



City of Seattle

Edward B. Murray, Mayor

Department of Construction and Inspections

Nathan Torgelson, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Application Number: 3026989
Applicant Name: Craig Belcher
Address of Proposal: 7500 35th Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to change 2,455 sq. ft. of retail use to drinking establishment. Project includes interior and exterior repair and alterations. No change in parking.

The following approvals are required:

Administrative Conditional Use - to allow a drinking establishment in a NC2P-40 zone, pursuant to Seattle Municipal Code (SMC) 23.47A.006.

SEPA DETERMINATION:

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

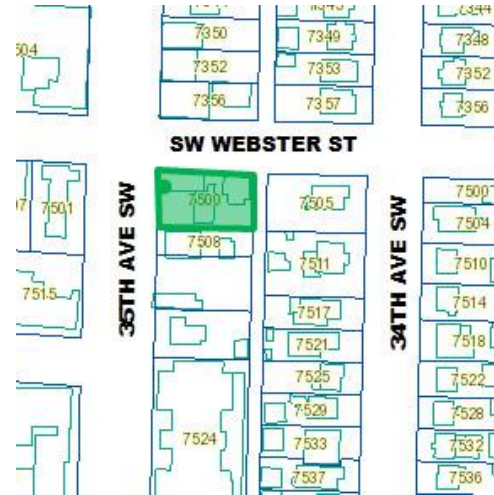
SITE AND VICINITY

Site Zone: Neighborhood Commercial 2 with a Pedestrian Overlay and a 40' structure height limit (NC2P-40)

Zoning Pattern: NC2P-40 zoning extends generally one parcel east and west of 35th Avenue SW, to the north approximately 1/3 block north of SW Webster Street and to the south approximately 1/3 block south of SW Holden Street. Beyond this commercially zoned area, the zoning pattern shifts to single family zoning. SF 5000 zoning is immediately adjacent to the subject site on the east.

ECAs: No environmentally critical areas are mapped on the site.

Site Characteristics: The corner lot is 8,376 square feet (sf) in area with no significant change in grade or landscaping. Two structures are located on the lot. This application for an Administrative Conditional Use permit pertains to the west approximately 70' of the lot, including the one-story L-shaped commercial structure located at the northwest corner. The eastern half of the lot, including a two-story commercial structure, is proposed for redevelopment as a separate principal use under construction permit 6555846.



Public Comment:

The public comment period ended on March 27, 2017. Comments were received and carefully considered, to the extent that they raised issues within the scope of this review. These public comments addressed noise, increased traffic and traffic safety, parking impacts, incompatibility with existing uses in the surrounding area, wastewater and drainage, support for retaining the existing cow figure on the roof of the structure, lack of a buffer from the adjacent single family residences, and general safety concerns related to the use. A comment was also received expressing support for a drinking establishment within walking distance in the neighborhood.

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. *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 proposes to locate the drinking establishment within an existing one-story commercial building located on the southeast corner of the intersection of 35th Ave SW and SW Webster St. According to King County Assessor records, this building, constructed in 1922, was most recently occupied by a grocery/convenience store.

Nearby structures include 1 to 3 story commercial and multifamily residential buildings and 1 to 2 story single family homes. The commercial and multifamily residential uses are located within the surrounding approximately two block area along 35th Ave SW. The areas east and west of 35th Ave SW are composed of 1 to 2 story single family structures. The size of the existing commercial building considered in this application is smaller than many of the nearby commercial and multifamily residential structures. The area includes an eclectic mix of architectural styles and types of buildings with no definitive style or pattern apparent.

Beyond minor repair work and repainting, the proposed exterior changes to the building include enlargement of the storefront windows along 35th Ave SW to meet code requirements, replacement of the entrance door, the addition of an exterior door and two windows on the west half of the south façade and a window on the west façade in the brewery equipment storage area. The exterior lighting fixtures will be upgraded with replacement lights to provide adequate storefront and sidewalk lighting in compliance with code requirements and the existing sign will also be updated to indicate the new tenant, but will remain at a similar scale and location. The existing plastic cow figure on the roof, described as a neighborhood icon, is planned to be maintained.

