

RESOLUTION NO. R-2843

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-75-17 (AMENDMENT), BY ANTHONY'S HOME PORT TO ADD 800 SQUARE FEET OF INTERIOR RESTAURANT SPACE WITHIN THE MOSS BAY BUILDING AT 135 LAKE STREET SOUTH, 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 for an Unclassified Use Permit Amendment filed by Anthony's Home Port, the lessee of said property described in said application and located within a WD I zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of 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 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 Amendment 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. UU-75-17 (Amendment) 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.

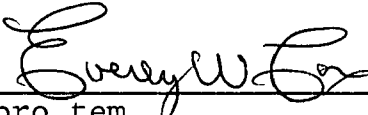
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

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

\_\_\_ STAFF \_\_\_\_\_  
\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_  
\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
XX PLANNING COMMISSION Carol Goddard  
\_\_\_ CITY COUNCIL AS INCORPORATED IN Carol Goddard, Chairperson

\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER UU-75-17 (Amendment)  
APPLICANT Anthony's Home Port  
PROPERTY LOCATION 135 Lake St. So.  
SUBJECT Amendment to Unclassified Use Permit to allow 800 additional square feet of interior restaurant space in Moss Bay Building  
HEARING/MEETING DATE July 6, 1981  
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Environmental Checklist and Declaration  
"C" Site Plan "D" Public Access Easement Document "E" Public Access Sign Locations  
"F" Citizen Input

I. SUMMARY

A. DESCRIPTION OF PROPOSED ACTION

Anthony's Home Port has applied for an amendment to the existing Unclassified Use Permit to add 800 square feet of additional interior restaurant space within the Moss Bay Office Building. The property is located at 135 Lake Street South in the Waterfront District I zone. The applicant proposes to remodel the restaurant by adding 800 square feet of floor area to the bar lounge for serving customers and storing goods. The 800 square feet of increased restaurant floor area is an interior addition and does not require any exterior change or increase in total floor area of the Moss Bay Office building. A floor plan of the 800 square foot addition has not been submitted with the application because no exterior changes to the building are proposed and details of interior plans are not reviewed as part of the permit. The amendment to the Unclassified Use Permit is done in conjunction with an amendment to the Substantial Development Permit.

The major issues are compliance with the Unclassified Use Permit criteria, parking and public access.

B. RECOMMENDATIONS

Based on the major issues, facts and conclusions and Exhibits "A" through "F" contained herein, we hereby recommend approval of this application subject to the following conditions:

1. This application is subject to the various requirements contained in the Shoreline Master Program, the Kirkland Zoning Ordinance and the Kirkland Municipal Code. It is the responsibility of the applicant to assure compliance with the various provisions contained in these ordinances.
2. Prior to issuance of a Certificate of Occupancy Permit for the restaurant addition, the applicant shall:
  - a. Install a non-commercial, parking directional sign, approved by the Department of Community Development, at the entrance of the access drive at 2nd Ave. So. and Lake Street So. to inform restaurant patrons of the parking

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located under the Moss Bay Office building.

- b. Record a public access easement, on a form approved by the City Attorney, with the King County Department of Records and Elections for the public pedestrian access area located west and south of the building facade in the high water line setback area and submit a copy to the Department of Community Development as shown in Exhibits "D" and "E".
- c. Reimburse the City of Kirkland for the cost and installation of public access signs along the access easement as shown in Exhibit "E".

## II. BACKGROUND

### A. HISTORY OF SITE

- |                  |   |
|------------------|---|
| June 17, 1974    | The City Council approved construction of the Moss Bay Marina and Office building (File SDP-UUP-74-15)  |
| May 19, 1975     | The City Council approved modifications to the building and limited the restaurant hours to exclude 8:00 a.m. to 5:00 p.m. Monday through Friday due to shared parking arrangement (File No. UUP-SDP-75-17(Amendment)). |
| January 19, 1981 | The City Council approved an amendment to allow an 84 square foot, face-mounted sign on the south face of the building (File No. UU-80-64 and SDP-80-87).   |

### B. SITE

The Moss Bay Office building contains 38,814 square feet of office space and 5,043 square feet of restaurant space. The existing office space requires 86 parking stalls during the regular business hours and 92 are provided. The restaurant requires 50 parking stalls and the marina's 66 boat slips require 44 parking stalls for a total requirement of 94 parking stalls for the

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evening and weekend use. Shared parking allows a 10% reduction, therefore the restaurant and marina use only requires 85 parking stalls.

C. NEIGHBORHOOD

The Moss Bay Office 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) and the Rosin Planned Unit Development (7 residential units and the Candle Cove store). To the west is Lake Washington and the Moss Bay Marina.

III. MAJOR ISSUES, FACTS AND CONCLUSIONS

A. COMPLIANCE WITH THE UNCLASSIFIED USE PERMIT CRITERIA

1. The Applicant's Response:

- a. Is the use requested by this permit within the intent of the Zoning Ordinance, the Comprehensive Plan, and the public interest?

"Yes. We are requesting to increase the size of the restaurant space 800 square feet which conforms to the existing parking requirements in the Waterfront District I zone."

- b. Demonstrate by written text how the use requested in this permit is consistent with the performance standards in Chapter 23.36 of the Zoning Ordinance No. 2183 (water, air, noise, light, heat, junk, etc.).

