



PLANNING COMMISSION AGENDA
January 25, 2017, 7:00 p.m.
Multipurpose Room/Council Chamber
Burien City Hall, 400 SW 152nd Street
Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on <http://burien.vod.castus.tv/vod/>

1. ROLL CALL

2. AGENDA CONFIRMATION

3. APPROVAL OF MINUTES

A. January 11, 2017

4. PUBLIC COMMENT

Public comment will be accepted on topics not scheduled for a public hearing.

5. PUBLIC HEARING

6. NEW BUSINESS

A. Appoint Member to Wayfinding Stakeholder Group

7. OLD BUSINESS

A. Minor Zoning Code Amendments – Discussion and Recommendation

9. PLANNING COMMISSION COMMUNICATIONS

10. DIRECTOR'S REPORT

11. ADJOURNMENT

Future Agendas (Tentative)

February 8, 2017

- 2017 Comprehensive Plan Amendment Process – Introduction

February 22, 2017

- 2017 Comprehensive Plan Amendment Process – Introduction

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Planning Commissioners

Kim Davis Anna Markee	Curtis Olsen (Chair) Amy Rosenfield (Vice-Chair) Kaelene Nobis	Butch Henderson Douglas Weber
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City of Burien

BURIEN PLANNING COMMISSION
January 11, 2017
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission's full discussion of a specific topic, or the complete meeting, watch the video-stream available at <http://burien.vod.castus.tv/vod/>.

CALL TO ORDER

Chair Curtis Olsen called the January 11, 2017, meeting of the Burien Planning Commission to order at 7:02 p.m.

ROLL CALL

Present: Kim Davis, Butch Henderson, Anna Markee, Kaelene Nobis, Curtis Olsen, Amy Rosenfield and Douglas Weber

Absent: None.

Administrative staff present: Chip Davis, Community Development Department director; and Chad Tibbits, planner

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Rosenfield and seconded by Commissioner Henderson to confirm the agenda. **Motion carried 7-0.**

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Rosenfield and seconded by Commissioner Henderson to approve the minutes of the November 9, 2016, meeting. **Motion carried 7-0.**

Motion was made by Commissioner Rosenfield and seconded by Commissioner Henderson to approve the minutes of the December 14, 2016, meeting. **Motion carried 7-0.**

PUBLIC COMMENT

None.

PUBLIC HEARING

A. Minor Zoning Code Amendments

Chair Olsen opened the public hearing at 7:06 p.m. Chip Davis and Chad Tibbits introduced the hearing topics – proposed minor amendments to BMC 19.20 Parking and Circulation, BMC 19.50 Personal Wireless Service Facilities, and other minor amendments to BMC titles 9, 17 and 19. There being no one wishing to testify, Chair Olsen closed the hearing at 7:59 p.m.

NEW BUSINESS

None.

OLD BUSINESS

A. Minor Zoning Code Amendments – Discussion

Mr. Davis noted that the City will be accepting public comment about the proposed amendments through the next regularly scheduled meeting, on January 25th. There also will be an opportunity to comment when the amendments go before the City Council for adoption.

Commissioner Weber asked for clarification regarding what kinds of building modifications or changes in use would trigger a need to reassess the parking required. Mr. Davis said a prime example would be when the previous use in a building is a retail use, requiring less parking, which then converts to an eating and drinking establishment, which requires much more parking. He noted that while the parking requirement cannot be eliminated completely, the proposed amendments would depress it temporarily while the uses catch up with the amount of available parking in the downtown.

Vice Chair Rosenfield asked if the consultant considered basing proposed parking changes on the usage in the individual downtown blocks instead of averaging the total parking usage within the entire downtown. Mr. Davis replied that that approach had been rejected because it was too complex and would have been too difficult for lay people to understand and for staff to administer.

Vice Chair Rosenfield remarked that she understands that part of the parking solution in downtown is to change the culture of parking in Burien, encouraging people to park where there is currently a surplus of available parking and walk to the businesses they wish to patronize.

Commissioner Markee said she is concerned about pushback if the parking requirements are reduced, although she thinks the reductions will work out. She said she encourages the City to focus on improving accessibility to the available parking, focusing on design rather than on signage. She cited the example of the municipal parking lot on Southwest 151st Street, which is fenced, mostly empty, and does not readily appear to be available for public parking.

Commissioner Henderson asked if the parking on 152nd Street has to be restriped to become the recommended back-in parking, which will improve visibility on the busy street, especially for bicyclists. Mr. Davis replied that the angle of the parking spaces has to be changed for back-in parking, adding that he doesn't think that is a massive capital cost.

Commissioner Davis noted that White Center has back-in parking in the commercial strip between Roxbury and 100th Street, although it has a raised centerline strip that prevents people from crossing lanes to park, which increases safety.

Commissioner Markee asked how many auto/bicycle collisions have there been on SW 152nd Street because of the angled parking. Mr. Davis said that as part of the community discussion on changing it to back-in parking the City's Public Works Department would provide safety statistics, both in Burien and in other jurisdictions' experiences.

Chair Olsen said that he has noticed in Seattle that wayfinding projects make it clear where bicyclists can safely ride.

Mr. Davis said the City also is looking at activating the alley ways, cleaning them up and making them desirable for pedestrians. In response to a question from Vice Chair Rosenfield, he noted that the City Council will be seeking the commissioners' input on how to grow the wayfinding program beyond signage.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR’S REPORT

Mr. Davis drew the commissioners’ attention to the printed copies of the 2017 Planning Commission meeting schedule that had been left at their places before the meeting began. He pledged to do a better job this year of outlining the important meetings as they come up. He asked that the commissioners contact staff when they know they have a scheduling conflict and will have to miss a meeting. He noted that the commission should be making its recommendation on the proposed minor Zoning Code amendments to the City Council at its next meeting.

ADJOURNMENT

Direction/Action

Vice Chair Rosenfield moved for adjournment; Commissioner Henderson seconded the motion. Motion carried unanimously. The meeting adjourned at 8:54 p.m.

APPROVED: _____

Curtis Olsen, chair
Planning Commission

DRAFT

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: January 19, 2017
TO: Burien Planning Commission
FROM: Charles W. “Chip” Davis, AICP, Community Development Director
SUBJECT: Appoint Planning Commission Member to Wayfinding Stakeholder Group

PURPOSE/REQUIRED ACTION

The purpose of this agenda item is for the Planning Commission to appoint a commissioner to serve as the Planning Commission representative on the Downtown Wayfinding Project stakeholder committee.

BACKGROUND

The Downtown Mobility Study (DMS) was completed in June 2016, and one of the DMS recommended potential ‘big moves’ was implementation of a wayfinding program for Downtown Burien. Creative wayfinding signs throughout downtown provide orientation for residents and visitors to Burien to available parking and other amenities, reinforcing Burien’s unique character.

As part of the Port of Seattle’s Economic Development Partnership program, the City of Burien was eligible for per-capita grant funding to be used for local community economic development activities. In August 2016, the City submitted an application for these grant funds for design of a downtown wayfinding system and also to partner with a destination marketing organization to attract visitors to the City. In October, the Port of Seattle awarded the City \$48,810 for these projects.

A Request for Proposals was released in November of 2016 to identify a Downtown Wayfinding Design consultant and the contract was awarded to Studio KPG earlier this month.

The project kick-off meeting was held with City staff on January 18th, and stakeholder meetings and community outreach events are being scheduled for February-April of this year. The downtown wayfinding project is scheduled to be complete by May 31, 2017.

The stakeholder committee is an important part of the community outreach component for the wayfinding project. A member of each of Burien’s citizen advisory boards, as well as, business and resident representatives will serve on the committee. The group is anticipated to meet once a month, primarily in the evening during the course of the four month project. The selected Planning Commission representative will provide an informational link between the Planning Commission and the project team.

PLANNING COMMISSION ACTION

Staff requests Planning Commission appoint a member to serve on the Downtown Wayfinding Project Stakeholder Committee.

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: January 19, 2017
TO: Burien Planning Commission
FROM: Charles W. “Chip” Davis, AICP, Community Development Director
SUBJECT: Proposed Minor Amendments to the Burien Zoning Code

PURPOSE/REQUIRED ACTION

At this meeting the Commission will discuss and make a final recommendation to the City Council on proposed minor amendments to BMC Title 19, Burien Zoning Code. Downtown Parking and Personal Wireless Service Facilities are the primary areas of focus for the proposed amendments, but there are also proposed amendments to correct typographic errors, correct outdated references and codify current practices relating to accessory dwelling units.

BACKGROUND

The Planning Commission must review all proposed amendment to ensure consistency with the criteria for zoning code amendments outlined in BMC 19.65.100. Amendments must be consistent with Burien’s Comprehensive Plan, must bear a substantial relation to the public health, safety, or welfare and must be in the best interest of the community as a whole.

