

RESOLUTION NO. R - 2789

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A SUBSTANTIAL DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SD-80-87 BY ANTHONY'S HOME PORT TO ERECT A SIGN ON THE FACE OF THE MOSS BAY BUILDING BEING WITHIN A WATERFRONT DISTRICT I ZONE AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBSTANTIAL DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Substantial Development Permit filed by Anthony's Home Port, the owner of said property described in said application and located within a Waterfront District I zone.

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

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 Substantial Development 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. SD-80-87 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Substantial Development 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 Substantial Development 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, or other than the permit requirements of the Shoreline Management Act of 1971. Construction pursuant to the Substantial Development Permit shall not begin or be authorized within 30 days of the date of its final approval by the local government or until all review proceedings initiated within said 30 days from the date of final approval by local government have been terminated.

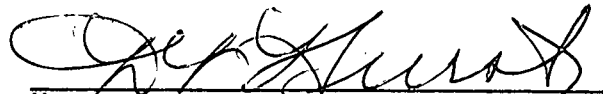
Section 5. Failure on the part of the holder of the Substantial Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the permit is subject shall be grounds for revocation in accordance with RCW 90.58.140(8). The local procedure for revocations shall substantially follow the procedure set forth in Section 23.56.110 of Ordinance No. 2183.

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 Services Department of the City of Kirkland
- (e) Project and Construction Management 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
- (g) The Department of Ecology for the State of Washington
- (h) The Office of the Attorney General for the State of Washington


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)



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 _____
 CITY COUNCIL AS INCORPORATED IN _____
 RESOLUTION _____ ORDINANCE _____
 NUMBER R-2789
 DATE _____

Kay Haenggi
Kay Haenggi, Chairperson

FILE NUMBER SD-80-87
 APPLICANT Anthony's Home Port
 PROPERTY LOCATION 135 Lake St. So.
 SUBJECT Substantial Development Permit for Sign
 HEARING/MEETING DATE January 19, 1981
 BEFORE Kirkland City Council

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Proposed Sign (large map)
"D" Standards "E" Colored rendering (to be shown at hearing) "F" Citizen Input "G" Slides
(to be shown at hearing) "H" Public Access Easement "I" Public Access Sign Locations

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Anthony's Home Port has applied for a Substantial Development Permit to erect an 84 square foot face-mounted and back-lit 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. The site is located within an "Urban" shoreline designation in downtown Kirkland.

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 compliance with Shoreline Master Program policies on signs and public access.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and Exhibits "A" through "I", we recommend approval of this application for a Substantial Development Permit, subject to the following conditions:

1. 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.

1/8/81 (P.C.)
12/24/80/3799A/bk

2. 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 Substantial Development Permit if the Department of Community Development finds that the design and colors are not substantially altered.
3. The public access easement (Exhibit "H") shall be recorded (plus a copy given to the Department of Community Development) for the public access area located west of the building facade in the high waterline setback area prior to issuance of a sign permit.
4. The applicant shall reimburse the City for the cost and installation of public access signs as shown on Exhibit "I".
5. The two signs identifying the Moss Bay Building shall display the same language.
6. Sign size shall be reduced to 6 feet by 10 feet.

II. SHORELINE MASTER PROGRAM POLICIES

A. SIGNS

1. Statements of Fact

POLICY - Signing on the shoreline should be kept to a minimum.

The following are sign use regulations:

- a. Off-premise and non-appurtenant signs are prohibited in the shoreline area.
- b. Free standing signs or any signs extending above rooflines should be prohibited on the shoreline.
- c. Advertising signs, when permitted, should be limited to areas of high-intensity land use, and should be stationary, non-blinking, and of a size commensurate with the structure to which it is fixed.

1/8/81 (P.C.)
12/24/80/3799A/bk

- d. Exterior high intensity artificial lighting should be directed away from adjacent property and the water wherever offensive.
- e. Required navigational signs may be permitted.

2. Conclusions

- a. The sign is not off-premise, non-appurtenant, free-standing, above the roofline, or an advertising sign.
- b. The sign does not produce offensive exterior high intensity artificial lighting. The sign is back-lit, but the dark background colors which compose the majority of the sign will reduce the amount of exterior lighting and glare. However, the large white letters in the Anthony's Home Port portion of the sign may produce glare.
- c. Sign size does not exceed the maximum allowed by the Kirkland Zoning Ordinance. However, the proposed backlit sign is too large and out of scale with the building facade.
- d. 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, an' 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 Shoreline Master Program and unnecessarily clutter the streetscape.

1/8/81 (P.C.)
12/24/80/3799A/bk

The Sign Permit should 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. These signs provide identification to motorists, boaters and pedestrians.

- e. In order to comply with the Shoreline Master Program policy regarding minimum signing, 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 Substantial Development 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.
- f. The proposal complies with the intent of a comprehensive sign package and the Shoreline Master Program 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.)
- g. Sign size should be reduced from 7' by 12' to 6' by 10'.

1/8/81 (P.C.)
12/24/80/3799A/bk

B. PUBLIC ACCESS

1. Statements of Fact

- a. Resolution R-2255 (adopted June 17, 1974) required public use and public access within the high water line setback area of the Moss Bay Building. A public access easement was never recorded for this area.
- b. Recently, standard public access area signs have become available. These signs have been installed at the Sunset Condominiums and will be installed by property owners at other recently approved waterfront developments.
- c. The Police Department can only enforce public access restrictions if public access signs are posted. These signs can only be posted if a public access easement is recorded.
- d. The Shoreline Master Program requires public access along the shoreline and from Lake Street (Lake Washington Boulevard) to the shoreline, for commercial developments. The 2nd Ave. So. right-of-way provides access to the shoreline from Lake Street.

2. Conclusions

It is important that public access signs are installed on the Moss Bay Building waterfront trail for the following reasons:

- The standard signs will provide the public with a recognizable symbol for waterfront public access on Kirkland's entire waterfront. This will help to strengthen the separation between public and private spaces for the entire waterfront trail system.

1/8/81 (P.C.)
12/24/80/3799A/bk

- It is difficult for the Police Department to determine where public access trails are located, without signs. The standard signs and access easement prohibit access from dusk until 10 a.m. If signs are not posted, both the Police and the public will not be aware of this restriction, which is designed to protect privacy and deter trespassers or prowlers.

Therefore, the public access easement (Exhibit "H") should be recorded and a copy given to the Department of Community Development and public access signs posted, prior to issuance of a Sign Permit. The public access area has been constructed and is located west of the western building facade, to the high waterline. Signs should be placed at the locations shown on Exhibit "I".

The applicant should reimburse the City for the cost and installation of these signs.

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 Rossin Planned Unit Development (7 residential units and the Candle Cove).

1/8/81 (P.C.)
12/24/80/3799A/bk

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 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.

IV. ALTERNATIVES

An alternative is to reduce the Anthony's 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 "I" are attached, except Exhibit "E" (colored rendering) and Exhibit "G" (slides) which will be shown at the Public Hearing.

1/8/81 (P.C.)
12/24/80/3799A/bk