

May 2, 2016

Ms. Tamara Garrett
Office of Planning and Development
PO Box 34019
Seattle, WA 98124-4019

Re: 1419 E. John Court – Seattle Clinic
DPD Project Number: 3020298

Dear Ms. Garrett:

Foster Pepper PLLC writes on behalf of the Seattle Clinic to request a contract rezone from LR3 to NC2-40 for property situated at 1419 E. John Street in Capitol Hill (the “Property”). Constructed in 1907, the Property’s existing 2,510 sq. ft. structure is a duplex that is located in between a four-story mixed use structure (zoned NC2-40) and a three-story apartment complex zoned (LR3).



1419 E. John Court - the Seattle Clinic has purchased the property.

One purpose of the requested rezone is to authorize the Seattle Clinic to provide psychological services and hands-on training in the existing structure at the Property following an internal remodel. A rezone is necessary because such uses are prohibited in the current LR3 zone. Thus, this proposal effectively mirrors other approved contract rezones in the immediate vicinity, such as the contract rezone for Bischofberger Violins (CF 265201, rezoning residential-zoned property to a commercial zone to authorize a commercial use in an existing structure).

The Seattle Clinic is also contemplating the development of a new detached structure in the backyard of the Property so that the clinic can provide additional mental health services and training. The Property's existing LR3 zoning provides significant additional development potential at the Property. Significantly, the requested PUDA would condition any new development at the Property to generally conform to the site's existing LR3 zone's development standards, with only minor exceptions, which are requested to site new development toward the existing NC-zoned four-story structure to the west of the Property, thereby siting any new development *away* from the LR3-zoned residential uses to the east of the site.¹ In short, the Seattle Clinic wants to be a good neighbor.

This application provides the materials required by the City of Seattle ("City") for a contract rezone. The application also includes a traffic study, renderings of the potential new structure,² and signed letters from mental health professionals in the Seattle-area that describe the immediate unmet need for evidence-based mental health treatment in Seattle.³ The Seattle Clinic provides this cover letter to better explain the Seattle Clinic and the important mental health services that the Seattle Clinic provides.

The Seattle Clinic

The Seattle Clinic is a predominantly women-owned mental health facility that provides evidence-based mental health treatment.⁴ The three principals are Dr. Mary Loudon, Dr. Julia Hitch, and Dr. Andrew Fleming. The principals received their doctorates from the University of Washington's clinical psychology graduate program, which consistently ranks as one of the top five graduate programs in the nation. Currently, the three principals and one additional psychologist practice at an office building in Eastlake, near the University Bridge.

The Seattle Clinic primarily focuses on providing mental health services to children and families. It treats a diverse collection of behavior concerns, including eating disorders, anxiety, obsessive-compulsive disorder, tics and Tourette's, depression, suicidal behavior, marital discord, and post-traumatic stress disorder. The Clinic currently treats approximately 140 individuals, couples, or families. To provide a safe environment for their clients and the neighbors, the clinic does not provide treatment to individuals with a history of sexual assault or violence.

The Seattle Clinic is one of the few mental health facilities in Seattle where Ph.D.-level clinical psychologists provide evidence-based treatment. This means that the treatments

¹ The envisioned development would require a departure in the existing LR3 zone.

² The applicant is not proposing to construct any new additional structures through this contract rezone proposal. The applicant simply wants to ensure that the site's zoning and the PUDA would not preclude a *potential* clinic expansion that would occur at a later date.

³ Attached as Exhibit C.

⁴ The Seattle Clinic is not a Major Institution that plans under a Major Institution Master Plan.

provided are supported by best available research, and thus have established effectiveness. Simply put, the Seattle Clinic aims to provide the best mental healthcare that is available.

The Unmet Need For Evidence-Based Mental Health Services in Seattle

Seattle has a significant unmet need for mental health treatment because Seattle has a shortage of highly-trained mental health providers and a shortage of evidence-based mental health clinics. For example, less than four months after opening in 2014, the Seattle Clinic hit its capacity for patients. The Seattle Clinic has been at capacity since then. In addition to the Seattle Clinic, other evidence-based mental health clinics also struggle to hire trained Ph.D.-level clinical psychologists to meet the demand for high quality care. For example, Evidence Based Treatment Centers of Seattle (EBTCS), perhaps the most well-known Seattle facility, has a waitlist where it is not uncommon for an individual to wait months (or more than a year) to see a clinician. The Seattle Clinic receives dozens of requests for specialized services each week, and unfortunately the majority of those requests cannot be met due to the capacity problem. Furthermore, clinicians at the Seattle Clinic have great difficulty in finding viable referrals for those who are seeking services, since other specialized clinics are similarly overloaded.

Many reasons exist for the shortage of trained Ph.D.-level clinical psychologists offering services in Seattle, but the two main reasons are: (1) lack of training opportunities in the Seattle area; and (2) the prevalence of location-based non-compete agreements, which extend to clinicians and even post-doctoral students who train at these facilities. The non-compete agreements push trained clinicians away from Seattle, where the non-compete agreement is no longer applicable.

The Seattle Clinic is committed to addressing these problems to help bridge the gap for unmet mental healthcare needs in Seattle. As soon as space is available, the Seattle Clinic will begin a fellowship program for up to five post-doctoral trainees who will receive hands-on training in evidence-based treatment at the Seattle Clinic. By offering unique leading-edge training opportunities, the clinic expects to recruit top talent from around the country for its fellowship program. Rather than impose restrictive non-compete contracts, which often push graduating fellows to leave the area, the Seattle Clinic aims to prepare fellows for launch into private or group practices within the community, thereby increasing access to specialty care throughout Seattle.

Attached to this application are the affidavits of other clinical psychologists who speak to the shortage of evidence-based mental healthcare facilities in Seattle.

The Seattle Clinic's Vision for the Property at 1419 E. John Court

The Seattle Clinic outgrew its existing facility in Eastlake four months after it opened. The principals plan to curate a larger group of providers to address, in part, the unmet mental health needs of Seattle's residents. Naturally, this will require more physical space. This is why the founders purchased the Property at 1419 E. John Court in the fall 2014. The hope is to use

the Property's existing structure and to develop another structure to allow for 12-15 clinical offices, plus two conference rooms, and a group therapy room. To be clear, the Seattle Clinic is not using the Property at 1419 E. John Court for the envisioned clinic use today.