The following list is a brief summary of the topics covered by the proposed amendments.

- 1. BMC 19.20 (Parking and Circulation):** Proposed language incorporating consultant recommendations from the Downtown Mobility Study and City Council direction regarding the impacts of parking on development and business recruitment in downtown is included as Attachment 1. The Planning Commission also received a briefing on three non-code related recommendations from the Downtown Mobility Study related to downtown wayfinding, restriping of SW 152nd Street and extending downtown parking time limits.
- 2. BMC 19.50 (Personal Wireless Service Facilities):** Proposed language regarding the review process and timeline for minor modifications to existing Personal Wireless Service Facilities (PWSF) as a result of a Federal Communications Commission (FCC) ruling and a modification to the SEPA exemptions for wireless facilities is included as Attachment 2.
- 3. Other Minor Amendments to BMC Titles 9, 17 and 19:** Proposed language regarding correction of typographic errors, correction of outdated references and codifying current practices relating to accessory dwelling units is included as Attachment 3.

At the November 9th and December 14th Planning Commission meetings, staff provided summary presentations and draft language regarding each of the proposed code amendments.

A Public Hearing was conducted on January 11th, at which there was no written or oral testimony received concerning the amendments. Following the Public Hearing, the Planning Commission conducted detailed discussion on the proposed amendments.

ACTION

Following further discussion on the proposed amendments, staff recommends that the Planning Commission make a separate motion for each of the proposed amendment recommendations.

The options following further discussion are:

1. Recommend the City Council approve the proposed amendments; or
2. Make modifications to the recommended amendments.

Suggested Motion for BMC 19.20 Parking and Circulation

Motion to Approve: *I move the Planning Commission recommend to the City Council approval of Amendments to BMC 19.20 Parking and Circulation reflecting consultant recommendations from the Downtown Mobility Study as set forth in the January 19, 2017 staff memo and associated attachment.*

Motion to Deny: *I move the Planning Commission not recommend to the City Council approval of Amendments to BMC 19.20 Parking and Circulation reflecting consultant recommendations from the Downtown Mobility Study as set forth in the January 19, 2017 staff memo and associated attachment.*

Suggested Motion for BMC 19.50 Personal Wireless Services Facilities

Motion to Approve: *I move the Planning Commission recommend to the City Council approval of Amendments to BMC 19.50 Personal Wireless Service Facilities as set forth in the January 19, 2017 staff memo and associated attachment.*

Motion to Deny: *I move the Planning Commission not recommend to the City Council approval of Amendments to BMC 19.50 Personal Wireless Service Facilities as set forth in the January 19, 2017 staff memo and associated attachment.*

Suggested Motion for Other Minor Amendments to BMC Titles 9, 17 and 19

Motion to Approve: *I move the Planning Commission recommend to the City Council approval of Other Minor Amendments to BMC Titles 9, 17 and 19 as set forth in the January 19, 2017 staff memo and associated attachment.*

Motion to Deny: *I move the Planning Commission not recommend to the City Council approval of Other Minor Amendments to BMC 9, 17 and 19 as set forth in the January 19, 2017 staff memo and associated attachment.*

- Attachments:
1. BMC Chapter 19.20 Parking and Circulation Proposed Amendments
 2. BMC Chapter 19.50 Personal Wireless Service Facilities Proposed Amendments
 3. 2016 Other Minor Amendments to BMC Titles 9, 17 and 19 Proposed Amendments

Chapter 19.20

Parking and Circulation

- 19.20.010 User guide.
- 19.20.020 Purpose.
- 19.20.030 General requirements.
- 19.20.040 Computation of required off-street parking spaces.
- 19.20.050 Shared parking and access requirements.
- 19.20.060 Loading space requirements.
- 19.20.070 Stacking spaces for drive-through facilities.
- 19.20.080 Commute trip reduction.
- 19.20.090 Pedestrian circulation and access.
- 19.20.100 Off-street parking plan design standards.
- 19.20.110 Off-street parking construction standards.
- 19.20.120 Internal circulation road standards.
- 19.20.130 Maintenance.

19.20.010 User Guide

This Chapter contains information on vehicle and pedestrian circulation area, parking areas and related improvements. Information on the number of *parking spaces* required for a particular *use* can be found in the use zone charts, BMC 19.15. [BMC 19.15 references this chapter for minimum required parking for the DC Zone. This chapter provides information on the number of required spaces for a particular use specifically for the DC Zone.](#) ~~However,~~ this Chapter does provide a process for determining the case-by-case parking requirement for some *uses*. It also contains a process for increasing or decreasing the parking requirements of this Code, and a process for reducing/meeting the minimum off-*street* parking requirement through contribution to a parking *Fee-in-Lieu* program for commercial *uses* in certain land use zones. Finally, this Chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular and pedestrian circulation areas. For regulations regarding vehicles parked on residential property, see Chapter 10.11 BMC. [Ord. 492 § 2, 2008, Ord. 292 § 1, 2000, Ord. 531 § 1, 2010]

19.20.020 Purpose

The purpose of this chapter is to provide adequate parking for all *uses* allowed in this Code; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility by:

1. Setting minimum off-*street* parking standards for different land *uses* that assure safe, convenient and adequately sized parking facilities;
2. Providing incentives to rideshare through preferred parking arrangements;
3. Providing for parking and storage of bicycles;
4. Providing safe direct pedestrian access from public *rights-of-way* to *structures* and between developments;
5. Requiring uses which attract large numbers of employees or customers to provide transit stops; and [Ord. 292 § 1, 2000]
6. Providing for payment of a *Fee-in-Lieu* of providing off-*street* parking as otherwise required by BMC 19.20 for commercial uses in the DC and SPA-1 zones. [Ord. 531 § 1, 2010]

19.20.030 General requirements

1. Parking Plan Required. Prior to issuance of any permits for a new *building, structure* or *use*, or for the enlargement of an existing *building, structure* or *use* that requires off-*street* parking, the *applicant* shall submit a parking plan for approval by the *Director*. This plan shall contain all design features and elements necessary to show compliance with this Chapter.
2. Parking Requirement Not Specified. If this Code does not specify a parking requirement for a *use*, the *Director* shall establish the minimum requirement. Parking requirements shall be based on the operation of the proposed use, parking requirements established for similar zones or uses, or a study of anticipated parking demand submitted by the applicant. Sufficient information shall be provided to demonstrate that the parking demand for a specific *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified individual is authorized by the *Director*.

3. *Fee-in-Lieu* Option. The minimum number of stalls to be provided through payment of a *Fee-in-Lieu* of parking as allowed by this Chapter shall be based on a schedule derived from Institute of Transportation Engineers (ITE) standard parking rates for Land Uses, as adjusted periodically to reflect Downtown Burien parking usage. This schedule may be amended as needed by the City Council. [Ord. 531 § 1, 2010]

A. The decision to allow or require payment in lieu of construction will be made by the decision maker of the underlying land use review or by the Director if a land use review is not required.

B. Provision of required parking through the *Fee-in-Lieu* program shall be optional on the part of the applicant and City, except that *Fee-in-Lieu* payment shall be required for existing buildings with a change of use that requires parking in excess of that available on-site or through a shared parking agreement.

C. Per Space Fee. The per space parking fee for this program shall be uniform throughout the DC and SPA-1 zones. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction cost Index.

D. Fee Payment. All applicants shall pay the *Fee-in-Lieu* Parking Program fee in accordance with provisions of this chapter at the time that the applicable building permit or certificate of occupancy when a building permit is not required is ready for issuance. The actual *Fee-in-Lieu* payment shall be based upon the schedule in effect at the time of permit issuance.

E. Accounting. The City shall maintain a record of all of the properties that have met their required parking space obligation by paying the appropriate fee for the spaces.

F. Future Obligation. Payment of the *Fee-in-Lieu* of parking shall not relieve the development or property owner from any future obligation to participate financially in construction of publicly accessible parking spaces through additional funding mechanisms (e.g. a local improvement district, business improvement district). Payment of the *Fee-in-Lieu* of parking does not guarantee the developer or property owner that parking spaces will be constructed for the sole use of or in the immediate proximity of that development.

G. Program Review. The fee-amount and performance of the *Fee-in-Lieu* program shall be reviewed biennially, with the initial report made to the City Council beginning in January of the second full calendar year following the effective date of the implementing ordinance.

4. If the *site* is in the DC zone, the requirements contained in Chapter 19.47 BMC supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with Chapter 19.47 BMC apply to DC-zoned properties.

