

BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEATTLE

In the Matter of the Appeals of END ) Hearing Examiner File No.: **MUP-17-001**  
PRISON INDUSTRIAL COMPLEX, et al. )  
)  
) DPD Project No. 3020845  
From a decision by the Director, )  
Department of Planning and Development, ) REPLY DECLARATION OF KNOLL  
on a Master Use Permit ) LOWNEY IN SUPPORT OF MOTION  
) FOR RECONSIDERATION  
)

I, Knoll Lowney, hereby declare the following under penalty of perjury under the laws of the State of Washington.

1. I am an attorney for EPIC and all other Appellants in this matter. All Appellants are parties to this action and represented by Smith & Lowney.

2. Attached as exhibits are true and correct copies of the following documents received from King County or the City of Seattle through public records requests or through their websites:

Exhibit A: A December 20, 2013 cover letter and attached Environmental Review Draft of code amendments relating to youth services centers, classifying the decision to waive development standards as a Type I decision.

Exhibit B: A May 27, 2014 "Staff Draft" of the code amendment ordinance, also classifying the waiver decision as a Type I decision.

Exhibit C: Staff Report dated January 20, 2016 on Children and Family Justice Center project, informing the County Council and public that the MUP decision for the CFJC would be

1 appealable to the Hearing Examiner and that time for the appeal was built into the project  
2 timeline.

3 Exhibit D: Staff Report dated July 6, 2016 on Children and Family Justice Center  
4 project, informing the County Council and public that the MUP decision for the CFJC would be  
5 appealable to the Hearing Examiner and that time for the appeal was built into the project  
6 timeline.  
7

8 Exhibit E. A draft of the Directors Report on the CFJC code amendment legislation  
9 dated June 16, showing the edits proposed by Mike Podowski, the Code Development Manager  
10 for SDCI, and the corresponding email. The electronic version of this document indicates that  
11 the edits to the report informing the City Council that the decision was appealable to the Hearing  
12 Examiner were added by Mike Podowski. King County provided this document in native format  
13 under a public records request.  
14

15 Exhibit F. An early draft of the fiscal report for the CFJC code amendment legislation,  
16 dated June 5, 2014.  
17

18 DATED this 24th day of March 2017, in Seattle Washington.  
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21 By:   
22 Knoll Lowney  
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**Department of Planning and Development**

Diane M. Sugimura, Director

December 20, 2013

Kathy Brown, Division Director, Facilities Management Division  
Jim Burt, Major Projects Manager  
King County Department of Executive Services  
500 Fourth Avenue, Suite 800  
Seattle, WA 98116

**Re: City of Seattle, DPD: Formal Comment Letter on SEPA MDNS for the King County Children and Family Justice Center Project**

Dear Ms. Brown and Mr. Burt:

Thank you for the opportunity to review the Mitigated Determination of Non-significance (MDNS) for this important project. This comment letter is in response to the Notice of a MDNS published by King County in the Daily Journal of Commerce on December 7, 2013 and providing for a 20-day formal comment period beginning on that date. Please accept this letter and make it available to interested parties as appropriate per King County policies and procedures.

The County's DNS documents disclose and analyze the environmental impacts of a non-project action associated with the text amendments to the Land Use Code that King County is anticipated to request. For ease of understanding, we are enclosing with this letter an Environmental Review Draft of these Code amendments. We encourage you to make the draft text amendment available to interested parties along with this letter.

The MDNS documents disclose and analyze project environmental impacts associated with permitting and construction of the facility in phases. However, pursuant to Washington Administrative Code subsections 197-11-600(3)(a and b), use of the MDNS for the second phase may need to be revisited. As is often the case with the environmental analysis of long-term phasing of projects, it may be beneficial to revisit the MDNS at the time of actual permit application, if for example there are changes to the project proposal or to background conditions.

Thank you for the opportunity to provide comments. I am available if you have any questions.

Sincerely,

Kristian Kofoed  
Senior Urban Planner, City of Seattle, DPD  
206 233 7191



**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning, amending Sections 23.47A.004, 23.51A.004, 23.84A.020 and 23.84A.046 of the Seattle Municipal Code, to establish a definition for youth services centers and allow additions or expansions of youth services centers established as of January 1, 2013 in public facilities operated by King County in a manner compatible with surrounding neighborhoods.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

**23.47A.004 Permitted and prohibited uses**

\* \* \*

D. Public ~~(F)~~ facilities ~~(-)~~

\* \* \*

7. Youth services centers established as of January 1, 2013, in public facilities operated by King County within Urban Center Villages and additions or expansions to such facilities are permitted outright in NC3 zones. Development standards of this Chapter 23.47A relating to maximum height limits, street-level use requirements, blank facades, depth of facades, transparency, maximum structure width, and setbacks may be waived or modified based on a finding that the waiver or modification is needed to accommodate unique programming, public service delivery or structural needs of the facility and that the urban design objectives of subsection 23.51A.004.C are met. The Director’s decision shall include conditions to mitigate any substantial impacts caused by such a waiver or modification.

\* \* \*

<b>Table A</b>					
<b>for 23.47A.004</b>					
<b>Uses in Commercial Zones</b>					
		<b>PERMITTED AND PROHIBITED USES BY ZONE(1)</b>			
<b>USES</b>	<b>NC1</b>	<b>NC2</b>	<b>NC3</b>	<b>C1</b>	<b>C2</b>
* * *					
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X(17)	X	X
* * *					
Key					
* * *					
FOOTNOTES to Table for 23.47A.004					
* * *					
<u>(17) Except for youth service centers established as of January 1, 2013, in public facilities operated by King County in Urban Center Villages as specified in subsection 23.47A.004.D.7</u>					

Section 2. Section 23.51A.004 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

**23.51A.004 Public facilities in multifamily zones**

A. Except as provided in subsections 23.51A.004.B, 23.51A.004.C and 23.51A.004.E(~~of this Section 23.51A.004~~)), uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under the applicable zoning are also

1 permitted outright or as an administrative conditional use, subject to the same use regulations,  
2 development standards and administrative conditional use criteria that govern the similar use.

3 B. The following uses in public facilities are permitted outright in all multifamily zones  
4 if the development standards for institutions in Section((s)) 23.45.570, other than dispersion  
5 requirements, are met:

- 6 1. Police precinct stations;
- 7 2. Fire stations;
- 8 3. Public boat moorages;
- 9 4. Utility service uses; and
- 10 5. Other uses similar to any of the uses listed in this subsection 23.51A.004.B.

11 C. Youth Service Centers Established as of January 1, 2013, in Public Facilities  
12 Operated by King County within an Urban Center Village

13 1. Youth service centers established as of January 1, 2013, in public facilities  
14 operated by King County within an Urban Center Village and additions or expansions to such  
15 facilities are permitted outright in LR3 zones. Standards relating to structure width, structure  
16 depth facade length limits and setbacks may be waived or modified as a Type I decision based on  
17 a finding that the waiver or modification is needed to accommodate unique programming, public  
18 service delivery or structural needs of the facility and that the urban design objectives in  
19 subsection 23.51A.004.C.2 are met. The Director’s decision shall include conditions to mitigate  
20 any substantial impacts caused by such a waiver or modification.

