I.



Department of Local Services Permitting Division 919 SW Grady Way, Suite 300 Renton, WA 98057

<u>CDUP21-0002 Conditional Use Permit (CUP)</u> <u>Report and Decision</u>

Date of Transmittal: September 8, 2023

| <u>SUBJECT</u> | |
|---|---|
| File No: | CDUP21-0002- White Center HUB-CDA Project |
| Applicant: | Sili Savusa, White Center CDA 605 SW 108 th St Seattle, WA 98146 206-694-1082 Email: <u>sili@wccda.org</u> |
| Agent: | Mika Sundberg, Sundberg Kennedy Ly-Au Young Architects Agent for White Center CDA 1501 East Madison Street Suite 205 Seattle, WA 98122 206-322-1130 Email: <u>mika@sklarchitects.com</u> |
| Proposal: | A conditional use permit (CUP) to allow establishment of a 1) Social Services/community use and 2) an out-patient health clinic use all within in a new 2-story 26,500 GSF building in a residential zone to serve the White Center Community. This land use proposal and SEPA action is part of a phased-integrated site development that includes a second 80,000 SF, 4- story multifamily housing structure with 76 units that are 100% affordable housing units using residential density incentives under KCC 21A.34 that is not subject to a CUP. Reduced Parking approval is included in the CUP proposal. |
| Location: | 10821 8th Ave SW, Seattle, WA 98146; Parcel # 062304-9405 |
| King County Permits: | Conditional Use Permit CDUP21-0002; Associated Permits COMM 22-0011, DWEL22-0254, VARD22-0005 & VARD23-0014. |
| Zoning: Comprehensive Plan: Community Plan: Community Service | R-18 UH (Urban Residential High Density, 12 du/ac) Highline |
| Area: Drainage Basin: Site Area: STR: Date CUP Submitted: Date Deemed Complete | West King County Areas Salmon Creek 2.981 acres SW 6 - 23 - 4 April 26, 2021 e: May 23, 2021 |

II <u>BACKGROUND</u>

An application for a CUP was made on April 26, 2021 and determined complete on May 23, 2023. Pursuant to the public notice requirements of King County Code (KCC) Section 20.20, the applicant posted the subject property with the Notice of Application (NOA) on December 2, 2021. The public notice was mailed to surrounding property owners, agencies, and tribes on December 9, 2021, with a public comment period that concluded January 3, 2022. Notice was also published in the Seattle Times and Renton Reporter on December 9, 2021. Note the applicant initially applied for a zoning variance VARI21-0001 with the CUP to reduce building setbacks but later withdrew the request after the NOA was published.

King County discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development. A site visit was made to the site on December 6, 2021 to assess the area of the proposed development and evaluate potential site impacts.

The applicant submitted numerous project plans and reports to support their CUP request. The following is a summary of the primary submittals received for this CUP:

- April 26, 2021- CUP Application Submittal
- August 6, 2018- Geotechnical Evaluation Report
- May 11, 2018- Arborist report
- November 1, 2021- CUP Land use narrative and plans addressing social services, outpatient, and housing proposals.
- March 4, 2022- CUP public comment responses; SEPA-ECL corrections; revised CUP drawings; technical screening responses; Critical Areas Report and Buffer Mitigation Plan Revised 03-02-2022 (reduced).
- June 10, 2022-Drainage Adjustment VARD22-0005 (Approved 3/3/2023).
- June 24, 2022-Additional CUP compatibility analysis; parking compliance analysis/narrative; TIR; Critical Areas Wetland Data.
- November 15, 2022- Drainage Resubmittal
- December 19, 2022 Draft Parking Compliance and Request for Reduction; Draft Parking Assessment and Management Plan.
- January 24, 2023 Final Parking Compliance and Request for Reduction.; Revised and updated WCHUB Drawings; Conceptual Site Phasing Plan.
- July 12, 2023 Drainage Adjustment VARD23-0014 (Approved 8/25/2023).
- August 30, 2023 Final Revised Civil-Drainage Plans, approved August 30, 2023
- August 30,2023 Final Revised TIR, approved August 30, 2023
- August 30, 2023 Final CUP Plan Set (Including revised Civil-Drainage Plans)

The Department file CDUP21-0002 containing the applicant's submitted information, public notice, documentation by staff and correspondence are incorporated herein by reference. Having reviewed all documents entered into the record and after considering the Zoning Code requirements for a Conditional Use Permit, staff makes and enters the following:

A. REQUEST BY APPLICANT:

This social service/community and outpatient clinic CUP is part of an integrated site development proposal that also includes a separate apartment building designed to provide 100% affordable housing. The full scope of the site development is included in the CUP plans and SEPA-Environmental checklist so a consolidated SEPA review process can be initiated. The apartments are <u>not</u> subject to a CUP which are an allowed use subject to the development standards of county code.

The CUP proposal includes a 2-story with basement social services/community building that includes an outpatient clinic. The site will provide parking, landscaping, outdoor gathering places, and mitigations to address critical areas impacts.

See the applicants project scope synopsis below from the revised development plans (received January 24, 2023) describing the integrated site development proposal to include affordable apartments, social services/community, and outpatient health clinic building:

PROJECT SCOPE: THE PROPOSAL IS A 80,050 SQFT, 4- STORY MULTI- FAMILY HOUSING STRUCTURE WITH 76 LOW INCOME UNITS. UNITS INCLUDE MOSTLY 2 AND 3 BEDROOMS CATERING TO FAMILIES. PROPOSED HEIGHT IS 40FT.

IN ADDITION TO THE RESIDENTIAL BUILDING, A 26,500 SQFT. COMMERCIAL BUILDING IS PROPOSED HOUSING COMMUNITY NON- PROFIT ORGANIZATIONS AND SOCIAL SERVICES INCLUDING HEALTH CLINICS, YOUNG ADULT EDUCATION, TEEN ENGAGEMENT PROGRAMS AND THE WHITE CENTER COMMUNITY DEVELOPMENT ASSOCIATION AMONG OTHER COMMUNITY AMENITIES. THE PROPOSED HEIGHT OF THE COMMUNITY BUILDING IS 45FT.

BETWEEN THE 2 BUILDINGS IS A PAVED COMMUNITY OPEN SPACE. SEE THE SITE PLAN ON SHEET A100 AND VICINITY MAP ON SHEET A0.10.

SURFACE PARKING WILL BE PROVIDED FOR THE RESIDENTIAL UNITS AND COMMERCIAL BUILDING ON SITE. THE PROJECT WILL ALSO INCLUDE NEW UTILITIES, PAVEMENT AND LANDSCAPING.

The CUP is related in two different sections of the King County Zoning code. The services/community land use is regulated in 21A.08.050, per SIC 83, while the outpatient land use only allowed under CUP per 21A.12.250, per "General personal service use, office/outpatient use allowed – restrictions".

For a more detailed code discussion of the proposed land uses see section III CODE CRITERIA, FINDINGS, & CONCLUSION of this report.