5. Except as permitted with a temporary use permit pursuant to Chapter 19.75 BMC, required *parking spaces* shall be available for the parking of operable passenger motor vehicles of customers, patrons, employees and residents only and shall not be used for any other purpose. [Ord. 560 § 1 (Exh. A), 2012; Ord. 292 § 1, 2000]

19.20.040 Computation of required off-street parking spaces

1. Number of Parking Spaces. Off-*street* parking areas shall contain at a minimum the number of *parking spaces* as stipulated in BMC 19.15. If the formula for determining the number of off-*street parking spaces* results in a fraction, the number of off-*street parking spaces* shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. In the case of two or more *uses* on the same *site*, the total requirements for off-*street* parking shall be the sum of the requirements for each *use* computed separately, except as permitted in BMC 19.20.050 pertaining to shared parking. [Ord. 313 §1, 2000]

2. Guest Parking. For *townhouse* or *apartment dwelling units*, the *Director* may require additional *parking spaces* for guests if there is inadequate guest parking proposed on the *site*, and

A. Adequate, safe on-*street* parking is not available, or

B. The on-*street* parking is located in or adjacent to an RS zone.

3. Modification of Number of Required Parking Spaces.

A. An *applicant* may request a modification of the minimum required number of *parking spaces* by submitting a study of anticipated parking demand complying with BMC 19.20.030.2, proving that parking demand can be met with a reduced parking requirement. In such cases, the *Director* may approve a reduction of the minimum required number of *parking spaces* on a case-by-case basis.

B. In the DC and SPA-1 zone, the *applicant* may meet his/her parking obligation ~~, computed using BMC 19.15,~~ in one of the following ways: [Ord. 531 § 1, 2010]

i. By providing the required number of *parking spaces* in accordance with the Fee-in-Lieu of Parking Demand Rate Schedule for Downtown Burien Zones as shown on Table 19.20-2, and in accordance with the most recent parking occupancy supply of Downtown Burien Zones-

ii. By performing a study of anticipated parking demand in accordance with BMC 19.20.030.2. *Fee-in-Lieu* of parking is not available if required parking is determined through a parking demand study.

iii. In accordance with BMC 19.20.030.3, the applicant may meet a portion of his/her parking obligation through contribution to a parking *Fee-in-Lieu* program. The cost per parking space for the parking *Fee-in-Lieu* program shall be established by the City Council.

4. Parking for Shell Building Permits. When the city has received a shell building permit application, off-*street* parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* results in different parking requirements, the *Director* will establish the amount of parking based on a likely range of uses. The *Director* may deny a certificate of occupancy for an individual use if the number of *parking spaces* required by BMC 19.15 and this chapter are not provided.

5. Bicycle Parking. At least one bicycle parking slot for every 12 required motor vehicle *parking spaces* shall be provided in all non-residential developments. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

A. The *Director* may reduce bicycle parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location;

B. Bicycle parking facilities for patrons shall be located within 100 feet of the *building* entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement or building.

C. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

6. Handicapped Parking Requirements. Off-*street* parking and access for physically handicapped persons shall be provided in accordance with BMC Title 15, Buildings and Construction. [Ord. 560 § 1 (Exh. A), 2012; Ord. 292 § 1, 2000]

7. Table 19.20-2 is used based on the results of the most recent occupancy study of publicly-available parking supplies in Downtown Burien Zones to determine to the required number of parking spaces for an applicant. A parking occupancy study should be completed every two years to determine the column Table 19.20-2 that reflects the current occupancy.

19.20.050 Shared parking and access requirements.

Shared parking and access between *sites* and between different *uses* is encouraged. To ensure the long-term availability of the shared parking and/or access, a covenant, easement or other contract for shared parking and/or access between the cooperating property owners shall be approved by the *Director*. This document must be recorded with King County records and elections divisions as a deed restriction on both properties and cannot be modified or revoked without the consent of the *Director*. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the *Director* or provide the full amount of required off-street parking for each *use*, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the *Director*. [Ord. 292 § 1, 2000]

19.20.060 Loading space requirements.

1. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public *right-of-way*. All *loading space* areas shall be separated from required parking areas and shall be designated as truck *loading spaces*.

2. Any *loading space* located within 100 feet of an RS or RM zone shall be *screened* and operated to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation. [Ord. 292 § 1, 2000]

19.20.070 Stacking spaces for drive-through facilities.

A drive-through facility shall be designed and located so that sufficient stacking space is provided for handling of motor vehicles using such facility during peak business hours of the facility. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility. Stacking spaces and the entrance and exit for the drive-through facility shall be located to prevent any vehicles from extending onto the public *right-of-way*, or interfering with any pedestrian circulation, traffic maneuvering, or other *parking space* areas. Stacking spaces shall not be counted as required *parking spaces*. [Ord. 292 § 1, 2000]

19.20.080 Commute trip reduction.

All major employers (as defined by state law) shall demonstrate compliance with requirements of local and state laws on commute trip reduction (CTR). [Ord. 292 § 1, 2000]

19.20.090 Pedestrian circulation and access.

1. All *uses*, except *single detached dwelling units*, shall provide pedestrian access onto the *site*. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent *lots*, abutting *street* intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.
2. Pedestrian walkways shall form an *on-site* circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to *on-site* parking and *building* entrances, and between *buildings*.
3. Pedestrian access and walkways shall comply with City of Burien development standards and meet the following minimum design standards:
 - A. Access and walkways shall be well-lit and physically separated from driveways and *parking spaces* by *landscaping*, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;
 - B. Access and walkways shall be a minimum of 5 feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;
 - C. Access shall be usable by mobility impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture or other equivalent means;
 - D. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel. [Ord. 292 § 1, 2000]

19.20.100 Off-street parking plan design standards.

1. Parking Area Location: Off-*street* parking shall be located on the same *site* as the development served by the parking. The *Director* may approve off-*site* parking for *uses* located in zones other than RS or RM, if

A. The *applicant* provides an acceptable alternative plan in the event that the off-*site* parking does not work, and

B. Appropriate legal documents establishing the off-*site* parking area are submitted for *Director* approval pursuant to BMC19.20.050, and

C. Off-*street* parking for a *use* must be located in a zone that allows that *use*. For example, off-*street* parking for a *retail use* is not allowed in an RS zone.

2. Driveway Location, Design and Construction. Access between off-*street* parking areas and abutting public *streets* shall be designed, located and constructed in accordance with City of Burien development standards.

3. Dead End Alley Access to Parking. No dead-end alley may provide access to more than eight required off-*street parking spaces*.

4. Driveways and Parking Areas in *Setbacks*.

A. Driveways and parking areas for *single detached dwelling units* and *townhouse* or *apartment dwelling units* with individual garages or carports shall not exceed 20 feet in width in any required *setback*, except if:

i. The driveway/parking area serves a 3-car or larger garage; and

ii. No more than 15 percent of the required *setback* area is displaced by the driveway.

B. Driveways for all other developments may cross required *setbacks* or landscaped areas abutting a public *right-of-way* in order to provide access between the off-*street* parking areas and the *street*. Maximum width within the *setback* or landscaped area is 12 feet for one-way traffic and 24 feet for two-way traffic. A wider encroachment may be allowed, provided no more than 20 percent of the required *landscaping* or *setback* area is displaced by the driveway.

5. Minimum Parking Space and Parking Lot Aisle Dimensions. The minimum *parking space* and *parking lot aisle* dimensions for the most common parking angles are shown on Table 19.20-1. For parking angles other than those shown on the chart, the minimum *parking space* and *parking lot aisle* dimensions shall be determined by the Director.

6. Compact Parking Spaces. In any development containing more than 20 *parking spaces*, up to 50 percent of the total number of required *parking spaces* may be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping.

7. Landscaping Requirements. Parking lots shall be landscaped in accordance with BMC 19.25.070.

8. Additional Width Abutting Landscaped Area. Any *parking spaces* abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area.

9. Reduction of Parking Space Depth. The *parking space* depth may be reduced up to 18 inches when vehicles overhang a walkway if the remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

10. Parking for Single Detached Dwelling Units.

A. *Dwelling units* may have tandem or end to end *parking spaces* for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

B. All vehicle parking and storage must be in a garage, carport or on an approved *impervious surface*. Any *impervious surface* used for vehicle parking or storage must have direct and unobstructed driveway access. *Parking spaces* for a *single detached dwelling unit* shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public *right-of-way* or *vehicular access easement or tract*.

11. Vanpool and Carpool Parking Design Standards. Vanpool/carpool parking areas shall meet the following minimum design standards:

A. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool *parking spaces* are located in a parking structure; and

B. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from *parking lot aisles* to adjacent carpool/vanpool *parking spaces*.

12. Parking Area Lighting. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*, as required by the Uniform Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *Director* shall have the authority to waive the requirement to provide lighting. [Ord. 292 § 1, 2000]

19.20.110 Off-street parking construction standards.

1. Surfacing. *Off-street* parking areas shall have dust-free, all-weather surfacing. *Off-street* parking areas shall conform to City of Burien development standards.

