

RESOLUTION NO. 2788

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AMENDMENT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UU-80-64, BY ANTHONY'S HOME PORT TO CONSTRUCT A SIGN ON THE SOUTHERN FACADE OF THE MOSS BAY OFFICE BUILDING BEING WITHIN A WATERFRONT DISTRICT I ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH UNCLASSIFIED USE PERMIT AMENDMENT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application from Anthony's Home Port to amend an existing Unclassified Use Permit approved under Resolution No. R-2255 and R-2306, (File No. UUP-75-17) and located within a Waterfront District I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of January 8, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 concerning environmental policy and the State Environmental Policy Act, this action is exempt from the environmental checklist process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Unclassified Use Permit Amendment subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the 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. UU-80-64 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified Use Permit Amendment 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 Amendment 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.

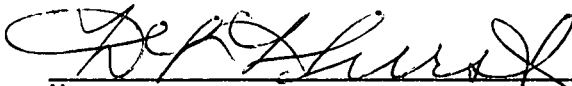
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit Amendment is subject shall be grounds for revocation in accordance with of Ordinance No. 2183, the Kirkland Zoning Ordinance.

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 Departments of the City of Kirkland
- (d) Project and Construction Management Department of the City of Kirkland
- (e) Public Service Department of the City of Kirkland
- (f) 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 19th day of January, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 19th day of January, 1981.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 XX RECOMMENDED BY \_\_\_\_\_ DATE January 8, 1981  
 ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 STAFF \_\_\_\_\_  
 BOARD OF ADJUSTMENT \_\_\_\_\_  
 HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
 XX PLANNING COMMISSION Kay Haenggi  
 CITY COUNCIL AS INCORPORATED IN Kay Haenggi, Chairperson  
 RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
 NUMBER R-2758  
 DATE \_\_\_\_\_  
 FILE NUMBER UU-80-64  
 APPLICANT Anthony's Home Port  
 PROPERTY LOCATION 135 Lake St. So.  
 SUBJECT Amendment to Existing Unclassified Use Permit for Signage  
 HEARING/MEETING DATE January 19, 1981  
 BEFORE Kirkland City Council  
 EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Proposed Sign (see large map)  
"U" Standards "E" Colored Rendering (to be shown at hearing) "F" Citizen Input "G" Slides  
(to be shown at hearing)

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Anthony's Home Port has applied for an amendment to existing Unclassified Use Permit (UUP-75-17) to erect an 84 square foot face-mounted and backlit sign on the southern facade of the Moss Bay Office Building (135 Lake Street South). The sign and proposed location are shown as Exhibit "C". The sign identifies Anthony's Home Port, Foster and Marshall, KGAA Radio and the Moss Bay Building.

Existing signs are located on the east facade identifying the Moss Bay Office Building, Anthony's Home Port, Foster and Marshall and KGAA Radio. An existing Anthony's Home Port sign is located on the west facade - viewable only to boaters at the marina and pedestrians on the waterfront trail. The proposed 84 square foot sign allots approximately 49 square feet to Anthony's Home Port, 14 square feet to Moss Bay Building identification, and 9.3 square feet each to KGAA Radio and Foster and Marshall. Main colors are indigo blue (background) with white letters for the Home Port portion; dark green (background) with white or yellow lettering for the Moss Bay Building portion; white plus brown for KGAA and Foster and Marshall. A colored rendering (Exhibit "E") will be shown at the hearing.

Major issues are the unclassified use criteria.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and Exhibits "A" through "G", we recommend approval of this application for amendment to File UUP-75-17, subject to the following conditions:

1. Prior to issuance of a Sign Permit the applicant shall receive a Substantial Development Permit for the sign.
2. The Sign permit shall be conditioned upon removal of all existing signs except the Moss Bay Building sign on the east facade and the Anthony's Home Port sign on the west facade.

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3. Additional signs for the Moss Bay Building and/or building tenants are not allowed except through amendment of this permit. The names on the proposed sign may be changed without amendment of this UUP if the Department of Community Development finds that the design and colors are not substantially altered.
4. The two signs identifying the Moss Bay Building shall display the same language.
5. Sign size shall be reduced to 6 feet by 10 feet.

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. IS THE USE REQUESTED BY THIS PERMIT WITHIN THE INTENT OF THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN AND THE PUBLIC INTEREST?

1. Applicant's Response. "Yes. Our proposal is to eliminate three existing signs, which have been approved under the Comprehensive Plan, and replace them with one sign. The existing signs are ineffective since they cannot be seen by foot or car traffic. Currently there exists a safety hazard! A driver of a car must lean his head out the window and look skyward up the face of the building to read either the restaurant sign or the office building sign. Our proposed sign would eliminate this safety hazard, for the building and restaurant sign would be readily identifiable by car traffic moving north on Lake Street."

### 2. Statements of Fact

- a. Zoning Section 23.12.045.a(4) (Waterfront Commercial - C.B.D. - Signing) states that signing shall conform to Section 23.32 of the Zoning Ordinance.
- b. Zoning Section 23.32.030 (C.B.D.) allows two square feet of sign per horizontal or vertical linear foot of face of building.