21 2. Urban design objectives

22 a. Objective 1: Create visual interest and activate the street with an  
23 pedestrian environment on the street level and the next two floors above that street-level story.  
24 Each street frontage of the site should receive detailed site planning and architectural design  
25 treatments that assists in achieving the desired character of each street frontage. Examples for

1 achieving this objective include, but are not limited to, the following:

2 1) Incorporate prominent entrances and other features that  
3 welcome pedestrians;

4 2) Add visual interest using architectural detailing of the facade,  
5 transparency, decorative materials or design features;

6 3) Use signage consistent with the Sign Code, Chapter 23.55, that  
7 helps orient pedestrians and adds interest to the street environment.

8 b. Objective 2: Create a continuous pedestrian environment along the  
9 frontage of the development. Examples for achieving this objective include, but are not limited  
10 to, the following:

11 1) Incorporate shade and rain protection, such as awnings,  
12 building overhangs, benches, free-standing pavilions or kiosks;

13 2) Where site dimensions and program conditions allow, provide a  
14 landscaped setback between the structure and sidewalk;

15 3) Design new or existing bus stops to integrate transit shelters,  
16 benches and decorative treatments with the adjacent facade.

17 c. Objective 3: Address the height, bulk and scale of the building by  
18 design treatments that transition to the scale of nearby development. Examples for achieving this  
19 objective include, but are not limited to, the following:

20 1) Break down the apparent scale of the building and reduce the  
21 impact of blank walls by using upper-level setbacks, modulation or decorative facade elements,  
22 such as material, shape, color, architectural detailing, painting, screening, artwork, or vegetated  
23 walls;

24 2) Use landscaped setbacks where appropriate.

1           ~~((C))~~D. Unless specifically prohibited in subsection 23.51A.004.E~~((D of this Section~~  
2 23.51A.004)), new public facilities not specifically listed in subsection 23.51A.004.A,  
3 23.51A.004.B or 23.51A.004.C ~~((A or B of this Section 23.51A.004))~~, or that are listed in  
4 subsection 23.51A.004.A, 23.51A.004.B or 23.51A.004.C ~~((A or B of this Section~~  
5 23.51A.004))but do not meet applicable development standards or administrative conditional use  
6 criteria, may be permitted by the City Council according to the provisions of Chapter 23.76, with  
7 public projects considered as Type IV quasi-judicial decisions and City facilities considered as  
8 Type V legislative decisions. In making the decision, the Council may waive or grant departures  
9 from development standards or administrative conditional use criteria for public facilities, if the  
10 following criteria are satisfied:

11                   1. The location of the public facility addresses public service needs, and any  
12 waiver or departure from development standards or administrative conditional use criteria is  
13 necessitated by those public service delivery needs; and

14                   2. The impact of the public facility on surrounding properties has been addressed  
15 in the design, siting, landscaping, and screening of the facility.

16           ~~((D))~~E. The following public facilities are prohibited in all multifamily zones:

17                   1. Jails~~((;))~~, except for youth service centers established as of January 1, 2013, in  
18 public facilities operated by King County within an Urban Center Village;

19                   2. Work-release centers;

20                   3. Bus bases;

21                   4. Park and ride lots;

22                   5. Sewage treatment plants;

23                   6. Animal control shelters; and

24                   7. Post office distribution centers.

25           ~~((E))~~F. Expansion of uses in public facilities~~((;-))~~



1           1. Major expansion. Major expansion of public facilities that are permitted by  
2 ~~((subsection C of this S))~~ subsection 23.51A.004.D may be approved by the City Council, with  
3 public projects considered as Type IV quasi-judicial decisions and City facilities considered as  
4 ~~((a))~~ Type V land use decisions, subject to the criteria of subsections 23.51A.004.~~((C))~~D.1 and  
5 23.51A.004.~~((C))~~D.2~~((of this Section 23.51A.004))~~. A major expansion of a public facility  
6 occurs if an expansion would not meet development standards or, except for expansion of the  
7 Washington State Convention and Trade Center, the area of the expansion would exceed either  
8 750 square feet or 10 percent of the existing area of the use, whichever is greater. A major  
9 expansion of the Washington State Convention and Trade Center is one that is 12,000 square feet  
10 or more in size. For the purposes of this subsection 23.51A.004.~~((E))~~E.1, “area of the use”  
11 includes gross floor area and outdoor area devoted actively to that use, excluding parking.

12           2. Minor expansion. An expansion of a public facility that is not a major  
13 expansion is a minor expansion. Minor expansions to uses in public facilities that are permitted  
14 by subsections 23.51A.004.A, 23.51A.004.B, ~~((F))~~23.51A.004.C, or 23.51A.004.E ~~((of this~~  
15 ~~Section 23.51A.004))~~ are permitted outright.

16           ~~((F))~~G. Essential public facilities will be reviewed according to the provisions of Chapter  
17 23.80, Essential Public Facilities.

18           ~~((G))~~H. Uses in existing or former public schools~~((:))~~

19           1. Child care centers, preschools, public or private schools, educational and  
20 vocational training for the disabled, adult evening education classes, nonprofit libraries,  
21 community centers, community programs for the elderly and similar uses are permitted in  
22 existing or former public schools.

23           2. Other non-school uses are permitted in existing or former public schools  
24 pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or  
25 Reuse of Schools.

1 Section 3. Section 23.84A.020 “J” of the Seattle Municipal Code, last amended by  
2 Ordinance 122311, is amended as follows:

3 **23.84A.020 “J((~~o~~))”**

4 “Jail” means a public facility, including a youth service center established as of January  
5 1, 2013, in a public facility operated by King County within an Urban Center Village, for the  
6 incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges,  
7 convicted but not yet sentenced, or serving a sentence upon conviction. This definition does not  
8 include facilities for programs providing alternatives to imprisonment such as prerelease, work  
9 release or probationary programs. A youth service center means youth detention facility, holding  
10 cells, courtrooms, classroom space, a gymnasium for detained youth, and related uses including  
11 but not limited to administrative offices and meeting rooms.

