



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

Application Number: 3012027
Applicant Name: Ellen Mirro
Address of Proposal: 5401 California Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of an existing 1,458 sq. ft. retail space to an eating and drinking establishment (OutWest Bar).

The following approval is required:

Administrative Conditional Use - To allow a drinking establishment in an NC2-30 zone.
(Seattle Municipal Code Chapter 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 INFORMATION

Zoning: NC2-30.

Public Comment: DPD received several comment letters with concerns about parking, noise, crime, and property values.

DPD also received some comment letters expressing support for the proposal.



ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

SMC 23.47A.006 Conditional Uses

The proposal is a drinking establishment in a Neighborhood Commercial 2 zone, which is permitted as a conditional use per SMC 23.47A.006.A.1.

A. Conditional Uses. The following uses, where identified as administrative conditional uses on Table A for Section 23.47A.004, or other uses identified in this Section 23.47A.006, may be permitted by the Director when the provisions of both Section 23.42.042 and this subsection 23.47A.006.A are met:

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

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 applicant has proposed to locate the drinking establishment within an existing one story 1,458 square foot existing commercial building on the southwest corner of California Ave SW and SW Brandon St. This building was constructed in 1925, according to King County Assessor records, and was previously occupied by a pharmacy use.

Nearby structures include 1-3 story commercial and mixed-use structures and 1-3 story residential structures. Most of the commercial and multi-family residential uses are located on California Ave SW. Most of the areas east and west of California Ave SW are composed of 1-2 story early 20th-century single family structures. The size of the existing commercial building at the subject property is smaller than many of the nearby commercial and residential structures.

The only exterior changes to the building will be the modification of the existing awning sign at California Ave SW and the addition of an alarmed exit door at the west façade. The applicant has noted that the existing lighting on the awning sign will be replaced with a lower wattage light fixture.

Given that the existing structure has been in place since 1925 and the applicant is proposing only minor modifications, it is clear that the design of the structure, the signage, and illumination will be compatible with the character of the commercial area and other structures in the vicinity.

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

No parking is proposed, consistent with the requirements in the Land Use Code (SMC 23.54.015.D Parking Waivers for Non-residential Uses,).

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.

The existing structure is located in a Neighborhood Commercial zone. The subject property is not located adjacent to or across from a residential zone. Some residential structures abut the west property line, but these structures are located in the same commercial zone as the subject property. The adjacent structure to the south appears to be commercial in use, and is located in the same commercial zone as the subject property. The nearest residential zone is a Single Family 5000 zone, located approximately 90 feet to the west of the subject property.

Seattle Municipal Code includes noise standards and limits on the noise levels, per SMC 25.08. The exterior sound level limits within the City of Seattle for all types of sounds are listed in decibels in the table below.

DAYTIME (7 a.m.-10 p.m.)			
District of Sound Source	District of Receiving Property		
	Residential	Commercial	Industrial
Residential	55	57	60
Commercial	57	60	65
Industrial	60	65	70
WEEKNIGHTS (10 p.m.-7 a.m.) WEEKENDS & HOLIDAYS (10 p.m.-9 a.m.)			
District of Sound Source	District of Receiving Property		
	Residential	Commercial	Industrial
Residential	45	57	60
Commercial	47	60	65
Industrial	50	65	70

The “District of Sound Source” at this site would be “Commercial.” The adjacent residential and commercial structures are also in a commercial zone, and therefore the “District of Receiving Property” noise limits are those shown in the Commercial column (60 dB at all times for adjacent structures).

Structures in the nearby SF 5000 zone would be considered “Residential” for the “District of Receiving Property” (noise limits of 57 dB during the daytime and 47 dB at nights and weekends, per the chart above). These are the noise limits which DPD could enforce for the proposed drinking establishment.

The primary entry/exit door for this structure is located on the east façade, facing California Ave SW and other commercial uses. One exit door is located at the west façade, facing a residential structure that is located in the same Neighborhood Commercial zone (NC2-30). The windows are mostly located on the east façade, with one window located facing SW Brandon St, near the intersection with California Ave SW. The rest of the building is wood frame and masonry construction with no openings.

