



City of Seattle

Gregory J. Nickels, 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:** 2403391  
**Applicant Name:** Joyce L. Maund for Lakeside Properties, LLC  
**Address of Proposal:** 110 Boren Avenue South.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a 320 square foot restaurant with drive-thru. The proposal includes the installation of a modular trailer structure (32' X 9.83'). Additionally, the existing gas station (Lloyds Rocket) use will remain.

The following approvals are required:

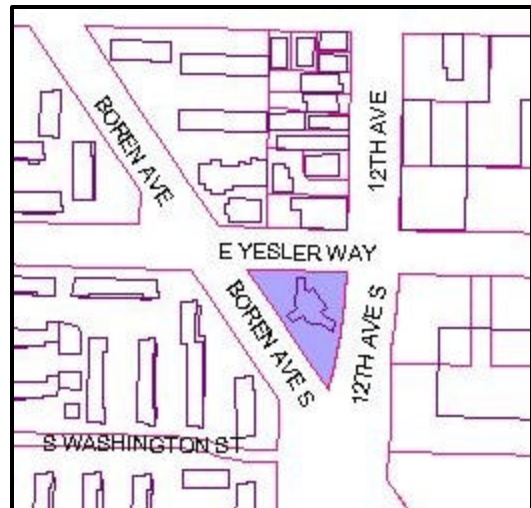
**Administrative Conditional Use** - To allow establishment of a restaurant use with drive-in lanes in a Neighborhood Commercial Three zone (SMC Chapter 23.47.006.B.1).

- 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 and Vicinity Description**

The subject property is a triangular shaped lot that fronts along East Yesler Way to the north, 12th Avenue South to the south, and Boren Avenue South to the west near the edge of the central District neighborhood. The subject lot occupies an entire block, encompassing a land area approximately 14,400 square feet in a Neighborhood Commercial Three zone with a height limit of 65 feet (NC3-65). The site slopes moderately downward from its northwest corner to its southern-most corner,



approximately 16 feet over a distance of 220 feet. The principle structure, a one-story abandoned gas station (Lloyd's Rocket) has become derelict over the intervening years. The site also features a billboard sign elevated above the one-story structure. Access to the development site is obtained through two curb cuts along each street frontage, for a total of six curb cuts with a minimum dimension of 20 feet each. Each abutting street is an arterial right-of-way with on-street parking restrictions. The rest of the site has been paved over with little to no landscaping. The development site sits at a prominent location, a intersection that serves as a threshold to a number of neighborhoods including Central District, First Hill, Capitol Hill, Mount Baker, and North Rainier Valley.

Recently the subject lot has undergone site improvements in preparation for future land use and construction actions. Debris has been removed, exterior and interior superficial enhancements have occurred during the past few months.

Development in the vicinity consists of a mixed residential, commercial, and institutional uses. To the west across the centerline of Boren Avenue South the zoning changes to Residential Multi Family, Lowrise Three (L-3) with an density limit of one unit per 800 square feet. Seattle Housing Authority's Yesler Terrace Housing Development dominates this zoned area. To the north across East Yesler Way Residential Multi Family, Midrise (MR) with a height limit of 60 feet and NC3-65 zones. The MR zone supports the easternmost section of Yesler Terrace Housing Development. Commercial uses including general retail, manufacturing, and automotive repair uses are found within the NC3-65, besides a number of residential uses. Seattle Public School's Bailey Gatzert Elementary School is located across 12<sup>th</sup> Avenue South which features a spacious playfield. The general development pattern in the area consists of one and two-story structures. Topography in the area slopes moderately from the crest of the First Hill (to the northwest) downward to the southeast.

### Proposal Description

The proposal is to establish "The Rocket" restaurant drive-thru espresso stand. The new facility is respecting the historical iconic significance of Lloyd's Rocket gas station that has deep roots in the community. The project includes the installation of a 32 foot by 9 foot 10 inch portable building adjacent to the East Yesler Way frontage. The structure will encompass an area of approximately 314 square feet and extend 9 feet above grade. The structure will be sited between two existing curb cuts. The owner proposes to establish a drive-in espresso stand. The drive-in lane will be located between the portable building (along the south façade) and the existing gas station structure. Five vehicle queuing spaces will be provided in the drive-in lane. A walk-up window is proposed to be placed along the north façade to accommodate pedestrian customers along East Yesler Way. No accessory parking spaces will be provided at the development site.