2. Grading. *Grading* work for access and parking areas shall comply with City of Burien development standards.

3. Drainage. Drainage and erosion/sedimentation control facilities shall be provided in accordance with City of Burien development standards.

4. Parking Space Markings. Asphalt or concrete surfaced parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, *right-of-way* or landscaped areas.

5. Curbing. All access and parking areas shall be enclosed with cast in place vertical curbs or functionally equivalent structural barriers. [Ord. 479 § 1, 2007, Ord. 292 § 1, 2000]

19.20.120 Internal circulation road standards.

Internal access roads to *off-street* parking areas shall conform with the surfacing and design requirements for private commercial roads set forth in City of Burien development standards. [Ord. 292 § 1, 2000]

19.20.130 Maintenance.

The property owner shall maintain all *off-street* access and parking areas. Maintenance shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and

repair and maintenance of traffic control devices, *parking space* striping, signs, light standards, *fences*, walls, surfacing materials, curbs, railings and *landscaping*. [Ord. 292 § 1, 2000]

TABLE 19.20-1

MINIMUM PARKING SPACE DIMENSIONS

A	B	C	D		E	
Parking Space Angle	Minimum Parking Space Width	Minimum Parking Space Length	Minimum Parking Lot Aisle Width		Minimum Unit Width	
			1-Way	2-Way	1-Way	2-Way
0	Compact 7.5	18.0	10.0	20.0	25.0	35.0
	Standard 8.5	24.0	12.0	20.0	29.0	37.0
30	Compact 7.5	15.0	10.0	20.0	38.0	48.0
	Standard 8.5	16.5	10.0	20.0	42.0	52.0
45	Compact 7.5	15.0	11.0	20.0	42.82	51.82
	Standard 8.5	19.0	13.0	20.0	51.88	58.88
60	Compact 7.5	15.0	13.0	20.0	46.48	53.48
	Standard 8.5	19.0	17.5	20.0	58.9	61.4
75	Compact 7.5	15.0	16.5	20.0	49.36	52.86
	Standard 8.5	19.0	20.0	20.0	61.1	61.1

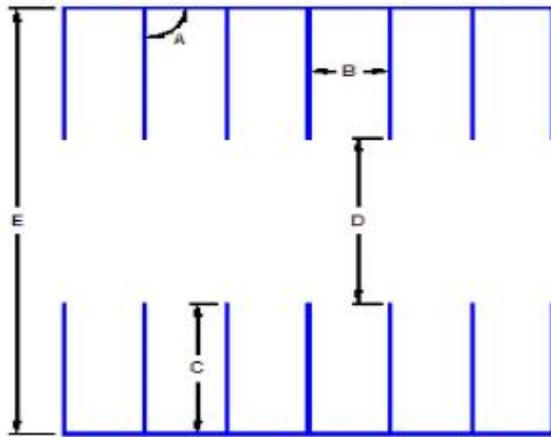
TABLE 19.20-1

MINIMUM PARKING SPACE DIMENSIONS

A	B	C	D		E	
Parking Space Angle	Minimum Parking Space Width	Minimum Parking Space Length	Minimum Parking Lot Aisle Width		Minimum Unit Width	
			1-Way	2-Way	1-Way	2-Way
90	Compact 7.5	15.0	20.0	20.0	50.0	50.0
	Standard 8.5	19.0	24.0	24.0	62.0	62.0

[Ord. 292 § 1, 2000]

Figure 19.20-1



Also see Fig. 19.20-1

[Ord. 292 § 1, 2000]

TABLE 19.20-2

FEE-IN-LIEU OF PARKING

PARKING RATE DEMAND SCHEDULE FOR DOWNTOWN BURIEN ZONES

<u>Land Use</u>	<u>Unit Variable</u>	<u>Parking Supply <55% occupancy</u>	<u>Parking Supply 55-65% occupancy</u>	<u>Parking Supply 66-75% occupancy</u>	<u>Parking Supply 76-85% occupancy</u>	<u>Parking Supply >85% occupancy</u>
<u>Hotel</u>	<u>Room</u>	<u>0.4</u>	<u>0.5</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>
<u>Business Hotel</u>	<u>Room</u>	<u>0.3</u>	<u>0.4</u>	<u>0.5</u>	<u>0.5</u>	<u>0.6</u>
<u>Motel</u>	<u>Room</u>	<u>0.4</u>	<u>0.5</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>
<u>Bowling Alley</u>	<u>Lane</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Movie Theater with Matinee</u>	<u>Seats</u>	<u>0.1</u>	<u>0.1</u>	<u>0.2</u>	<u>0.2</u>	<u>0.2</u>
<u>Health/Fitness Club</u>	<u>1,000 sf. GFA</u>	<u>2.3</u>	<u>2.9</u>	<u>3.4</u>	<u>3.8</u>	<u>4.5</u>
<u>Athletic Club</u>	<u>1,000 sf. GFA</u>	<u>1.7</u>	<u>2.1</u>	<u>2.5</u>	<u>2.8</u>	<u>3.3</u>
<u>Church</u>	<u>1,000 sf. GFA</u>	<u>0.5</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>
<u>Day Care Center</u>	<u>1,000 sf. GFA</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Museum</u>	<u>1,000 sf. GFA</u>	<u>0.4</u>	<u>0.5</u>	<u>0.5</u>	<u>0.6</u>	<u>0.7</u>
<u>Library</u>	<u>1,000 sf. GFA</u>	<u>1.2</u>	<u>1.6</u>	<u>1.8</u>	<u>2.0</u>	<u>2.4</u>
<u>Convention Center</u>	<u>Attendee</u>	<u>0.2</u>	<u>0.2</u>	<u>0.2</u>	<u>0.3</u>	<u>0.3</u>

<u>Office Building</u>	<u>1,000 sf. GFA</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Medical-Dental Office Building</u>	<u>1,000 sf. GFA</u>	<u>1.6</u>	<u>2.0</u>	<u>2.3</u>	<u>2.6</u>	<u>3.1</u>
<u>Government Office Building</u>	<u>1,000 sf. GFA</u>	<u>1.6</u>	<u>2.1</u>	<u>2.4</u>	<u>2.7</u>	<u>3.2</u>
<u>US Post Office</u>	<u>1,000 sf. GFA</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Judicial Complex</u>	<u>1,000 sf. GFA</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Free-Standing Discount Store</u>	<u>1,000 sf. GFA</u>	<u>1.8</u>	<u>2.3</u>	<u>2.7</u>	<u>3.1</u>	<u>3.6</u>
<u>Hardware/Paint Store</u>	<u>1,000 sf. GFA</u>	<u>0.9</u>	<u>1.2</u>	<u>1.4</u>	<u>1.5</u>	<u>1.8</u>
<u>Shopping Center</u>	<u>1,000 sf. GFA</u>	<u>1.8</u>	<u>2.3</u>	<u>2.6</u>	<u>3.0</u>	<u>3.5</u>
<u>Tire Store</u>	<u>1,000 sf. GFA</u>	<u>1.3</u>	<u>1.7</u>	<u>2.0</u>	<u>2.2</u>	<u>2.6</u>
<u>Supermarket</u>	<u>1,000 sf. GFA</u>	<u>1.0</u>	<u>1.3</u>	<u>1.5</u>	<u>1.7</u>	<u>2.0</u>
<u>Apparel Store</u>	<u>1,000 sf. GFA</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>	<u>1.1</u>
<u>Pharmacy/Drugstore without Drive- Through Window</u>	<u>1,000 sf. GFA</u>	<u>0.9</u>	<u>1.1</u>	<u>1.3</u>	<u>1.4</u>	<u>1.7</u>
<u>Pharmacy/Drugstore with Drive-Through Window</u>	<u>1,000 sf. GFA</u>	<u>0.9</u>	<u>1.2</u>	<u>1.4</u>	<u>1.5</u>	<u>1.8</u>
<u>Furniture Store</u>	<u>1,000 sf. GFA</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>	<u>1.1</u>
<u>Carpet Store</u>	<u>1,000 sf. GFA</u>	<u>0.6</u>	<u>0.8</u>	<u>0.9</u>	<u>1.0</u>	<u>1.2</u>
<u>Video Rental Store</u>	<u>1,000 sf. GFA</u>	<u>1.2</u>	<u>1.5</u>	<u>1.7</u>	<u>2.0</u>	<u>2.3</u>
<u>Walk-In Bank</u>	<u>1,000 sf. GFA</u>	<u>1.1</u>	<u>1.4</u>	<u>1.7</u>	<u>1.9</u>	<u>2.2</u>
<u>Drive-In Bank</u>	<u>1,000 sf. GFA</u>	<u>1.2</u>	<u>1.5</u>	<u>1.7</u>	<u>2.0</u>	<u>2.3</u>
<u>Fast-Food Restaurant with Drive-Through Window</u>	<u>1,000 sf. GFA</u>	<u>4.5</u>	<u>5.9</u>	<u>6.8</u>	<u>7.7</u>	<u>9.0</u>

