



# City of Seattle

Department of Planning & Development  
Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3012995  
**Applicant Name:** Carl Tully  
**Address of Proposal:** 4540 Sand Point Way NE

### SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow interior renovation of an existing structure creating 15,000 sq. ft. of medical office use for Children's Hospital.

The following approvals are required:

**Administrative Conditional Use** - to allow a medical service use to exceed 10,000 sq. ft. within 2,500 sq. ft. of a medical major institution overlay district.

**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 site is located on Sand Point Way NE on the block bounded by Sand Point Way NE, a partially paved alley to the east, and NE 45<sup>th</sup> St on the south. The northwesterly property line has 1,050.00 feet of frontage on Sand Point Way NE; the eastern property line abuts neighboring single-family/multi-family residences. The property is zoned Neighborhood Commercial (NC2-30') with a 30' height limit.



### Proposal Description

Children's is proposing to lease approximately 9,782 square feet in the Springbrook Building for their ambulatory adolescent medical services clinic. The area currently leased is approximately 4,132 square feet — for a lease total of approximately 15,000 square feet.

The space was formerly occupied by the Northwest Asthma and Allergy Clinic, which has moved to a new clinic in the Northgate area. This proposal, like the one it replaces, will serve neighborhood residents as well as residents outside the neighborhood.

In terms of available space in the Springbrook Building, there is ground floor space in the Springbrook Building, available for leasing by businesses or other health care providers wishing to serve neighborhood residents.

### Public Notice and Comment Period

Notice of application was given on February 9, 2012 and the extended comment period ended on March 7, 2012. The Application file is available for review at the Public Resource Center located at 700 5<sup>th</sup> Ave, Ste 2000<sup>1</sup>.

### Standing Advisory Committee

Children's Standing Advisory Committee ("SAC"/"AC"); Ex-Officio's – from Children's Hospital, Department of Neighborhoods (DON), the Department of Planning and Development (DPD), and members of the public were briefed on the Project on March 3<sup>rd</sup>, 2012. The SAC representatives present expressed their concerns that —

*“1) the proposed lease would occupy no ground floor space, 2) the use will not result in the demolition any structure that contains a residential use nor change a residential use to a nonresidential use and that no exterior modifications will be made to the building as a result of this leasing activity, 3) the use shall be subject to the provisions of the SCH Transportation Management Program: 4) and the total amount of leased space would remain under the 25,000 cap established for SCH;”*

No SAC members voiced opposition to the proposal — some member of the SAC and the community expressed concerns regarding the proposal, as noted in the letters on file.

### **ANALYSIS – ADMINISTRATIVE CONDITIONAL USES**

The Seattle Municipal Code (SMC) provides that the Director may approve, condition, or deny an application for an administrative conditional use. The Director's decision shall be based on a determination whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. *The following criteria were used to evaluate the proposal:*

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<sup>1</sup> (<http://seattle.gov/dpd/PRC/LocationHours/default.asp>).

*SMC 23.42.042 Conditional uses*

- A. *Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.*
- B. *In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.*
- C. *The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

*SMC 23.47A.006 Conditional uses*

- A. *The following uses, where identified as administrative conditional uses on Table A for Section 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:*
  - 4. *Medical service uses. Medical service uses over 10,000 square feet, outside but within 2,500 feet of a medical Major Institution overlay district boundary, may be approved as administrative conditional uses, except that they are permitted outright if included in an adopted master plan or dedicated to veterinary services. In order to approve a medical service use under this subsection, the Director must determine that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. The following factors will be used in making this determination:*
    - a. *Whether the amount of medical service uses existing and proposed in the vicinity would result in an area containing a concentration of medical services with few other uses; and*

**The proposed use replaces existing Medical Office Use, not an increase of existing Medical office. See vicinity plan included in this submission for information regarding other retail and commercial services available in the area.**

- b. *Whether medical service uses would displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of general sales and services uses, or significantly detract from an area's overall neighborhood-serving commercial character.*

**The proposed space is not located at street level.**

*SMC 23.69.022 Uses permitted within 2,500 feet of a Major Institution Overlay District.*

A. *A Major Institution shall be permitted to lease space, or otherwise locate a use outside a Major Institution Overlay (MIO) District, and within two thousand five hundred (2,500) feet of the MIO District boundary, subject to the following limitations:*

- 1. The provisions of this section shall not apply to contractual arrangements with other entities, except for leases or other agreements for occupying space.*

**Children's proposes to lease a total of approximately 15,000 square feet of space in the Springbrook Building for medical services uses. Children's currently leases approximately 4132 square feet in the Springbrook Building for medical services uses.**

**The space Children's will lease is currently leased to another tenant for medical service uses. The site is currently zoned NC-2. Medical service uses are permitted outright in the NC-2 zone.**

- 2. No such use shall be allowed at street level in a commercial zone, unless the use is determined to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use or child care center and is allowed in the zone. If the use is allowed in the zone but is determined not to be similar to a general sales and service use, eating and drinking establishment, major durables retail sales, entertainment use or child care center, the Director may not allow the use at street level in a commercial zone unless provided otherwise in an adopted master plan or in a Council-approved neighborhood plan;*

**Children's is not proposing to locate medical service uses at street level.**

- 3. Except as permitted in an adopted master plan, the use shall not result in the demolition of a structure(s) that contains a residential use nor shall it change a residential use to a nonresidential use.*

**Children's is not proposing demolition of any structures.**

- 4. The use(s) shall conform to the use and development standards of the applicable zone.*

**The proposed medical services use is permitted outright in the NC-2 zone. The use will otherwise conform to all use and development standards of the NC-2 zone.**

- 5. The use shall be included in the Major Institution's approved Transportation Management Program if it contains students or employees of the Major Institution.*

**Employees and supporting faculty of Seattle Children's will work at the leased space and the use will be included in the approved TMP for the MIMP.**

- 6. If a Master Use Permit (MUP) is required for the use, the Director shall notify the Advisory Committee of the pending permit application and the committee shall be given the opportunity to comment on the impacts of the proposed use.*

**A MUP is required for the use. The Director notified Advisory Committee and briefed them on the application on March 3<sup>rd</sup>, 2012. Following the briefing they commented to the Director in writing on the impact of the proposed use on March 9<sup>th</sup>, 2012.**

- B. A medical service use that is over 10,000 square feet shall be permitted to locate within 2,500 feet of a medical MIO District only as an administrative conditional use subject to the conditional use requirements of Section [23.47A.006.A.4](#) or Section [23.50.014.B.12](#).*

**The proposal will cause the cumulative total square feet of space in the Springbrook building leased by Children's for medical service uses to exceed 10,000 square feet. The subject ACUP complies with the conditional use requirements of Section 23.47A.006.A.4. See Section C, below.**

- C. A Major Institution that leases space or otherwise locates a use in a Downtown zone shall not be subject to the limitations established in subsections A or B of this section, except that subsection A3 and A4 shall apply.*

**This criterion does not apply.**

#### **DECISION – ADMINISTRATIVE CONDITIONAL USE**

Based on the forgoing review and analysis in this Decision, the proposal will satisfy all relevant criteria/requirements governing an Administrative Conditional Use in a commercial zone. The Administrative Conditional Use Permit to allow establishment of a medical service use (medical office) is **GRANTED**. The proposal is not expected to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the Institution is located.

#### **CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

None.

Signature: \_\_\_\_\_ (signature on file) Date: May 21, 2012  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

CRV:bg