12 \* \* \*

13 Section 4. Section 23.84A.046 “Y” of the Seattle Municipal Code, last amended by  
14 Ordinance 122311, is amended as follows:

15 **23.84A.046 “Y((~~o~~))”**

16 \* \* \*

17 Youth Service Centers: See “Jails.”

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Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2013, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



Kristian Kofoed  
DPD King County CFCJ Amendment ORD  
May 27 2014  
Version #7

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to land use and zoning, amending Sections 23.47A.004, 23.51A.004, 23.84A.020 and 23.84A.046 of the Seattle Municipal Code, to establish a definition for youth services centers and allow additions or expansions of youth services centers established as of January 1, 2013 in public facilities operated by King County in a manner compatible with surrounding neighborhoods.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

**23.47A.004 Permitted and prohibited uses**

\* \* \*

D. Public (~~F~~) facilities (~~(-)~~)

\* \* \*

7. Youth services centers established as of January 1, 2013, in public facilities operated by King County within Urban Center Villages and additions or expansions to such facilities are permitted outright in NC3 zones. Uses and development standards in subsections 23.47.005 and 23.47.008 may be waived or modified when subsections 23.47A.004.D(7)(a) and (b) are met:

(a) Minimum Requirements for Transparency, Depth and Frontage

1) The transparency requirements of subsection 23.47A.008.B.2 shall be provided along a minimum of 40% of the courthouse facade along 12th Avenue;

2) General sales and services or restaurant use is required in an amount of frontage equal to a minimum of 25 percent of the courthouse facade along 12<sup>th</sup> Avenue;

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1 3) A minimum of 50 percent of the frontage requirement, or no  
2 less than XX feet, shall front on 12th Avenue;

3 4) The frontage requirement may be met, all or in part, by a stand-  
4 alone permanent structure, such as a news kiosk or coffee stand;

5 5) General sales and service and restaurant uses provided pursuant  
6 to this subsection are exempt from the 30 foot average depth and 15 foot minimum depth  
7 requirements in subsection 23.47.008.B.3;

8 (b) When provisions of subsection (a) are met, with respect to all other  
9 standards, a Type 2 waiver or modification shall be based on a finding that such waiver or  
10 modification is needed to accommodate unique programming, public service delivery or  
11 structural needs of the facility and that the urban design objectives of subsection 23.51A.004.C  
12 are met.

13 (c) The Director's decision shall include conditions to mitigate all  
14 substantial impacts caused by such a waiver or modification.

15 \* \* \*

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Table A					
for 23.47A.004					
Uses in Commercial Zones					
	PERMITTED AND PROHIBITED USES BY ZONE(1)				
USES	NC1	NC2	NC3	C1	C2
* * *					
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X(17)	X	X
I.2. Work Release Centers	CCU-10	CCU-25	CCU	CCU	CCU
I.1. Youth Service Centers	<u>X</u>	<u>X</u>	<u>X(17)</u>	<u>X</u>	<u>X</u>
* * *					
Key					
* * *					
FOOTNOTES to Table for 23.47A.004					
* * *					
<u>(17) Except for youth service centers established as of January 1, 2013, in public facilities operated by King County in Urban Center Villages as specified in subsection 23.47A.004.D.7</u>					

Section 2. Section 23.51A.004 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

**23.51A.004 Public facilities in multifamily zones**

A. Except as provided in subsections 23.51A.004.B, 23.51A.004.C and 23.51A.004.E(~~of this Section 23.51A.004~~)), uses in public facilities that are most similar to uses permitted

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1 outright or permitted as an administrative conditional use under the applicable zoning are also  
2 permitted outright or as an administrative conditional use, subject to the same use regulations,  
3 development standards and administrative conditional use criteria that govern the similar use.

4 B. The following uses in public facilities are permitted outright in all multifamily zones  
5 if the development standards for institutions in Section((s)) 23.45.570, other than dispersion  
6 requirements, are met:

- 7 1. Police precinct stations;
- 8 2. Fire stations;
- 9 3. Public boat moorages;
- 10 4. Utility service uses; and
- 11 5. Other uses similar to any of the uses listed in this subsection 23.51A.004.B.

12 C. Youth Service Centers Established as of January 1, 2013, in Public Facilities

13 Operated by King County within an Urban Center Village

14 1. Youth service centers established as of January 1, 2013, in public facilities  
15 operated by King County within an Urban Center Village and additions or expansions to such  
16 facilities are permitted outright in LR3 zones. Standards relating to structure width, structure  
17 depth façade length limits and setbacks may be waived or modified as a Type I decision based on  
18 a finding that the waiver or modification is needed to accommodate unique programming, public  
19 service delivery or structural needs of the facility and that the urban design objectives in  
20 subsection 23.51A.004.C.2 are met. The Director’s decision shall include conditions to mitigate  
21 all substantial impacts caused by such a waiver or modification.

22 2. Urban design objectives

23 a. Objective 1: Create visual interest and activate the street with an  
24 pedestrian environment on the street level and the next two floors above that street-level story.  
25 Each street frontage of the site should receive detailed site planning and architectural design

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1 treatments that assists in achieving the desired character of each street frontage. Examples for  
2 achieving this objective include, but are not limited to, the following:

3 1) Incorporate prominent entrances and other features that  
4 welcome pedestrians;

5 2) Add visual interest using architectural detailing of the facade,  
6 transparency, decorative materials or design features;

7 3) Use signage consistent with the Sign Code, Chapter 23.55, that  
8 helps orient pedestrians and adds interest to the street environment.

9 b. Objective 2: Create a continuous pedestrian environment along the  
10 frontage of the development. Examples for achieving this objective include, but are not limited  
11 to, the following:

12 1) Incorporate shade and rain protection, such as awnings,  
13 building overhangs, benches, free-standing pavilions or kiosks;

14 2) Where site dimensions and program conditions allow, provide a  
15 landscaped setback between the structure and sidewalk;

16 3) Design new or existing bus stops to integrate transit shelters,  
17 benches and decorative treatments with the adjacent facade.

18 c. Objective 3: Address the bulk and scale of the building by design  
19 treatments that transition to the scale of nearby development. Examples for achieving this  
20 objective include, but are not limited to, the following:

21 1) Break down the apparent scale of the building and reduce the  
22 impact of blank walls by using modulation or decorative facade elements, such as material,  
23 shape, color, architectural detailing, painting, screening, artwork, or vegetated walls;

24 2) Use landscaped setbacks where appropriate.



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1           ~~((C))~~D. Unless specifically prohibited in subsection 23.51A.004.E~~((D of this Section~~  
2 23.51A.004)), uses in new public facilities not specifically listed in subsection 23.51A.004.A,  
3 23.51A.004.B or 23.51A.004.C ~~((A or B of this Section 23.51A.004))~~, or that are listed in  
4 subsection 23.51A.004.A, 23.51A.004.B or 23.51A.004.C ~~((A or B of this Section~~  
5 23.51A.004))but do not meet applicable development standards or administrative conditional use  
6 criteria, may be permitted by the City Council according to the provisions of Chapter 23.76, with  
7 public projects considered as Type IV quasi-judicial decisions and City facilities considered as  
8 Type V legislative decisions. In making the decision, the Council may waive or grant departures  
9 from development standards or administrative conditional use criteria for public facilities, if the  
10 following criteria are satisfied:

11           1. The location of the public facility addresses public service needs, and any  
12 waiver or departure from development standards or administrative conditional use criteria is  
13 necessitated by those public service delivery needs; and

14           2. The impact of the public facility on surrounding properties has been addressed  
15 in the design, siting, landscaping, and screening of the facility.

16           ~~((D))~~E. The following public facilities are prohibited in all multifamily zones:

17           1. Jails~~((;))~~, except for youth service centers established as of January 1, 2013, in  
18 public facilities operated by King County within an Urban Center Village;

19           2. Work-release centers;

20           3. Bus bases;

21           4. Park and ride lots;

22           5. Sewage treatment plants;

23           6. Animal control shelters; and

24           7. Post office distribution centers.

