



City of Seattle

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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:** 3009666  
**Applicant Name:** Kristen Fritsch, Boxwood  
For Gerry Pigotti, Gibraltar Capital LLC  
**Address of Proposal:** 11050 5<sup>th</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to change 9,018 sq. ft. of office use to medical office use. No change in parking.

The following approval is required:

**Administrative Conditional Use Permit** - SMC [23.42.110](#): change from one non-conforming use to another not otherwise permitted in a residential Lowrise zone.

**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 property is located on the east side of 5<sup>th</sup> Ave NE, midblock between NE Northgate Way and NE 115<sup>th</sup> St in the Northgate neighborhood. The site is in a residential Lowrise 4 zone (L4, see Figure 2). An existing office structure occupies the site (the Madison Building), comprising approximately 9,000 gsf and parking for 22 vehicles. Built in 1983, the Madison Building has continuously supported administrative offices as a nonconforming use.

The site is located in the Northgate Urban Center and in the Northgate overlay. The site is not located in a shoreline environment.

### Area Development

The property is located in the interface between a residential neighborhood and a heavily-trafficked commercial area focused at Northgate Mall, which is located one block to the southwest of the site. Vicinity properties immediately to the north and west of the site across 5<sup>th</sup> Ave NE are also zoned residential Lowrise 4 (L4). To the south and southeast, land is zoned residential Midrise (MR), transitioning to Neighborhood Commercial 3 with a 65-foot base height limit (NC3-65). Immediately to the east and northeast, properties are zoned residential Lowrise 3 (L3), transitioning to residential Lowrise 2 (L2), residential Lowrise 1 (L1), and Single Family with a minimum lot size of 7200 sq. ft. (SF 7200).

According to City of Seattle Geographic Information Systems (GIS) data, 5<sup>th</sup> Ave NE is a minor arterial. NE 112<sup>th</sup> St runs immediately to the south of the site, but is a private roadway.



Figure 1, Aerial photo.

