



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: 3015364
Applicant Name: Julie Templeton for Stuart McFeely
Address of Proposal: 7908 35th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use application to change a 2,500 square foot portion of an existing 3,495 square foot retail building to an eating and drinking establishment. Parking for two vehicles is provided on site.

The following approvals are required:

Administrative Conditional Use - To allow an eating and drinking establishment in a Neighborhood Commercial Zone (NC1-30) zone.
(Seattle Municipal Code Chapter 23.47A.004)

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 Description

The subject site is located in a small NC1-30' (Neighborhood Commercial 1 with a 30' height limit) zone along 35th Avenue SW. At this location the NC1 zone includes just six parcels of land south of SW Kenyon. The surrounding area is zoned Single Family (SF 5000). Zoning south along 35th Avenue SW is mostly single family zoning while one half block to the north along 35th Avenue SW the zoning changes to Neighborhood Commercial. (NC2-40')

Proposal Description

The project proposal is to change the use of a portion of an existing building from retail to an eating and drinking establishment; the other portion of the building will remain a dry cleaners.

Public Comment

Five comment letters were received during the official public comment period which ended July 21, 2013.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS

23.47A.006 Conditional uses

A. The following uses, where identified as administrative conditional uses on Table A for [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:

23.42.042 Conditional uses

A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

C. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

D. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and will be regulated as if a conditional use approval had earlier been granted.

E. Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit.

The proposal meets these criteria.

23.47A.006.A Conditional uses

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 proposed use will be located in an existing building. No building expansion is proposed. A new identification sign is proposed on the front of the building. The sign will not be a backlit sign, but a new wall mounted sign with lighting shielded and directed downward to illuminate it only. Existing soffit lighting will remain at the front entry. The existing rear wall light will

remain and be required to be shielded to prevent spill over to the adjacent single family zoned properties. Any additional lighting must be low level area lighting only. Since the use is within an existing building and the building will remain principally as is, there is little change in the pattern or style of the commercial area.

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

Parking will be located at the rear of the building via alley access. Per SMC 23.54.015D 2 no parking is required for the first 1,500 square feet of each business establishment. Per SMC 23.54.015 G, new nonresidential uses in existing structures in commercial zones up to 20 parking spaces are waived. Thus no new parking is required. Existing parking will remain in its current location. The other tenant of the building is a 995 square foot dry cleaner, no parking required. The two existing parking spaces are head in parking off of the alley and are compatible with the adjacent residential zone and the residential zone across the alley. The applicant is proposing a 6 foot fence and a landscape screen at the south end of the property line at the parking area to help screen the parking and trash enclosure at that location. This will be required as a condition of approval.

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.

Existing doors are located at both the front and rear of the structure and will be maintained or upgraded to meet building code exiting requirements. The existing building has a front window which will be replaced with a new operable front window. There are no openings on the north or south side of the building and none are proposed. The garage door on the alley is proposed to be an operable garage door of windows. To better mitigate noise of the eating and drinking establishment the project will be conditioned to replace the garage door with a solid wall construction system with insulation. In an effort to control noise spillover no windows are allowed in the new wall. Noise standards must not be exceeded at this location. Seattle Municipal Code (SMC) chapter 25.08 describes noise standards and limits on noise levels. The city maintains staff to respond to noise complaints. If requested they will work with sound source establishments.

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

The proposed use has seating for 75 persons, posted occupancy per building code requirements is proposed to be 86 (pending official approval). It is anticipated that some customers will come from around the neighborhood on foot thus mitigating the traffic and parking impacts. The proposal is located on 35th Avenue SW, a four lane city arterial. On street parking is allowed along 35th Avenue SW. 35th Avenue SW has good traffic flow, stop lights and bus service to help relieve possible congestion.

The applicant conducted a parking survey of the area. The survey area was 35th Avenue SW from SW Elmgrove to SW Holden Street and one block east and west of 35th on Kenyon, Monroe, and Elmgrove. The area is primarily a 2 hour parking zone between the hours of 7 am and 6 pm. The survey was conducted during peak hours for traffic and parking and during hours

of operation of neighboring businesses. Most residential properties in this area have their own private off street parking via alley access. The survey found that there are 160 parking spaces available in the survey area. (All fire hydrants, driveway cuts, bus stops and rights of way were accounted for in the survey.) Results of the survey conducted in May 2013 showed that the number of occupied spaces never exceeded 45% of the total available spaces. The survey did not factor in the parking spaces available north and south along 34th Avenue SW and 32nd Avenue SW. The project proponents will request that patrons do not park on those streets. The project will be conditioned to instruct patrons to park along 35th Avenue SW as much as possible and to avoid the neighborhood streets and businesses. Results of the parking survey are part of the application materials for this project and are part of the project file.

DECISION - ADMINISTRATIVE CONDITIONAL USE

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

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

For the life of the project:

1. The drinking establishment shall post signs on site and on its website requesting that patron's park on 35th Avenue SW.
2. Solid wall construction will replace the existing garage door on the alley. No windows are allowed at this location.
3. No outdoor activities are allowed in the parking area or to spill over into the alley.
4. No light spill over into the alley or neighboring properties will be allowed. Shield existing lights if necessary.

Signature: (signature on file) Date: September 19, 2013
Holly J. Godard, Land Use Planner
Department of Planning and Development