25           ~~((E))~~F. Expansion of uses in public facilities~~((;-))~~

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1                   1. Major expansion. Major expansion of public facilities that are permitted by  
2 ~~((subsection C of this S))~~ subsection 23.51A.004.D may be approved by the City Council, with  
3 public projects considered as Type IV quasi-judicial decisions and City facilities considered as  
4 ~~((a))~~ Type V land use decisions, subject to the criteria of subsections 23.51A.004.~~((C))D.1~~ and  
5 23.51A.004.~~((C))D.2~~ ~~((of this Section 23.51A.004))~~. A major expansion of a public facility  
6 occurs if an expansion would not meet development standards or, except for expansion of the  
7 Washington State Convention and Trade Center, the area of the expansion would exceed either  
8 750 square feet or 10 percent of the existing area of the use, whichever is greater. A major  
9 expansion of the Washington State Convention and Trade Center is one that is 12,000 square feet  
10 or more in size. For the purposes of this subsection 23.51A.004.~~((E))F.1~~, “area of the use”  
11 includes gross floor area and outdoor area devoted actively to that use, excluding parking.

12                   2. Minor expansion. An expansion of a public facility that is not a major  
13 expansion is a minor expansion. Minor expansions to uses in public facilities that are permitted  
14 by subsections 23.51A.004.A, 23.51A.004.B, ~~((or))~~ 23.51A.004.C, or 23.51A.004.E ~~((of this~~  
15 ~~Section 23.51A.004))~~ are permitted outright.

16                   ~~((F))~~ G. Essential public facilities will be reviewed according to the provisions of Chapter  
17 23.80, Essential Public Facilities.

18                   ~~((G))~~ H. Uses in existing or former public schools ~~((:))~~

19                   1. Child care centers, preschools, public or private schools, educational and  
20 vocational training for the disabled, adult evening education classes, nonprofit libraries,  
21 community centers, community programs for the elderly and similar uses are permitted in  
22 existing or former public schools.

23                   2. Other non-school uses are permitted in existing or former public schools  
24 pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or  
25 Reuse of Schools.

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1 Section 3. Section 23.84A.020 “J” of the Seattle Municipal Code, last amended by  
2 Ordinance 122311, is amended as follows:

3 **23.84A.020 "J((;))"**

4 "Jail" means a public facility, including a youth service center, for the incarceration of  
5 persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet  
6 sentenced, or serving a sentence upon conviction. This definition does not include facilities for  
7 programs providing alternatives to imprisonment such as prerelease, work release or  
8 probationary programs.

9 \* \* \*

10 Section 4. Section 23.84A.046 “Y” of the Seattle Municipal Code, last amended by  
11 Ordinance 122311, is amended as follows:

12 **23.84A.046 “Y((;))”**

13 \* \* \*

14 Youth Service Centers: See “Jails.” A youth service center means youth detention  
15 facility, holding cells, courtrooms, classroom space, a gymnasium for detained youth, and related  
16 uses including but not limited to administrative offices and meeting rooms.

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Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2014, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)





King County



**Metropolitan King County Council  
Committee of the Whole**

**STAFF REPORT**

<b>Agenda Item:</b>	4	<b>Name:</b>	Katherine Cortes
<b>Proposed No.:</b>	2016-B0010	<b>Date:</b>	January 20, 2016

**SUBJECT**

This briefing provides an update on the Children and Family Justice Center capital project, including:

- the current status and anticipated timeline for permitting for the base project;
- considerations of alternates including two additional floors to house a unified family court and space to accommodate a secure school facility for justice-involved youth operated by Seattle Public Schools; and
- current timing expectations for transmittal of an economic opportunity plan and incorporation of its recommendations into a Project Labor Agreement.

**BACKGROUND**

In August 2012, King County voters approved a nine-year property tax levy lid lift<sup>1</sup> to finance a new Children and Family Justice Center (CFJC) on the current site of the Youth Services Center at 12th Avenue and Alder, on the southwestern edge of Seattle's Central District. At that time, the estimated cost for the project was \$210 million and consisted of replacement of courtrooms, offices, parking, and the detention facility. The project was proposed to be completed as a design-build project.

The Executive established and chartered a CFJC Oversight Committee in April 2013 as part of a project management plan. It is comprised of the following voting members:

- King County Council: Councilmember Kathy Lambert
- Deputy County Executive: Fred Jarrett
- Superior Court: Presiding Judge Susan Craighead, Judge Richard McDermott, Paul Sherfey, Chief Administrative Officer
- Prosecuting Attorney's Office: Leesa Manion, Chief of Staff
- Office of Performance, Strategy and Budget: Dwight Dively, Director
- Department of Adult and Juvenile Detention: William Hayes, Director
- Department of Executive Services: Caroline Whalen, Director
- Department of Public Defense: Lorinda Youngcourt, Director

<sup>1</sup> Ordinance 17304 authorized placement on the August 7, 2012 ballot.

The Oversight Committee meets weekly to receive briefings and provide directions to project staff. These meetings are also attended by staff from across participating agencies, including Council staff.

In February 2015, the Council authorized the Executive to execute a contract for Phase 1 (base project, not including some office and courtroom expansion slated for Phase 2) of the CFJC with the design-builder (DB) Balfour Beatty dba Howard S. Wright (Ordinance 17972).

Also in February 2015, Council passed supplemental budget legislation (Ordinance 17973) adding \$1.955 million to the CFJC capital project, and restricting \$1 million in project funding for the creation and administration of an economic opportunity and empowerment program (EOEP) for the project. The stated purpose of the EOEP is to assist the design-builder in the achievement of contracted goals for training minorities, women, veterans and youth and small contracting and suppliers utilization goal. Ordinance 17973 required the Executive to transmit a plan for achieving these goals, including a targeted local hire program, by 90 days prior to the issuance of the Notice to Proceed for construction.

Permitting for the CFJC project must be obtained from the City of Seattle. King County sought and received a land use text amendment from the Seattle City Council in October 2014, contingent on a Racial Disproportionality Assessment which was submitted in March 2015, to allow a replacement to the Youth Services Center to be built and operate on the CFCJ site. The DB submitted an application for a Master Use Permit to the City's planning department in August 2015.

## **ANALYSIS**

The current CFJC project schedule anticipates the Master Use Permit being issued within the next few weeks. **This decision may be appealed to the Seattle Hearing Examiner, who has 90 days to issue a decision. Time for this appeal process is also built into the project schedule, resulting in an anticipated Notice to Proceed for construction date in May or June 2016.**

Ordinance 17972, by which the Council authorized the Executive to execute the CFCJ design-build contract, also authorized the Executive to accept the four alternates to be included in the project's base contract. Alternates 1 and 2 (expanded space for detention and the courts to accommodate Phase 2 of the CFJC project) were authorized for acceptance immediately.