CUP Report and Decision File No. CDUP21-0002 Page 3

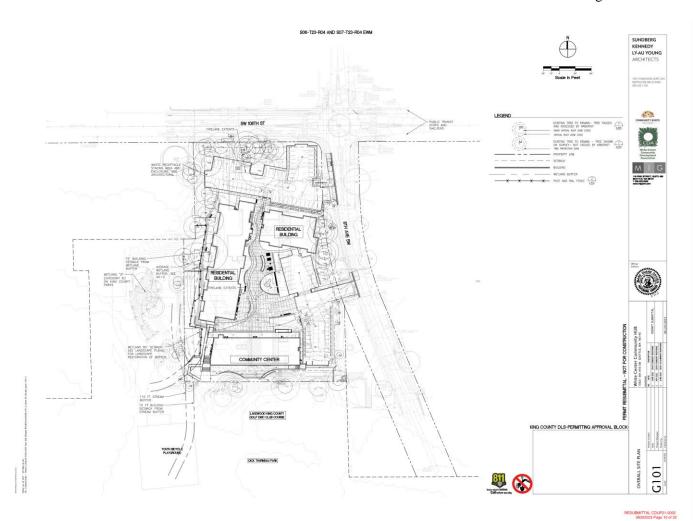


Figure 1-A : Reduced CUP Site Plan Sheet G101, Received August 30, 2023

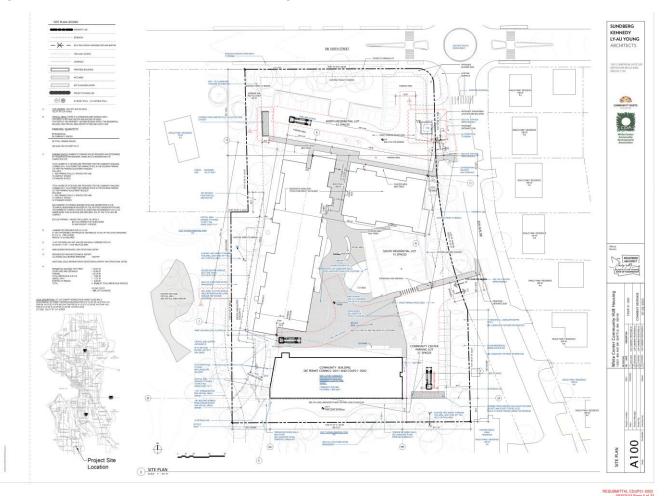


Figure 1-B Reduced CUP site Plan Sheet A100, Received August 30, 2023

- B. SEPA (State environmental Policy Act) :
- Pursuant to WAC 197-11-055, King County as Lead Agency combined the environmental review of the CUP with the subsequent site development/building permits in order to issue a single consolidated threshold determination. The WAC provides discretion to the lead agency to prepare its SEPA threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision -making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.

2. The action to approve this CUP is subject to the State Environmental Policy Act (SEPA) under WAC 197-11 and King County Code 20.44.040. The SEPA determination is issued pursuant to the optional DNS/MDNS process in WAC 197-11-355. The project environmental checklist and gas emissions worksheet is dated and received April 26, 2021, revised version dated and received March 4, 2022. During the project reviewing process, public comments were received from the neighboring property owners. These public comments expressed several concerns which is included in the record file. All public comments received were shared with the applicant and the review staff to ensure the impacts of the proposed development were thoroughly evaluated within the context of existing regulations and standards. The SEPA determination is based on the review of the revised environmental checklist and other pertinent documents, resulting in the conclusion that the proposal will not cause probable significant adverse impacts on the environment for the proposal. Therefore, an environmental impact statement (EIS) is not required prior to proceeding with the review process. Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible official for the Permitting Division will issue a SEPA Threshold Determination concurrently with this CUP.

C. EXISTING CONDITIONS:

- 1. Zoning: The project site and adjoining properties to the west and east are zoned R-18. Properties to the north are zoned R-12-P, and to the south R-4.
- 2. Comprehensive Plan Designation & General Zoning in the Area: The project site is located in the Urban Growth Area approximately 0.25 miles South-East of the North Highline Sub Area planning area of White Center. The site is situated on the corner of SW 108th Street and 8th Ave SW. The Comprehensive Plan designation is Urban Residential High Density, 12 du/ac. The designated Community Plan area is Highline, and the Community Service Area is the West King County Areas. Properties north of the site are zoned R-12-P, and south zoned R-4.



Figure 2 Reduced zoning map

3. Existing Development on the Subject Property: The site was developed in 1961 as the King County Public Health Center (*Source: KC Assessors*). The property area is 122,317 sf and has (2) single story masonry buildings, 13,914 sf and 3,793 sf. There is approximately 53,200 sf of paving including driveways and parking areas. The larger building was built as a medical/ dental clinic but is currently being used as a Mary's Place Women and Family Shelter and the smaller building houses the White Center Food Bank. The property borders 8th Avenue SW on the east side, SW 108th Street to the north and King County's Dick Thurnau Memorial Park (also known as Lakewood Park) to the south and west. A residential property abuts the property along the northern portion of the west property line.

CUP Report and Decision File No. CDUP21-0002 Page 5



Figure 3 Aerial Map

- 4. Physical Land Characteristics: The topography at the project site is relatively flat with elevations ranging from 368 to 377 feet above sea level. Surface conditions include relatively level ground throughout most of the site, with a few landscape areas with short gentle slopes. The ground slopes gently downward on neighboring properties to the south and west. geologic map indicates that the site vicinity is underlain by Quaternary Vashon ice-contact deposits (Qvi), with Quaternary Vashon recessional lacustrine deposits (Qvrl) located nearby to the south and west. Quaternary Vashon glacial till (Qvt) is also mapped nearby. Existing vegetation on the remainder of the parcel consists of a mix of native species, landscape plants, lawns and weedy species. Dominant native trees include Douglas-fir, western red cedar, and Pacific madrone. These are present along the north, east and west edges, mostly on the north half of the site. The dominant native understory species are salal and creeping blackberry (*Rubus ursinus*). The non-native Himalayan blackberry (*Rubus armeniacus*) is present throughout the site and forms a dense thicket along the fence on the west edge. Other weedy species include Scot's broom (*Cytisus scoparius*), cherry laurel (*Prunus laurocerasus*), English ivy (*Hedera helix*), and English holly (*Ilex aquifolium*).
- 5. Historical: King County Preservation Architect/Planner J. Todd Scott, AIA., noted during the public comment period that there is a historic condition for this site, which he has reviewed with the applicant. The Historic Condition states: "The existing public health center building, 10821 8th Ave SW, is potentially eligible as a King County landmark and may be eligible for the National Register of Historic Places. Prior to when that building is demolished, the applicant shall complete a historic property inventory (HPI) form for that building and upload it to the state Department of Archaeology and Historic Preservation's (DAHP) database of architectural resources (WISAARD). The applicant shall also request a determination of eligibility for the building from DAHP." This process shall be reviewed and approved by the King County Historic Preservation Program.".
- 6. Critical Areas (Source: Revised Critical Aeras Report and Buffer Mitigation Plan, Revised March 2, 2022, received March 04, 2022):

a. <u>Wetlands</u>: The National Wetland Inventory (NWI) website shows two palustrine unconsolidated bottom, permanently flooded ponds. The larger pond is known as Hicklin Lake or Garrett Lake. The smaller pond is just north and west of Hicklin Lake. No other wetlands are mapped in the vicinity. King County also maps a Category II wetland that includes the two ponds and some of the surrounding area . No critical areas are mapped on the subject property.

b.<u>Streams</u>: Stream 1 remains unclassified by King County and unmapped by WA DNR. However, due to the stream's surface connection with Hicklin Lake and the lake's classification as fish bearing, it is possible that the stream would also be considered fish bearing for regulatory purposes. King County buffers for fish bearing stream (Type F) inside the Urban Growth Boundary vary based on basin condition. The basin condition for the area is mapped as Low and the resulting buffer is 115 feet with an additional 15-foot building setback. Buffer vegetation consisted primarily of red alder (*Alnus rubra*), Himalayan blackberry and western swordfern, although English holly (*Ilex aquafolium*) and English ivy also present. The buffer is interrupted by a portion of the disk golf course which is maintained as mowed lawn. This portion of the disk course separates Stream 1 from wetland A. The stream buffer does not extend onto the subject parcel, but the 15-foot building setback is currently maintained as asphalt parking lot.