The Property is ideally situated for a few reasons:

- **Proximity to Schools.** The Seattle Clinic primarily serves children and families, and the Property is ideally situated within one mile of 12 schools. This proximity will allow school-aged children to meet with their therapist without significant disruption to their day, or their parents' day.
- **Excellent Atmosphere for Children.** The Property offers a welcoming, home-like physical presence and atmosphere. This reflects the philosophy of the clinic as a place with a heart, filled with meaningful relationships – both for children and families, and for the providers who establish their professional home at the Property. The Property at 1419 E. John Street captures this feeling in exemplary fashion. The Seattle Clinic plans to maintain the feeling and features of a welcoming home, both inside and out.
- **Proximity to Transit.** Nearby light rail and bus lines make the Property easily accessible from many points in the Seattle area, including several communities that presently have limited access to specialty-level mental health care (such as many communities along Sound Transit's service line, including the Rainier Valley).
- **Near Urban Amenities.** Located in one of the coziest necks of vibrant Capitol Hill, the Property offers children and families a host of urban amenities within walking distance. The location also offers providers the opportunity to live near work and to walk to work.
- **Room to Grow.** To meet the unmet demand for psychological services, the principals are contemplating the construction of an additional building on the southern end of the property. This structure would allow 1419 E. John Court to be the final home for the Seattle Clinic, rather than a shorter-term stepping-stone. Thus, the rezone, if approved, would secure the Seattle Clinic as a premier healthcare facility in the core of one of Seattle's most populated neighborhoods. Architectural renderings of the envisioned construction is attached as Exhibit E.

The Seattle Clinic's Commitment to Social Justice, Equitable Service, and Training

The Seattle Clinic is committed to serving the needs of young children, those at high risk of suicide, and sexual and ethnic minorities, regardless of their income. The Seattle Clinic provides both pro-bono and low-fee slots to help ensure that evidence-based care is accessible to those who need it. Approximately ten percent of the Seattle Clinic's patients receive reduced fee services.

The Seattle Clinic's commitment to broadening mental health care accessibility goes far beyond individual therapy practices. The Seattle Clinic's principals also supervise doctoral students and other trainees who, in turn, offer low-fee services—as low as one dollar per session.

The reality is that many individuals in underserved groups still cannot access the help that they need. In Seattle, high-quality clinics and well-trained Ph.D.-level clinical psychologists are rare. Having a child (or anyone) wait up to a year for specialized care is too long, especially for urgent problems such as suicidal and/or self-harm behavior.

The Property and the proposed contract rezone represent a real possibility of beginning to address this problem on a broader scale. With the larger facility and the envisioned additional structure, the Seattle Clinic will have the capacity to recruit and train even more specialty care providers to launch their own practices in the community, further reducing barriers to care for all Seattle residents.

Thank you for your attention to this request for a contact rezone. We have attached the following information to this letter:

- Exhibit A: Contract Rezone Application
- Exhibit B: Heffron Traffic Generation and Parking Demand Analysis, dated April 10, 2016.
- Exhibit C: Letters of support from psychologists in the Seattle area
- Exhibit D: Rendering of Hypothetic Apartment Redevelopment at the Property, conforming to the LR3 zone's development standards
- Exhibit E: Rendering Hypothetical Backyard Addition for the Seattle Clinic Use, as conditioned by the Proposed Property Use and Development Agreement
- Exhibit F: Area Zoning Map, with Existing Structures
- Exhibit G: Nonconformity Analysis under LR3 and NC2 zones
- Exhibit H: SEPA Checklist

Sincerely,

FOSTER PEPPER PLLC

Jeremy Eckert,
On behalf of The Seattle Clinic

EXHIBIT A
CONTRACT REZONE APPLICATION

ANSWERS TO THE REZONE APPLICATION SUBMITTAL INFORMATION

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**ANSWERS TO THE REZONE APPLICATION SUBMITTAL
INFORMATION SHEET IN DPD TIP #228**

DPD Project Number:

3020298

Subject Property Address:

1419 E. John Street, Seattle, WA 98112.

Summary of existing zoning classifications and proposed change:

1419 E. John Street is zoned LR3, located within the Capitol Hill Urban Center Village. The proposal is to rezone the property to NC2-40.

Approximate Size of property/areas to be rezoned:

Approximately 3,600 sq. ft.

If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and CAM 103B:

The site does not contain any critical areas, and it is not within 25 feet of an environmentally critical area.

Applicant Information:

Property owner and owner's representative:

The Seattle Clinic
3245 Fairview Ave E, Suite 210
Seattle, WA 98102

Principals: Dr. Mary Loudon, Dr. Julia Hitch, and Dr. Andrew Fleming

Represented by:

Jeremy Eckert
Foster Pepper PLLC
1111 3rd Ave., Suite 3000
Seattle, WA 98101
206.447.6284

Other? (Explain):

No other applicant information is necessary.

Legal description of property(s) to be rezoned:

That portion of Lots 3, 4 and 5, Block 41 of Addition to the City of Seattle, laid off by D.T. Denny, Guardian of the Estate of J.H. Nagle (Commonly as Nagle's Addition to the City of Seattle), according to the plat recorded in Volume 1 of Plats, Page 153, in King County, Washington, described as follows:

Beginning on the South line of East John Street as condemned by the City of Seattle under Ordinance No. 7394, at a point which is 40 foot East of the East line of the alley in said Block 41 established by the City of Seattle under Ordinance No. 5236; thence East along said street line to West line of Block 2, Williams Addition to the City of Seattle, according to plat recorded in Volume 1 of Plats, Page 161, in King County, Washington; thence South along West line of said Williams Addition to the City of Seattle, 120 feet; thence West parallel with the South line of East John Street to a point which is 39 feet East of the East line of said alley; Thence Northerly 120 feet, more or less, to the point of beginning.

Present use(s) of property:

King County records list the property as a duplex. Four tenants currently occupy the residence on short-term leases with a pre-stated understanding that the lease may not be available for renewal after the end of the current term. The proposal will maintain the existing structure. The proposed rezone addresses uses.