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- c. The greatest horizontal face of the Moss Bay Building is 65 feet, therefore, 130 square feet of signage is allowed for the entire building.
- d. Anthony's Home Port occupies 15% of the building. (5043 sq. ft. out of 33,857 sq. ft. total); Foster and Marshall occupies 4% and KGAA occupies 4.5%.
- e. Existing signage is as follows:
  - Home Port (45 sq. ft. total).
    - i. 10 sq. ft. on west facade (Sign Permit issued in 1977)
    - ii. 10 sq. ft. on a concrete monument (Sign Permit issued in 1977).
    - iii. 16 sq. ft. on east facade (no Sign Permit)
    - iv. 9 sq. ft. on sandwich board along Lake Street (no Sign Permit)

-Foster and Marshall, 16 sq. ft. on east facade (no Sign Permit).

-KGAA Radio, 16 sq. ft. on east facade (no Sign Permit).

-Moss Bay Building - 30 sq. ft. on east facade (no sign permit).

The Moss Bay Building signs are considered "non-commercial" signs, per the definition found in Zoning Ordinance Section 23.32.020(2), and are not included in total signage.

- g. The intent of Chapter 23.32 (signs) of the Zoning Ordinance is "to protect the public health, safety and welfare by regulating the use of exterior signs and displays, thus promoting traffic safety, protection of property values, and preservation of natural and aesthetic community assets."

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h. Land Use Policies Plan Economic Activities Policy 5.c. and Discussion.

Policy: "control the use of signs."

Discussion: 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 of available services without competing for attention or detracting from traffic safety signing.

3. Conclusions

- a. The Moss Bay Building is allowed a total of 130 sq. ft. of commercial signage. Existing commercial signage totals 77 sq. ft. The non-commercial Moss Bay Building sign is approximately 30 square feet. The proposal will increase commercial signage to 145 sq. ft., which exceeds the 130 sq. ft. maximum.

Therefore, to erect the new sign, some existing signage will need to be removed. The applicant has proposed removal of the three commercial signs (Anthony's Home Port, KGAA, and Foster and Marshall) on the eastern facade. In addition, the concrete monument and sandwich board signs should be removed. These signs do not fit within the intent of the comprehensive sign program and unnecessarily clutter the streetscape.

The Sign Permit should be conditioned upon removal of all existing signs except the Moss Bay Building sign on the east facade and the Home Port sign on the west facade. These signs provide identification to motorists, boaters and pedestrians.

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- b. In order to comply with the LUPP policy regarding sign control, additional signs identifying the Moss Bay Building and/or its tenants should not be permitted except through amendment of this permit. The names on the signs may be replaced without an amendment to the Unclassified Use Permit if the Department of Community Development finds the design and colors are not substantially altered. The individual tenant signs are overly disproportionate to the proportion of total building square footage each business occupies. Therefore, if other building tenants apply for additional signs in the future, the individual tenant signs may need to be reduced in size to allow other tenant signs within the maximum sign square footage allowed for the building.

- c. The proposal complies with the intent of a comprehensive sign package by limiting the number of signs and restricting location of signs. However, the existing wood sign on the east facade identifying the Moss Bay Building should remain. This sign provides building identification for the inside uses and provides a visual break on the flat, concrete facade. For consistency, the two signs identifying the Moss Bay Building (east and south facades) should display the same language.

d. In relation to the facade, the proposed backlit sign is too large and out of scale. The large white letters in the Anthony's Home Port portion of the sign may produce glare. Finally, the intent of the signing policy is to limit the size of signs, especially on the waterfront. Therefore, the sign size should be reduced from 7 feet by 12 feet to 6 feet by 10 feet. This reduction will reduce the impacts discussed above.

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B. PERFORMANCE STANDARDS (Question 5 on application)

This section does not apply.

C. HAVE SITE PLANS BEEN SUBMITTED?

Site plans and sign plans are provided as Exhibit "C".

III. BACKGROUND

A. HISTORY

Resolution 2255, adopted in 1974, approved the Moss Bay Marina and Office Building. In 1975, Resolution 2306 approved building modifications and Anthony's Home Port. This resolution limited restaurant hours to exclude 8 A.M. - 5 P.M. Monday through Friday due to shared parking. Signs were not approved with either Resolution. In 1977, the Department of Community Development adopted a set of sign standards for the Moss Bay Building based on zoning and policy considerations (see Exhibit "E").

B. NEIGHBORHOOD AND ZONING

The Moss Bay Building is located in the Waterfront District I zone. To the north and east is Kirkland's Central Business District. To the south is a vacant lot (used as a Diamond Parking lot), a non-conforming commercial structure and the Rosin Planned Unit Development (7 residential units and the Candle Cove).

C. LEGAL

The State Shoreline Management Act of 1971 (RCW 90.58) requires a Substantial Development Permit for all development on the shoreline with a fair market value of \$1,000 or greater. In part, the Act defines "development" as: "a use consisting of the construction or exterior alteration of structures." Staff interpreted "use" and "exterior alteration of structures" as to not include the proposed sign; therefore, a Substantial Development Permit would not be required. However, this interpretation was overruled by the assistant Attorney General. Therefore, a Substantial Development Permit is required in addition to this UUP. The SDP should be granted prior to issuance of a sign permit.

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IV. ALTERNATIVES

An alternative is to reduce the Home Port portion of the sign and provide a directory of major tenants on the south facade within the proposed square footage. Another alternative is a single "Moss Bay Office" sign not identifying a particular tenant.

V. DEVELOPMENT STANDARDS

A sign permit is required by the Building Department. The sign has no visible bracing, is below the roofline and does not produce glare.

VI. APPENDICES

Exhibits "A" through "G" are attached, except Exhibit "E" (colored rendering) and Exhibit "G" (slides) which will be shown at the Public Hearing.

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