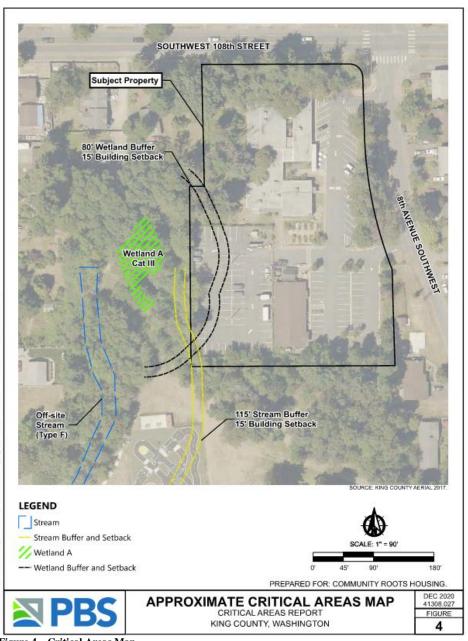


Figure 4 – Critical Areas Map

7. Drainage (Source: White Center HUB-Surface Water Technical Information Report{TIR}, dated November 2022):

a. The Surface water management has been designed to comply with the 2021 King County Surface Water Design Manual (SWDM). Proposed storm water management improvements include water quality treatment, flow control, storm water pump systems, and dispersal trenches. The site is a localized high point, therefore there is no run-on from adjacent properties.

b. The project will involve more than 7,000 square feet of land disturbing activity. TIR-Table 3 – *Summary of New and Replaced Hard Surfaces and Pollution Generating Surfaces* outlines the total change in new and replaced hard surfaces and pollution generating hard surfaces.

c. During large storm events, surface water runoff from these four (4) Discharge Areas converge within a quarter mile downstream at Hicklin Lake in Dick Thurnau Memorial Park located south of the project area. Hicklin Lake is within the Salmon Creek Drainage Basin. Flows from Hicklin Lake are pumped to Salmon Creek which discharges to Puget Sound.

d. Proposed stormwater drainage improvements include catch basins and piped conveyance system, water quality treatment (sand filters), flow control (detention vault), storm drain duplex pump systems, and an outfall system of dispersal trenches.

e. The current site has four (4) existing surface water Discharge Areas. No flow control or water quality treatment is currently provided for the Project Site. Stormwater runoff in the existing condition sheet flows offsite:

- North Discharge Area: Surface water runoff from the northwest corner of the medical building and landscape areas discharge to the existing piped conveyance system within SW 108th St.
- West Discharge Area: Surface water runoff from the southwest parking area, the southwest corner of the medical building and landscaping sheet flows to the west onto Dick Thurnau Memorial Park (Park) and then to a delineated wetland in Park.
- East Discharge Area: Surface water runoff from a portion of the driveway, the southeast corner of the medical building and landscape areas sheet flows east into 8th Ave SW right-of-way and along the west side of the road to a private area drain that appears to convey stormwater through a private piped system that outfalls into Park.
- South Discharge Area: Stormwater runoff from the southeast parking area sheet flows south onto a wooded part of Park. The Food Bank building roof downspout system discharges through a pipe into a vegetated part of Park.
- f. The applicants SWDM Drainage Adjustment permit VARD22-0005 requesting diversion of one of the

four discharge points was conditionally approved March 3, 2023.

- g. Subsequent drainage adjustment variances VARD22-0005 and VARD23-0014 were conditionally approved on March 3, 2023 and August 25, 2023, respectively.
- h. Permitting Divisions site engineer approved the final CUP plans with civils/TIR August 30, 2023.



Figure 5 -Existing & Proposed Drainage Basins, Discharge Areas, and Site Characteristics (TIR)

- 8. Access: The site is accessed directly from SW 108th St, a 2-lane paved urban minor arterial per the King County Functional Classification Arterial Map. A traffic round-about/calming circle is constructed at the intersection of SW 108th St and 8th Ave SW.
- 9. Traffic (Source: PREA20-0142):

a. The proposed development is located within the North Highline travel shed which currently passes the King County concurrency standard.

b. The mitigation payment system (MPS) has been discontinued so MPS fees are no longer collected. c. SW 108th Street is classified as an urban minor arterial per the King County Functional Classification Arterial Map. Per the 2016 King County Road Design and Construction Standards (KCRDCS), access from an abutting property to a minor arterial is "*partially controlled with infrequent access to abutting properties*". Since the proposed development has two existing driveways to 8th Avenue SW, an urban minor access local road, direct access to SW 108th Street will not be allowed.

d. There will be no right-of-way dedication required along the development's frontage of SW 108th Street or 8th Avenue SW.

e. Urban frontage improvements (concrete curb, gutter and sidewalk) currently exist along the proposed development's frontage of SW 108th Street and 8th Avenue SW. Therefore, no urban frontage improvements will be required .

- 10. Parking: The applicant requested the Department approve a reduced parking plan for the site. They submitted updated Traffic and Parking studies for evaluation by the Department to substantiate their request. As part of the zoning review of their proposal, staff reviewed the request to reduce the number of parking spaces from a standard required 231 parking stalls to 88 parking stalls. The Director of Permitting approved the parking reduction April 6, 2023. See the report section III.A.6, Parking Standards for further details.
- 11. Impervious Surface: The subject property is 2.81 acres (122,403 sf), and the proposal will increase the sites impervious surface to 69%. The maximum impervious surface allowed for non-residential land uses in R-18 zone is 80% (KCC 21A.12.220).

III <u>CODE CRITERIA, FINDINGS, & CONCLUSION</u>:

A. APPLICABLE KING COUNTY CODES:

1. K.C.C. 21A.08.050 General Services Land Use- Permitted Use Table- Personal Services: <u>Social</u> <u>Services and Office/Outpatient Clinic</u>:

| P-Permitted Use C-Conditional Use S-Special Use | | | RESOURCE | | | RESOURCE R U R A L | | | U R | | | COMMERCIAL/INDUSTRIAL | | | | | |
|---|---|----------|----------|---|-----------------------------|--------------------------------|-----------------|-----------------|--------|-----|-----------|-----------------------|-------|--|--|--|--|
| SIC# | SPECIFIC LAND USE | A | F | м | RA | UR | R1- 8 | R12- 48 | NB | СВ | RB | 0 | 1 | | | | |
| | PERSONAL SERVICES: | | | | | | | | | | | | | | | | |
| 72 | General Personal Service | | | | | | C25 C37 | C25 C37 | Р | Р | Р | P3 | P3 | | | | |
| 7216 | Drycleaning Plants | | | | | | Car | Gar | | | | | Р | | | | |
| 7218 | Industrial Launderers | | | | | | | | | | | | Р | | | | |
| 7261 | Funeral Home/Crematory | | | | | C4 | C4 | C4 | | Р | P | | | | | | |
| | Cemetery, Columbarium or Mausoleum | | | | P24 C5 and 31 | P24 C5 | P24 C5 | P24 C5 | P24 | P24 | P24 C5 | P24 | | | | | |
| • | Day Care I | P6 | | | P6 | P6 | P6 | Р | P | P | Р | P7 | P7 | | | | |
| • | Day Care II | | | | P8 C | P8 C | P8 C | P8 C | Р | P | P | P7 | P7 | | | | |
| 074 | Veterinary Clinic | P9 | | | P9 C1 0 and 31 | P9 C10 | | | P10 | P10 | P10 | | Saveo | | | | |
| 753 | Automotive Repair (1) | | | | | | | | P11 | Р | P | | Р | | | | |
| 754 | Automotive Service | | | | | | | | P11 | P | P | | Р | | | | |
| 76 | Miscellaneous Repair (44) | | | | P32 | P32 | P32 | P32 | P32 | Р | P | | Ρ | | | | |
| 866 | Church, Synagogue, Temple | | | | P12 C2 7 and 31 | P12 C | P12 C | P12 C | Ρ | P | P | Р | | | | | |
| 83 | Social Services (2) | | | | P12 P13 C3 | P12 P13 C | P12 P13 C | P12 P13 C | P | P | P | P | | | | | |
| 0752 | Animal specialty services | | | | C P35 P36 | С | | | P | Р | P | Р | Р | | | | |
| | Stable | P14 C | | | P14 C3 1 | P14 C | P 14 C | | | | | | | | | | |
| | Commercial Kennel or Commercial Cattery | P42 | | | C4 3 | C43 | | | | C43 | P43 | | | | | | |
| | Theatrical Production Services | | | | | | | | | P30 | P28 | | | | | | |
| • | Artist Studios | | | | P28 | P28 | P28 | P28 | Р | P | Р | P29 | Р | | | | |
| • | Interim Recycling Facility | | | | P21 | P21 | P21 | P21 | P22 | P22 | P | P21 | Р | | | | |
| | Dog training facility | C34 | | | C3 4 | C34 | | | Р | P | P | | Р | | | | |
| | HEALTH SERVICES: | | | | | | | | | | | | | | | | |