Alternate 3 was to build the **shell and core of two additional floors (top two floors)** to house a unified family court. At the time this alternate was proposed to be included in the DB contract, the Seattle City Code restricted the height of the CFJC to 65 feet, which the top two floors would exceed. Ordinance 17972 authorized acceptance of this alternate at the DB's proposed price of \$5.7 million so long as the project did not exceed appropriation authority. At that time, the Executive anticipated that a Seattle City Code change to allow for the inclusion of the top two floors would be obtained. Acceptance of design and construction for this alternate was bifurcated to allow acceptance of design

prior to a decision on construction. The time period for acceptance of either design or construction of this alternate has elapsed.

As part of the City's Comprehensive Plan update process, Seattle could have considered a change to its zoning code to allow for an increase in the height limit for the 12<sup>th</sup> and Alder site. The Executive sought to have such a change be included on the 2016 Seattle Comprehensive Plan update docket, but the final docket (approved in early 2015, subsequent to the passage of Ordinance 17972) did not include this requested change. According to Executive staff, there is no known alternate pathway to realize such a change in 2016, outside of this process.

The DB's submittal to the City for the Master Use Permit did not include the proposed top two floors.

At this juncture, if the Executive wished to add the top two floors into this project, he would be facing the following hurdles:

1. The City's zoning code does not allow for construction of these two floors as was originally contemplated when Alternate 3 was proposed as part of the project;
2. The time period by which the County could have included Alternate 3, which would have included these two top floors into the base contract, for the set amount of \$5.7 million, has passed. The Executive would have to negotiate a change order to the contract for both the design and construction of these top two floors and such a design would have to meet the City's current zoning code height restriction;
3. Currently there is no money in the project budget to design or build these floors. It is expected that the Executive would have to seek additional appropriation from the Council; and
4. Since the two top floors were not included in the Master Use Permit application, the DB would need to pursue either a new application or modification to the Master Use Permit currently before the City's planning department.

Alternate 4 was to construct a **designated space within the CFJC for the Alder Academy**, a school operated by Seattle Public Schools providing an array of educational and transitional services to youth in a secure environment. (This function is separate from mandated education services provided by the County to youth in detention.) Ordinance 17972 authorized acceptance of this alternate at the design-builder's proposed price of \$2 million if the Executive could get full cost recovery from the school district, and subject to additional appropriation. While the time period within which the Executive had to accept Alternate 4 has passed, the Executive, at a cost of \$15,000, did have the DB include the possibility of the Alder Academy in the DB's Master Use Permit submittal to the City.<sup>2</sup>

At this juncture, if the Executive wished to add Alder Academy into this project, he would be facing the following hurdles:

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<sup>2</sup> The CFJC Oversight Committee voted in September 2015 to expend \$15,000 from project contingency to include design for the Alder Academy in the submittal for the Master Use Permit, to enable a later decision to incorporate the school component into the CFJC, if a funding agreement could be reached.



1. The time period by which the County could have included Alternate 4, which would have included the design and construction of the Alder Academy space into the base contract, for the set amount of \$2 million, has passed. The Executive would have to negotiate a change order to the DB contract for both the design and construction of the school; and
2. Currently there is no money in the project to design or build the Alder Academy space. It is expected that the Executive would have to seek additional appropriation from the Council.

Additionally, any lease of space to Seattle Public Schools within the CFJC would also require Council approval.

The Executive has directed the Director of the Facilities Management Division to continue to seek an agreement with the school district for design, construction and occupancy of space for Alder Academy within the CFJC. No agreement has yet been reached.

The **Economic Opportunity and Empowerment Project plan** required by Ordinance 17973 is anticipated to be transmitted to the Council by early February 2016 in order to meet the deadline of 90 days before the issuance of the Notice to Proceed for the start of construction of the CFJC. It is further anticipated that recommendations within this plan will be incorporated into the Project Labor Agreement (PLA) which the DB is contractually obligated to obtain prior to the start of construction. Facilities Management Division staff have recently agreed to assist in convening meetings between the DB and labor union representatives to negotiate the PLA.

### **INVITED**

1. Caroline Whalen, Director, Department of Executive Services
2. Tony Wright, Director, Facilities Management Division, DES
3. Jim Burt, Manager, Major Projects Unit, FMD, DES



King County



**Metropolitan King County Council  
Committee of the Whole**

**STAFF REPORT**

<b>Agenda Item:</b>	4	<b>Name:</b>	Katherine Cortes
<b>Proposed No.:</b>	2016-B0139	<b>Date:</b>	July 6, 2016

**SUBJECT**

This briefing provides an update on the Children and Family Justice Center capital project, including:

- the current status and anticipated timeline for permitting for the base project;
- the current status and anticipated timeline for the execution of the project labor agreement;
- the current status of budget and design of the project;
- the decision not to pursue in 2016 a Seattle Comprehensive Plan amendment to allow additional height to build two additional floors for family law purposes, nor design of these two floors; and
- the status of collaboration with Seattle Public Schools (SPS) on incorporating into the CFJC an SPS-operated school facility for justice-involved youth (Alder Academy).

**BACKGROUND**

In August 2012, King County voters approved a nine-year property tax levy lid lift<sup>1</sup> to finance a new Children and Family Justice Center (CFJC) on the current site of the Youth Services Center at 12th Avenue and Alder, on the southwestern edge of Seattle's Central District. At that time, the estimated cost for the project was \$210 million and consisted of replacement of courtrooms, offices, parking, and the detention facility.

The Executive established and chartered a CFJC Oversight Committee in April 2013 as part of a project management plan, that included the recommendation to use the design-build project delivery method. The Oversight Committee is currently comprised of the following voting members:

- King County Councilmember Kathy Lambert
- King County Councilmember Joe McDermott
- Deputy County Executive Fred Jarrett
- Superior Court: Presiding Judge Susan Craighead, Judge Richard McDermott, Paul Sherfey, Chief Administrative Officer

<sup>1</sup> Ordinance 17304 authorized placement on the August 7, 2012 ballot.

- Prosecuting Attorney's Office: Leesa Manion, Chief of Staff
- Office of Performance, Strategy and Budget: Dwight Dively, Director
- Department of Adult and Juvenile Detention: William Hayes, Director
- Department of Executive Services: Caroline Whalen, Director
- Department of Public Defense: Lorinda Youngcourt, Director

The Oversight Committee meets weekly to receive briefings and provide directions to project staff. These meetings are also attended by staff from across participating agencies, including Council staff.

In February 2015, the Council authorized the Executive to execute a contract for Phase 1 (base project, not including some office and courtroom expansion slated for Phase 2) of the CFJC with the design-builder (DB) Balfour Beatty dba Howard S. Wright (Ordinance 17972). Among other provisions, this contract requires the DB to obtain an executed project labor agreement (PLA) and appropriate permitting prior to the start of construction.

Also in February 2015, Council passed supplemental budget legislation (Ordinance 17973) adding \$1.955 million to the CFJC capital project, and restricting \$0.955 million to pay for assistance to FMD in monitoring the project labor agreement and \$1 million for the creation and administration of an economic opportunity and empowerment program, to ensure diversity in the project workforce and to facilitate achievement of the design build contract's goals for hiring and training minorities, women, veterans and youth, and small contracting and suppliers utilization goal.

