



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: 3021422
Applicant Name: Daniel Dickens
Address of Proposal: 601 Bellevue Avenue East

SUMMARY OF PROPOSAL

Land Use Application to change the use of an existing multipurpose retail, sales and service (store) to restaurant.

The following approvals are required:

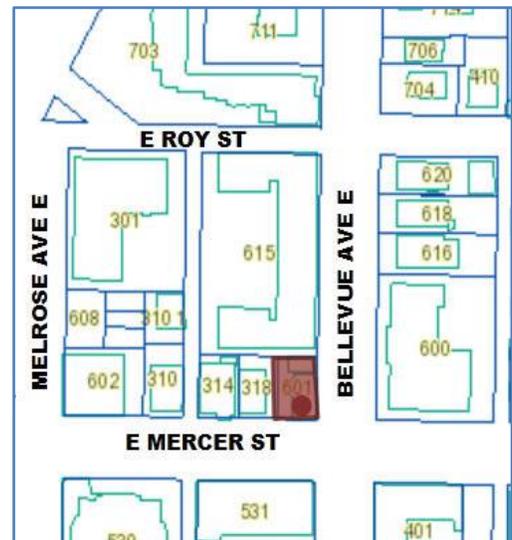
Administrative Conditional Use – to allow a change from one nonconforming use (market) to another nonconforming use (restaurant) in a Lowrise-3 (LR-3) zone (SMC 23.42.110).

BACKGROUND INFORMATION

Site and Vicinity

The 2,400 sq. ft. lot is located at 601 Bellevue Ave E on the northeast corner at intersection of E Mercer Street and Bellevue Ave E in the Capitol Hill Neighborhood. The subject property has a zoning designation of Lowrise-3 (LR-3). There are no environmentally critical areas on or adjacent to the site.

Nearby zoning includes Midrise Residential (MR) to the north and south; and Neighborhood Commercial (NC1-40) to the east. This area is characterized by a mix of multifamily residential and neighborhood oriented commercial uses including eating and drinking establishments, and small grocery stores along Summit Ave E and Bellevue Ave E.



Project Description:

The applicant proposes to convert an existing multipurpose retail, sales and service (store) into a restaurant.

The applicant proposes to convert the 865 sq. ft. first floor of the existing structure into a restaurant. The restaurant would operate 7am to 4pm, 4 days a week. The restaurant would have approximately 2 employees and maximum occupancy of 27. As indicated on submitted plans, use of the outdoor space on the west portion of the property for additional seating is not proposed at this time, however, may be utilized in the future. Proposed plans provide buffering for adjacent neighbors with landscaping as well as a fence along the west property line.

An existing garage provides one parking space, which is accessed from Bellevue Ave E. No additional parking is required or proposed for this project.

No construction or grading is associated with this review; it is for change of use only. No changes are proposed to the residential areas of the building or the on-site parking.

Public Comment:

Several written comments were received during the public comment period ending on September 6, 2015. The majority of public comments were in support of the proposed restaurant as an improvement to the current dilapidated building and an additional neighborhood amenity. Remaining comments were related to impacts of noise, parking, property values, and light pollution.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

The proposed eating establishment is defined as a restaurant by the SMC 23.84A.010, which is not permitted in an LR3 zone. The last permitted use for this area of the building was a neighborhood market, which was a legally nonconforming use established in 1983. The proposed change to a restaurant use requires an Administrative Conditional Use review to change from one nonconforming use to another nonconforming use.

SMC 23.42.110 . Change from one nonconforming use to another nonconforming use

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

- A. In single-family and residential small lot zones, a nonconforming multifamily residential use may not be converted to any nonresidential use not otherwise permitted in the zone.***

The proposal is not located in a single family or residential small lot zone. This criterion does not apply.

B. The proposed new use must be no more detrimental to properties in the zone and vicinity than the existing use. This determination shall be based on consideration of the following factors:

1. The zones in which both the existing use and the proposed new use are allowed;

The existing permitted use for this space is a neighborhood market, which is defined as a Grocery Store in the SMC 23.84A.014. The proposed use is a restaurant, defined as “a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food. Both grocery stores and restaurant uses are permitted in residential-commercial (ground floor), commercial, and industrial zones, but not in LR-3 residential.

There are several pedestrian-oriented commercial uses located in the West Slope District of the Capitol Hill Neighborhood serving residents in this community. The proposed use adds to the variety of walkable neighborhood amenities and is similar to existing commercial uses found in the area. As such, the proposed use would be no more detrimental to the properties in the zone and vicinity than the existing permitted use at this site.

2. The number of employees and clients associated or expected with the proposed use;

The restaurant would have approximately 2 employees working at a time and accommodate 25 patrons at once. Hours of operation are proposed from 7am-4pm, 4 days a week. The proposed number of employees and restaurant patrons would not be expected to have a detrimental effect on properties in the zone and vicinity.

3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.

Parking & Traffic:

A parking demand analysis was conducted for the existing on-site commercial use (retail/convenience market) and the proposed sit-down restaurant use of 865 sq. ft. Based on this analysis the existing market (ITE LUC 850) generates a peak demand of 4 parking spaces and the proposed restaurant use (ITE LUC 932) generates a peak demand of 7 parking spaces. The net gain of 3 parking spaces is minimal and not considered detrimental to the public welfare.

In consultation with DPD’s Transportation Planner it was determined that neither the existing, nor proposed use, would have a detrimental impact on the existing parking or traffic patterns in this area. Thus, the noted traffic-related impacts of the proposed completed project are not considered significant and no further mitigation is warranted.

Light, glare, noise, and odor:

The proposal includes a potential future outdoor seating area on the west side of the property adjacent to residential. The applicant has indicated on the plans that a fence and landscaping would be provided to create an appropriate buffer to the adjacent residential use. According to the proposed hours of operation 7am-4pm there would be minimal impact on the

adjacent property. However, to mitigate light, glare, and noise impacts of the outdoor seating, DPD is **conditioning the approval** to require installation of a solid fence and landscaping prior to utilization of the outdoor space for seating.

- C. The existence of a single residential unit, such as a caretaker's or proprietor's unit, accessory to a nonconforming commercial use shall not be treated as having established a residential use, and such a unit may be converted or changed provided that it is the only residential use in the structure and comprises less than half of the total floor area of the structure.**

No changes are proposed to the existing residential unit on site. This criterion does not apply.

- D. Parking requirements for the proposed use shall be determined by the Director.**

Parking has been analyzed as described in the response to criterion B.3 above.

- E. If the new use is permitted, the Director may require mitigation measures, including but not limited to landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification, or limiting hours of operation.**

As stated above, in order to mitigate light, glare, and noise impacts upon utilization of the outdoor seating DPD is **conditioning the approval** to require installation of a solid fence and landscaping prior to utilization of the outdoor space for seating.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Administrative Conditional Use application is **CONDITIONALLY GRANTED**.

CONDITIONS – Administrative Conditional Use

For the Life of the Project

1. A solid fence and landscape buffer is required prior to use of outdoor seating area.

Crystal Torres, Land Use Planner _____
Department of Planning and Development

Date: November 30, 2015

CT: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 or to our message line at 206-684-8467.