The project applicant will comply with the tenant relocation assistance ordinance.

What are the planned uses for the property if a rezone is approved?

The Seattle Clinic desires to relocate its existing clinic on Fairview to the subject Property on Capitol Hill. The Property would provide evidence-based mental health psychological services to children and families. It would also provide full-time hands-on training opportunities for doctoral students at the University of Washington.

Does a specific development proposal accompany the rezone application? If yes, please provide plans:

No. The applicant is not proposing to construct any new additional structures through this contract rezone proposal. The applicant simply wants to ensure that the site's zoning and the PUDA would not preclude a potential clinic expansion that would occur at a later date.

The Seattle Clinic desires to create a PUDA that would permit additional development behind the existing structure. Such additional development may be permitted at a later time. Any future development would be conditioned through the PUDA to generally conform to the existing LR3 zone's requirements, with minor modifications to allow future development that suits the Seattle Clinic's office needs. More specifically, the PUDA would provide the following limitations on any future development:

- Setback on south lot line: 7-foot average, 5-foot minimum.
- Setback on west lot line: 7-foot average, 5-foot minimum

The setback restrictions conform to the current LR-3 zone's setback requirement. The existing LR3 zone already establishes a 40-foot height limit, which is also authorized in the NC2-40 zone. The applicant will conform to the requested NC2 zone's setback for the east lot line.

Any future development would also conform to the NC zone's upper-level setback requirements.

Reasons for the requested change in zoning classification and/or new use:

The Seattle Clinic is requesting to authorize the Seattle Clinic to provide psychological services and hands-on training in the existing structure at the Property following an internal remodel of the existing structure.

Anticipated benefits the proposal will provide:

The rezone will allow the Seattle Clinic to expand its operations to provide evidence-based psychological services to Seattle residents. Seattle has a significant unmet need for evidence-based mental health treatment because Seattle has a shortage of highly-trained mental health providers and a shortage of evidence-based mental health clinics. As identified in greater detail in the attached cover letter, the proposal will provide the following benefits:

- Allow the Seattle Clinic to expand to help unmet need for evidence-based psychological treatment for children and families.
- Provide new evidence-based psychology training opportunities; thereby training additional psychologists in the Seattle area who will help to meet the unmet need for psychological services.
- Maintain a unique, century-old structure in Capitol Hill that would likely be demolished in a redevelopment scenario because it does not satisfy designation criteria.
- Provide services for children and families within walking distance of 12 schools.
- Allow the Seattle Clinic to expand its sliding-scale fee.

A rezone of the Property advances many of Capitol Hill's adopted Neighborhood Plan goals and policies, including: CH-G4, CH-P16, CH-P17, CH-P18, CH-G1, CH-G2, CH-P5, CH-P7, CH-P9, and CH-P14. The Neighborhood Plan is addressed in greater detail in this application. The proposal also advances the City of Seattle's Urban Village Plan that seeks to "deliver services more equitably" by providing services in close proximity.

Summary of potential negative impacts of the proposal on the surrounding area:

The change of use may result in increased vehicular trips to the property, although the trip generation is likely lower than typical because of the recently opened Sound Transit station five

blocks from the property. To this application, the Seattle Clinic has attached its traffic and parking study prepared by Heffron, attached as Exhibit B.

List other permit approvals being requested in conjunction with this proposal:

None.

SMC 23.34.004

A. Property Use and Development Agreement. The Council may approve a map amendment subject to the execution, delivery, and recording of a property use and development agreement (PUDA) executed by the legal or beneficial owner of the property to be rezoned containing self-imposed restrictions upon the use and development of the property in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. All restrictions imposed by the PUDA shall be directly related to the impacts that may be expected to result from the rezone. A contract rezone shall be conditioned on performance or compliance with the terms and conditions of the PUDA. Council may revoke a contract rezone or take other appropriate action allowed by law for failure to comply with a PUDA. The PUDA shall be approved as to form by the City Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

The proposal is for a contract rezone in which the development would be controlled by the use of a Property Use and Development Agreement (PUDA). The PUDA would authorize psychological and training uses at the Property. Although the Property would be rezoned to NC2-40, the PUDA would also impose the following restrictions on the Property so that any future redevelopment would generally conform to the LR3 zone's development standards:

- Height: restricted to 40 feet.
- Setback on south lot line: 7-foot average, 5-foot minimum.
- Setback on west lot line: 7-foot average, 5-foot minimum.

B. Waiver of Certain Requirements. The ordinance accepting the PUDA may waive specific bulk or off-street parking and loading requirements if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone. No waiver of requirements shall be granted that would be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The project is not requesting a waiver for off-street parking or loading.

SMC 23.34.007 – REZONE EVALUATION

A. The provisions of this chapter apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

This section requires the consideration of all applicable rezone criteria with no single criterion being the determining factor. This packet addresses each criterion to allow for a thorough review.

C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment redesignations as provided in SMC Subsection 23.60.60.B.3.

This application complies with every provision of ch. 23.34 SMC.

D. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary.

The proposal is located within the Capitol Hill Urban Center Village.

E. The procedures and locational criteria for shoreline environment redesignations are located in Sections 23.60.060 and 23.60.220, respectively.

The proposal is not located within any shoreline area.

F. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

The proposal is not a correction of a mapping error and so should not be evaluated as a Type V Council land use decision.

SMC 23.34.007 Conclusion: The Proposed rezone meets the requirements of SMC 23.34.007, per the analysis above.

SMC 23.34.008 – GENERAL REZONE CRITERIA

A. *To be approved a rezone shall meet the following standards:*

1. *In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*

The proposal complies with RCW 23.34.008.A because it does not result in the zoned capacity for the center or village, taken as a whole, to be no less than one hundred twenty-five (125%) of the adopted growth targets.

2. *For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall not be less than the densities established in the Urban Village Element of the Comprehensive Plan.*

The proposal is located in the Capitol Hill Urban Center Village. The proposed zoning – NC2-40 – is not less than the densities established in the Urban Village Element of the Comprehensive Plan.

B. *Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.*

Analysis comparing the characteristics of the area to the location criteria for multi-family zones (LR3) and for Residential Commercial Zone, and the neighborhood commercial zones (NC1 and NC2) is provided in the section titled *Functional and Locational Analysis*.