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| 04 | _ | Clinic | | C 13a | C13a | C13 a C37 | C13a C37 | ٢ | ۲ | ٢ | ۲ | P | |
|----|---|--------|--|----------|------|-----------------|-------------|---|---|---|---|---|--|
| | | | | | | | - | | - | - | | | |

COMMENT: The zoning code KCC 21A.08.050 refers to the 1987 SIC manual to define social services and outpatient land uses. See SIC 83 and 801-04 descriptions below. <u>The social services</u> foot note C requiring a CUP **does apply** since this is not a reuse of a public school facility or surplus nonresidential facility (footnotes P12/P13). <u>The Office/Outpatient Clinic</u> footnotes P12, C13a, and C37 **do NOT apply** since the use is allowed with a CUP subject to KCC 21A.12.250.(SIC 801-04).

The applicant proposes to provide limited childcare and family care services for individuals attending programs at the social services building. **Daycare I/II as defined in KCC 21A.06.265** may be allowed in the R-18 zone under certain circumstances (21A.08.050 General services land uses, foot note P8/C). Daycare I is allowed outright in the R-18 zone. Daycare II is allowed as an accessory use to a school, church, park, sport club or public housing administered by a public agency; otherwise, a Daycare II requires a CUP. The applicant has indicated their childcare services will fall under the Daycare I definition so is allowed without a CUP. .

- 2. **1987 SIC Manual #83 Social Services** (2) Foot note 2- Except SIC Industry Group Nos.: a. 835-Day Care Services, and b. Community residential facilities. See chart below.
- 3. 1987 Manual SIC # 801-04 Office/Outpatient Clinic. See chart below.

394

Major Group 83.—SOCIAL SERVICES

The Major Group as a Whole

This major group includes establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these and related services. Establishments primarily engaged in providing health services are classified in Major Group 80; those providing legal services are classified in Industry 8111; and those providing educational services are classified in Major Group 82.

Industry Group Industry No. No.

832

INDIVIDUAL AND FAMILY SOCIAL SERVICES

8322 Individual and Family Social Services

Establishments primarily engaged in providing one or more of a wide variety of individual and family social, counseling, welfare, or referral services, including refugee, disaster, and temporary relief services. This industry includes offices of specialists providing counseling, referral, and other social services. Government offices directly concerned with the delivery of social services to individuals and families, such as issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included here, but central office administration of these programs is classified in Public Administration, Industry 9441. Social Security offices are also classified in Public Administration, Industry 9441. Establishments primarily engaged in providing vocational rehabilitation or counseling are classified in Industry 8331; and fraternal, civic, and social associations are classified in Industry 8641.

Activity centers, elderly or handicapped Adoption services Adult day care centers Adult day care centers Adult of amilies with dependent children (AFDC) Alooholism counseling, nonresidential: except medical treatment Centers for senior citizens Contesting centers Counseling centers Crisis intervention centers Day care centers, adult and handicapped Disaster services Emergency shelters Family location services Family location services Family location services Family conters services Helping hand services

Mail delivery programs Mail delivery programs Multiservice centers, neighborhood Neighborhood centers Offender rehabilitation agencies Offender self-help agencies Offender self-help agencies Outreach programs Probation offices Probation offices Probation offices Outreach programs Probation offices Outreach programs Refuges services Referral services for personal and social prohlems Benjor exitems for alcoholics and gamblers Senior citizens associations Service leagues Settlement houses Social service centers Telephone counseling service Traveler's all centers Youth centers Youth centers

385

Major Group 80.—HEALTH SERVICES

The Major Group as a Whole

This major group includes establishments primarily engaged in furnishing medical, surgical, and other health services to persons. Establishments of associations or groups, such as Health Maintenance Organizations (HMOs), primarily engaged in providing medical or other health services to members are included, but those which limit their services to the provision of insurance against hospitalization or medical costs are classified in Insurance, Major Group 63. Hospices are also included in this major group and are classified according to the primary service provided.

Industry groups 801 through 804 includes individual practitioners, group clinics in which a group of practitioners is associated for the purpose of carrying on their profession, and clinics which provide the same services through practitioners that are employees.

COMMENT: The applicants proposed land uses fall within these SIC provisions.

- 4. K.C.C. 21A.12.250 General personal service use, office/outpatient use allowed restrictions. The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the office/outpatient clinic use (SIC # 801 04) listed in K.C.C. 21A.08.050 are allowed as a conditional use, subject to the following requirements:
 - A. The site shall be zoned R-4 through R-48;
 - B. The establishment shall be located within one-quarter mile of a rural town, unincorporated activity center, community business center or neighborhood business center and less than one mile from another commercial establishment;
 - C. The establishment shall be located in either:

1. A legally established single family dwelling in existence on or before January 1, 2008. The structure may not be expanded by more than ten percent as provided in K.C.C. 21A.32.065 for the expansion of legally established nonconforming uses; or 2. A mixed use development with one hundred percent of the dwelling units affordable to households with incomes at or below sixty percent of area median income and on-site supportive services consistent with the King County Consortium Consolidated Housing and Community Development Plan or successor plan; (Emphasis added)

- D. The maximum on-site parking ratio for establishments and sites shall be two per one thousand square feet and required parking shall not be located between the building and the street; and
- E. Sign and landscaping standards for the use apply. (Ord. 19146 § 49, 2020: Ord. 16267 § 30, 2008)

COMMENT: The project site is zoned R-18, is located within one-quarter mile of an unincorporated activity center and is less than one mile from another commercial establishment. The applicant provided a detailed narrative demonstrating they met all these applicable code sections for the outpatient use, substantiating :

- they were zoned R-18;
- located within ¹/₄ mile of the White Center unincorporated activity center;
- less than one mile from commercial establishments located in White Center;
- will be part of a mixed use concept, residential/commercial development, with 100% affordable housing ;
- parking will be provided as approved by the director; and,
- Sign and landscaping standards will be provided in compliance with the proposed uses.

5. KCC 21A.12.220 Nonresidential land uses in residential zones. Except for utility

facilities, uses listed in K.C.C. 21A.08.100, and nonresidential uses regulated by 21A.12.230, all nonresidential uses located in the RA, UR, or R zones shall be subject to the following requirements: A. Impervious surface coverage shall not exceed:

... 3. Eighty percent of the site in the R-12 through R-48 zones.

B. Buildings and structures, except fences and wire or mesh backstops, shall not be closer 30 feet to any property line, except as provided in subsection C.

D. Parking areas are permitted within the required setback area from property lines, provided such parking areas are located outside of the required landscape area.

E. Sites shall abut or be accessible from at least one public street functioning at a level consistent with King County Road Design Standards. New high school sites shall abut or be accessible from a public street functioning as an arterial per the King County Design Standards.