### Public Comment

Date of Notice of Application : December 30, 2004

Date End of Comment Period: January 12, 2005

# Letter(s) Received 0

Issues: No comments were received during the public comment period.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Chart A for Section 23.47.004 of the Seattle Municipal Code provides that restaurants with drive-in lanes are allowed in Neighborhood Commercial Three zones subject to Administrative Conditional Use review and approval. The proposed 314 square foot restaurant with drive-in lane is considered a drive-in lane occupation as defined by the Code in section 23.84.008. Thus the proposal is subject to the requirements for conditional uses in commercial zones outlined in SMC 23.47.006. Sections 23.47.006 B 1 a through d sets forth criteria to be used to evaluate and/ or condition the proposal. The applicable criteria are discussed below.

### *A. General Provisions*

***(SMC 23.47.006.A1) provides that “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.”***

There is no indication nor has any evidence been submitted which indicates that the operation of a restaurant drive-in business on the subject site would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. Historically, the gas station use (Lloyd’s Rocket) had three gas pumping bays that had a greater impact with vehicles entering and exiting the subject site. A temporary use permit to allow the operation of the drive-in espresso stand was granted (MUP 2408998, approved on 11/26/04) at the subject site with no incidences reported related vehicles maneuvering on and around the site.

***(SMC 23.47.006.A2) provides that “In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed 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.”***

No adverse impacts have been identified.

### *B. Criteria*

***(SMC 23.47.006.B1a) provides that “The design of the structure, including architectural treatment, signage, landscaping and lighting is compatible with other structures in the vicinity;”***

The triangular shaped development site is stands apart from other parcels in the area and is highly visible from all street frontages. With out exception the subject lot’s existing structure (Lloyd’s Rocket gas station) is a uniquely designed building with art deco features, with no equal in the vicinity. Architecture in the surrounding area is fairly nondescript and lacks particular style. The proposed single story structure is rectangular in shape with two windows to accommodate a drive-through and pedestrian walkup window. The structure has been located in an inconspicuous location at the development site, approximately one foot from the north property line to minimize visual impacts.

Under new ownership, the gas station structure has undergone a superficial facelift which has visually enhanced the subject site. The modular structure has been skinned to match to color and texture of

principle structure at the development site. Decorative light fixtures, hanging flower baskets have enhanced the design theme. The site has been landscaped to provide a visual frame to strengthen the design composition. The proposed architectural-theme includes copper and rust tones, glazing and metal siding.

A drive through lane would run between the existing structure, underneath a canopy that once served as a gas pumping bay, and the newly installed modular structure. The drive through lane has been sited where any noise generated by the drive through will have the least impact on the residences to the north. The ambient noise generated by Boren Avenue South, is anticipated to dampen any noise associated with the drive-in espresso stand. A pedestrian walkup window is proposed along the north side of the building, adjacent to East Yesler Way, to limit potential conflicts vehicle traffic. Access to the development site will be controlled with a traffic attendant if warranted; one curb cut will be closed-off with another gated. Four curb cuts will feature ingress/egress arrows to control access.

Commercial structures at the intersection of East Yesler Way and 12<sup>th</sup> Avenue feature nondescript facades with blank walls. To the east of the subject lot, a landscaped buffer zone provides a physical separation from Gatzert Elementary School. To the west across Boren Avenue South, Yesler Terrace is elevated above the right-of-way providing no access. Thus the design of the structure and site is compatible with other structures in the vicinity by maintaining design integrity of original spirit of Lloyd's Rocket.