The proposal does not include modification or addition of any windows. The west-facing door will be modified as an emergency exit door and equipped with an alarm. This door will not be left open or used as an exit unless there is an emergency. This exit is a requirement related to fire and safety codes. There are no changes to or additions of other doors for the business.

The applicant has proposed the west-facing door as an emergency exit only, and the door will be normally closed to restrict noise to the adjacent residential structure. This structure is located in the same Neighborhood Commercial zone as the proposal and is not located in a residential zone.

The lack of window and door openings on the west and south facades will limit noise impacts to the adjacent commercially zoned properties, although that isn’t a criterion for Administrative Conditional Use approval. The lack of openings on the west façade will minimize the noise from the drinking establishment to the nearby residentially zoned properties, which does meet this criterion.

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

The traffic and parking issues have been reviewed by DPD’s Transportation Planner, who determined that the small size of the business and the location of the site were unlikely to warrant additional traffic congestion studies. The Transportation Planner requested additional information about parking utilization, in response to public comment and the criteria for this Administrative Conditional Use review.

A parking utilization analysis was conducted to establish on-street parking utilization in the vicinity of the project site. A total of 123 on-street spaces were counted within 800 feet of the project site, and counts of parked vehicles were made at two times on Friday and Saturday evenings (expected to be the busiest nights with the highest demand for project-related parking). The number of parked vehicles ranged from 33 (at 7:00 PM on a Friday evening) to 44 (at 9:15 PM on a Friday evening). On average, on-street parking utilization is approximately 31% at 7:00 PM and 34% at 9:15 PM.

Parking demand estimates often are based on information compiled in the Institute of Transportation Engineers' Parking Generation manual. This volume provides parking rates based on empirical studies throughout the United States and Canada, categorized by various land uses. No land use directly comparable to a drinking establishment is identified in Parking Generation; the closest such use is High-Turnover Restaurant with a Bar or Lounge. Rates for this use are provided based both on square footage of the establishment and on seats.

The square footage rates are approximately 7.31 parked vehicles/1,000 square feet of gross floor area for peak times on weekdays, and 8.96 parked vehicles/1,000 square feet on Saturdays. The "per seat" rate is about 0.26 parked vehicles on both weekdays and Saturdays. Application of these rates to the proposed project results in an estimate of 11 additional vehicles at peak times on weekdays and 13 additional vehicles on Saturdays (basing the additional demand on square footage), or 21 additional vehicles at peak times on both weekdays and Saturdays (basing the additional demand on seats, with an assumed 80-seat maximum occupancy).

As noted above, the highest Friday on-street parking utilization was measured at 9:15 PM, with 44 vehicles counted. If 21 additional vehicles associated with the project park on area streets at this time, the resulting on-street parking utilization would increase from 36% to 53%. The highest Saturday on-street parking utilization was measured at 7:00 PM, with 43 vehicles counted, resulting in an on-street utilization of 35%. An additional 21 vehicles parking on-street at this time would increase the utilization rate to 52%.

Overall, parking availability will not be noticeably worsened with the addition of parked vehicles associated with the project; persons looking for on-street parking near the project site will be able to find spaces readily. However, certain blocks are likely to be more impacted than others, as patrons likely will seek to park close to the project site. This is particularly the case for the block of SW Brandon Street between 44th Avenue SW and California Avenue SW, both because the project would be located at the eastern end of this block and because parking on this block is limited to the south side of the street, reducing the on-street parking supply.

To avoid a localized impact to parking availability, the project will be conditioned to post signs on-site and on its website requesting that patrons park on California Avenue SW whenever possible. The parking utilization study found substantial parking availability on California.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **CONDITIONALLY APPROVED** as indicated at the end of this document.

CONDITION OF APPROVAL

For the Life of the Project

1. The drinking establishment shall post signs on-site and on its website requesting that patrons park on California Avenue SW whenever possible.

Signature: (signature on file)
Shelley Bolser AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

Date: April 25, 2011