



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Application Number: 3003338
Applicant Name: Britanni Ard
Address of Proposal: 1514 NW 53rd Street.

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of two, three-story townhouse structures (for a total of four dwelling units.) Parking for four vehicles is to be provided within the structures.

The following approval is required:

Administrative Conditional Use - to allow a single purpose residential structure in a C1-65 zone (Chapter 23.47.004 E, Seattle Municipal Code).

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 Description

The subject site is located on NW 53rd Street near 15th Ave. NW in Ballard. The site is 5,000 square feet in area and is zoned Commercial 1 with a 65 foot height limit (C1-65). Additionally, the site is within the Crown Hill/Ballard Hub Urban Village. The site is flat and paved, and has been used for parking but is currently vacant. The property has fifty feet of frontage along NW 53rd Street. There is no alley.

The project application originally included a request for a variance from the code requirement for a thirteen-foot ceiling height on the ground floor. However, the variance component was withdrawn at the request of the applicant and the project now complies with applicable development standards.

Zoning and Development in the Vicinity

The property is on the edge of a commercially zoned strip (C1-65') along 15th Ave. NW in Ballard, and abuts multifamily zoning along its western property line. Development of other properties within this C1-65' zone along 15th Ave. NW is varied, and includes larger parcels developed with large grocery and drug stores, as well as smaller parcels developed with restaurants, retail, a car wash, and some older residential developments including mid-size apartments and a few single family homes which have been converted to commercial use. There are several vacant properties in the vicinity. Newer development includes "mixed-use" structures with both commercial and residential uses.

The surrounding property immediately to the north, south and east is zoned C1-65' and is developed with fast food restaurants, a car dealership and (directly south of the subject site) an older, ten-unit apartment building. Immediately abutting the property on the west, the zoning is Lowrise Three Multifamily Residential (L3). The abutting L3 property is developed with a six-unit apartment building. The L3 zoning continues across NW 53rd St. to the south and development is residential, consistent with the L3 zoning. North of the L3 zone, along NW 54th St., the zoning changes to Neighborhood Commercial Three with a 65-foot height limit (NC3-65'). The NC3-65' zone is developed with a medical clinic and also includes an approximately 15,000 sq. ft. vacant parcel. A permit has been issued for a mixed-use development with office and apartment uses for the vacant parcel in the NC3 zone.

Current Proposal

The applicant is proposing to construct two, two unit townhouse structures for a total of four dwelling units. Parking for the residences will be located in the structures.

Public Comment

No public comment letters were received during the public comment period, which ended September 28, 2005.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Section 23.47.006.A (SMC) provides general conditional use criteria that apply to all conditional use applications. Section 23.47.006 B.4 (SMC) provides specific criteria to be applied to an analysis of an application for single purpose residential uses in a C1 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

Section 23.47.006.A (SMC)

This section of the Code states in part: *all conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:*

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

The proposed residential use will not be materially detrimental or create adverse impacts in that more intense commercial developments are allowed and contemplated within this zone. The potential impacts and detrimental effects associated with allowing a single purpose residential use in a commercial zone are evaluated under specific Conditional Use criteria below.

Section 23.47.006.B.4 (SMC)

This section of the Code states in part: *in order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones...where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:*

- a. *Due to location or parcel size, the proposed site is not suited for commercial development; or*
- b. *There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an “established commercial street front” may be intersected by streets or alleys, and some lots with no current commercial use.*

The parcel size is 5,000 square feet and has 50 feet of frontage along NW 53rd Street. Historically, the property was developed with a single family residence, which was demolished in the mid-1980s. The property was then used as accessory parking for the adjacent fast-food restaurant, until the mid-1990s when a permit was approved to reconfigure the parking lot and separate the subject parcel from the restaurant use. No permits have been issued for the subject property since that time and it has remained vacant. Other parcels in the vicinity of approximately the same size as the subject site are vacant as well.

Within this block, on both sides of NW 53rd St, all of the properties which front on NW 53rd Street are in residential use. Seventy-five percent (75%) of the structures on the north side of NW 53rd St., and ninety percent (90%) of the structures on the south side of the street are in residential use. The location of the parcel on a block that is not predominately developed by commercial development, and not likely to be, makes it not well suited for commercial development. The small parcel size and shared property line with the L3 zone make the subject site well suited for residential use.

The subject block is not considered an established commercial street front in that the majority of the block is zoned for multifamily use and is developed with residential uses. Within the commercial zone, there is a substantial supply of land available for commercial use near the proposed site.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The proposed action is **GRANTED**.

CONDITIONS-ADMINISTRATIVE CONDITIONAL USE

None.

Signature: _____ (signature on file) Date: March 30,2006
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

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