"We are not changing the existing use of the retail space. It currently conforms and shall conform in the future."

- c. Is the use requested by this permit made on the basis of site plans as required by Chapter 23.62.030 of the Zoning Ordinance No. 2183? (If the improvements are to be made over a period of greater than two years, indicate the time of improvements)

"Yes. Timing of expansion is immediate."

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2. Statements of Fact

- a. The Moss Bay Office building is located in the Waterfront District I Commercial Central Business District zone. Restaurants are a permitted waterfront commercial use (p. 2).
- b. The Moss Bay Office building site is designated in the Land Use Policies Plan as a commercial use (p. 235).
- c. The applicant proposes to add 800 square feet of interior restaurant space to the existing commercial use (see Exhibits "A" and "C").

3. Conclusions

- a. The proposed additional restaurant space is consistent with the intent of the Zoning Ordinance, the Land Use Policies Plan and the public interest. The restaurant use is a permitted use in the zone in which it is located. Also, the additional restaurant space provides the general public, as restaurant patrons, with a view of the waterfront from the bar lounge.
- b. The proposed interior restaurant addition does not cause any problems related to water, air, noise, light, heat or junk.
- c. The proposed restaurant addition is done completely within the building and does not require any changes to the exterior design of the site. The applicant has indicated that the proposed expansion will begin as soon the required permits are received.

B. PARKING

1. Statements of Fact

- a. The applicant proposes to add 800 square feet of interior restaurant space to the bar lounge area. The restaurant area will be expanded from 5,043 square feet to 5,883 square feet (see Exhibit "C").
- b. The Moss Bay Office building has the following parking requirements:

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<u>Moss Bay Building Use</u>	<u>Parking Requirements</u>	<u>Parking Provided</u>
Office Space - 38,814 sq.ft.	86 Parking Stalls Day time, week day	92 Parking Stalls
Restaurant Use - 5,883 (including the 800 sq.ft. proposed addition) and Marina Boat Slips - 66 slips	92 Parking Stalls (shared use evening and weekends)	92 Parking Stalls

- c. Parking at the Moss Bay Office site is provided underneath the building. There are no directional signs directing the patrons of the building to use the parking under the building (see Exhibit "C").
- d. Neighbors have indicated that restaurant patrons are using on-street parking rather than the provided underground parking (see Exhibit "F").

2. Conclusions

- a. With the proposed 800 sq.ft. of interior restaurant addition, the Moss Bay Office building has enough parking to meet the requirements of the Kirkland Zoning Ordinance.
- b. To encourage restaurant patrons to use the underground parking, a directional sign should be placed at the entrance of the access driveway as outlined in Condition #2. The parking signs should be directional rather than commercial and should inform patrons of the underground parking. A parking directional sign will reduce the number of restaurant patrons using the on-street parking in the Central Business District.

C. PUBLIC ACCESS

1. Statements of Fact

- a. Resolutions R-2255 (adopted June 17, 1974) and R-2789 (adopted January 19, 1981) require a public access easement within the high waterline setback area  
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of the Moss Bay Office building. A walkway has been installed, however, a public access easement was never recorded for this area.

- b. The City has required several other developments, such as the Sunset Condominiums, the Rosin Planned Unit Development and the Foghorn Restaurant to record public access easements to and along the shoreline (see Exhibit "D").
- c. Recently, the City has designed standard public access area signs to be placed along the required public access easements. These signs have been installed at the Sunset Condominiums, the Rosin Planned Unit Development Condominiums and the Foghorn Restaurant along the recorded easements.
- d. 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. The standard public access signs indicate that access is prohibited along the waterfront trail from dusk until 10 a.m.
- e. The Shoreline Master Program requires public access for commercial developments along the shoreline and from the abutting right-of-way to the shoreline (pp 13 and 14).
- f. The Second Avenue South right-of-way provides access to the shoreline from Lake Street. The Moss Bay Office building has a concrete pedestrian walkway along the high waterline setback area on the west and south sides of the building (see Exhibits "C" and "E").

## 2. Conclusions

- a. A public access easement should be recorded with King County Department of Records and Elections prior to the issuance of a Certificate of Occupancy Permit as stipulated in Condition #2. A recorded public access easement was a  
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requirement of the previously approved permit (File No. SDP-UUP-74-15) for this site that was never met.

- b. Public access signs should be installed along the waterfront pedestrian sidewalk prior to the issuance of a Certificate of Occupancy permit for the interior restaurant addition. The standard public access signs will provide the public with the recognizable symbol for waterfront public access on Kirkland's entire waterfront. These signs will help to strengthen the separation between public and private space for the entire waterfront trail system. In addition, it is difficult for the Police Department to determine where public access trails are located without signs. If signs are not posted, both the Police and the public will not be aware of the use restriction. This public access restriction is designed to protect privacy and deter trespassers.
- c. As required for all other development along the waterfront, the applicant should reimburse the City for the cost and installation of the public access signs. The signs should be placed at the locations shown on Exhibit "E".

#### IV. STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

##### A. Statements of Fact

After submitting an Environmental Checklist, a Final Declaration of Non-Significance from the Responsible Official was made on April 16, 1981 (see Exhibit "B").

##### B. Conclusions

The applicant has complied with the requirements of SEPA. Due to the Declaration of Non-Significance, an Environmental Impact Statement is not required for the proposed project.

#### V. APPENDICES

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

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