F. The base height shall conform to the zone in which the use is located.

G. Building illumination and lighted signs shall be designed so that no direct rays of light are projected into neighboring residences or onto any street right-of-way. (Ord. 11802 § 5, 1995: Ord. 11621 § 44, 1994: Ord. 10870 § 359, 1993).

COMMENT: The CUP plans, project narratives, and studies, demonstrate the proposal can comply with these non-residential code sections. Detailed review and approval will be done under the pending building permits DWEL22-0254 (Apartments) and COMM22-0011 (Social Services/Out-Patient).

- 6. **21A.06.753 Mixed-use development.** Mixed-use development: a combination of residential and non-residential uses within the same building or site as part of an integrated development project with functional interrelationships and coherent physical design. (Ord. 14045 § 5, 2001).
 - 21A.14.110-145 Development Standards Design Requirements Mixed use development

| A. R | A. Residential land uses. | | | | | | | | | | | | | |
|------------------------|---------------------------|-----|----|---|-----|-----|--------|------|-----------------------|----|----|----|--|--|
| P-Permitted Use RESOUR | | | | E | R | RE | SIDENT | IAL | COMMERCIAL/INDUSTRIAL | | | | | |
| C-Condit | ional Use | | | | U | | | | | | | | | |
| S-Specia | l Use | | | | R | | | | | | | | | |
| | | | | | Α | | | | | | | | | |
| | | | | | L | | | | | | | | | |
| SIC # | SPECIFIC LAND USE | A | F | M | RA | UR | R1-8 | R12- | NB | СВ | RB | 0 | | |
| | | | | | | | | 48 | | | | | | |
| | DWELLING UNITS, TYPES: | | | | | | | | | | | | | |
| * | Single Detached | P | P2 | | Р | Р | Р | Р | P15 | | | | | |
| | - | C12 | | | C12 | C12 | C12 | C12 | | | | | | |
| * | Townhouse | | | | C4 | C4 | P11 | Р | P3 | P3 | P3 | P3 | | |
| | | | | | | | C12 | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| * | Apartment | | | | C4 | C4 | P5 | P | P3 | P3 | P3 | P3 | | |
| | | | | | | | C5 | | | | | | | |
| | 1 | 1 | | | - | | 1 | - | | 1 | - | | | |

21A.08.030 Residential land uses.

COMMENT: The social services/outpatient CUP proposal and apartment housing development meet the definition of mixed-use. However, since the site is not commercially zoned, the mixed use development standards in KCC 21A.14.110-.145 are not applicable. This is supported in the permitted use tables, 21A.08.030 Residential land uses footnote P3..

7. K.C.C. 21A.18 Development Standards- Parking & Circulation

21A.18.010 Purpose. The purpose of this chapter is to provide adequate parking for all uses allowed in this title; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility in urban areas by: A. Setting minimum off street parking standards for different land uses that assure safe, convenient and adequately sized parking facilities within activity centers; B. Providing incentives to rideshare through preferred parking arrangements; C. Providing for parking and storage of bicycles; D. Providing safe direct pedestrian access from public rights-of-way to structures and between developments; and E. Requiring uses which attract large numbers of employees or customers to provide transit stops. (Ord. 10870 § 405,

1993)

| MINIMUM PARKING SPACES REQUIRED |
|------------------------------------|
| |
| 2.0 per dwelling unit |
| |
| 1.2 per dwelling unit |
| 1.5 per dwelling unit |
| 1.7 per dwelling unit |
| 2.0 per dwelling unit |
| |

| LAND USE | MINIMUM PARKING SPACES REQUIRED |
|---------------------------------|--|
| GENERAL SERVICES (K.C.C. 21A.08 | .050.A): |
| General services uses: | 1 per 300 square feet |
| Exceptions: | |
| Funeral home/Crematory | 1 per 50 square feet of chapel area |
| Daycare I | 2 per facility |
| Daycare II | 2 per facility, plus 1 space for each 20 children |
| Churches, synagogue, temple | 1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes |
| Outpatient and Veterinary | 1 per 300 square feet of office, labs |
| clinic offices | and examination rooms |

COMMENT: Given the integrated nature of the subject site development and consolidated SEPA review, staff calculated required CUP/Site parking based on the combination of the primary uses including the apartments. This calculation results in a significantly greater number of parking stalls required then the applicant believes is necessary based on their parking assessment and parking management plan.

As a result, the applicant requested the Department to approve a reduced parking plan for the site. They submitted updated Traffic and Parking studies for evaluation by the Department to substantiate their request. As part of the zoning review of their proposal, staff has reviewed the request to reduce the number of parking spaces from a standard required 231 parking stalls to <u>88 parking stalls</u>. This request includes a 50% reduction on the residential requirements from 133 to 67 stalls, a 50% reduction on the commercial/social services from 98 to 49 stalls, and a further reduction of 42% for shared parking.

As proposed, the project will have 88 on-site parking spaces. The North Lot and Middle Lot (67 spaces) will be reserved for "Permit Parking Only" and will be for exclusive residential use at night. Up to 28 of the parking spaces would be shared with permitted staff during the day. The South Lot (21 spaces) would be for non-permitted staff and visitors of the non-residential uses, including the community center.

Permitting determined that the analysis and documentation adequately satisfied the code for allowing a parking reduction. Permitting approved the parking reduction and shared parking allowance April 6, 2023, provided that such a reduction, especially with regard to shared parking and potential events, will necessitate on-going parking management and adjustments if necessary.

It is important to regulate off site street parking generated from events so overflow parking does not unduly impact the surrounding neighborhood. As a result, Permitting determined offsite street parking impacts could be suitably managed by limiting the CUP to <u>Meeting/Small Events</u> as described on page 9 of the applicants Parking Management Plan (Heffron Transportation, Inc., dated January 19, 2023). The <u>Medium</u> to Large Capacity Events described on page 9 will be allowed under a separate Temporary Use Permit application pursuant to KCC 21A.32.

The King County zoning code requires this development to provide accessible parking and accessible Electrical Vehicle parking (EV) pursuant to <u>21A.18.060 Parking for the disabled</u>, and <u>KCC 21A.18.</u> <u>21A.18.150 Electric-vehicle-charging infrastructure</u>. The IBC (International Building Code) and ICC-A117.1 (International Code Council- Accessible and Useable Buildings and Facilities) further stipulate the specifications and design of these facilities.

8. K.C.C. 21A.16 Development Standards- Landscaping and Water Use

COMMENT: The CUP plans delineate the required perimeter /interior landscape buffers. Detailed review and approval will be done under the future building permits COMM22-0011/DWEL22-0254.

9. K.C.C. 21A.44.040 Conditional use permit. A conditional use permit shall be granted

by the county, only if the applicant demonstrates all of the following: A. The conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;

B. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

E. The conditional use is not in conflict with the health and safety of the community;

F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities; and

H. The conditional use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title. (Ord. 15032 § 51, 2004: Ord. 11621 § 108, 1994: Ord. 10870 § 625, 1993).

COMMENT: The submitted CUP plans, project narratives, and studies, demonstrate the proposal can comply with CUP criteria A-H. Detailed site and approval will be done under the pending building permits DWEL22-0254 (Apartments) and COMM22-0011 (Social Services/Out-Patient).

B. APPLICABLE COMPREHENSIVE PLAN POLICIES: On December 6,2022, the King County Council adopted the 2022 annual update to the 2016 Comprehensive Plan via <u>Ordinance 19555</u>.