C. *Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.*

The City Council has approved at least three contract rezone approvals in the immediate vicinity of the subject property.

- Bischofberger Violins, 1314 E. John Street, CF265201. In 1969 the City Council approved the commercial use of Bischofberger Violins by rezoning property from Multiple Residence High Density 200 RMV 200 to Business Commercial (BC). Mirroring the Seattle Clinic’s proposal, Bischofberger desired to conduct a commercial use within an existing, residentially-zoned structure that was constructed in the early 1900s. A photo of the existing commercial use is below.



Figure 1 Bischofberger Violins, 1314 E. John Street, CF265201

- 1317 E. John Street, CF272932. In 1972 the City Council also rezoned residentially-zoned property from Multiple Residence, Low Density (RM-800) to Community Business (BC). The property was recently redeveloped through a MUP under project number 3012729, dated November 15, 2012. The project was for a four-story, 42-unit residential building over four live-work units. The MUP and design review analysis identifies many of the neighborhood’s existing characteristics.
- Key Bank, 321 15th Avenue E, CF306909. More recently, in 2005 the City Council unanimously rezoned property on 15th Avenue from LR3 to NC2-40. The Hearing Examiner’s recommendation identifies the relevant land use history of the area and notes that a PUDA conditioning the property ensures that the rezone does not establish a precedent for future rezones.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

The project site lies within the planning area of the Capitol Hill Neighborhood Plan (“Neighborhood Plan”).

2. *Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.*

The Council adopted Neighborhood Plan identifies the key elements and strategic goals the neighborhood seeks to implement moving forward. A rezone of the Property advances many of Capitol Hill's adopted Neighborhood Plan goals and policies. For example, the proposal strongly supports and advances the Capitol Hill plan for human development:

CH-G4: A neighborhood that recognizes the diverse and distinctly different human services needs of a culturally and economically diverse population.

CH-P16: Promote community connections ... by encouraging opportunities for people to ... support each other.

CH-P17: Improve communication between people, organizations, and communities dealing with human needs and human development issues.

CH-P18: Seek a comprehensive approach to address social issues and human needs within the neighborhood.

Permitting the psychology / training use also encourages an active business district that is accessible:

CH-G1: A neighborhood with distinct residential areas, active business districts, accessible transportation services, and strong institutions, which is diverse and densely populated.

Although this proposal primarily addresses uses within structures, it will result in the retention and maintenance of a beautiful single-family home zoned LR3 (authorizing townhouses, rowhouses, and apartments). Thus, the proposal also advances the community character, land use and urban design, and housing goals:

CH-G2: An enhanced neighborhood with diverse land uses, a mixture of housing types including single-family and dense multifamily, and vibrant commercial districts.

CH-P5: Encourage the preservation of the neighborhood's architectural quality, historic character, and pedestrian scale.

CH-P7: Strive to enhance the neighborhood's lively, unique pedestrian-oriented commercial corridors.

CH-P9: Zoning and design guidelines should ensure that new development complements the existing architectural fabric of the neighborhood.

CH-P14: Encourage the preservation of existing housing structures and the maintenance of properties.

3. *If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.*

The Neighborhood Plan does not contemplate rezones.

Neighborhood Plan Conclusion:

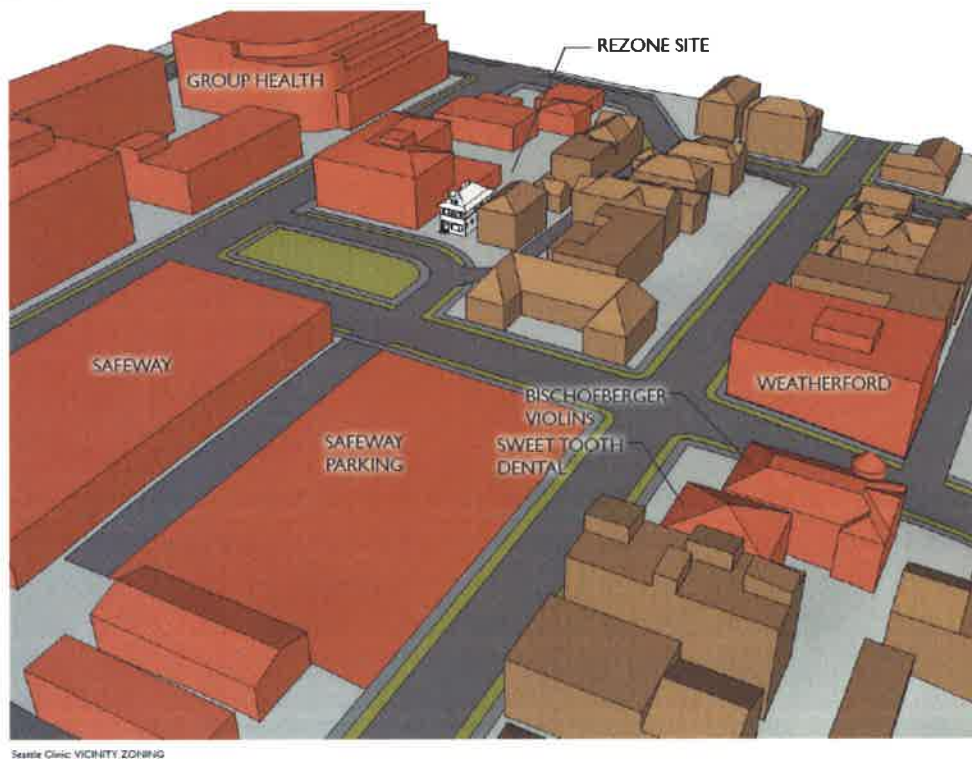
The proposal is consistent with and advances the Neighborhood Plan’s vision for the area.

E. Zoning Principles. The following zoning principles shall be considered:

1. *The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.*

The rezone is not connected with a development proposal. It is possible that the Seattle Clinic may develop a portion of the property’s backyard at a subsequent time. The PUDA includes conditions so that any future development would generally conform to the LR3 zone standards, such as capping height at 40 feet and requiring LR3 zone setbacks to the south and west (where adjacent property is zoned LR3).