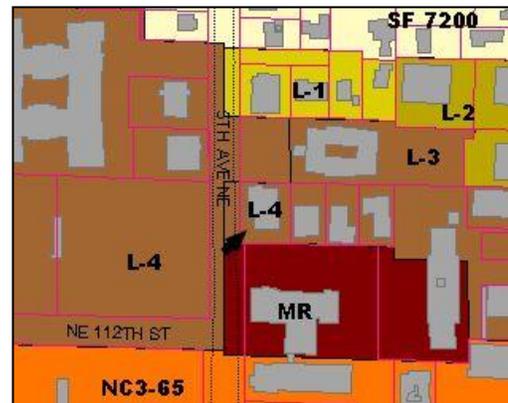


Figure 2, Vicinity zoning



Figure 3, Vicinity topography

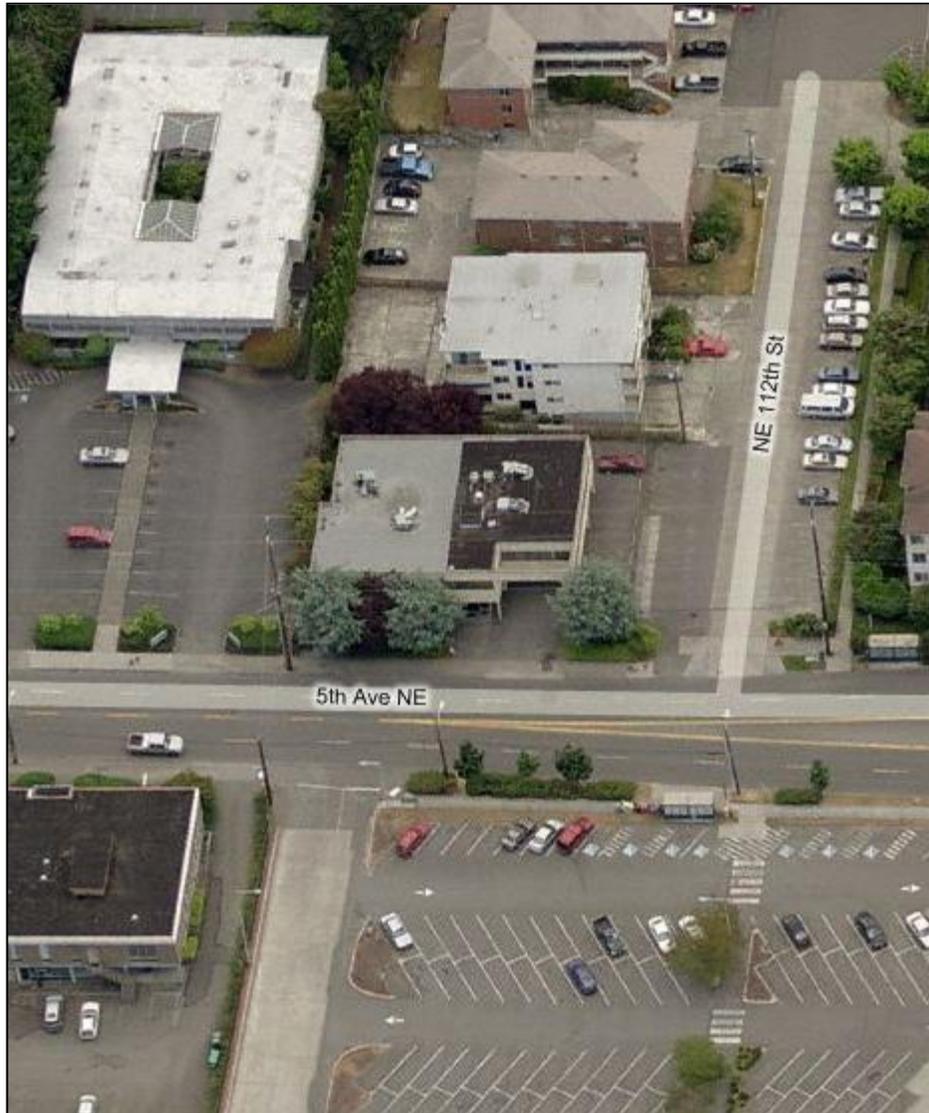
Proposal

The proposal involves a change of use from administrative office to medical office, a medical services use. The proposal involves no change in on-site parking.

Applicants provided DPD with information that included a floor plan (as built), a parking plan, and a vicinity map. The application offers general information related to the proposed business.

The plan is for a medical office, involving about 20-25 employees and 5-25 clients at any one time.

Parking needs would be similar to existing office uses, with a marginal projected increase in clients over existing conditions.



**Figure 4**, oblique aerial – facing east. NE 112<sup>th</sup> St to the east of 5<sup>th</sup> Ave NE is not a public` right of way.

Public Comment

One member of the public submitted written comments: a dentist working at a neighboring site, who supports the application. The commenter noted that the proposed use is consistent with several other similar uses in the immediate vicinity of the mall. DPD's public comment period ended on April 8, 2009. DPD has considered public comment and has applied this information as it relates to the criteria discussed below.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Pursuant to SMC [23.42.110](#), 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 pertinent limitations and conditions.

*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;*
- 2. The number of employees and clients associated or expected with the proposed use;*
- 3. The relative parking, traffic, light, glare, noise, odor and similar impacts of the two uses and how these impacts could be mitigated.*

As defined by the Land Use Code, “*medical services’ means a commercial use in which health care for humans or animals is provided on an outpatient basis, including but not limited to offices for doctors, dentists, veterinarians, chiropractors, and other health care practitioners, or in which mortuary or funeral services are provided. Permitted accessory uses include associated office, research and laboratory uses.*”

The definition accurately characterizes the proposed use.

**Zones.** The first standard by which the Land Use Code seeks to compare the intensity of the proposed new use versus the previous use is by comparing the zones in which both are allowed. Medical services are allowed in all the same zones as offices, with some qualifications. Medical services larger than 10,000 sq. ft. are somewhat limited within 2,500 of a medical major institution overlay. Northwest Hospital is located about 3,000 feet NE of the site, to this restriction does not apply here. Office uses larger than a certain size may be subject to limitations in C1 and C2 zones. Both uses are permitted in Residential-Commercial (RC) zones. The application meets the first standard.

**Employees and clients.** Floor plans are to remain largely the same as the current configuration, and the number of employees on-site at any one time is likely to be consistent with past practice. The applicant states that some increase in client visits is likely, but that increase is likely to be marginal.

**Traffic.** The applicant provided no traffic analysis, simply stating that there are likely to be 1-5 more clients on site at any given time. Assuming a maximum of 25 clients and average visits lasting 45 minutes to an hour, any increased traffic impacts from the project is likely to be minor in relation to the general level of traffic in the vicinity. DPD considers it unlikely that the new use will generate appreciably more traffic than the current permitted use.

**Parking.** The applicant provided no parking analysis, other than to show proposed parking and to demonstrate zoning compliance. The site previously supported surface parking for 22 vehicles. According to the application coversheet, the project would reduce the total to 21 spaces, in order to accommodate one new barrier-free stall. The remaining 21 spaces would

exceed the proposal's zoning requirement. As Land Use Code parking ratios are intended to approximate the parking demand for any given use, this indicates that the proposal is likely to represent an increased demand for parking. However, DPD considers the likelihood of parking impacts from spillover demand to be minor, if any.

As a result of the proposal, it is very unlikely that residents or others would experience parking impacts resulting from the project.

**Noise.** The proposal represents no change in noise levels, in comparison to the established use. All uses are to be located inside the building, and all of the project's outside noise sources (fans, cars, deliveries) are likely to be comparable or equal to existing levels.

**Light, glare, odor.** DPD considers the impacts for light, glare and odor to be essentially the same for medical service uses and administrative offices. The exterior of the existing structure would remain essentially unchanged, involving no substantial net increase in light and glare.

It is possible that the area would experience more light intrusion as a result of more vehicles in the lot. However, parked cars may also provide a screen for adjoining vehicles, resulting in very little change, if any.

#### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

DPD concludes that the proposed use and the existing use are allowed in the same zones, that the expected increase in clients is minor, and the project's relative impacts in parking, traffic, light, glare, noise and odors should be negligible.

#### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The application for an administrative conditional use permit is **APPROVED.**

Signature: \_\_\_\_\_ (Signature on file) Date: June 8, 2009  
Scott A. Ringgold, Land Use Planner  
Department of Planning and Development

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