



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

Application Number: 3012759
Applicant Name: Paul Whitney
Address of Proposal: 5323 Ballard Ave NW

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use of 1,367 sq. ft. of an existing building from retail to a drinking establishment.

The following approval is required:

Administrative Conditional Use - to allow a drinking establishment in an NC2-65 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: NC2-65' (Neighborhood Commercial 2 with a 65-foot height limit). The property is also located within the Ballard Landmark District.

Public Comment: The public comment period ended on November 16, 2011. DPD received one comment which was a request to be placed on the mailing list for the project.



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 proposes to locate the drinking establishment within an existing commercial building on Ballard Ave. NW within the historic Ballard Landmark District. The use is to be located within a 1,367 sq. ft. tenant space which was previously occupied by a retail use. The building was constructed in 1901, according to King County Assessor records. The applicant indicates the existing transparency of the building will be maintained. Because the structure is located within the Ballard Landmark District, Department of Neighborhood (DON) approval is required. DON staff has indicated that because no changes are proposed to the façade, and no changes to the windows are proposed that would require review by the Landmark's Board, the project has been administratively approved.

The applicant also indicates that they intend to install a new wall sign "similar to signage found in the immediate vicinity." A separate sign permit will be required and will also be subject to DON review.

Given that the existing structure has been in place since 1901 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. Department of Neighborhood approval also assures compatibility with other properties within the Ballard Landmark District.

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 north and south property lines, but these structures are located in the same commercial zone as the subject property. There are no residential zones within the vicinity 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).

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 Ballard Ave. NW. One exit door is located at the west façade, facing an Industrial zone (IG2/U-65'). The windows are also located on the east and west façades. The proposal does not include modification or addition of any windows. There are no changes to or additions of other doors for the business.

The lack of window and door openings on the north and south facades will limit noise impacts to the adjacent commercially zoned properties, although that isn't a criterion for Administrative Conditional Use approval.

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

According to Trip Generation, "7th Edition," ITE (Institute of Transportation Engineers), the peak hourly trip generation for a "Drinking Place" is 15.49 trips per 1000 square feet of gross floor area. During peak hours for this drinking establishment with a floor area of 1,367 square feet, 21 trips are anticipated during the peak hour. It is worth noting that peak hours for drinking establishments do not coincide with peak hours of general traffic. When rush hour normally occurs, between 4 and 6 pm, Trip Generation has an average of 11.34 trips per 1,000 square feet for this land use for a one hour period. As the proposed use is for 1,367 square feet, 15 vehicle trips per hour are anticipated between 4 and 6 pm.

It is important to consider that the ITE Trip Generation samples cited above were taken in more suburban settings where traffic patterns may not reflect more dense urban centers, such as Seattle. Within the City, vehicle trips are generally substantially lower due in part to: proximity of residential uses to employment work centers and retail uses; availability and location of public transit; and other modes of travel which make it likely there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. It is DPD's experience that the figures referenced above do not fully capture available modes of travel options for individuals living in the vicinity, and are overstated.

Neighborhood Commercial zones are typically pedestrian oriented and offer a variety of commercial uses and services within easy walking distance of nearby residents. It is anticipated that patrons living nearby will not be solely dependent on automobile use. Of note, the subject site is located within .1 mile of a Metro bus route along NW Leary Way. Taken altogether, traffic impacts will most likely be less than noted by ITE data. The proposal will not generate traffic which creates traffic congestion.

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 10 additional vehicles at peak times on weekdays and 12 additional vehicles on Saturdays (basing the additional demand on square footage), or 10 additional vehicles at peak times on both weekdays and Saturdays (basing the additional demand on seats, with an assumed 40-seat maximum occupancy).

As with the traffic analysis above, the ITE information for parking is also more typical of a suburban setting where the population is more auto-dependent. In a more dense urban area such as Seattle, the use of transportation alternatives (such as transit) generally results in lower parking generation rates than those found in the ITE. Taking into consideration the context of the neighborhood, the proposed use, and the proposed establishment capacity, it is not anticipated that the proposal will further worsen traffic and parking on neighboring streets in the adjacent residential zones. Traffic is expected to flow to and from the subject site along primary arterials within commercial zones with spillover parking accommodated along the commercial streets and in the nearby industrial zone.

DECISION - ADMINISTRATIVE CONDITIONAL USE

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

CONDITION OF APPROVAL

None.

Signature: (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: December 12, 2011