Given that the existing structure has been in place since 1922 and the applicant is proposing only minor modifications, it is clear that the design of the structure, the signage, and illumination will remain 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.

The existing parking area contains four parking spaces and is located on the west side of the structure, with driveway access provided from 35th Ave SW. The parking spaces are screened from the residentially zoned property to the east by the existing structure and fencing approved under permit no. 6555849. No changes are proposed to the existing parking location or configuration.

The plan set and SDCI's records indicate a permit (6555849) has been issued to redevelop the approximately east 48' of the lot. This permit includes approval to remove the existing commercial structure and construct a principal use parking lot, separate from the drinking establishment. Accessed from the alley, the parking lot will be screened from the residentially zoned property to the east by a 6' tall wood fence and 5' wide landscape buffer. The separate principal use parking lot is not planned to provide parking for the drinking establishment.

As no changes to the existing configuration of the parking spaces for the drinking establishment are proposed and the drinking establishment parking spaces are accessed from a commercial street and screened from the adjacent residential zone, this criterion is satisfied.

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, which is located adjacent to a Single Family Residential zone to the east. The structure is located approximately 48' from the eastern property line adjacent to the Single Family Residential zone. An approximately 16' wide alley separates the subject property from the residentially zoned property.

The 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 (7am—10pm)			
District of Sound Source	District of Receiving Property		
	Residential	Commercial	Industrial
Residential	55	57	60
Commercial	57	60	65
Industrial	60	65	70
WEEKNIGHTS (10pm—7am) WEEKENDS & LEGAL HOLIDAYS (10pm—9am)			
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 nearby multifamily residential and commercial structures in the NC2P-40 zone 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 SDCI could enforce for the proposed drinking establishment.

The primary entry/exit door for this structure is located on the northwest corner, facing the intersection of 35th Avenue SW and SW Webster Street and other commercial uses. A second door is located on the north façade, providing access to the storage and brewery equipment area of the structure. This entrance is screened by fencing and faces a commercial structure located across SW Webster St. in the same Neighborhood Commercial zone (NC2P-40). With the exception of one small existing window on the east façade in the proposed brewery equipment storage room, all other existing and proposed openings are located on the west and south façades.

As there is only one small opening on the facade facing the residential zone, and the opening is located in the storage area, noise from the drinking establishment to nearby residentially zoned properties will be minimized and help to ensure that 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.*

Estimated peak vehicular trips and parking demand have been reviewed by SDCI staff, who have determined that the small size of the business and the location of the site are unlikely to warrant additional traffic congestion studies.

The existing site has four parking spaces; this would not change with the proposed project. Based on data from the Institute of Transportation Engineers' (ITE) Parking Generation report, the proposed use would have a peak parking demand of about 17 vehicles. With the four on-site parking spaces, peak on-street demand for project parking would be about 13 vehicles.

A parking utilization study conducted by the applicant indicates that sufficient on-street parking exists near the project site to accommodate this additional demand. Specifically, 49 parking spaces were identified on 35th Avenue SW, the primary commercial street in the vicinity of the project. Just under half of these spaces (23) were occupied during the evening, when project parking demand is expected to be at its highest. If all of the project's on-street parking demand were accommodated on 35th Ave SW, this would increase on-street evening demand to 36 vehicles, or 73% of the 35th Ave SW parking capacity. At this level of utilization, parking spaces would still be moderately easy to find. Although project customers and employees could park in any legal space near the project, including those in residential areas, the expected availability of parking on the primary commercial street suggests that any additional parking demand from the project on residential streets is likely to be minimal.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **APPROVED**.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

None.

Allison Whitworth, Land Use Planner
Seattle Department of Construction and Inspections

Date: August 10, 2017

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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 SDCI 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.