City of Seattle

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:	3013025
Applicant Name:	Tim Arnot
Address of Proposal:	602 N 105th ST

SUMMARY OF PROPOSED ACTION

Land Use Application to change an existing 400 square foot retail, sales and service use to an eating and drinking establishment (Tim's Tavern).

The following approval is required:

Administrative Conditional Use - To allow a drinking establishment in an NC1-30 zone. (Seattle Municipal Code Chapter 23.47A.006)

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

BACKGROUND INFORMATION

Zoning: NC1-30.

Public Comment: The public comment period ended on February 22, 2012 and three comment letters were received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

SMC 23.47A.006 Conditional Uses

The proposal is to expand an existing drinking establishment, Tim's Tavern, into the adjacent 400 square foot space. A drinking establishment is permitted as a conditional use in a Neighborhood Commercial 1 zone, 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 expand an existing drinking establishment by 400 square feet within an existing commercial building. The total square footage of the drinking establishment will be 1200 square feet. Minor changes will be made to the south façade facing North 105th Street with removal an existing entrance door. The north façade will have minor changes with removal of an existing exit door. Two large backlit signs are located on the roof of the structure advertising the existing restaurant. A large marquee sign extends over the sidewalk. The existing tavern currently has a sign consisting of wood letters on the face of the building. With expansion of the tavern a neon sign will be added and will extend over the sidewalk. New signage will require a sign permit. Any new lighting will be consistent with existing lighting which includes flood lamps and wall lamps. The land use code requires outdoor lighting to be shielded and directed away from adjacent uses.

The commercial structure is located within a designated neighborhood commercial area. Currently the only commercial uses in the immediate vicinity are the commercial structure containing the tavern and restaurant, and the Seattle City Light Service Center. Given that the expanding drinking establishment will be contained within an existing structure 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. A single-family residence is located adjacent to the north property line and is located within a single-family zone. A residential structure is adjacent to the west façade of the structure, but this residence is located on the same site and in the same commercial zone as the proposal. The east property line abuts an alley with Seattle City Light property located east of the alley. Apartments and single-family residences are located south of North 105th Street. The subject site contains a commercial structure with the existing Tim's Tavern and a restaurant (a separate business establishment). The tavern will be expanding into the 400 square feet left vacant by a previous tenet.

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 adjacent 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 the drinking establishment is located on the south façade, facing North 105th Street. One exit door is located at the north façade, facing a residential structure that is located in a single family zone. Windows are located on the south façade. No windows will be located on the west and north facades of the portion of the building with the drinking establishment.

The proposal does not include modification or addition of any windows. The north-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 and for deliveries. This exit is a requirement related to fire and safety codes. One door will be removed from the north façade and the south facade with the expansion of the drinking establishment into the adjacent space.

The lack of windows and restriction on the door of the north facade will limit noise impacts to the adjacent single family zoned properties. The west façade will not be altered and currently has no windows or doors. The south façade will not be altered, except for removal of a door. The existing tavern's use could intensify with the addition of 400 square feet, but setbacks created by the right-of-way will reduce impacts from sound on residential uses located south of North 105th ST. The proposal as designed will help ensure noise standards will not be exceeded.

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.

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. Based on these rates the existing establishment generates approximately 8 parked vehicles. The addition of approximately 400 square feet will generate 4 parked vehicles. Application of these rates to the proposed project results in an estimate of 12 vehicles at peak times on Saturdays and slightly less on peak times on weekdays, or 21 additional vehicles at peak times on both weekdays and Saturdays (basing the demand on seats, with an assumed 80-seat maximum occupancy). Note: submitted plans indicate 49 seats but the space potentially could accommodate more if the pool table was removed and replaced with seating.

Overall, parking availability will not be noticeably worsened with the addition of 400 square feet to the existing drinking establishment. On street parking is available in the area. Patrons may also use the Seattle City Light parking lot located east of the alley on Fremont Avenue North. The property owner has a lease agreement with the City to allow the use of this parking for patrons of the building (including the restaurant). Therefore this criterion has been met.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Director has determined that the use as proposed will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located as required in SMC 23.42.042. The conditional use application is **APPROVED**.

Signature: (signature on file) Date: April 2, 2012
Stephanie Haines
Senior Land Use Planner
Department of Planning and Development

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