



**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:** 3020200  
**Applicant Name:** Tommy Ortega  
**Address of Proposal:** 5408 26<sup>th</sup> Avenue NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to change a 960 sq. ft. portion of existing automotive service use to custom and craft (microbrewery) and drinking establishment.

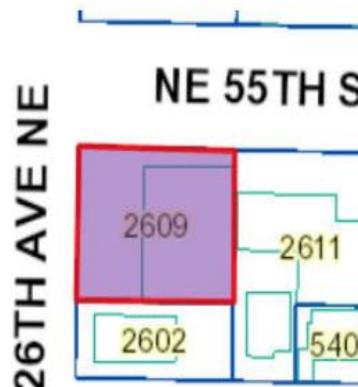
The following approval is required:

**Administrative Conditional Use Review** – to allow a drinking establishment in a NC2P-65 zone. (SMC 23.44.022)

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

**BACKGROUND INFORMATION**

**Site Description:** The site is located at the southeast corner of the intersection of NE 55<sup>th</sup> Street and 26<sup>th</sup> Ave NE. The existing building is 4,560 square feet, with two interior tenant demising walls. The project is located in the southwest 960 square feet of the structure.



The block is split-zoned, with the southern portion of the block zoned for SF 5000, and the portion along NE 55<sup>th</sup> St zoned for NC2P-40. A single family structure is located directly south of the site. A solid wood fence is located along the southern property line.

**Public Comment:** The public comment period ended on May 24, 2015. DPD multiple comment letters regarding noise, parking, and visual impacts to adjacent uses.

**ADMINISTRATIVE CONDITIONAL USE (SMC 23.47A.006)**

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. 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:*

*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 the existing building on site, comprised of 4,560 square feet. According to King County Assessor records, the building was constructed in 1945, and was previously occupied by automotive service uses.

Nearby structures along 55<sup>th</sup> Ave NE include 1-2 story commercial and retail buildings, 1 story automotive service buildings, and a few 2-3 story multi-family residential buildings.

Changes to the exterior of the building will be minimal, consisting of window repairs, new paint, a new stairway to the front entrance, new door, trash enclosure area, and wall mounted sign with lighting shielded and directed downward to illuminate it. Proposed lighting along the fence and will be shielded to prevent spill over to the adjacent single family zoned properties.

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.1 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.*

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.

<b>DAYTIME (7am – 10pm)</b>			
<b>District of Sound Source</b>	<b>District of Receiving Property</b>		
	Residential	Commercial	Industrial
Residential	55	57	60
Commercial	57	60	65
Industrial	60	65	70
<b>WEEKNIGHTS (10pm – 7am) WEEKENDS &amp; HOLIDAYS (10pm – 9am)</b>			
<b>District of Sound Source</b>	<b>District of Receiving Property</b>		
	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 in a residential zone, and therefore the “District of Receiving Property” noise limits are those shown in the Residential column (57 dB from 7am-10pm; 45 dB at all times for adjacent structures).

There is one entry/exit door for the drinking establishment, located on the west façade facing NE 26<sup>th</sup> Street. A sliding door is also located on the west façade. To better mitigate noise of the drinking establishment, the project will be conditioned to close the sliding door from 10pm -7am on weeknights, and 10pm – 9am on weekends and holidays. The north and east walls are internal tenant demising walls, and the west and south walls are exterior masonry.

The lack of window and door openings on the north, east, and south facades will limit noise impacts to the adjacent residentially zoned properties, as well as to the NC2P-40 zoned areas to the west and north of the site.

- 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 approximately 16 persons, and a posted occupancy per building code requirements is proposed to be 45 persons. It is anticipated that some customers will come from the neighborhood on foot or bicycle, thus mitigating the traffic and parking impacts. On street parking is allowed on both sides of NE 55<sup>th</sup> Street.

The applicant conducted a parking survey of the area on two consecutive weekday evenings at 9:00pm. The survey area was done for the north, west, and south faces of the block on which the site is located. The survey found that there are 14 parking spaces available in the survey area. Results of the survey conducted showed that the parking utilization rate averaged 46%, and did not exceed 57% of the total available spaces.

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 within the commercial zones with spillover parking accommodated along the commercial 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 proposal is not anticipated to significantly impact traffic or parking on neighboring streets in the nearby residential zones.

#### **DECISION – ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **CONDITIONALLY APPROVED**.

#### **CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

*For the life of the project:*

1. The sliding door shall be kept closed from 10pm – 7am on weeknights, and 10pm – 9am on weekends and holidays.

Signature: Betty Galarosa for Date: September 10, 2015  
Katy Haima, Land Use Planner  
Department of Planning and Development

KH:bg

## **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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.