<u>Dry Cleaners</u>	<u>1,000 sf. GFA</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>	<u>1.1</u>
<u>Auto Sales/Service</u>	<u>1,000 sf. GFA</u>	<u>1.8</u>	<u>2.3</u>	<u>2.7</u>	<u>3.1</u>	<u>3.6</u>
<u>Bar</u>	<u>1,000 sf. GFA</u>	<u>6.2</u>	<u>8.1</u>	<u>9.3</u>	<u>10.5</u>	<u>12.4</u>
<u>Convenience/Gas</u>	<u>Pump</u>	<u>0.9</u>	<u>1.2</u>	<u>1.4</u>	<u>1.5</u>	<u>1.8</u>
<u>Pool/Billiards, Martial Arts</u>	<u>1,000 sf. GFA</u>	<u>6.2</u>	<u>8.1</u>	<u>9.3</u>	<u>10.5</u>	<u>12.4</u>
<u>General Retail</u>	<u>1,000 sf. GFA</u>	<u>1.4</u>	<u>1.8</u>	<u>2.0</u>	<u>2.3</u>	<u>2.7</u>
<u>Strip Mall – Commercial</u>	<u>1,000 sf. GFA</u>	<u>1.2</u>	<u>1.5</u>	<u>1.7</u>	<u>2.0</u>	<u>2.3</u>
<u>Retail-Associated Night Use</u>	<u>1,000 sf. GFA</u>	<u>1.2</u>	<u>1.5</u>	<u>1.7</u>	<u>2.0</u>	<u>2.3</u>
<u>High-Turnover (Sit-Down) Restaurant (No bar or Lounge)</u>	<u>1,000 sf. GFA</u>	<u>2.6</u>	<u>3.4</u>	<u>3.9</u>	<u>4.4</u>	<u>5.2</u>
<u>High-Turnover (Sit-Down) Restaurant (Bar or Lounge)</u>	<u>1,000 sf. GFA</u>	<u>6.2</u>	<u>8.1</u>	<u>9.3</u>	<u>10.5</u>	<u>12.4</u>
<u>Fast-Food Restaurant without Drive-Through Window (Hamburger)</u>	<u>1,000 sf. GFA</u>	<u>5.8</u>	<u>7.5</u>	<u>8.7</u>	<u>9.9</u>	<u>11.6</u>
<u>Fast-Food Restaurant without Drive-Through Window (non-Hamburger)</u>	<u>1,000 sf. GFA</u>	<u>3.9</u>	<u>5.0</u>	<u>5.8</u>	<u>6.5</u>	<u>7.7</u>

LAND USE DESCRIPTION	ITE LAND USE CODE	UNIT VARIABLE	PARKING SUPPLY RATE
Hotel	310	Room	0.80
Business Hotel	312	Room	0.60
Motel	320	Room	0.80
Bowling Alley	437	Lane	2.70

Movie Theater with Matinee	444	Seats	0.20
Health/Fitness Club	492	1,000 sf. GFA	4.50
Athletic Club	493	1,000 sf. GFA	3.30
Church	560	1,000 sf. GFA	0.90
Day Care Center	565	1,000 sf. GFA	2.70
Museum	580	1,000 sf. GFA	0.70
Library	590	1,000 sf. GFA	2.40
Convention Center	595	Attendee	0.30
Office Building	701	1,000 sf. GFA	2.70
Medical-Dental Office Building	720	1,000 sf. GFA	3.10
Government Office Building	730	1,000 sf. GFA	3.20
US Post Office	732	1,000 sf. GFA	2.70
Judicial Complex	735	1,000 sf. GFA	2.70
Free-Standing Discount Store	815	1,000 sf. GFA	3.60
Hardware/Paint Store	816	1,000 sf. GFA	1.80
Shopping Center	820	1,000 sf. GFA	3.50

Tire Store	848	1,000 sf. GFA	2.60
Supermarket	850	1,000 sf. GFA	2.00
Apparel Store	870	1,000 sf. GFA	1.10
Pharmacy/Drugstore without Drive-Through Window	880	1,000 sf. GFA	1.70
Pharmacy/Drugstore with Drive-Through Window	881	1,000 sf. GFA	1.80
Furniture Store	890	1,000 sf. GFA	1.10
Carpet Store	892	1,000 sf. GFA	1.20
Video Rental Store	896	1,000 sf. GFA	2.30
Walk-In Bank	911	1,000 sf. GFA	2.20
Drive-In Bank	912	1,000 sf. GFA	2.30
Fast-Food Restaurant with Drive-Through Window	934	1,000 sf. GFA	9.00
Dry Cleaners	960	1,000 sf. GFA	1.10
Auto Sales/Service	1000	1,000 sf. GFA	3.60
Bar	1001	1,000 sf. GFA	12.40
Convenience/Gas	1002	Pump	1.80

Pool/Billiards, Martial Arts	4003	1,000 sf. GFA	12.40
General Retail	4004	1,000 sf. GFA	2.70
Strip Mall—Commercial	4005	1,000 sf. GFA	2.30
Retail-Associated Night Use	4010	1,000 sf. GFA	2.30
High-Turnover (Sit-Down) Restaurant (No bar or Lounge)	9321	1,000 sf. GFA	5.20
High-Turnover (Sit-Down) Restaurant (Bar or Lounge)	9322	1,000 sf. GFA	12.40
Fast-Food Restaurant without Drive-Through Window (Hamburger)	9331	1,000 sf. GFA	11.60
Fast-Food Restaurant without Drive-Through Window (non-Hamburger)	9332	1,000 sf. GFA	7.70

[Ord. 531 § 1, 2010]

2016 Minor Amendments to BMC 19.50 Personal Wireless Facilities (PWSF)

Chapter 19.50

Personal Wireless Service Facilities

19.50.005 User Guide

19.50.010 Purpose

19.50.015 Exemptions

19.50.020 PWSF Locations and Permit Process

19.50.023 Existing Facility Modifications

19.50.025 Collocation

19.50.030 Design Criteria

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19.50.040 Facility Removal

19.50.045 Application Requirements

19.50.050 Third Party Review

19.50.055 Bonds

19.50.060 Other Wireless Communication Facilities

19.50.065 Conflict

19.50.005 User Guide.

This Chapter contains a variety of regulations and standards that apply to the use and development of personal wireless service facilities (PWSF). If you are operating or are interested in proposing a PWSF, you should read this Chapter. [Ord. 265 § 2, 1999]

19.50.010 Purpose.

These standards were developed to protect the public health, safety and welfare, to protect property values and minimize visual impacts while furthering the development of enhanced telecommunication services in Burien. These standards were designed to comply with the Telecommunications Act of 1996

and the Middle Class Tax Relief and Job Creation Act of 2012. The provisions of this Chapter are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services. This Chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. [Ord. 265 § 3, 1999]

19.50.015 Exemptions.

The following are exempt from the provisions of this Chapter and shall be permitted in all zones:

1. Temporary PWSF during an emergency declared by the City;
2. Licensed amateur (ham) radio stations;
3. Satellite dish antennas less than two meters in diameter when located in non-residential zones, and satellite dish antennas less than one meter in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property;
4. PWSF which legally existed or had a vested application on or prior to the effective date of this Chapter; except that this exemption does not apply to modifications of such facilities;
5. Routine maintenance or repair of a PWSF and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings), provided that compliance with the standards of this Code are maintained. [Ord. 265 § 4, 1999]

19.50.020 PWSF Locations and Permit Process.

1. The following table indicates the hierarchy of locations to be used in reviewing an application for a PWSF. The applicant bears the burden to show that location in a higher priority is not technically feasible. Pursuant to WAC 197-11-800(27), some PWSF may require a SEPA Review as part of the review processes outlined below.

Priority (highest to lowest)	Special Review Process (See Chapter 19.65)	Type of PWSF and Location
1	None	A. <u>Collocation</u> of <u>antennas</u> on an existing <u>support structure</u> in a <u>non-residential zone</u> . B. Attachment of <u>antennas</u> to existing <u>structures</u> in the I, CR, CC-1, CC-2, and AI zones.

Priority (highest to lowest)	Special Review Process (See Chapter 19.65)	Type of PWSF and Location
		C. Antennas attached to existing or replacement ball field light standards, electrical transmission towers, water tanks or existing utility poles in any zone.
2	Type 1	Attachment of antennas to existing structures (except single detached dwelling units and their accessory structures) in the O, SPA-1, SPA-2, SPA-3, DC, CI, PR, RM and RS zones.
3	Type 2	Any PWSF not listed above, except for the following which are prohibited: lattice towers in all zones, new monopoles in the DC zone and new monopoles in residential zones .

