



King County
Department of Development and Environmental Services
900 Oakesdale Avenue SW
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(206) 296-6600

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: March 27, 2002

TO: Building Services Division Staff
Chris Ricketts
Jim Chan
Pam Dhanapal
Ken Dinsmore

Land Use Services Division Staff
Joe Miles
Greg Borba
Lisa Pringle

Caroline Whalen, Deputy Director
Harry Reinert, Special Projects Manager
Tim Barnes, Prosecuting Attorney's Office

FM: Harry Reinert, Co-Chair

Present: Greg Borba, Ken Dinsmore, Pam Dhanapal, Jim Chan, Lisa Pringle, Tim Barnes, Priscilla Kaufmann, Dave Baugh, and Harry Reinert

Issue:

1. Does a community college fall under the "college/university" zoning provisions of K.C.C. 21A.08.100 or under the "vocational school" provisions of K.C.C. 21A.08.050? If a community college is a college or university, what process applies in the R1 to R8 zones to a proposal to build student apartment buildings? What process applies to add classroom buildings?

Background:

A community college located in the R-4 and R-6 zones proposes to construct student living accommodations and additional classroom buildings. The student living accommodations will include separate dwelling units with kitchen facilities and bathrooms.

The community college was constructed at a time when it was an outright permitted use.

Discussion:

A. Zoning Classification.

K.C.C. 21A.08.100A classifies colleges and universities, except for technical institutions, as a regional land use. Community colleges are included in SIC codes 8221-8222 referenced in the zoning table. Colleges and universities are allowed in the R zones: as a permitted use, when

reusing a public school facility; as a conditional use, when reusing a surplus nonresidential facility; or as a special use. K.C.C. 21A.08.100A and B.10 and B.11.

B. Student living accommodations.

K.C.C. 21A.06.355 defines an apartment as "a dwelling unit contained in a building consisting of two or more dwelling units which may be stacked, or one or more dwellings with nonresidential uses." A dwelling unit is defined as

one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants; dwelling units include but are not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.

K.C.C. 21A.06.345.

Dormitories are defined as residential buildings that provide sleeping quarters but not separate dwelling units. K.C.C. 21A.06.330.

If a residential building provides two or more student living accommodations that meet the definition of a dwelling unit, the dwelling units meet the definition of an apartment.

Apartments are a permitted use in the R-1 to R-8 zones, subject to some limitations on allowed density. K.C.C. 21A.08.030A and B.5. Apartments may also be allowed as a conditional use in these zones when a building on the National Historic Register is involved. K.C.C. 21A.08.030A and B.4.

Dormitories are a conditional use in the RA, UR, and R-1 to R-8 zones when associated with a school, college, or church. They are a permitted use in the R-12 to R-48 zones. K.C.C. 21A.08.030A and B.6.

C. Classroom building additions.

K.C.C. 21A.06.800 defines a nonconformance as:

Any use, improvement or structure established in conformance with King County rules and regulations in effect at the time of establishment that no longer conforms with the range of use permitted in the site's current zone or to the current development standards of the code due to changes in the code or its application to the subject property.

A community college located in the R-1 to R-8 zones that was an outright permitted use when constructed meets the definition of a nonconforming use.

K.C.C. 21A.32.065 establishes the standards for expansion of a nonconforming use. A nonconforming use may be expanded using the code compliance process by up to ten percent of building square footage, impervious surface, parking, or building height. Cumulative expansions that exceed the ten percent threshold are not allowed under the compliance process. K.C.C. 21A.32.065A. A proposed expansion of a nonconforming use authorized under a special use permit or an unclassified use permit that exceeds the ten percent thresholds requires a special use permit. K.C.C. 21A.32.065B. Other expansions of non-conforming uses, including expansions that exceed the ten percent thresholds, require a conditional use permit. K.C.C. 21A.32.065C.

If the proposed classroom building additions will not result in exceeding the ten percent threshold established under K.C.C. 21A.32.065A, the code compliance provisions of K.C.C. 21A.42.010 would apply. If this threshold will be exceeded, since the community college was established as an outright permitted use and not under a special use permit or an unclassified use permit, the proposal would require a conditional use permit.

Conclusion:

A community college is classified as a college/university under K.C.C. 21A.08.100A. In the R-1 to R-8 zone, apartments are a permitted use. A community college that was established as an outright permitted use and is now located in an R-6 to R-8 zone is a nonconforming use.

Student living accommodations that include separate kitchens and bathrooms and are otherwise consistent with the definition of an apartment in the zoning code are apartments. Apartments are a permitted use in the R-1 to R-8 zones.

Classroom building additions to an existing college that is a nonconforming use are subject to the provisions of K.C.C. 21A.32.065 and may require a conditional use permit if the proposed additions exceed the thresholds established in K.C.C. 21A.32.065A.

HR:sm