Permitting for the CFJC project must be obtained from the City of Seattle. King County sought and received a land use text amendment from the Seattle City Council in October 2014, contingent on a Racial Disproportionality Assessment which was submitted in March 2015, to allow a replacement to the Youth Services Center to be built and operate on the CFCJ site. The DB submitted an application for a Master Use Permit to the City's permitting department (Department of Construction and Inspections) on September 1, 2015.

## **ANALYSIS**

### **Permitting Status and Timeline**

When the Committee of the Whole was previously briefed in January 2016, the CFJC project schedule anticipated the Master Use Permit (MUP) being issued within the next few weeks. Subsequently, the City of Seattle has issued two rounds of corrections notices. City of Seattle process requires the applicant (DB) to formally submit responses to each round of corrections. The DB submitted responses to the second round of corrections on May 25.

Responses to corrections are subject to an additional 4-6 week review period by Seattle permitting staff, at which point they may either issue additional corrections notices or (if corrections have been satisfied) the permitting department director may issue a Master Use Permit decision. The Seattle permitting department issued an additional correction notice for the MUP permit related to shoring and excavation on June 8. The DB is still

waiting for other corrections in this cycle related to the MUP. The DB responses to these notices will initiate an additional 4-6 week review period.

Once the corrections have been resolved and the Seattle permitting department director issues a Master Use Permit decision, this decision may be appealed to the Seattle Hearing Examiner within 14 days. If the director's decision is appealed, the Hearing Examiner has 90 days to issue a decision. Time for this appeal process is built into the updated project schedule. Once the Hearing Examiner process has been completed (if the permit is appealed), the County could potentially issue a **Notice to Proceed for construction** if other conditions of the contract have been satisfied.

Construction of the CFJC is anticipated to include other site work, such as the relocation of a sewer line. This site work can be permitted and begun separately from the main project prior to the issuance of the Master Use Permit. According to FMD staff, the **Street Improvement Permit (SIP) required for the sewer relocation work is anticipated in September.**

### **Project Labor Agreement (PLA) Status and Workforce Goals Reporting**

The DB is contractually obligated to obtain a Project Labor Agreement (PLA) prior to the start of construction, including sewer relocation as described above.

Executive staff agreed in Q2 2016 to provide project funding to support a third party PLA administrator. (As described above, Ordinance 17973 appropriates and restricts funds for this purpose.) The DB and the County agreed to the selection of Intelligent Partnerships to serve in this role.

Prior to agreeing to begin negotiations on the PLA terms, labor union representatives requested that the DB execute a contract with the third party administrator for the duration of CFJC construction. The DB negotiated with Intelligent Partnerships a mutually acceptable scope of work at the price of \$1.35 million. FMD staff estimate that once negotiations have begun, they will likely take four to eight weeks to complete. This suggests that, **with no further delays, the PLA should be anticipated no sooner than the end of July or August.**

Ordinance 17972, by which the Council authorized the Executive to execute the CFJC design-build contract, requires the Executive to submit **quarterly reports on project workforce status** – specifically, on the design-builder's progress toward achieving the required apprenticeship hiring percentages for all identified target populations and the design-builder's goal of twenty percent small contractors and suppliers utilization specified in the design-build contract. The first of these reports is **required prior to the issuance of the notice to proceed for construction**, and Executive staff anticipates transmitting this report in the near future.

### **Base Project Budget and Design Status**

The design-build contract authorized for execution by Ordinance 17972 included a Guaranteed Maximum Price (GMP) of \$154 million. In February 2015, FMD set the baseline cost estimate at \$212 million, equal to the capital project appropriations adopted by Council (including the approximately \$2 million appropriated via Ordinance 17973). The baseline estimate includes \$9.4 million remaining in project contingency

(down from \$13.2 million in earlier estimates), which FMD staff have stated is less than optimal at this stage in a complex capital project of this magnitude.

The County Auditor's Office Capital Project Oversight (CPO) section published an annual report on the CFJC in May 2016.<sup>2</sup> As this report states, **FMD received a cost estimate from the DB in February 2016, based on complete design development plans, which exceeded the GMP by \$10 million.**

FMD staff have been working with the DB to identify opportunities for cost savings through value engineering, to reduce the budget to within the GMP. **Some of these design decisions could affect the value of surplus land anticipated to be available for County disposition at the completion of CFJC construction.** The CPO report anticipates that the value of the surplus land could be reduced. Additionally, some of these value engineering decisions could incur additional operating and maintenance costs for the County in future. FMD staff have brought some decisions to the CFJC Oversight Committee for approval: in May, for example, the Oversight Committee approved parking garage shape and material changes (saving \$441,000 in the DB budget) and a shallower foundation for the parking garage (saving \$449,000 in the DB budget and potentially enabling additional savings associated with excavation and handling of contaminated media, according to FMD staff).

FMD staff have also reported to the Oversight Committee the intent to allow the DB to implement a lower cost and simpler heating/cooling plant, that FMD says meets the contract specifications and the required energy savings, but is different from the one proposed in the study provided to the County Council in July 2015. FMD has stated that they will submit a supplemental report to the Council that documents this change. Overall, FMD staff report that they have identified and accepted changes from the design development plans that brings the DB budget to within \$5 million of the GMP.

As noted in the May CPO report, the County is not obligated to pay the \$10 million increase over the GMP in the DB's revised cost estimates. Nor is the County obligated to authorize design changes to reduce the DB budget to the GMP.

### **Additional Floors for Unified Family Court**

Ordinance 17972, by which the Council authorized the Executive to execute the CFJC design-build contract, also authorized the Executive to accept four alternates to be included in the project's base contract if certain conditions were met. Alternates 1 and 2 (expanded space for detention and the courts to support future Phase 2 of the CFJC project) were authorized for acceptance immediately.

Alternate 3 was to build the **shell and core of two additional floors (top two floors) to house a unified family court.** At the time this alternate was proposed to be included in the DB contract, the Executive anticipated that a Seattle City Code change to allow for the inclusion of the top two floors would be obtained. As part of the City's Comprehensive Plan update process, Seattle could have considered a change to its zoning code to allow for an increase in the height limit for the 12<sup>th</sup> and Alder site. The Executive sought to have such a change be included on the 2016 Seattle

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<sup>2</sup> Children and Family Justice Center Project Schedule at Risk, May 25, 2016.

<http://kingcounty.gov/~media/operations/auditor/documents/2016Documents/cfjc-2016.ashx?la=en>

Comprehensive Plan update docket, but the final docket (approved in early 2015, subsequent to the passage of Ordinance 17972) did not include this requested change.

The time period by which the County could have included Alternate 3, which would have included the design and construction of the shell of the top two floors into the base contract, has passed. The DB's submittal to the City for the Master Use Permit did not include the proposed top two floors. In May 2016, the CFJC oversight committee voted to reconsider submitting an amendment to the Seattle Comprehensive plan in January 2017, but not to seek such an amendment in 2016. They also decided not to authorize the DB to proceed with design of the shell of the top two floors at this time.