2. An applicant for a Type 2 review for a PWSF to be located within a residential zone or within 100 feet of a residential zone shall demonstrate that the proposed facility cannot be located in a non-residential zone, or greater than 100 feet from a residential zone and that due to valid considerations including physical constraints, or technological feasibility, no other location is available. The applicant is required to demonstrate that it contacted the landowners or owners of structures in excess of thirty feet (30') in height within a one-quarter mile radius of the proposed site (except single detached dwelling units and their accessory structures), and asked for permission to build the support structure or install the antenna on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the facility, field-strength test data (a drive test) of existing coverage quality within the area to be served by the facility, its relationship to other sites in the applicant's network (within and outside of Burien city limits), and, an evaluation of existing available land, buildings and structures taller than thirty feet (30') within one-quarter mile of the proposed site. [Ord. 529, 2009, Ord. 385 § 1, 2003, Ord. 265 § 5, 1999]

19.50.023 Existing Facility Modifications

To establish process for review and approval of proposed facilities modification.

1. Except as may be otherwise provided in this chapter, and notwithstanding any other provisions in the City Code, the provisions of this chapter shall be the sole and exclusive procedure for review and approval of a proposed facilities modification which the applicant asserts is subject to review under Section 6409 of the Spectrum Act. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project permit application for proposed facilities modification, the provisions of this chapter shall control. In the event that any part of an application for

project permit approval includes a proposed facilities modification, the proposed facilities modification portion of the application shall be reviewed under the provisions of this chapter. In the event that an application for project permit approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be subject to review under this chapter and may be subject to review under other applicable provisions of the City Code.

2. Unless otherwise provided by law or regulation, decisions pertaining to an eligible facilities modification application are not subject to, and are exempt from, the requirements of RCW 43.21C.030(2)(c), if

- A. The proposed facilities modification would not increase the height of the eligible support structure by more than ten percent, or twenty feet, whichever is greater; or
- B. The mounting of equipment that would involve adding an appurtenance to the body of the eligible support structure would not protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater; or
- C. The authority to condition or deny an application pursuant to Chapter 43.21 RCW is preempted, or otherwise supplanted, by Section 6409 of the Spectrum Act. Note: see, RCW 43.21C.0384 and WAC 197-11-800(25)

3. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

4. An eligible facilities modification permit shall be classified as an administrative permit subject to review and approval or denial by the approval authority.

5. The approval authority shall review an eligible facilities modification application to determine if the proposed facilities modification is subject to this chapter, and if so, if the proposed facilities modification will result in a substantial change to the physical dimensions of an eligible support structure.

6. Within sixty (60) days of the date on which the City receives an eligible facilities modification application, less any time period that may be excluded under the tolling provisions of this chapter or a tolling agreement between the applicant and the approval authority, the approval authority shall approve the application and contemporaneously issue an eligible facilities modification permit unless the approval authority determines that the application is not subject to this chapter, or the proposed facilities modification will substantially change the physical dimension of an eligible support structure.

19.50.025 Collocation.

To minimize potential adverse visual impacts associated with the proliferation of PWSF support structures, collocation of PWSF antennas on existing or new support structures is encouraged, as follows:

1. Collocation shall be accomplished in a manner consistent with the provisions of this Chapter.
2. This subsection applies to both new and existing PWSF. The terms and conditions for collocating late-comer providers on collocatable PWSF facilities shall be reasonable and based on current market rates for comparable facilities. Imposition of unreasonable or higher than market rate terms and conditions by the host provider shall be considered failure to cooperate in good faith to accommodate collocation with competitors and shall be subject to the provisions of BMC 19.50.025.6 below.
3. The City may deny an application to construct a new monopole if the applicant has not shown by substantial evidence that it has made an effort to mount the proposed antennas on an existing building or support structure that would provide adequate service to the proposed coverage area. The applicant shall use the following collocation protocol:

A. Prior to or with an application for approval of a PWSF, the applicant shall demonstrate that the following notice was mailed via certified mail to all other PWSF providers licensed to provide service within the City:

“Pursuant to the requirements of City of Burien Municipal Code Section 19.50.025, (name of wireless provider) is hereby providing you with notice of our intent to submit an application with the City of Burien for construction of a new freestanding personal wireless service facility that would be located at _____ (location). In general, we plan to construct a monopole of _____ feet in height for the purpose of providing (cellular, PCS, ESMR, etc.) service in the _____ frequency range. Please inform us whether you have any existing or planned personal wireless service facilities within one mile of the proposed facility that may be available for possible collocation. If you do not have a facility available for collocation, please indicate whether you would be interested in collocating on our proposed facility. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.”

B. Copies of any responses to the collocation request letter shall be provided to the City prior to or with the PWSF application. If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation, the applicant shall make a good faith effort to analyze the feasibility of collocation. This analysis shall be submitted with an application for any monopole and shall include, at a minimum:

- i. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the possible collocation site.
- ii. Evidence that the lessor of the possible collocation site either agrees or disagrees to collocation on his/her property.
- iii. Evidence that adequate space exists or does not exist at the possible collocation site to accommodate needed equipment and meet the applicable requirements of this Code.
- iv. Evidence that adequate access does or does not exist at the possible collocation site.

4. To reduce the number of future support structures needed in the City, new support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

5. Unless collocation is not feasible, an applicant's site plan shall reserve an area for at least one other provider's equipment near the base of the applicant's monopole. An option agreement to lease the area at the base of the monopole for a second provider shall not expire prior to the underlying lease.

6. Personal wireless service providers, their lessees and agents shall cooperate in good faith to accommodate collocation with competitors, including responding in a timely manner to a collocation letter required by BMC 19.50.025.3. If a dispute arises about the feasibility of collocating, the Director may require a third party technical study, pursuant to BMC 19.50.050, to resolve the dispute. Failure to accommodate collocation may be grounds for revocation of permit and removal of the PWSF under public nuisance abatement procedures (Chapter 1.15 BMC). [Ord. 560 § 1 (Exh. A), 2012; Ord. 265 § 6, 1999]

19.50.030 Design Criteria.

1. The location and design of PWSF sites shall consider the visual and physical impacts of the facility on the surrounding neighborhood.

2. PWSF shall be architecturally compatible with the surrounding buildings and land uses and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site and its surroundings.

3. As provided in BMC 19.50.020, new monopoles shall be designed to accommodate collocation, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.

4. Setbacks. The setback requirements in this section are not subject to a variance (BMC 19.65.085). The Director may waive or reduce the setback requirement for a camouflaged PWSF.

A. All monopoles and all above-ground equipment enclosures shall be setback at least 10 feet from property lines. This setback shall be measured from the closest point of the antenna, monopole and equipment enclosure to the property lines on the lot on which it is located.

B. When located within 100 feet of a residential zone, all monopoles and above-ground equipment enclosures shall be setback from the residential zone boundary 10 feet plus at least one foot for every one foot of height of the antenna and monopole. This setback shall be measured from the closest point of the antenna, monopole and equipment enclosure to the residential zone boundary.

C. Antennas installed on building rooftops shall be setback from the edge of the roof at least one foot for each foot of antenna height as measured from the top of the roof (or parapet, if one exists) to the highest point of the antenna.

5. View corridors. PWSF shall be located and designed to not obstruct or significantly diminish views of Mt. Rainier, Puget Sound or the Cascade or Olympic Mountains from public streets and public property.

6. Height. The height limits in this section are not subject to a variance (BMC 19.65.085).

A. PWSF shall not exceed the minimum height required to function satisfactorily.

B. Monopoles shall not exceed: 100 feet in height in the CR and I zones; and 60 feet in height in all other zones where monopoles are allowed.

C. Whip antennas located on existing structures shall not be higher than 15 feet above the highest point of the structure. Panel antennas located on existing structures, other than a utility pole, shall not exceed 10 feet above the highest point of the structure.

7. Screening.

A. All PWSF shall be designed and located on a site to take maximum advantage of existing trees, mature vegetation, structures and/or topography to screen as much of the facility as possible from view, and so that the facility blends into the background.

B. The visual impacts of monopoles and ground-mounted equipment enclosures shall be mitigated through installation of a 5' wide Type I landscape strip around the perimeter of the monopole, equipment enclosure and the outside of the security fence (if any). The City may waive or modify this requirement for those sides of the facility that are not visible from streets or adjacent property.

C. Landscaping shall be maintained in a healthy, thriving condition. Landscaped areas shall be irrigated either by an irrigation system, or by regular servicing and irrigation by a landscape maintenance company. In the event that landscaping is not maintained as required, the City after giving thirty (30) days advance written notice to the PWSF provider and property owner, may maintain or establish the landscaping. Both the PWSF provider and property owner shall be billed for such costs until the City is paid.

D. Equipment enclosures mounted on a roof shall be screened or have a finish and appearance similar to the exterior building walls.