A map of the area demonstrates the zoning and existing built environment footprint surrounding the subject property. Orange represents properties zoned NC2-40 or NC2P-40 and brown represents properties zoned LR3. This map is attached as Exhibit F.



Seattle Clinic: VICINITY ZONING

2. *Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:*

- a. *Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. *Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. *Distinct change in street layout and block orientation;*
- d. *Open space and greenspaces.*

The requested NC-40 zone would not require any setback to the west and south. The requested rezone includes conditions in the PUDA so that any future development will provide LR3 zone setbacks from the LR-zoned property to the west and south. The NC zone also establishes screening and landscaping requirement in SMC 23.47A.016. Thus, there will be an “open space” or “greenspace” buffer between the subject property and the LR-zoned properties.

The property to the east is zoned NC2P-40. The proposal will conform to the requested NC2-40 zone setback for this property line.

There is a street to the north. Thus, the street provides a buffer to the north.

3. *Zone Boundaries.*

a. *In establishing boundaries the following elements shall be considered:*

- (1) *Physical buffers as described in subsection E2 above;*
- (2) *Platted lot lines.*

b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

Please see the answer to the previous question for an explanation regarding boundaries between commercial and residential areas. In addition to these setbacks, any future development will conform to upper-level setbacks established in SMC 23.47A.014.B. and landscaping and screening standards established in SMC 23.47A.016.

4. *In general, height limits greater than forty (40) feet should be limited to urban villages. Height limits greater than forty (40) feet may be considered outside of urban villages where higher height limits would be consistent with an adopted neighborhood plan, a major institution's adopted master plan, or where the designation would be consistent with the existing built character of the area.*

The current zoning establishes a 40-foot height limit. The proposed rezone does not increase the height limit.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. Factors to be examined include, but are not limited to, the following:

a. Housing, particularly low-income housing;

The change of use will remove two units from housing. As described above, this will not reduce the adopted growth targets adopted for the Capitol Hill Urban Center Village below 125%.

b. Public services;

The requested change of use will have a de minimis (if any) increase in demand for public services.

The change of use will allow the clinic to provide an unmet need for evidence-based psychology services for children and families.

c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;

No adverse impacts on environmental factors are anticipated from the change in zone. If there is subsequent development, all relevant factors will be conditioned through the MUP.

d. Pedestrian safety;

The proposed rezone will have no impact on pedestrian safety.

e. Manufacturing activity;

Not applicable.

f. Employment activity;

The proposed change of use will create up to twenty additional jobs and additional training opportunities.

g. Character of areas recognized for architectural or historic value;

The proposal will retain a home constructed in the early 1900s. Thus, the proposal to change the residential use to commercial is similar to the contract rezone for Bischofberger Violins, just down the street.

h. Shoreline view, public access and recreation.

No impact.

2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

a. *Street access to the area;*

The area is accessed via E. John Street or 15th Avenue. Both streets are arterials.

b. *Street capacity in the area;*

The E. John Street and 15th Avenue are class two arterials with lanes that allow traffic to travel in both directions and to turn. For an additional transportation analysis, please see the Heffron Traffic Generation and Parking Demand Analysis, dated September 8, 2015 (note that the only proposal before DCI is to change the use of the existing building).

c. *Transit service;*

DCI's parcel data lists the subject property as being located within a frequent transit area. The property is located within walking distance of the Capitol Hill Sound Transit Station. A metro bus stop is located in front of the property (bus lines 8, 10, and 43).

d. *Parking capacity;*

Per the Seattle Municipal Code, no parking is currently required for this change of use. The proposal will likely increase the demand for off-street parking. Paid off-street parking is available on Denny Way and between 15th and 16th Avenue E, just off of E. Thomas Street.

For an additional parking analysis, please see the Heffron Traffic Generation and Parking Demand Analysis. (note that the only proposal before DCI is to change the use of the existing building).

e. *Utility and sewer capacity;*

The proposal will likely decrease demand on utility and sewer (e.g., reduced showering). Seattle City Light will continue to provide electrical service to the property. Seattle Public Utilities will continue to provide water to the property. King County has adequate sewer capacity.

f. *Shoreline navigation.*

Not applicable.

Conclusion: The proposal will change the use of an existing structure from a residential use to a psychology office use. Thus, the proposal will have a positive impact on employment and on the character of the area for architectural and historical value. The proposal will have zero to a de minimis impact on public services, environment, pedestrian safety, manufacturing, shorelines. Any impact to the transportation network is identified in the Heffron Transportation Study. These impacts will be largely addressed by the

provision of paid off-street parking within two blocks of the site and through the newly-opened Sound Transit station located within walking distance of the clinic.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

The City Council appears to have zoned the property LR3 in 1982. Much has changed since then. In 1990, the State Legislature enacted the Growth Management Act (GMA, Ch. 36.70A. RCW). The GMA directs planning jurisdictions, such as the City of Seattle, to encourage development in urban areas, to provide adequate facilities and services, and to encourage economic development.⁵ The GMA directs local governments to advance these goals through coordinated comprehensive planning.

In 1994, in response to the GMA, the City of Seattle adopted a Comprehensive Growth Plan. The most recent comprehensive plan establishes four broad goals: (1) diverse housing and employment growth, (2) pedestrian and transit-oriented communities, (3) the provision of services and infrastructure targeted to support that growth, and (4) enhancements to the natural environment. The Comprehensive Plan identifies Urban Villages as the areas where the City seeks to encourage growth. Numerous goals and policies in the Urban Village Element encourage compact urban growth:

Locating more residents, jobs, stores and services in close proximity can reduce the reliance on cars for shopping and other daily trips and decrease the amount of fossil fuels burned and the amount of greenhouse gases emitted. Increasing residential and employment densities in key locations makes transit and other public services convenient for more people and therefore makes these services more efficient.⁶

Another changed circumstance is the Capitol Hill Neighborhood's creation of a Neighborhood Plan in 1998. The adopted portion of the Neighborhood Plan is reviewed in detail above. The Neighborhood Plan is consistent with Seattle's Comprehensive Plan insofar as both planning documents seek to encourage growth and commercial activity in the Capitol Hill Urban Village.