<u>Policy U-130</u> Design features of mixed-use developments should include the following: a. Integration of the retail and/or office uses and residential units within the same building or on the same parcel;

b. Quality and appropriate ground level spaces built to accommodate retail and office uses;

c. Off-street parking behind or to the side of the buildings, or enclosed within buildings; and d. Opportunities to have safe, accessible pedestrian connections and bicycle facilities within the development and to adjacent residential developments

<u>Policy U-132</u> In a mixed-use development, incentives such as increases in residential density or floor area ratio should be used to encourage the inclusion of well-designed and accessible public gathering spaces in the site design.

<u>Policy U-139</u> Nonresidential uses, such as schools, religious facilities, libraries and small-scale retail and personal services, should be integrated into urban residential neighborhoods to create viable neighborhoods with reduced dependence on the automobile. These uses should be sited, designed and scaled to be compatible with existing residential character and should provide convenient and safe walking and bicycling connections to neighboring residences.

<u>Policy U-141</u> King County should support infill and redevelopment proposals in unincorporated urban areas that serve to improve the overall character of existing communities or neighborhoods. New development should consider the scale and character of existing buildings.

<u>Policy H-204</u> King County shall strive to apply principles that lead to thriving healthy communities in all neighborhoods of the region. King County will support public health investments that help all residents to live in thriving communities where they have the opportunity to make healthy choices. King County shall support:

...h. A range of health services, including timely emergency response and culturally-specific preventive medical, behavioral and dental care within their community.

<u>Policy H-205</u> King County will support and implement health-related policies and programs that address the social determinants of health and the built environment by partnering with health care services, community-based organizations, foundations, other regional agencies, boards, commissions and elected officials to improve public health

COMMENT: The project development proposal will include an integrated mix of nonresidential/residential land uses such as public-social services, office/ medical outpatient clinic, local community center, and affordable, higher density apartment housing. The White Center Community Hub project will be developed and operated through a partnership between the White Center Community Development Association (WCCDA), Southwest Youth and Family Services (SWYFS), Food Empowerment Education Sustainability Team (FEEST), YES! Foundation, and HealthPoint. The project is additionally supported through Community Roots Housing, King County Department of Community and Human Services, and Communities of Opportunity. The new development will include a mix of residential, clinic, educational, office, and community space. The layout includes a 6,000 SF interior community plaza courtyard for shared recreation with a children's play area. Parking areas will be clustered to the north, central and south to accommodate the proposed uses, with pedestrian access throughout the site. See the attached CUP site plan.

C. FINDINGS

- 1. Pursuant to the State Environmental Policy Act (SEPA) the responsible official of Dept of Local Services, Permitting Division, has determined that the proposal when built in compliance with applicable codes and standards and under the conditions of approval contained in the CUP Decision, will not result in a significant adverse environmental impact. Issuance of the SEPA -TD is concurrent with this CUP.
- 2. The CUP proposal and development plans are allowed in accordance with the King County codes, standards and policies noted in this report and decision.
- 3. The applicant has acknowledged and agreed to implement their <u>Final Parking Management Plan</u> prepared by *Heffron Transportation, Inc., dated January 19, 2023,* as approved by the Director Decision dated April 6, 2023.
- 4. The Road Services Division, Road and Traffic Engineering Development Review staff reviewed the revised plans, updated SEPA checklist, and responses to Permitting Divisions initial project comments. They determined all comments and questions were addressed and they did not need additional information or conditions.
- 5. The applicant has acknowledged and agreed to and obtain any required applicable permits with the King County Permitting Division.
- 6. The final CUP development plans were received and approved August 30, 2023.
- 7. The final CUP revised drainage civil plans & TIR were received and approved August 30, 2023..
- 8. The SWM adjustment variances VARD22-0005 and VARD23-0014 were approved March 3, 2023 and August 25, 2023 respectively.
- 9. The overall CUP approvals for Land use, Zoning, Drainage, KC Roads/Traffic, Critical Areas, International fire code, and Historic Preservation, concluded under the CUP and conditions are included in this CUP to reflect those reviews. More detailed code and design review will take place under the pending construction permits COMM22-0011/DWEL22-0254.
- The project is reviewed based on the guidelines of the 2021 King County Surface Water Design Manual (KCSWDM). All future permits COMM22-0011/DWEL22-0254, must comply and meet the criteria and design guidelines of the 2021 KCSWDM.

D. CONCLUSIONS:

- a. The development as conditioned, is consistent with applicable code standards pertinent to this CUP.
- b. The CUP development proposal is designed and scaled in a manner that is compatible with the character and appearance of existing, or proposed development in the vicinity of the subject property.
- c. The location, size, and height of the proposed CUP development will not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties .
- d. The CUP proposal is not in conflict with the health and safety of the community.
- e. The CUP proposal is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
- f. The CUP proposal will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.
- g. The CUP proposal is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this Title 21A, Zoning.
- h. The applicant will obtain all applicable permits for the proposed CUP proposal.

IV <u>DECISION:</u>

The CUP is hereby GRANTED subject to the following conditions:

1. All building permits shall be <u>issued</u> within four years of the transmittal date of this report. The period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension (KCC 21A.42.090).

- 2. The development of this project is subject to all rules, regulations, policies, and codes that are not specifically modified by this approval.
- 3. Development shall be in conformance with the approved Final Revised CUP site plan, stamped received on January 24, 2023, and any conditions listed in this report decision. Subsequent minor modification may be allowed if the Department finds the changes are consistent the CUP code (KCC 21A.42.190 Modifications and expansions uses or development authorized by existing conditional use, special use or unclassified use permits).
- 4. The applicants **proposed** <u>childcare services</u> as described in their CUP is allowed outright as a "daycare" (KCC 21A.08.060, foot notes P/P8/C). A CUP is required if the applicant's childcare services do not comply with the "daycare" language in KCC 21A.08.060, foot note P/P8.
- 5. Exterior **accessible pedestrian access, parking, accessible Electrical Vehicle parking (EV),** and standard EV parking shall be provided for this site and is to be equitably distributed in the parking lot locations to serve all buildings. The final detailed design shall be reviewed and approved prior to issuance under COMM22-0011 and DWEL22-0254.
- 6. **<u>Recyclable storage</u>** is required for this site and shall be designed in accordance with KCC 21A.14.210 Storage space and collection points. Final detailed design shall be reviewed and approved prior to issuance under COMM22-0011 and DWEL22-0254.
- 7. An external **photometric plan** shall be approved under permits COMM21-0011/DWEL22-0254 demonstrating light levels at the external property lines are 1 foot candle (fc) or less. Exterior lighting is required pursuant to KCC 21A.18.110.G and KCC 21A.12.220.G.
- 8. Detailed <u>site development review</u> and approval will occur under the pending building permits COMM22-0001 & DWEL22-0254. This includes but is not limited to critical areas mitigation, site engineering & drainage, parking & circulation, pedestrian circulation, site accessibility, recreation and open space features, historic documentation, signage, and exterior lighting, etc.
- 9. Any non-exempt **<u>noise generated</u>** by this proposal shall be in conformance with the provisions contained in King County Code Title 12 Public Peace, Safety and Morals, Section 12.86.
- 10. Development shall follow the Directors **<u>Reduced Parking Decision</u>** approved April 6, 2023 subject to the following conditions:
 - a. A parking assessment will be done annually to assess the parking usage situation. The owners shall provide a satisfactory remedy if parking demand is not adequately met or resulting parking problems are documented.
 - b. The site is limited to holding only "<u>Meeting/ Small Events</u>" as described on page 9 of the applicants Parking Management Plan (Heffron Transportation, Inc., dated January 19, 2023).
 - c. The <u>Medium to Large Capacity Events</u> as described on page 9 will not be allowed under the CUP. They may only be allowed under a separate Temporary Use Permit application pursuant to KCC 21A.32.
 - d. Community events shall be managed to ensure they conclude by 10 PM. Outdoor events will not be allowed after dusk.
- 11. Development shall comply with the following <u>Historic conditions</u> prior to issuance of COMM22-0011 and DWEL22-0254:
 - a. The existing public health center building, 10821 8th Ave SW, is potentially eligible as a King County landmark and may be eligible for the National Register of Historic Places.
 - b. <u>Prior to when that building is demolished</u>, the applicant shall complete a historic property inventory (HPI) form for that building and upload it to the state Department of Archaeology and Historic Preservation's (DAHP) database of architectural resources (WISAARD).
 - c. The applicant shall also request a determination of eligibility for the building from DAHP. This process shall be reviewed and approved by the King County Historic Preservation Program.
- 12. Development shall comply with the following <u>Ecological conditions</u> prior to issuance of COMM22-0011 and DWEL22-0254:

