



King County
Department of Development
and Environmental Services
3600 - 136th Place Southeast
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TO: Chuck Kleeberg
Greg Kipp
Terry Brunner
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George McCallum

Gary Kohler
Lisa Pringle
Lisa Lee
Ken Dinsmore

FM: Jerry Balcom *JB* 7/24/93

RE: Minutes of the July 23, 1993 Regulatory Review Committee Meeting

Present: Greg Kipp, Lisa Lee, George McCallum, Bill Walker, Gary Kohler, Gordon Thomson, Harold Vandergriff, Henryk Hiller, Jerry Balcom

1. Is day care for adults (e.g., the aged) considered a "day nursery" use (K.C.C. 21.04.280)? If not, under which use category could an adult day care operate?

"Day nursery" is specifically defined as a "group child day care program" (K.C.C. 21.04.280, emphasis added), and the conditions for this use in particular zones also refer to caring for children (e.g., K.C.C. 21.08.030(K)). Therefore, unless these sections are amended by the County Council, an adult day care facility cannot be considered a "day nursery."

The Committee looked at the use categories for residential zones and agreed that an adult day care would fall within the uses listed below if it met the conditions and requirements for that particular use. (The code sections cited are the first zones in which the use appears.)

- A. Uses rendering governmental, social or personal services to the individual (K.C.C. 21.16.020(P));
- B. The reuse of certain nonresidential structures for the rendering of governmental services or nonprofit social services to the individual, with an Administrative CUP (K.C.C. 21.08.062);
- C. The reuse of closed public school facilities, retained in the ownership of the school district, for a community or senior citizen center (K.C.C. 21.08.040(H)); and
- D. Home occupation (K.C.C. 21.08.030(L)).

It was noted that the use or reuse of a preexisting building for an adult day care facility must meet Uniform Building Code requirements as well, and this is especially important to keep

in mind for building conversions. DDES can provide applicants with pre-application screening services (for a fee) on those UBC issues.

2. Under what circumstances can a nonconforming building that has deteriorated with age be rebuilt under Chapter 21.52?

K.C.C. 21.52.030(A) makes clear that if a nonconforming building is destroyed or removed, all future uses of the land must conform to the provisions of the zoning code. As a result, the deteriorating building cannot be removed and rebuilt.

Short of removal and replacement, however, the existing building can be maintained or altered under K.C.C. 21.52.050. That section permits the upkeep, repair and maintenance of nonconforming buildings (K.C.C. 21.52.050(C)). In addition, it permits the enlargement or alteration of nonconforming buildings under certain circumstances if the degree of nonconformity is not increased or the building is made more conforming (or where required by law) (K.C.C. 21.52.050(A)). It permits structural alterations which do not increase floor area, where necessary to adapt the building to new technologies or equipment pertaining to the uses in that building (K.C.C. 21.52.050(B)). And it permits structural alterations that do increase floor area, and any enlargement of a nonconforming building not listed above, with a conditional use permit (K.C.C. 21.52.020(B)).

(Note that there are special rules permitting the alteration or enlargement of churches, K.C.C. 21.52.100, and the reconstruction of nonconforming buildings partially destroyed by fire, explosion, or other casualty or act of God, K.C.C. 21.52.040.)

The new zoning code (Title 21A) does permit the reconstruction of a nonconforming structure under certain conditions (K.C.C. 21A.32.070).

3. A building has a basement/garage which extends southward, underground, away from the building and toward the street, opening at the street to provide a tunnel entrance for cars. Is the basement/garage included when calculating building height under the zoning code?

Building height is measured from the building's grade to a selected point on the roof (K.C.C. 21.04.155). The building's grade is the average of the finished ground level at the center of all exterior walls of the building (K.C.C.

21.04.465). On the south side of the building, the finished ground level would be at the base of the tunnel entrance.

Administrative Interpretation #4, Measurement of Building Height Under the Zoning Code, discusses the calculation of building height in detail.

4. Legislative update.

- A. Bulk Gas Storage. Ordinance 10879 adds as a permitted use in residential zones propane and compressed natural gas bulk storage facilities which distribute gas by piping it directly to individual users. The Council removed the conditional use permit requirement that had been proposed by the Executive.
- B. B-C Zone Uses. Ordinance 10880 permits the sale of autos, boats and heavy equipment in the B-C zone. In addition, at the Council's request, the ordinance permits the outdoor display of commodities during business hours only; during non-business hours, the commodities must be stored indoors and on-site.
- C. G-5 Zone Uses. Ordinance 10929 permits the reuse of certain nonresidential structures for governmental services or nonprofit social services in the G-5 zone with an Administrative conditional use permit. A council-sponsored amendment removed the requirement that the services be provided "to the individual."
- D. Financial Guarantees. The proposed ordinance to consolidate the code's bond provisions into one title will be going before the Council's Committee of the Whole some time soon.

JB:HH

cc: Ann Dold
Bill Walker
Gordon Thomson
Henryk Hiller