Finally, in 2011, the City Council amended the LR3 zone to authorize 40-foot apartments in the LR3 zone. Thus, the City Council's most recent action in the LR3 zone authorizes the exact height authorized through this rezone request. *See* City Council Ordinance 123495.

Conclusion: Since the subject property was rezoned, the State Legislature enacted the GMA, the City Council adopted Seattle's Comprehensive Plan, including its Urban Village Strategy, and the residents in Capitol Hill have adopted its Neighborhood Plan. The

⁵ The GMA's nonexclusive goals are set forth in RCW 36.70A.020.

⁶ Seattle's Comprehensive Plan, Urban Village Element, p. 1.3, Section A.

proposed rezone is consistent with each of the identified plans. The City Council's most recent action for the LR3 zone was to increase heights to 40 feet.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The project is subject to the following overlays: Capitol Hill Urban Village and Frequent Transit.

The Capitol Hill Urban Village is intended to create a community identity for Capitol Hill that includes encouraging small business and to provide equitable social services to the community.

The City of Seattle Frequent Transit District Overlay is a designation given to areas with transit service at least every 15 minutes during most of the day and changes the minimum parking requirements for new development in these district overlays.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

Not applicable.

J. Incentive Provisions. If the area is located in a zone with an incentive zoning suffix a rezone shall be approved only if one of the following conditions are met:

1. The rezone includes incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone; or

2. If the rezone does not include incentive zoning provisions that would authorize the provision of affordable housing equal to or greater than the amount of affordable housing authorized by the existing zone, an adopted City housing policy or comprehensive plan provision identifies the area as not a priority area for affordable housing, or as having an adequate existing supply of affordable housing in the immediate vicinity of the area being rezoned.

Not applicable.

SMC 23.34.008 Conclusion: The Proposed rezone meets the requirements of SMC 23.34.008, per the analysis above. The Proposed rezone also substantively advances the Growth Management Act, the City's Urban Village strategy, and the Capitol Hill Neighborhood Plan.

SMC 23.34.009 – HEIGHT LIMITS OF THE PROPOSED REZONE

23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in commercial or industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

The proposed rezone does not allow any additional height than is already allowed in the existing LR3 zone.

The Seattle Clinic has prepared a rendering of an apartment building that conforms to the LR3's development standards. This rendering is attached as Exhibit D. The Seattle Clinic has also prepared a rendering of a hypothetical backyard development for the Seattle Clinic's use, as conditioned by the proposed Property Use and Development Agreement. The exhibits demonstrate that the proposed rezone and hypothetical backyard development will have less impacts than the redevelopment of the property under the LR3 zone's development standards.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

The site is relatively flat. Any additional development in the backyard of the property may block views from the property to the east zoned NC2P-40. Such view blockage could occur under the site's existing LR3 zone (authorizing 40-foot height limits) or the requested NC2-40 zone (authorizing 40-foot height limits).

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

The proposed rezone does not allow any additional height than is already allowed in the existing LR3 zone.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits;

height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008 D2, are present.

The proposed rezone does not allow any additional height than is already allowed in the existing LR3 zone. Although the requested zone does not require side or rear yard setbacks, the contract rezone will be conditioned with setbacks, as required in the LR3 zone, for the western and southern lot lines. Any additional development will also be required to comply with the upper-level setbacks identified in SMC 23.47.014.B.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008

The Neighborhood Plan does not provide specific height recommendations.

Conclusion: The rezone will have no impact on allowed height limits. Ground-level and upper-level setbacks will ensure that future development (if any) will not impact the LR3-zoned property to the west and south. Any redevelopment of the property as conditioned by the PUDA will result in less impacts than redevelopment of the property under the LR3 zone's development standards.

SMC 23.34.072 – DESIGNATION OF COMMERCIAL ZONES

SMC 23.34.072 discourages the encroachment of commercial zones into residential areas. The site is surrounded by property zoned NC1, LR3, LR2-RC, and LR2. The zoning map to the right identifies the zoning of the property surrounding the project site. We address the requirements of SMC 23.34.072 in detail below.

23.34.072 Designation of commercial zones.

A. The encroachment of commercial development into residential areas shall be discouraged.

Seattle's Comprehensive Plan seeks to protect residential areas by encouraging residential and commercial growth in Urban Villages, such as the Capitol Hill Urban Village at issue here: "The strategy of focusing future development in urban villages continues to direct new development away from Seattle's single-family areas."⁷

In addition to protecting single-family areas, the proposal is designed to ensure no commercial encroachment into existing multi-family residential areas. The uses around the site are as follows:

- To the north: E. John Court. Located across from E. John Court is a park and a Safeway at the corner of E. John and 15th Avenue E. The Safeway property is zoned NC2-40.
- To the east: a 40-foot mixed-use structure. A dry cleaners and Bakery Nouveau are also located on E. John Court, just to the east of the building. This property is zoned NC2-40.
- To the south and east: existing multi-family structures zoned LR3. These properties are bordered by an alley to the west.

B. Areas meeting the locational criteria for a single-family designation may be designated as certain neighborhood commercial zones as provided in Section 23.34.010.

Not applicable. The area is not zoned Single Family.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in Sections 23.34.010 and 23.34.011 of the Seattle Municipal Code.

Not applicable. The area is not zoned Single Family.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

The site is located immediately adjacent to a commercial node, within the Capitol Hill Urban Village.

⁷ Seattle's Comprehensive Plan, Urban Village Element, p. 1.4, Section A.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The proposal does not involve a new business district. The proposal seeks to enhance the existing residential and business community along 15th Avenue E and E. John Street.

SMC 23.34.072 Conclusion: The Proposed rezone meets the requirements of SMC 23.34.072, per the analysis above.

FUNCTIONAL AND LOCATIONAL CRITERIA ANALYSIS

This analysis begins with a review of the functional and locational criteria for the requested NC2 zone. Because the site is currently zoned LR2 and NC1, we also analyze each zone situated between LR2 and NC2 in chapter 23.34 SMC: NC1, RC, HR, MR/85', MR, LR3, and LR2. As analyzed in greater detail below, this section concludes that the Neighborhood Commercial Two ("NC2") zone is the most appropriate zone designation for the project site when applying the Seattle Municipal Code's function and locational criteria under chapter 23.34 SMC.