<u>Buffer Averaging Plan-Planting Plan</u>. Prior to building permit issuance, the applicant will submit a Final Buffer Averaging Plan-Planting Plan. The Final Plan shall be in in substantial conformance with Critical Area Report (Wetland Delineation, Impact Analysis and Conceptual Buffer Averaging Plan) prepared by PBS dated (March 2, 2022). The plan should include the following details:

- Impact Analysis for both temporary and permanent buffer impacts.
- Detailed Planting Plan that includes a plant schedule with species, plant quantity, plant size, and spacing.
- Include measures to minimize impacts, such as a lighting plan to reduce impacts to wildlife as part of the plan (KCC 21A.24.325.A.3.b).
- Provide detail on soil decompaction and soil amendments.

- Include an irrigation plan. Depict the proposed location of the irrigation plan. Show the location of the lines and sprinklers. Describe if the irrigation will be on a timer and how many days a week, duration, and for how many years irrigation will occur.
- Weed and pest control plan. No herbicides or pesticides can be used in this area.
- Depict critical area signs attached to the split rail fence at buffer edge every 75 feet.

Performance Standards. Include the following performance standards:

- Following plant installation, 100% survival of plants at end of year 1, 80% survival at end of year 5;
- Tree and shrub cover will be greater than 10% after one year, greater than 20% after two years, greater than 35% after three years and 60% after 5 years. Non-invasive native volunteer species can be included in the overall percent cover.
- Non-native invasive plants will not make up more than 10% cover in any growing.

<u>Monitoring Plan</u>. Provide a schedule and description of the monitoring program. The site must be monitored for at five years following successful installation inspection. Each performance standard should have a specific monitoring component that is designed to evaluate whether the performance standard has been met. A Monitoring Report is required at the end of each monitoring period year, 1, 2, 3, and 5. The report is due by October 30th of each year.

<u>Bond Quantity Worksheet</u>. Complete a Critical Areas Bond Quantity Worksheet and submit that with the Buffer Averaging Plan-Planting. King County will require that a bond be posted to cover plant procurement, installation, and five years of monitoring prior to the building permit issuance.

<u>Financial Guarantee</u>. Prior to building permit approval, the applicant shall be required to submit a financial guarantee to assure the implementation and success of the on-site mitigation.

<u>Wildlife Study</u>. Prepare a wildlife study and habitat assessment for the parcel. Identify any nests or habitat of species listed in KCC 21A.24.382 and of any active breeding site of any federal or state listed endangered, threated, sensitive and candidate species or King County species of local importance not in listed in subsections KCC 21A.24.382 B. through J.

- Include how light and noise impacts to wildlife will be mitigated from the proposed development.
- Add following language to Buffer Averaging Plan-Planting Plan. "To minimize the project's potential to impact wildlife from light and glare the following measures shall be a condition of the building permit. Any building lighting shall be directed away from the critical areas and associated buffers. Exterior lighting on the south side of the residence shall be on a timer that automatically shuts off within 15 minutes after use. Only low-lumens directional lighting with narrow angles of illumination for lighting shall be utilized. Metal hoods shall be added to all exterior lights to direct lighting down and not out from fixtures". This lighting condition shall be a required condition of the building permit.

<u>Tree condition</u>. The following tree conditions apply to the building permit:

- a. As part of the submittal for the building permit application, the applicant shall submit a site specific detailed tree removal and retention plan to address exposed roots, compaction, or other disturbances that may occur to retained trees during construction. The plan shall include tree protection measures and recommendations by the ISA Arborist and as shown on the Tree Protection Site Plan (dated June 10, 2022). This plan will be reviewed and approved by the reviewing Permitting Division Environmental Scientist prior to permit issuance.
- b. Prior to any disturbance of the site, trees to be retained adjacent to the clearing limits shall be clearly marked with highly visible construction fencing that includes a tree protection zone around each retained tree. The applicant's agent shall install all recommended tree protection measures in the required Tree Protection Plan described above.
- c. The ISA certified arborist shall be onsite to consult with the construction crew before and during any clearing or grading or removal of trees, snagging, or branch removal and any actions specifically pertaining to soil compaction and root disturbance from construction equipment around the root zone, bole scarring and damage, and effects of tree limbing/skirting that can may impact long-term tree viability.
- d. Trees removed from within the clearing limits shall be statically placed as downed logs within the buffer in area currently devoid of woody debris, where applicable. Show the approximate location of these downed habitat features on the As-built Restoration Plan.
- e. The applicant shall submit a follow-up inspection report prepared by the ISA Arborist summarizing post site conditions, mitigation measures taken, or any follow-up measure necessary to ensure tree health and viability within 45 days of clearing and grading of the site or within 10 days of the inspection of observations made and any recommendations for mitigation to affected trees. The applicant or their agent shall submit the follow-up report/letter to the reviewing Environmental Scientist at Permitting Division.

<u>As-Built Buffer Averaging Plan-Planting Plan</u>. As a condition of the building permit, an as-built drawing of the critical areas' mitigation shall be provided to Permitting Division following completion of the entire project and implementation of the Onsite Mitigation Plan. Any native trees

removed shall be placed as downed logs within the buffer area currently devoid of woody debris, where feasible and shown on the As-Built Plan.

<u>Wildlife-passable Split-rail Fence and Critical Area Signs</u>. The edge of the buffer shall be fenced with a wildlife-passable split-rail fence. Critical area signs shall be required to be attached to the fence in prominent locations and be shown on the Civil Site Plan and the Buffer Averaging Plan-

<u>Planting Plan</u>. This is a condition of the building permit. No Herbicides or Pesticides. It shall be a required condition of the building permit that no herbicides or pesticides be used in the Buffer Averaging Plan-Planting Plan.

<u>Flag Clearing Limits</u>. Prior to the initiation of any on-site alterations, the clearing limits shall be flagged in a highly visible manner. Flagging shall remain in place until construction is completed. These field markers will be inspected, and field verified by a King County Permitting Division Site Inspector or Environmental Scientist. A silt fence shall also be installed along the edge of the site clearing where it is within the critical area to assure that no sediment or sediment-laden water enters the critical area. This is a condition for the building permit.

<u>Critical Areas Notice on Title</u>. Prior to issuance of a building permit, the owner shall file a Notice on Title with the records and elections division, approved by the Permitting Division, that identifies the on-site critical areas and buffers.

- 13. The project is reviewed based on the guidelines of the 2021 King County Surface Water Design Manual (KCSWDM). All future permits COMM22-0011/DWEL22-0254, must comply and meet the criteria and design guidelines of the 2021 KCSWDM.
- 14. Development shall comply with the <u>KCSWM Drainage conditions</u> prior to issuance of COMM22-0011 and DWEL22-0254 as follows: Development shall comply with the following VARD22-0005 and
 - VARD23-0014 conditions approved March 3, 2023 and August 25, 2023 respectively:
 - A. Condition of approval for VARD22-0005:

1. Provide Flow Dispersal Trenches 50 feet long and in accordance with SWDM Figure 4.2.2.B or Figure 4.2.2. C. Each dispersal trench to receive no more than 0.5 cfs during a 100 year storm event and the separation distance between trenches is a minimum of 50 feet.