### **Alder Academy**

Alternate 4 authorized for conditional acceptance in Ordinance 17972 was to construct a designated space within the CFJC for the Alder Academy, a school operated by Seattle Public Schools (SPS) providing an array of educational and transitional services to youth in a secure environment. (This function is separate from mandated education services provided by the County to youth in detention.) Ordinance 17972 authorized acceptance of this alternate at the design-builder's proposed price of \$2 million if the Executive could get full cost recovery from the school district, and subject to additional appropriation.

The time period by which the County could have included Alternate 4, which would have included the design and construction of the Alder Academy space into the base contract, for the set amount of \$2 million, has passed. However, the DB's submittal to the City for the Master Use Permit did include the possibility of including the Alder Academy space in the project. In Q1 2016, the DB provided a new offer to complete design and construction of the Alder Academy space within the CFJC at a price of \$2.9 million. The CFJC Oversight Committee voted on March 23 to accept this offer via change order to the DB, prior to its expiration on April 1. Deputy Executive Fred Jarrett stated that the Executive anticipated transmitting a request to Council for appropriation for this purpose.

On June 22, FMD staff relayed to the Oversight Committee that SPS staff would participate in design discussions for the Alder Academy space beginning the week of June 27. The construction of the school is planned for early 2019, concurrent with the construction of the parking structure.

The Executive has directed the Director of the Facilities Management Division to continue to seek an agreement with the school district for design, construction and occupancy of space for Alder Academy within the CFJC. No agreement has yet been reached.

Any lease of space to SPS within the CFJC would require Council approval. No such lease has been negotiated.

### **INVITED**

1. Caroline Whalen, Director, Department of Executive Services
2. Tony Wright, Director, Facilities Management Division, DES
3. Jim Burt, Manager, Major Projects Unit, FMD, DES

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**From:** Podowski, Mike  
**Sent:** Monday, June 16, 2014 11:33 AM  
**To:** Kofoed, Kristian  
**Subject:** KCJJ Report draft 06 13 14 kfk.docx  
**Attachments:** KCJJRepo

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## Department of Planning and Development

### Director's Report

## **King County Youth Service Center Amendments**

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### **INTRODUCTION**

The Department of Planning and Development (DPD) is proposing amendments to the Land Use Code relating to use allowances and development standards in the Neighborhood Commercial 3 (NC-3) and Lowrise (LR-3) zones. The purpose of the amendments is to facilitate re-development of the levy-funded King County Youth Services Center (YSC).

#### **1. Project Description**

The existing King County Youth Services Center is located in Seattle's Central District and Squire Park neighborhood, within the 12th Avenue Urban Center Village. The approximately 9-acre site is bounded by 12th Avenue on the west, E. Remington Court on the north, 14th Avenue on the east, and E. Spruce Street on the south.

King County is demolishing the existing three buildings on the site and replacing them with a new Children and Family Justice Center, consisting of a new courthouse and juvenile detention facility and other associated uses, as well as a parking garage that will consolidate existing surface parking, providing up to 440 parking spaces. The existing site plan and proposed site plan are included at the end of this Report.

While the code amendments are needed to allow the YSC and provide flexibility for certain development standards, for illustrative purposes King County's current design, which is subject to change, is shown in the proposed site plan, the new courthouse would be located in the west-central portion of the site – zoned Neighborhood Commercial NC 3. The new juvenile detention facility would be located in the east-central portion of the site which is zoned Low Rise LR-3.

The project will increase open space by a net .5 acres compared to the existing site. The re-configured open space includes a pedestrian pass-through in the central portion of the site and on the northeast portion will include lawn, trees, and benches for use by families of youth that are using the facility, for King County employees and the neighboring community.

#### **2. Project Purpose, History and Record of Community Input Participation**

In 2011 and early 2012, King County undertook an analysis of different options for replacing the existing facility. (A full project timeline is included at the end of this Report.) The Facility Options

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Study analyzed three on-site alternatives and one off-site alternative. The on-site alternatives included (1) a new courthouse and retention of the existing detention facility, (2) an addition and renovation of the existing courthouse and retention of the existing detention facility, and (3) full replacement of the existing facilities with a new courthouse and new detention facility.

The Study recommended the third option of full replacement. Based on that recommendation, the King County Council placed a levy lift lid measure on the August 2012 ballot. King County voters approved the measure, providing nine-year property tax funding or \$210 million for construction of the new Youth Services Center also called the Children and Family Justice Center (CFJC).

The purpose of the new facility is to replace the existing ~~Youth Services Center- YSC~~, which is more than 40 years old and no longer meets the needs of the juvenile court system. King County has made replacement of the facility its highest priority capital project since 2008. Replacing just the building systems for the existing buildings would likely exceed \$40 million. King County's analysis shows that that a total replacement ~~of the Youth Services Center~~ on the same site is the most cost-effective option.

A full project history, projected timeline and record of community input in King County's process is included as an attachment to this ~~r~~Report. In addition, DPD participated in x meetings with representatives of the 12<sup>th</sup> Avenue stewardship group and the Squire Park Community Council. Draft code amendments were made available on DPD and King County's websites in December of 2013. Both the design of the facility and the content of the code amendments have been shaped by feedback received from public input.

### **3. — Land Use Code Background and Analysis**

#### Use allowance issues for YSCs in NC3 and in LR3

The existing facility does not fall completely within a specific use classification in the Land Use Code. The detention facility part of the YSC is similar to a jail, which is a prohibited use in both the NC3 and the LR3 zone. The existing facility was permitted under older zoning dating back to the 1950s. However, other programs and amenities that are being added, including drop-in child care, expanded community open space and art training programs for youth, are not typically found in jails. Therefore, DPD is recommending that a new use classification be ~~created~~ established in the Land Use Code as a better description of the use. This new classification "YSC" would be a permitted use in the NC3 and LR3 zones, allowing King County to maintain the facility on the same site. ~~Youth service centers~~ YSCs would be a sub-classification under "jail" uses. In the ~~o~~Ordinance, the relevant changes can be found at 23.47A.004.D. and in Table A for 23.47A.004.

#### Development Standard Issues in LR3

The site of the current YSC is zoned NC-3 for approximately 25 percent of the site and LR3 for the

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remainder. Structures currently on the site (see existing site plan, Appendix A) would be re-located according to the proposed site plan (see Appendix B). Locating the courthouse on the NC3 portion of the site and the detention facility on the LR3 portion of the site create technical incompatibilities ~~between for two~~ current development standards for institutional uses in Section 23.45.570. These standards were (adopted after the original facility was built) and before King County's specific programming, structural and security needs were known. These incompatibilities are proposed to be resolved by the proposed amendments.

#### Front Lot Line Setback Requirement (23.45.570.F)

~~SMC-Current standards 23.45.570.F~~ requires that a front setback must be at least five feet from a front lot line. Although the project will provide a generous 15 foot setback from the 14th Avenue lot line, there are three places along the 14th Avenue frontage where the property lot line is irregular. The project will be set back less than five feet at those places. The County will meet the required setback for 85 percent of the lot line, since the combined width of these three places is less than 15 percent of that lot line.