23.34.076 Neighborhood Commercial 2 (NC2) zones, function and locational criteria.

A. Function. To support or encourage a pedestrian-oriented shopping area that provides a full range of household and personal goods and services, including convenience and specialty goods, to the surrounding neighborhoods, and that accommodates other uses that are compatible with the retail character of the area such as housing or offices, where the following characteristics can be achieved:

1. *A variety of small to medium-sized neighborhood-serving businesses;*

This proposal will allow for psychology office uses in an existing structure. Thus, the proposal provides services and accommodates other uses that are compatible with the retail character of the area.

2. *Continuous storefronts built to the front lot line;*

The proposal will provide continuous storefronts on E. John Court. Because the use will occur within an existing house constructed in the early 1900s (contributing to the neighborhood's historical character as identified in the Neighborhood Plan), the use will not be constructed to the sidewalk. Exhibit G demonstrates that rezoning the property to NC2 will eliminate many of the non-conformities of the existing structure.

3. *An atmosphere attractive to pedestrians;*

The Seattle Clinic will maintain the heavily vegetated planting strip and front yard, creating an atmosphere attractive to pedestrians. The plantings are identified in the photo below:



Figure 2 - Manicured vegetation in front of the subject property creates an atmosphere attractive to pedestrians

4. *Shoppers can drive to the area, but walk from store to store.*

Shoppers can drive to the area, but walk from store to store. More specifically, a parent could drop off their child at the Seattle Clinic and run errands at the adjacent shops (e.g., drop off dry-cleaning and buy baked goods at Bakery Nouveau). The parent could also complete grocery shopping at the Safeway located across the street. There are many other shops located within walking distance on 15th Avenue and E. John Street. All of these errands could occur on foot.

B. Locational Criteria. A Neighborhood Commercial 2 zone designation is most appropriate on land that is generally characterized by the following conditions:

1. *Primary business districts in residential urban villages, secondary business districts in urban centers or hub urban villages, or business districts, outside of urban villages, that extend for more than approximately two blocks;*

The project site is located in a business district in the Capitol Hill Urban Village.

2. *Located on streets with good capacity, such as principal and minor arterials, but generally not on major transportation corridors;*

The project site is located on E. John Court, which is an access street for an alley and three structures located on E. John Court, including the subject property. SDOT's street map identifies E. John Court as "Access Street (both Residential and Commercial)." As required by the locational criteria, E. John Court has good capacity for the limited structures and uses that rely upon the Court for access.

E. John Court is accessed via 15th Avenue or E. John Street. 15th Avenue is listed as a class 2 arterial, and E. John Street is listed as a class 2 arterial.⁸

3. *Lack of strong edges to buffer the residential areas;*

There are two strong edges physical edges surrounding the project site. To the north is E. John Court To the east is a drive that separates the structure from a four-story mixed use structure.

Consistent with the locational criteria, there is a lack of strong edges to the south and west. Setbacks and buffers to these residential areas are described throughout this rezone application.

4. *A mix of small and medium sized parcels;*

The Code does not define “small sized parcels” or “medium sized parcels”. The subject parcel is 3,600 sq. ft. The parcel to the west is 3,240 sq. ft. The parcel to the south is 8,978 sq. ft. The parcel to the north is 5,040 sq. ft. These parcels can reasonably be characterized as medium or small parcels. Larger parcels, approximately 10,000 sq. ft. and larger, are located in the immediate vicinity. A review of DPD GIS demonstrates that the area consists of parcels with similar sizes.

5. *Limited or moderate transit service.*

The property is located within walking distance of the Capitol Hill Sound Transit station. The property is also located within a frequent transit service overlay, thereby satisfying the locational criteria for a more intensive zone.

Conclusion: The subject property satisfies the NC2 zoning functional and locational criteria, although it is possible that the subject property satisfies the criteria for the NC3 zone. In contrast, the property does not satisfy the function and locational criteria for all of the zones from LR2 to NC1, as described below.

23.34.074 Neighborhood Commercial 1 (NC1) zones, function and locational criteria.

The NC2 and the NC1 functional criteria are generally the same. However, the property does not satisfy many of the NC1 zone’s locational criteria.

C. *Locational Criteria. A Neighborhood Commercial 1 zone designation is most appropriate on land that is generally characterized by the following conditions:*

1. *Outside of urban centers and urban villages, or within urban centers or urban villages where isolated or peripheral to the primary business district and adjacent to low-density residential areas;*

The subject property is located in an urban village. Therefore, the subject property is not “isolated” or “peripheral” to the primary business district. It is also not adjacent to low-density

⁸ See e.g., http://www.seattle.gov/transportation/sim_arterial_list.htm (E. John St.).

residential areas. For example, the property is surrounded by a four-story, mixed-use structure and a multi-level, multi-family structure.

2. *Located on streets with limited capacity, such as collector arterials;*

As described above, the property is accessed via arterials.

3. *No physical edges to buffer the residential areas;*

As described above, there are two strong physical edges at the property.

4. *Small parcel sizes;*

See the analysis above for the NC2 zone, showing a mixture of medium sized parcels.

5. *Limited transit service.*

The property is located within walking distance of the Capitol Hill Sound Transit station. The property is also located within a frequent transit service overlay, thereby satisfying the locational criteria for a more intensive zone.

Conclusion: The property does not satisfy the NC1 zone’s locational criteria because it is located in an urban village and has significant transit service, including a light rail station located just blocks away.

23.34.070 Residential-Commercial (RC) zone, function and locational criteria.

D. Function.

1. *Purposes. Areas that serve as the following:*

- a. *As a means to downzone strip commercial areas which have not been extensively developed with commercial uses;*
- b. *As a means to downzone small commercial areas which have not been extensively developed with commercial uses and where commercial services are available nearby;*

The property is located in an Urban Village. The City of Seattle does not wish to “downzone” these areas. Instead, the City’s Comprehensive Plan directs the City to encourage growth in these areas. In addition, the Neighborhood Plan also seeks to encourage a variety of businesses that provides services for the community.

...