8. Antennas. The requirements in this section are not subject to a variance (BMC 19.65.085).

A. Antennas mounted on buildings. Antennas shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize

any adverse aesthetic impact. Panel antennas shall not be mounted on a rooftop. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted. Antennas and any visible mounting brackets and cables shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted, or otherwise blend into its background. The antennas may be attached to existing conforming or new roof structures allowed pursuant to BMC 19.17.130[1]. Antennas shall not project any higher than the roof structure. New roof structures shall be the minimum necessary to achieve the desired outcome and purpose of the building height projection allowed by BMC 19.17.130[1]. [Ord. 484 § 1, 2008]

B. Antennas mounted on other structures. Antennas shall be integrated into the design of the structure to which they are attached. Antenna platforms are prohibited. External projections from the structure shall be limited to the smallest projection technically feasible.

9. Locating on utility poles. The requirements in this section are not subject to a variance (BMC 19.65.085). PWSF located on utility poles shall conform to the following design criteria:

A. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a PWSF; provided, that the new pole shall not exceed a height that is a maximum of fifteen (15) feet taller than the existing pole;

B. Panel antennas shall not project out from the surface of the utility pole by more than twelve (12) inches, shall not exceed six (6) feet in height, and shall be placed such that the top of the panel antenna does not extend above the height of the utility pole;

C. A cylindrical antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the cylindrical antenna. A cylindrical antenna mounted on top of a utility pole shall not exceed eighteen (18) inches in diameter and eight (8) feet in height;

D. A whip antenna may be mounted as an extension on top of an existing utility pole, but the existing pole shall not be replaced with a taller pole for the purpose of accommodating the whip antenna. A whip antenna mounted on top of a utility pole shall not exceed fifteen (15) feet in height, and shall be enclosed within a cylinder that is painted to match the pole;

E. All PWSF, including but not limited to antennas, equipment, cables and conduit which are mounted on utility poles shall be painted to match the pole;

F. The visual effect of the PWSF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

G. The use of the utility pole for the siting of a PWSF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as the host site for a PWSF becomes unnecessary and any regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the PWSF and the PWSF and all associated equipment shall be removed immediately;

H. Equipment enclosure(s) for PWSF located on utility poles in residential zones shall be located underground, unless an existing building other than a single-family residence, such as a garage,

which has been in place for at least one year prior to the date of application, is available to accommodate the equipment enclosure(s). Equipment enclosure(s) which are located underground may be located within the front setback in all zones;

I. In all cases where a utility pole is replaced for the purpose of accommodating a PWSF installation, the cables and other wiring necessary for the PWSF shall be routed inside the new pole. If routing inside the pole is not allowed by the utility and that determination is confirmed in writing by the utility, then all cable, wiring and conduit routed outside the pole shall be painted to match the pole;

J. There is no collocation requirement for PWSF located on utility poles and there shall be no more than one (1) PWSF located on any one utility pole. PWSF located on utility poles shall be located no closer than one thousand (1,000) feet from any other PWSF located on a utility pole in a residential zone.

10. Special Planning Area 3 (Gateway). All new support structures, including monopoles, and equipment enclosure(s) shall be camouflaged and the applicant shall provide clear and convincing evidence, in a manner as outlined in BMC 19.50.025, that there are no existing support structures which will support the proposed new antennas in the SPA-3 zone.

11. Downtown Commercial Zone. All new antennas in the DC zone shall be located on the following:

A. Any existing support structure which has been in place for at least one year prior to the date of application, or

B. Any building or structure which was not constructed for the sole purpose as a support structure for an antenna.

All new antennas, cables, conduit and equipment enclosure(s), shall be camouflaged to protect pedestrian views in the DC zone. Locating antennas on utility poles is prohibited in the DC zone.

12. Color. PWSF shall have colors generally matching the surroundings or background that minimizes their visibility. In the event that the FCC or FAA requires special marking, the City may require the applicant to request dual mode lighting as an alternative to the marking requirement.

13. Lights, signals and signs. No lights, signals, signs, banners or similar devices shall be permitted on support structures or antennas unless provided pursuant to BMC 19.50.030.9.

14. Noise. PWSF shall comply with applicable State and local noise regulations.

15. Federal requirements. PWSF providers and lessees shall assure that its facility complies at all times with current Federal standards. Failure to maintain PWSF in compliance with current Federal standards and regulations shall constitute a nuisance. [Ord. 385 § 1, 2003, Ord. 265 § 7, 1999]

19.50.035 Repealed [Ord. 385 § 1, 2003]

19.50.040 Facility removal.

1. Prior to issuance of any building or construction permits for a PWSF facility, the property owner shall sign an affidavit agreeing to remove the PWSF at his or her expense pursuant to this section. The form of the affidavit shall be approved by the City Attorney.

2. In the event the use of any support structure or antenna will be discontinued for a period of sixty (60) consecutive days, the owner or operator shall so notify the City in writing, and the support structure or antenna shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the support structure or antenna owner or operator regarding the issue of support structure or antenna usage. Upon such abandonment, the owner or operator of the support structure or antenna or the owner of the property upon which such facility is located shall have an additional sixty (60) days within which to:

A. Reactivate the use of the support structure or antenna or transfer the support structure or antenna to another owner or operator who makes actual use of the support structure or antenna; or

B. Dismantle and remove the support structure or antenna. If such support structure or antenna is not removed within said sixty (60) days from the date of abandonment, the City may remove such support structure or antenna at the facility owner's and property owner's expense. If there are two or more users of a single support structure, then this provision shall not become effective until all users cease using the support structure.

At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the support structure or antenna shall automatically expire. [Ord. 265 § 9, 1999]

19.50.045 Application Requirements.

The City shall decide upon a complete PWSF application within a reasonable period of time (pursuant to BMC 19.65), taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

All applications to locate a PWSF shall be submitted to the City with the applicable requested information (depending upon the type of facility which is involved). A detailed plan that complies with the submittal requirements of this Chapter, and other regulations and ordinances of the City, along with other pertinent information requested by the City shall also be submitted. An applicant's submission may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information depending upon the type of facility which is involved:

1. A scaled site plan clearly indicating the location, type and height of the proposed support structure, antennas, on-site land uses and zoning, adjacent land uses and zoning, adjacent streets, proposed means of access, and setbacks from property lines and residential zones. The City may waive or modify the requirement for a full, detailed site plan if the antenna is to be mounted on an existing structure.

2. Scaled elevation drawings of the proposed support structure and equipment enclosure.
3. Photo simulations of the proposed facility from public rights-of-way, public properties and affected residentially-zoned properties.
4. Legal description of the lot, if applicable.
5. Approximate distance between the proposed antennas and the nearest residentially zoned property.
6. A landscape plan showing size, type, and location of specific landscape, screening and fencing materials.
7. Manufacturers information indicating compliance with adopted noise standards.
8. The City may require submittal of propagation maps showing that the proposed PWSF is required for network coverage in order to satisfy the requirements of the provider's grid system. The maps shall also demonstrate that the requested height is the minimum height necessary for the support structure and antennas, as applicable. The maps shall show the neighboring or regional facilities with which the facilities in the City can communicate. The City may require additional propagation maps showing coverage areas at lower heights. See also BMC 19.50.025.2 if the proposed PWSF is in or within 100 feet of a residential zone. [Ord. 265 § 10, 1999]

19.50.050 Third Party Review.

In certain instances there may be a need for expert review by a third party of the technical data submitted by the PWSF applicant. The City may require such a technical review, to be paid for by the PWSF applicant. The selection of the third party expert may be by mutual agreement between the applicant and the City, or at the sole discretion of the City. Such mutual agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of radio frequency engineering or structural engineering, as appropriate. The expert review is intended to be a site-specific review of technical aspects of the personal wireless services, facilities and other matters as described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters, or the structural requirements for accommodating collocation. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City or other interested parties. Based on the results of the third party review, the City may require changes to the application for the PWSF that comply with the recommendations of the expert. [Ord. 385 § 1, 2003, Ord. 265 § 11, 1999]

19.50.055 Bonds.

1. Prior to issuance of any construction permits for the proposed PWSF, the applicant shall submit a completion bond, or equivalent financial security, equal to 150% of the cost of installation of site improvements associated with the PWSF.

