



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: 3008267

Applicant Name: Stephen Stuehling

Address of Proposal: 701 34th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to change the use, in an existing building, of 1,496 square feet, from retail office space to medical services (pediatric dental office). No change to parking on this permit.

The following approval is required:

Administrative Conditional Use - to allow conversion of one non-conforming use (general retail sales and service) to another non-conforming use (medical services) in a Single Family 5000 zone (SF5000). (SMC 23.42.110)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND

The property is located in a Single Family 5000 (SF5000) zone in the Madrona neighborhood of Seattle. The site is on the northwest corner of 34th Avenue and E. Cherry Street. The subject property is developed as a two-story commercial building. An existing multi-purpose convenience store is located at ground level. A three car detached garage is on the southwest corner of property. The immediate vicinity is also zoned Single Family 5000 and is characterized by single family residences.

Proposal

The applicant proposes to change the use of 1,496 square feet of an existing building from general retail sales and service use to medical service use. The existing three-car detached garage located at the southwest corner of the lot will remain. No other site improvements are proposed other than some interior alterations. The applicant has provided the following information regarding the proposed operation of the business. The hours of operation for the dental office are anticipated to be between 8:00 a.m. and 5:00 p.m. during the weekday and the pediatric dental office will be closed on the weekends. Initially, there will be four employees of the medical office; however, the owner may plan to increase the amount of employees in the future. There is no change in parking for this proposal.

Public Comments

Six written comment letters were received during the public comment period which ended on December 12th, 2007.

*The comment letters received were all in support of the dental service use in the neighborhood.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Standards for converting from one non-conforming use to another are found in section SMC 23.42.110 of the Land Use Code. Specific criteria applicable to this application can be found in Subsection B the proposed new use must be no more detrimental to properties in the zone or vicinity than the existing use. This determination shall be based on the following criteria:

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

General Retail Sales and Service and Medical Service uses are both permitted in all commercial zones (from residential zones with a residential commercial designation to Commercial 2). They are both permitted in all industrial zones as well as downtown. The uses are not regulated differently in any of these zones except for parking which will be discussed below; therefore, it seems reasonable to assume that the change of use should be approved based on a comparison of the zones in which both uses are allowed.

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

The applicant has stated that the number of employees will be four which will be the owner plus three other employees. The owner has stated that once the office is established and able to utilize the space fully there will be up to 24 patients per day. Patients for the office are by appointment only. Normally, there should only be a few patients waiting at a time, however, there will be times when patients arrive early, therefore, there may be more than a few patients in the office at a time. If the business is successful and more employees are added to the dental office then there may be an increase of patients in the office. Few deliveries are anticipated initially; however, as business increases there may be limited additional deliveries. Based on the number of employees and the limited deliveries, it is reasonable to assume impacts associated with these criteria will not be substantial enough to require further mitigation and is expected to be less of an impact than most retail uses of the same size.

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

Section 23.54.015, Chart A, of Seattle Land Use and Zoning Code sets forth the base parking requirement for both General Sales and Service use and for Medical Service use as one parking space per each 500 square feet. Per section 23.54.015D3 allows a waiver for the first 1500 sq. ft. of the above uses. Per section 23.54.015G; up to twenty (20) required parking spaces in new nonresidential uses are waived for a new nonresidential use established in an existing structure. The total square footage of the medical service use is 1,496 square feet; therefore, no parking will be required for this use.

It is anticipated that the limited deliveries for the medical service will not adversely impact the traffic flow of the site and will even have less of an impact than the existing retail service deliveries. Deliveries to the medical service will be from smaller vehicles such as cars and vans and will not occur regularly.

There will be no change or addition to the exterior lighting of the building. Therefore, no additional impacts due to lighting are anticipated beyond that which may already be in existence on the site.

The interior of the building will be remodeled to accommodate installation of the medical service. No increase in noise or odor is anticipated to be associated with the medical service.

The proposal is an interior tenant alteration for an interior use and will not create exterior noise or visual impacts. Signage shall be stationary and shall not rotate. No flashing, changing-image board signs shall be permitted. Applicant will refer to Section 23.55.020E of the Seattle Land use and Zoning Code for existing business signs for non-conforming business establishments in single family zones. The proposed use is consistent with the existing use and will have shorter hours of operation than the existing retail sales and service use.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The request to change one non-conforming use to another non-conforming use, general retail sales and service use to medical service use is **GRANTED**.

Signature: (signature on file)
Joan S. Carson, Land Use Planner II
Department of Planning and Development

Date: March 3, 2008