



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010300
Applicant Name: Mario Vega for Taquería Tequila
Address of Proposal: 303 NW 85th St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a change of use from office to drinking establishment.

The following approval is required:

Administrative Conditional Use – to allow a drinking establishment in a Neighborhood Commercial 2 (NC2) zone, Seattle Municipal Code [23.47A.006](#).

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and vicinity. The subject site is located at the southeast corner of NW 85th St and 3rd Ave NW in the Greenwood neighborhood.

The site is rectangular, with approximately 100' of street frontage along NW 85th St and 108' along 3rd Ave NW. NW 85th St is a principal arterial, and 3rd Ave NW is a collector arterial at the site, transitioning to a minor arterial north of the intersection. A 12'-wide alley abuts the south side of the site.

The site is zoned Neighborhood Commercial 2 with a 40' base height limit and a pedestrian overlay (NC2P-40). To the north and east across the intersection, properties are also zoned NC2P-40. Diagonally across the intersection to the northeast, land is zoned Commercial 1 with a 40' height limit (C1-40). Elsewhere to the east and west along NW 85th St, the zoning transitions to NC2-40 (no pedestrian overlay). To the north and south of the commercial zones, properties are zoned Single Family residential with a minimum lot size of 5000 sq. ft. (SF 5000).

The existing single-story commercial structure is occupied by a permitted restaurant (Taquería Tequila), which seeks to expand into an adjacent space recently occupied by an administrative office (D&K Tax Group). Also located in the building is a second restaurant (Stacia's Pizza). Other nearby businesses include a nail salon, a recording studio, a gift shop, a deli & restaurant, an auto-glass shop, a nightclub, and the Greenwood Market grocery. Some residences front NW 85th St, including upper-level apartments in the adjacent mixed-use structure to the west.

Onsite parking for the restaurant is located at grade on the north side of the site, between the structure and NW 85th St. Plans show parking for 18 vehicles. Commercial parking will not be expanded as part of the proposal. Vehicle ingress/egress is from both 3rd Ave NW and NW 85th Street, with no access from the alley. There are minor shrubs and groundcover along 3rd Ave NW, as well as some taller landscaping located between the subject structure and the neighboring structure to the west.

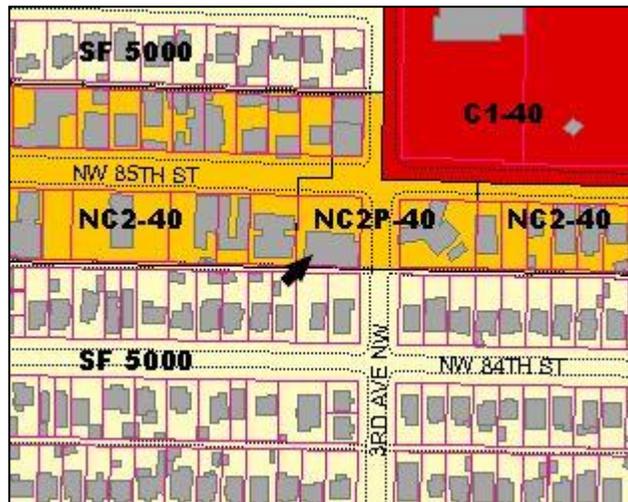


Figure 1. Vicinity zoning



Proposal description. The applicant proposes to change use of a portion of the existing structure from office to drinking establishment. The existing pizzeria is to remain (Stacia's Pizza). The proposed area of use is approximately 800 square feet. The proposed use will be a tequila bar, serving liquor, with food to be provided from the existing restaurant. There will be interior alterations as part of the project.

Public comment. DPD received four written comments about the project. The comment period ended June 24, 2009. Comments raised the following issues:

- Increased noise might be an issue – please no windows or doors for public egress facing the alley.
- The expanded use might increase parking demand.
- Prefer hours of operation Fri-Sat until 11pm and Sunday until 9-10pm, similar to Georgia's Greek deli.
- No drinking establishments close to schools.
- Existing problems with crime, graffiti, vagrants.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE (SMC 23.47A.006)

B. The following uses, where identified as administrative conditional uses on Chart A for Section 23.47A.004, or other features of development identified in this Section, may be permitted by the Director when the provisions of subsection 23.47A.006 A are met, subject to the further provisions of this subsection:

1. Drinking establishments. Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following conditions or criteria:

a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

The current restaurant is approximately 1,350 sq. ft. As proposed, the restaurant would expand into an existing office space, resulting in an increase of 800 sq. ft. The exterior design of the structure would remain virtually unchanged. Plans show no proposed changes to signage or exterior lighting. The structure has existed in the neighborhood for three decades, and appears to be compatible with the character of other commercial development along NW 85th St. Any proposed signage associated with the drinking establishment shall be added to the MUP plan sets and also added to any related building permit, subject to review and approval by the assigned land use planner for compatibility as described in the above criterion.

b. The location, access and design of parking must be compatible with adjacent residential zones.