2. *Desired Characteristics. Areas that provide the following:*

- a. *Physical appearance resembling the appearance of adjacent residential areas;*

Adjacent residential areas are significantly more developed than the existing structure at this site.

b. Mixed use with small commercial uses at street level.

The area has significant commercial uses at street level. For example, a Safeway is located across the street.

E. Location Criteria.

1. Requirement. A residential-commercial designation shall be combined only with a multifamily designation.

2. Other Criteria. Residential-Commercial zone designation is most appropriate in areas generally characterized by the following:

a. Existing Character.

(1) Areas which are primarily residential in character (which may have either a residential or commercial zone designation), but where a pattern of mixed residential/commercial development is present; or

(2) Areas adjacent to commercial areas, where accessory parking is present, where limited commercial activity and accessory parking would help reinforce or improve the functioning of the commercial areas, and/or where accessory parking would help relieve spillover parking in residential areas.

The area is not primarily residential in character, and the area has capacity for more than “limited” commercial activity.

b. Physical Factors Favoring RC Designation.

(1) Lack of edges or buffer between residential and commercial uses;

(2) Lack of buffer between major arterial and residential uses;

(3) Streets with adequate access and circulation;

(4) Insufficient parking in adjacent commercial zone results in parking spillover on residential streets

As described in the NC2 locational criteria, the area has physical factors favoring commercial activities, although there is adequate off-street paid parking in the area to accommodate significantly more commercial activity.

Conclusion: The property demonstrates that commercial activity is suited for a commercial use, but the property best satisfies NC2 function and locational criteria, not the RC zone’s criteria.

23.34.028 Highrise (HR) zone, function and locational criteria.

A. *Function. An area that provides a concentration of high density multifamily housing in a pedestrian-oriented neighborhood with convenient access to regional transit stations, and where the mix of activity provides convenient access to a full range of residential services and amenities and employment centers.*

The HR zone is inappropriate for the property.

B. *Locational Criteria.*

1. *Threshold Conditions. Subject to subsection 23.34.028.B.2 of this section, properties that may be considered for a Highrise designation are limited to the following:*

a. *Properties already zoned Highrise;*

b. *Properties in areas already developed predominantly to the intensity permitted by the Highrise zone; or*

c. *Properties within an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Highrise zone designation.*

The subject property does not satisfy the locational criteria.

Conclusion: The property does not satisfy the HR zone's functional and locational criteria.

23.34.026 Midrise/85' (MR/85') zone, function and locational criteria.

A. *The Midrise/85' (MR/85') is most appropriate in areas generally characterized by the criteria described for a rezone to Midrise in Section 23.34.024.*

As outlined below, the subject property does not satisfy the criteria for a rezone to Midrise in Section 23.34.024.

B. *In addition, the following shall apply to designate an MR zone as Midrise/85':*

1. *A neighborhood plan adopted by the City Council shall have designated the area as suitable for Midrise zoning with an eighty-five (85) foot height limit; and*

The Neighborhood Plan does not characterize the area as suitable for Midrise zoning with an eighty-five (85) foot height limit.

Conclusion: The property does not satisfy the MR/85's zone's functional and locational criteria.

23.34.024 Midrise (MR) zone, function and locational criteria.

A. *Function. An area that provides concentrations of housing in desirable, pedestrian-oriented urban neighborhoods having convenient access to regional transit stations, where the*

mix of activity provides convenient access to a full range of residential services and amenities, and opportunities for people to live within walking distance of employment.

The project site has convenient access to regional transit stations. Thus, the site satisfies the MR zone function criteria.

B. Locational Criteria.

1. Threshold Conditions. Subject to subsection 23.34.024.B.2 of this section, properties that may be considered for a Midrise designation are limited to the following:

a. Properties already zoned Midrise;

b. Properties in areas already developed predominantly to the intensity permitted by the Midrise zone; or

c. Properties within an urban center or urban village, where a neighborhood plan adopted or amended by the City Council after January 1, 1995 indicates that the area is appropriate for a Midrise zone designation.

The subject property does not appear to satisfy the Midrise locational criteria.

Conclusion: Although the property satisfies the MR function criteria, it does not satisfy the locational criteria.

LOWRISE ZONE (LR3).

23.34.020 Lowrise 3 (LR3) zone, function and locational criteria

A. Functions. The dual functions of the LR3 zone are to:

1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small-to-moderate scale residential structures; and

2. Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

The existing area does not have a mix of small-to-moderate scale residential structures, although these terms are not defined in the code. For example, the property has a four-story, mixed-use structure located on its northern property line. This structure does not appear to be a “moderate scale residential structure.”

B. Locational Criteria. The LR3 zone is most appropriate in areas generally characterized by the following conditions:

...

3. *The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones.*

The subject property does not provide a transition between LR1 and LR2 zones. Such zones are not located in the general vicinity of the property.

...

7. *The area well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.*

The area is supported by existing retail sales and services, but there is an immediate need for child psychological services in Capitol Hill and in the City of Seattle. The purpose of this contract rezone is to provide these services, which is consistent with the Comprehensive Plan and the Neighborhood Plan.

Conclusion, LR3 function and locational criteria: The purpose of the rezone is to provide child psychological services in an existing structure. There is a significant lack of qualified providers for these services within the City of Seattle. The property does not satisfy many of the LR3 functional and locational criteria, as outlined above, and no one rezone factor is dispositive (SMC 23.34.007.B). All relevant planning documents seek to encourage the provision of services within the City and within Capitol Hill.

CONTRACT REZONE PROPOSAL CONCLUSION: The subject property arguably satisfies the NC3 zone criteria, although the applicant is requesting the less intensive NC2 zone. The subject property satisfies the NC2 zone's functional and locational criteria, as described above. One of the key strategies of the Capitol Hill Neighborhood Plan is to recognize "the diverse and distinctly different human services needs of a culturally and economically diverse population" (CH-G4) and "to address social issues and human needs within the neighborhood" (P-18). The requested use-related rezone to the NC2 zone will allow this vision to become a reality on Capitol Hill. Rezoning the property will likely reduce impacts to adjacent residences, as demonstrated in Exhibit X and Y, and the identified PUDA conditions will mitigate any impacts to the LR3-zoned multi-family structures adjacent to the property.