#### Maximum Width Requirement (23.45.570.D.1)

Because of the internal dimensions of space required by County programming and public service delivery within the detention facility, the width of the structure will exceed the maximum width limit of 150 feet. These dimensions are...

Commented [KK3]: I'm obtaining specific dimension to show that programming needs require greater width than 150 feet

#### Allowed Waiver or Modification of Development Standards

The proposed Code amendment would allow King County to apply for a Type II (DPD decision requires public notice and comment and is appealable to the Hearing Examiner) waiver or modification of these setback and maximum width standards. As provided in the amendment, the Director's decision must be based on a finding that such waiver or modification:

"is needed to accommodate unique programming, public service delivery, or structural needs of the facility and that the...urban design objectives are met." (SMC-23.51A.004.B.6)

Examples of the urban design objectives, listed in the text amendment, pertain to a potential request by the County for modifications to both the setback and the maximum width standards.

Objective 1 calls for design that creates visual interest along and activates each street frontage. Specific examples for achieving this objective include incorporating prominent entrances and architectural detailing of the façade to welcome pedestrians.

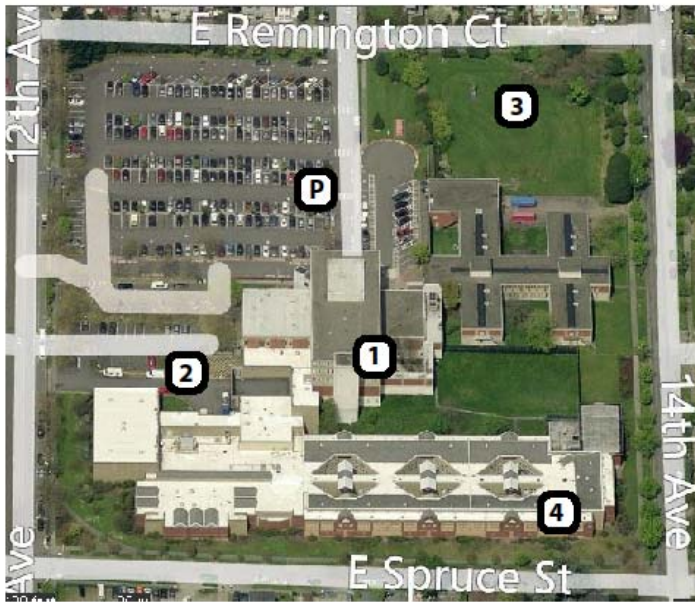
Similarly, Objective 2 requires creating a continuous pedestrian environment by incorporating overhead weather protection, such as awnings and building overhangs, and providing pedestrian amenities like benches or free-standing pavilions.

Objective 3 is directly relevant to an application to modify the maximum width standard. Exceeding that standard could increase the perceived bulk and scale of the building on a lot facing existing residential structures. Thus, Objective 3 calls for design treatments that transition to the scale of nearby development. Examples of these design treatments include modulation of the walls and adding decorative facade elements, like architectural detailing, screening, artwork, or vegetated walls.

### **Recommendation**

The proposed amendments would allow the Youth Services Center to be revitalized as a community asset, consistent with both the County's programming and service delivery needs goals and integrated through high quality urban design with the diverse character of the neighborhood<sup>5</sup> surrounding the site. DPD recommends approval of the proposed amendments.

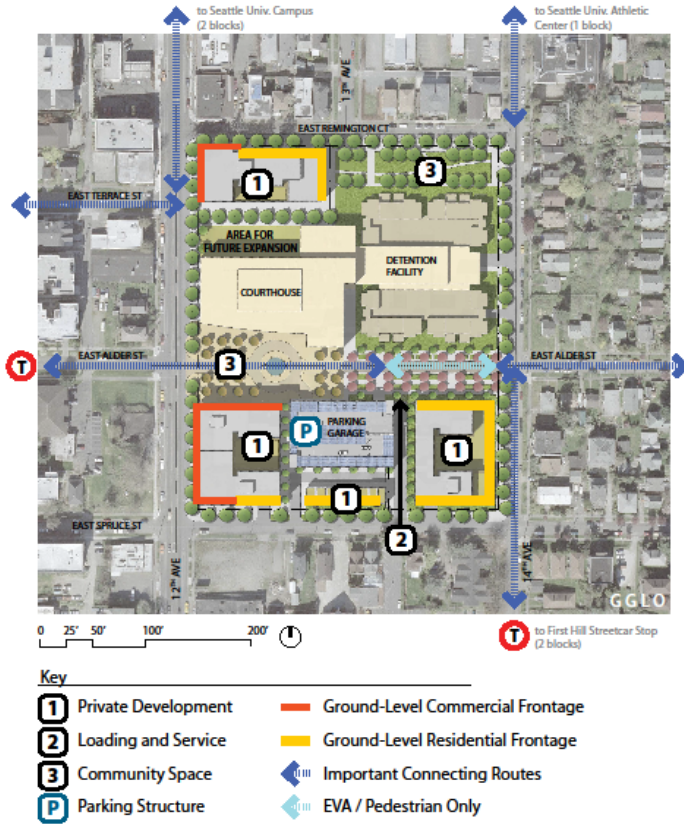
## **Existing Site Plan**



Key - Existing Site Plan

- |                              |                             |
|------------------------------|-----------------------------|
| <b>1</b> Courthouse          | <b>4</b> Detention facility |
| <b>2</b> Loading and Service | <b>P</b> Surface parking    |
| <b>3</b> "Whale Fin" artwork |                             |

## Proposed Site Plan



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**The proposed amendments address the design and programming needs of the Courthouse and Detention Facilities. Except for the Parking Garage, other development shown on the proposed site plan is not part of the levy funded project and is shown for informational purposes only.**

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
DPD	Kristian Kofoed / 233-7191	Melissa Lawrie / 684-5805

**Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending Sections 23.47A.004, 23.51A.004, 23.84A.020 and 23.84A.046 of the Seattle Municipal Code, to establish a definition for and allow youth services centers, and provide development standards for youth services centers established as of January 1, 2013 in public facilities operated by King County.

**Summary of the Legislation:**

The legislation defines King County youth service centers as an allowed use and provides a means to waive or modify certain development standards.

**Background:**

In 2012, King County voters approved a nine-year levy increase providing \$210 million in funding for the Children and Family Justice Center project. The approved facility expansion requires Land Use Code amendments to allow the Director to consider waiver or modification of low-rise development standards of maximum structure width, depth and setbacks. The waiver or modification must be based on a need to accommodate unique programming, public service delivery or structural needs of the facility and that certain urban design objectives have been met. A use is defined for “youth service centers” in the Land Use Code.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

No alternatives have been identified.

**e) Is a public hearing required for this legislation?**

Yes. The City Council must hold a public hearing, after the vote on this ordinance.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

**g) Does this legislation affect a piece of property?**

The legislation is of general application to property having the characteristics described in the ordinance.

**h) Other Issues:** None.

**List attachments to the fiscal note below:** None.