Surface parking is currently located on the north side of the site, between the structure and the principal arterial. Although this parking location conflicts with the current pedestrian zoning, the proposal would not expand the extent of nonconformity. The existing parking location also fits with the established pattern of nearby businesses, and it diminishes visual and noise impacts to residents located to the south, across the alley. Parking access is to remain unchanged as well.

c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.

Residents live adjacent to the site, in second- and third- story apartments to the west, and in single family homes to the south. Existing windows for the proposed drinking establishment face entirely to the north, away from the adjacent single family zone. A doorway to the alley is identified as an emergency egress route. Considering design criteria identified above, the existing structure largely adheres to this criterion. However, public comment addressed appropriate hours of operation, and DPD has conditioned similar proposals to limit hours. While DPD considers it unlikely patrons entering and leaving the establishment will cause late-night noise impacts that differ appreciably from ambient noise levels, amplified music could cause perceptible impacts, particularly to adjacent apartments to the west. DPD therefore conditions the project to limit amplified music after certain hours. See Condition #2.

d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.

Onsite parking exceeds parking required per zoning.

According to *Trip Generation, 7th Edition*, ITE (Institute for Transportation Engineers), the peak PM hour trip generation for a “drinking place” is 15.5 trips generated per 1,000 square feet of gross floor area. During peak hours for the drinking establishment use, DPD anticipates 12.4 trips during the neighborhood’s peak-hour evening traffic. However, peak hours for drinking establishments do not coincide with peak hours for background traffic. Over the course of one hour between 4 and 6 pm, when rush hour normally occurs, *Trip Generation* estimates an average rate of 11.5 trips per 1,000 square feet for this land use. As the proposed drinking establishment is 800 sq. ft. DPD anticipates 9.2 vehicle trips per hour from 4-6 pm.

Taking into the consideration the context of the neighborhood, the proposed area of use, and the proposed establishment layout, it is likely that this proposal will attract some proportion of walking patrons from the surrounding residential areas. The ITE Trip Generation sampled from more suburban settings where pedestrian access and community transit are minimal and vehicle travel is more prevalent. In contrast, the subject proposal is located near bus lines and arterial streets, and in a residential neighborhood. Therefore it is reasonable to conclude the traffic impact will be less than the above estimate. While the expansion is likely to increase evening traffic to and from the site, it will affect congestion negligibly.

DPD received no comments about parking impacts. To address the question of whether increased patronage of the restaurant might result in adverse impacts due to spillover parking, DPD staff conducted a weekday evening site visit. Within 800 feet of the site, DPD identified substantially more available on-street parking than would likely be generated by this proposal. DPD concludes that, should any spillover parking occur as a result of the proposed drinking establishment, it will likely result in no perceptible parking impact to surrounding neighborhood streets.

DPD concludes that the proposed drinking establishment will not further aggravate spillover parking based on the proposed size of the establishment, its location along a major arterial, proximity to likely patrons, and sufficient on-site parking supply.

A. *All conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:*

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

As described and proposed the approximately 800 sq. ft. drinking establishment should not be a detriment to the public welfare or injurious to property in the area. The proposed drinking establishment will be located in the center of the existing structure and oriented away from the residential zone to the south. As conditioned, the drinking establishment use will result in little to no noise impacts from outside the structure. The proposed use will not be materially detrimental to the neighborhood with proper conditioning.

2. *In authorizing a conditional use, adverse impact may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

With proper conditioning including hours of use and signage, no adverse impacts are anticipated from this proposal.

DECISION-CONDITIONAL USE

The conditional use application is **CONDITIONALLY APPROVED.**

ACU CONDITIONS:

Prior to Issuance of Master Use Permit and Building Permit

1. Any proposed exterior business signage design and detail shall be added to the MUP plan sets and also added to any related building permit, subject to review and approval by the assigned land use planner.

For the Life of the Permit

2. Any amplified sound in the drinking establishment shall be limited as follows:

Mon - Thurs: no later than 11:00 pm.

Fri - Sat: no later than 12:00 am.

Sun: no later than 10:00 pm.

Signature: _____ (signature on file)
Scott Ringgold, Land Use Planner
Department of Planning and Development

Date: October 1, 2009