***(SMC 23.47.006.B1b) provides that "Appropriate litter-control measures are;"***

The proposed plan includes litter receptacles at the development site. The garbage storage area would be located either adjacent to the south façade of the existing gas station structure or in the south corner of the site and will be screened by an enclosure. Landscaping measures will be instituted to soften the screened walls. The applicant has also indicated that there employees will exercise diligence on a daily basis in maintaining this area. Thus, appropriate litter control measures will be provided.

***(SMC 23.47.006.B1c1) provides that traffic, circulation and parking impacts does not cause "significant additional traffic impacts to circulate through adjacent residential neighborhoods;" or***

The subject site and surrounding area is zoned Neighborhood Commercial Three, Commercial One, Residential Midrise and Residential Lowrise. Access to Yesler Terrace Housing Development is located within the residential zones and has limited access away from the subject block, so traffic impacts to residential areas are not anticipated. Therefore, no mitigation is necessary.

***(SMC 23.47.006.B1c2) provides that traffic, circulation and parking impacts does not "disrupt the pedestrian character of an area by significantly increasing the potential for pedestrian-vehicle conflicts;" or***

The existing curb cut located east of the intersection of Boren Avenue South and East Yesler Way will be gated off by the proposed project. A pedestrian walkup window will be located near the second curb cut along East Yesler Way near the entrance only ingress driveway to separate pedestrians and vehicles. Pedestrian activity around the site's perimeter upon the sidewalk will be highly visible from the

surrounding rights-of-way and exiting lane. It is anticipated that this visibility will help to safeguard potential conflicts. The owner has stipulated that employees will be designated to control traffic if need arises to direct on-site traffic. The potential for pedestrian-vehicle conflicts is therefore reduced.

***(SMC 23.47.006.B1c3) provides that traffic, circulation and parking impacts does not “create traffic or access problems which will require the expenditure of City funds to mitigate;” or***

Two of the six existing curb cuts will be eliminated as a result of this proposal. Vehicular traffic will access the site exclusively from Boren Avenue South and East Yesler Way which will lessen the potential for traffic or access problems. The 12<sup>th</sup> Avenue South frontage is proposed for exiting only. During the period of the temporary use permit (MUP 2408998) no reports of traffic impacts have been noted by SDOT or other City Departments. Therefore, no mitigation is necessary.

***(SMC 23.47.006.B1c4) provides that traffic, circulation and parking impacts does not “interfere with peak-hour transit operations, by causing auto traffic to cross a designated high-occupancy vehicle lane adjacent to the lot;” or***

Traffic entering and exiting the site from the west (Boren Avenue South) and east (12<sup>th</sup> Avenue South) are restricted from making left turns due to traffic curbs which precludes left turns from the site. Although, East Yesler Way features a doubled striped yellow centerline, left turns are allowed. Traffic will not be required to cross a high-occupancy vehicle (HOV) lane as there is not an HOV lane adjacent to the lot. Additionally, parking is not proposed at the development site.

***(SMC 23.47.006.B1c5) provides that traffic, circulation and parking impacts does not “cause cars waiting to use the facility to queue across the sidewalk or onto the street;” or***

The proposed drive-through lane has been designed for five cars to queue for this business. Any overflow from the queue can be accommodated on the site. The length of the queue area in addition to the “stacking” area is designed to accommodate up to thirteen (13) vehicles before reaching a critical point. As discussed previously employees will exercise traffic management when warranted. As such, it is not anticipated that cars waiting to use the facility will queue across the sidewalk or onto the Street.

***(SMC 23.47.006.B1c6) provides that traffic, circulation and parking impacts does not “interrupt established retail or service frontage designed to serve pedestrians.”***

The subject site is located on a block that serves no other businesses. The installation of the modular unit is sited adjacent to East Yesler Way with a pedestrian walk-up window along its north façade. It is anticipated that pedestrians will access the walk-up window from the adjacent blocks to the west, north, and east, with no apparent interruptions to surrounding retail activities. The anticipated traffic flow will be limited and accommodated on-site, reducing off-site impacts onto the adjacent street system. Additionally, landscaping is being proposed to facilitate pedestrian flow to and from the restaurant. Thus the proposed “Rocket” restaurant will not interrupt any established retail or service frontage designed to serve pedestrians.

