet facilities and spas are allowed uses in the MUTC-CC zone. This misses the point! The proposed hotel is inconsistent with the definition of Hotel if it includes banquet and spa uses whether they are permitted or not! Therefore, the Winslow Hotel is not a Hotel, as defined, and not allowed under current zoning regulations!

A review of the literal interpretation of the definition of Hotel is important in trying to understand the implications of having additional uses within a hotel since the code offers no guidance regarding the maximum number of rooms allowed. The original size of the Winslow Hotel in the preapplication hearing on July 13, 2017, was 60 luxury rooms, a spa, event space, underground parking, and a restaurant. (Refer to page 6 in the staff report). The architect has stated that the project was not feasible with 60 rooms so the number was first increased to 75 rooms, and finally to 87 rooms.

The proposed Winslow Hotel is a full-service hotel as defined by industry standards. (1) Full-service hotels typically include rooms, one or more restaurants, banquet facilities, spas, and other minor services. They are expensive to operate which is supported by the applicant's stated need to add 27 rooms to the original 60 to make the Hotel feasible. A full-service hotel results in a much larger facility with a significant increase in the number of rooms. Without banquet and spa uses, a Hotel becomes feasible with much fewer rooms. In any case, the definition of Hotel in the zoning code is clear and should be applied as written. It appears that the PCD overlooked that banquet and spa uses are not allowed uses under the definition of Hotel.

**The proposed Winslow Hotel includes banquet and spa uses which falls outside of the definition of Hotel. As a result, it is not a Hotel and not an authorized use in the MUTC-CC zone with or without the approval of a conditional use permit. The city administration erred in accepting the SPR/CUP application. Approval of this SPR/CUP by the Hearing Examiner would exacerbate this error.**

- (1) Refer to a prior related letter that I wrote entitled: "Hotel uses allowed w: cup?" dated January 9, 2020, as published on the city portal under public comments. 1/16/20 (50880 SPR Stoknes 1 Attachment 011620.pdf)