2. The dispersal trenches shall be placed so that the flow paths are pointed away from the properties East of the site.

3. The site conditions must be such that all discharge draining across the southerly property line can be dispersed through dispersal trenches meeting the SWDM requirements so that point discharges do not occur.

B. Condition of approval for VARD23-0014:

Your request for an adjustment to pump off-site is approved on the condition that the point of compliance off site is shown to meet basic flow control prior to beginning construction And that the pump is tested to verify that the water level in the sump maintains approximately the same elevation, by neither decreasing or increasing elevation, as the discharge rate from the control structure into the sump increases. Your request to locate a pump downstream of the sandfilter is approved on the condition that the emergency overflow is at an elevation lower than the bottom of the sandfilter.

- 15. Development shall comply with the following <u>Fire code conditions</u> prior to issuance of COMM22-0011 and DWEL22-0254:
 - a. Access road shall meet the requirements of King County Fire Code 17.04.370.
 - b. The Fire Department Access Road shall be marked as fire lanes per King County Fire Code 17.04.420.
 - c. Bollards blocking the access to the fire lane access shall only exist at the approval of the fire code official. 2018 IFC 503.5.
 - d. Automatic fire sprinklers are required and shall be designed per 2016 NFPA 13. 2016 International Fire Code (IFC) Appendix B Table B105.2. An approved permit is required for the installation of fire sprinklers. 2018 IFC 105.4.2.1.
 - e. Underground fire mains and hydrants shall be installed and meet the requirements of 2018 IFC and King County 17.04.470. 2016 NFPA 24-Standard for Installation of private fire service mains and Appurtenances.
 - f. The Fire Department Connection shall not be located on a building and must be within 50 feet of a fire hydrant. King County Fire Code 17.04.590.
 - g. A fire alarm system shall be designed and installed per 2016 NFPA 72. 2018 IFC 907.2.2.
 - h. Construction and Demolition shall be per 2018 IFC Chapter 33.
 - i. Key Boxes for access to buildings or other locations shall be installed per King County Fire Code 17.04.460.

Ordozoodstatisy:8 day of September 2023 Jim (lian

Jim Chan, Division Director -Permitting

Date Mailed: September 8, 2023 Date Appeal Period Ends: October 2, 2023

MAILED to the following Parties and Persons of Interest: See Attachment B.

ATTACHMENTS:

Attachment A - Right to Appeal Attachment B – Parties and Persons of Interest Attachment C - Reduced Site plan

ATTACHMENT A

RIGHT TO APPEAL

This type 2 land use action may be appealed in writing to the King County Hearing Examiner, with a fee of \$250 (check payable to King County Office of Finance).

Filing an appeal requires actual **mailed or in person delivery** of an appeal statement and an appeal fee to the King County Department of Local Services, Permitting Division **prior to the close of business at 3:30 PM** October 2, 2023. In person delivery may only occur during Permitting's In-Office Hours: IN-PERSON OFFICE HOURS:

8:30 am to 3:30 pm on Monday and Thursday (closed Tuesday, Wednesday, Friday) Permits-customer services - King County, Washington

The appeal statement shall: 1) Include a copy of, or clearly identify, the decision being appealed; 2) Identify the location of the property subject to the appeal, if any; 3) Identity the legal interest of the appellant; 4) Identify the alleged errors in the decision; 5) State specific reasons why the decision should be reversed or modified; 6) State the hand suffered or anticipated by the appellant; and 7) Identify the relief sought. Failure to submit a timely and complete appeal statement and the appeal fee deprives the Examiner of jurisdiction to consider the appeal.

Appeals <u>must be mailed or Hand Delivered</u> to the Department of Local Services- Permitting Division addressed as follows:

LAND USE APPEAL Department of Local Services-Permitting Division 919 SW Grady Way, Suite 300 Renton, WA 98057

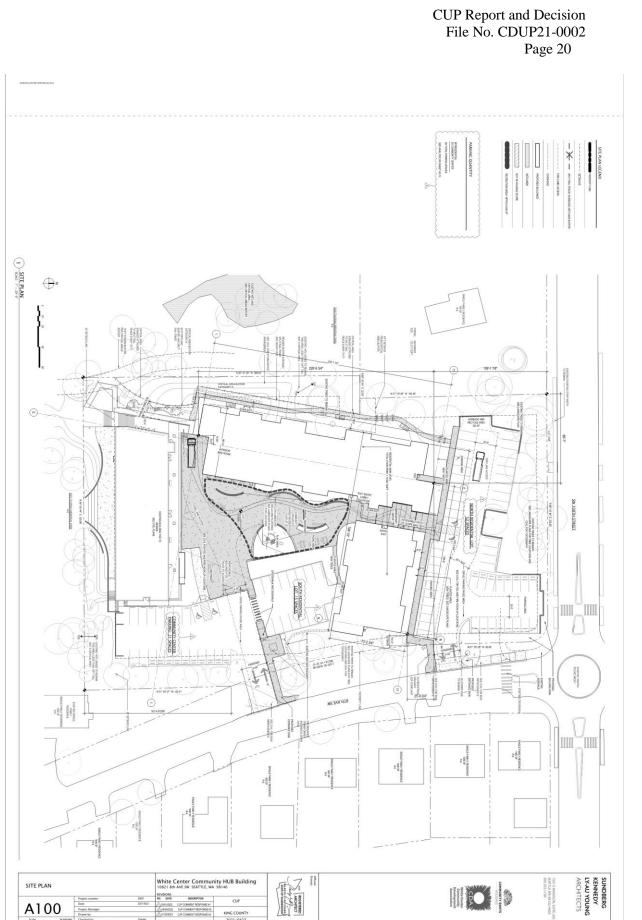
A request for a pre-hearing conference may be made by any party. For more information regarding appeal proceedings and pre-hearing conferences, please contact the Office of the Examiner at 206-477-0860 for a Citizens' Guide to the Examiner hearings and/or read K.C.C. 20.22. The Web address is: http://metrokc.gov/council/HearingExaminer/guide_hearings.htm

ATTACHMENT B

PERSONS OF INTEREST AND PARTIES

Transmitted to the following Persons of Interest and Parties for CDUP21-0002

| BARKER | KIM | kbarker@kingcounty.gov | POR- Plans Examiner- Permitting DLS |
|----------------|---------|---------------------------------|---|
| CHAN | JIM | jim.chan@kingcounty.gov | POR- Div Dir-Permitting DLS |
| CURTIS | JEFF | jecurtis@kingcounty.gov | POR - Plans examiner- Permitting DLS |
| GARCIA | AARON | AARON@WCCDA.ORG | POR- WHITE CENTER CDA |
| GIBA | LIZ | liz_giba@comcast.net | POR- Public |
| HOELSCHER | RON | ron.hoelscher@kingcounty.gov | POR- Engineer - Permitting DLS |
| HOPKINS GOREE' | NANCY | nancy.hopkins@kingcounty.gov | POR- Project Manager/Planner-Permitting |
| HORWITH | ISAAC | isaac.horwith@kingcounty.gov | POR- King County Housing- DNRP |
| KLEIN | PESHA | pesha.klein@kingcounty.gov | POR- Environmental Scientist- Permitting DLS |
| MERFELD | NOEL | noelmerfeld@gmail.com | POR- Public |
| PETERSON | ΤY | ty.peterson@kingcounty.gov | POR- PLM Commercial- Permitting DLS |
| ROWE | MARK | mrowe@kingcounty.gov | POR- Dep Div Dir-Permitting DLS |
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01242023 Resubmittal WCHUB Response #3 CDUP21-0002 Page 6 of 24