



City of Seattle
Edward B. Murray, 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: 3018908
Applicant Name: Kenenth Provost
Address of Proposal: 5701 Rainier Ave S

SUMMARY OF PROPOSAL

Land Use Application to change 900 sq. ft. of retail use to drinking establishment. No change in parking.

The following approvals are required:

Administrative Conditional Use – to allow a drinking establishment in a Neighborhood Commercial 2 (NC2) zone (SMC 23.47A.006)

BACKGROUND INFORMATION

Site and Vicinity

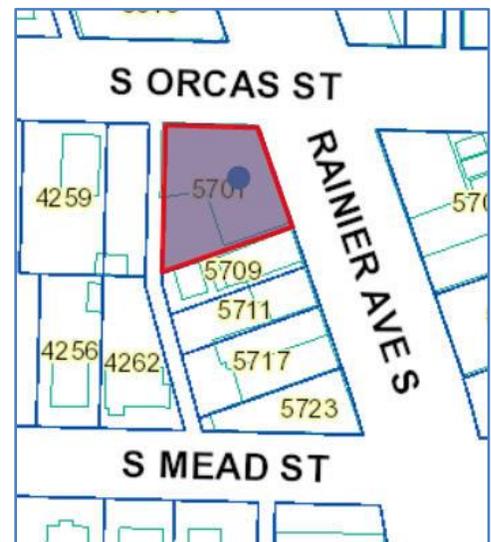
Site Zoning: Neighborhood Commercial 2 (NC2)
Nearby Zones: Neighborhood Commercial 2 (NC2)
Single Family (SF5000)
Existing Use: Retail

Project Description:

The applicant proposes to change a 900 sq. ft. retail use to drinking establishment. Existing parking access is located off alley.

Public Comment:

No written comments were received during the public comment period ending on December 28, 2014.



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, 7040 square foot, retail building on the southwest corner of S Orcas St and Rainier Ave S. Constructed in 1924, the existing masonry building contains five retail spaces; the drinking establishment is proposed for the fourth retail space south of S Orcas St. According to King County Assessor records, the building has been occupied by various retail types over time.

The size of the existing retail building at the subject property is similar to the nearby commercial and residential structures. Nearby structures include 1-2 story commercial, mixed-use buildings and 1-3 story residential structures. Most of the commercial uses are located on Rainier Ave S. The areas east and west of Rainier Ave S are mainly 1-2 story early 20th-century single family structures. A religious facility and school occupies a site to the west, on the corner of 42nd Ave S and S Mead St.

The only exterior changes to the building will be the modification of the front and rear doors. The applicant has noted that the existing exterior lighting will remain. Given that the existing masonry structure is similar in size to the nearby structures and the applicant is proposing only minor modifications, it is clear that the design of the structure 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 located adjacent to a residential zone. Some residential structures abut the

shared alley to the west. The adjacent structure to the south appears to be commercial in use, and is located in the same commercial zone as 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 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 55 dB during the daytime and 45 dB at nights and weekends, per the chart above). These are the noise limits which DPD could enforce for the proposed drinking establishment.

The proposal does not include modification or addition of any windows. The windows are mostly located on the east façade, with one window located on the west façade. This window is part of a back office space, separated from the drinking establishment.

The primary entry/exit door for this structure is located on the east façade, facing Rainier Ave S and other commercial uses. One door is located at the west façade, facing existing parking, and across the alley, a separate residential garage structure located in the Single Family zone (SF5000). This door will be modified as an emergency exit door and equipped emergency exit signage. This exit is a requirement related to fire and safety codes; the door will not be left open or used as an exit unless there is an emergency. The lack of direct openings on the west façade will minimize the noise from the drinking establishment to the nearby residentially zoned properties, which meets this criterion.

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

Estimated peak vehicular trips and parking demand have been reviewed in response to the criteria for this Administrative Conditional Use review. Due to the small size of the business and the location of the site, the Director determined that additional traffic congestion studies were not warranted.

Trip rates and parking demand estimates often are based on information compiled in the Institute of Transportation Engineers' Trip Generation and Parking Generation manuals. These volumes provide parking rates based on empirical studies throughout the United States and Canada, categorized by various land uses.

The land use comparable to a drinking establishment is identified as #835 Drinking Place. The average vehicle trips for one hour between 4 and 6 p.m. is estimated to be 14 trips generated for the proposed square footage. The existing use rate, comparable to #821 Shopping Center, is estimated to be 3 trips generated. Subtracting the existing from the proposed project rates results in an estimated 11 additional trips generated. In actuality, we expect a lower amount of trips generated. The data is mainly gathered from suburban establishments and does not account for the various modes of transportation available nearby, including transit, pedestrian and car share. In any case, this small amount of additional traffic is not expected to create traffic congestion.

For parking demand, the rates are approximately 7 parked vehicles for peak times on weekdays, and 8 parked vehicles on Saturday based on the square footage of the project. The existing use rates are 2 parked vehicles for peak times on weekdays, and 3 parked vehicles on Saturdays. Application of these rates to the proposed project results in an estimated 5 additional vehicles at peak times for both weekdays and Saturdays. As mentioned above, these rates are based on suburban establishments, which do not account for other readily available transportation modes. We expect the number of parked vehicles to be lower than this estimate.

Due to the minimal net addition of parked vehicles associated with the project and the availability of transit and pedestrian modes, parking availability will not be noticeably worsened, thereby meeting this criterion.

DECISION - ADMINISTRATIVE CONDITIONAL USE

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

CONDITIONS - ACU

None required.

Signature: retagonzales-cunneatubby for _____ Date: April 23, 2015
Magda Hogness, Land Use Planner
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.