2. Prior to final inspection of the project, the applicant shall submit a landscape maintenance bond, or equivalent financial security, equal to 100% of the cost of the landscaping and irrigation installation. The length of the bond, or equivalent financial security, shall cover the first two growing seasons following installation of the landscaping. The City may waive the bond, or equivalent financial security, requirement if the applicant submits a copy of a valid contract with a landscaper or landscape maintenance firm to maintain and replace the landscaping as required in this section. [Ord. 385 § 1, 2003, Ord. 265 § 12, 1999]

19.50.060 Other wireless communication facilities.

All of the provisions of this Chapter, which address personal wireless services and personal wireless service facilities, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television and AM/FM radio towers) to the maximum extent allowed by law. [Ord. 265 § 13, 1999]

19.50.065 Conflict.

To the extent that any provisions of this Chapter are inconsistent or in conflict with any other provision of the Zoning Code, Comprehensive Plan or any ordinance or regulation of the City, the provisions of this Chapter shall be deemed to control. [Ord. 265 § 14, 1999]

19.10.413 Proposed Facilities Modification (PWSF)

Proposed facilities modification shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

- i. Collocation of new transmission equipment;
- ii. Removal of transmission equipment;
- iii. Replacement of transmission equipment.

2016 Other Minor Amendments to BMC Titles 9, 17 and 19

9.105.400 Noise.

(1) General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

(2) Illustrative Enumeration. The following sounds are public disturbance noises in violation of this article:

(a) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

(b) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(c) Yelling, shouting, whistling or singing on or near the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property.

(d) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings.

(e) Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the vehicle itself.

(f) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

(g) The squealing, screeching or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason, provided that sounds which result from actions which are necessary to avoid danger shall be exempt from this section.

(h) Sounds originating from construction sites, including but not limited to sounds from construction equipment, power tools and hammering, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends; provided, however, the city manager shall have the discretion to issue variances for city of Burien public works projects if the city manager determines, after considering the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public, that the noise occurring or proposed to occur does not endanger health and safety of a substantial number of persons.

(i) Sounds originating from residential property relating to temporary projects for the maintenance or repair of ~~homes~~ homes, grounds and appurtenances, including but not limited to sounds from lawnmowers, powered hand tools, snow removal equipment and composters between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends.

(3) Exclusion. This chapter shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts between the hours of 9:00 a.m. and 10:30 p.m.

(4) Penalty. Any person who violates the provisions of this article shall be subject to a civil fine not to exceed \$250.00 for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor. [Ord. 365 § 1, 2002; Ord. 63 § 81, 1993]

17.15.120 Boundary line adjustments.

(1) Any proposed adjustment of boundary lines must be reviewed and approved by the manager prior to the transfer of property ownership of land between adjacent separate lots. The purpose of the manager's review is to determine if the proposed division meets the exemption requirements of BMC 17.15.010. In order to determine if the boundary line adjustment is exempt, the manager shall examine the city of Burien zoning code, shoreline management program, applicable board of health rules and regulations, and, in addition for developed lots, ~~uniform~~ international fire and building codes.

(2) Initial adjustment approvals shall expire if the authorized deeds transferring property ownership, together with a copy of the approved boundary adjustment, are not recorded within one year of adjustment approval.

(3) Revisions of approved boundary line adjustments may be permitted within the one year approval period without a new application only if the authorized adjustment and the deeds transferring ownership have not been recorded. Modifications of recorded adjustments will require the review and approval of a new application package. [Ord. 29 § 1(15), 1993]

19.10.026 Animal, small

– Any animal, other than livestock or animals considered to be predatory or wild, which are kept either inside or outside a dwelling unit. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. Small animals include, but are not limited to dogs, cats, rabbits, domestic fowl, birds, snakes, rodents, miniature goats and miniature potbellied pigs. [Ord. 355 § 1, 2002]

19.10.090 Critical facility

– A facility necessary to protect the public health, safety and welfare and which is defined under the occupancy categories of “essential facilities,” “hazardous facilities” and “special occupancy structures” in the Uniform International Building Code. Critical facilities also include nursing homes, public roadway bridges and sites for hazardous substance storage or production, not including the temporary storage of consumer products containing hazardous substances intended for household use or for retail sale on the site.

(NEW) FINISHED FLOOR AREA

19.10.176 Finished Floor Area

Finished floor area is the total area (total living area) of a home (main and wings) less any built-in garage area and any bi-level unfinished lower level area.

19.10.312 Livestock

– Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, riding and draft horses, hogs, sheep, full size goats, miniature horses, llamas, and alpacas. [Ord. 355 § 1, 2002]

19.17.070 Accessory Dwelling Units.

1. Purpose. Accessory dwelling units (ADUs) implement the housing policy provisions of the city’s comprehensive plan by creating an affordable housing alternative and providing a choice of housing that responds to changing needs and lifestyles by offering rental income, security, and companionship to individuals and families. The purpose of the ADU regulations is to allow ADUs, while protecting property values, the stability, and appearance of single-family neighborhoods.

2. Requirements. An accessory dwelling unit is allowed as an accessory use to a single detached dwelling unit, provided the following requirements are met:

A. Number. Only one attached or detached accessory dwelling is allowed per lot. [Ord. 479 §1, 2007]

B. For the purpose of this section “attached” shall mean that the primary unit and ADU have at least one common wall and appear to be contained within one structure. Connection through a breezeway or covered pathway shall not constitute an attached ADU. [Ord. 479 §1, 2007]

C. Owner Occupancy. Either the primary residence or the accessory dwelling unit shall be owner occupied.

D. Record Notice. Approval of the accessory dwelling unit shall be subject to recording a notice approved by the city attorney with the King County Records and Elections Division. The notice shall run with the land, identify the address of the property, state that the owner(s) must reside in either the primary or accessory dwelling unit, and provide for the removal of the ADU if the owner occupancy requirement is violated.

E. Size.

~~i. The finished floor area of the accessory dwelling unit shall not be larger than 50 percent of the finished floor area of the primary residence; and~~

ii. Internal or attached ADUs shall not exceed 1,000 square feet and detached ADUs shall not exceed 800 square feet.

iii. The Director may make exceptions to size limitations to allow for the better utilization of existing spaces. Buildings must be at least 5 years old to be eligible for an exception to the size limitation.

F. Parking. One additional on-site parking space shall be provided. Such parking must be located at the rear or side if feasible.

G. Design. ADUs shall meet the following design requirements:

i. All new structures/additions must meet current development standards for the zone in which the property is located.

ii. A single detached dwelling that contains an ADU shall have only one entrance on each front or street side of residence. If the residence is not adjacent to a street, the front shall mean the side that contains the main entrance to the primary dwelling. Exceptions may be made if the second outside, front entrance is recessed or hidden from view.

iii. Additions shall be consistent with the facade, roof pitch, siding and windows of the existing structure.

iv. Detached structures shall match (or complement) the design of the primary unit and must integrate well with the single-family character of the neighborhood. Trailers, recreational vehicles or other such accommodations shall not be allowed as an ADU.

3. Legalization of Nonconforming ADUs. ADUs existing without city approval may be legalized if the owner applies for the applicable permits. One ADU may be legalized per lot provided the owner occupancy requirements are met and the unit complies with the requirements set forth in BMC Title 15, Buildings and Construction. [Ord. 560 § 1, 2012; Ord. 479 §1, 2007, Ord. 355 §1, 2002]

19.20.100 Off-street parking plan design standards.

1. Parking Area Location: Off-street parking shall be located on the same site as the development served by the parking. The Director may approve off-site parking for uses located in zones other than RS or RM, if

A. The applicant provides an acceptable alternative plan in the event that the off-site parking does not work, and

B. Appropriate legal documents establishing the off-site parking area are submitted for Director approval pursuant to BMC 19.20.050, and

C. Off-street parking for a use must be located in a zone that allows that use. For example, off-street parking for a retail use is not allowed in an RS zone.

2. Driveway Location, Design and Construction. Access between off-street parking areas and abutting public streets shall be designed, located and constructed in accordance with City of Burien development standards.

3. Dead End Alley Access to Parking. No dead-end alley may provide access to more than eight required off-street parking spaces.

4. Driveways and Parking Areas in Setbacks.

A. Driveways and parking areas for single detached dwelling units and townhouse or apartment dwelling units with individual garages or carports shall not exceed 20 feet in width in any required setback, except if:

i. The driveway/parking area serves a 3-car or larger garage; and

ii. No more than 15 percent of the required setback area is displaced by the driveway.

B. Driveways for all other developments may cross required setbacks or landscaped areas abutting a public right-of-way in order to provide access between the off-street parking areas and the street. Maximum width within the setback or landscaped area is 12 feet for one-way traffic and 24 feet for two-way traffic. A wider encroachment may be allowed, provided no more than 20 percent of the required landscaping or setback area is displaced by the driveway.

5. Minimum Parking Space and Parking Lot Aisle Dimensions. The minimum parking space and parking lot aisle dimensions for the most common parking angles are shown on Table 19.20-1. For parking angles other than those shown on the chart, the minimum parking space and parking lot aisle dimensions shall be determined by the Director.

6. Compact Parking Spaces. In any development containing more than 20 parking spaces, up to 50 percent of the total number of required parking spaces may be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping.

7. Landscaping Requirements. Parking lots shall be landscaped in accordance with BMC 19.25.070.

8. Additional Width Abutting Landscaped Area. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area.

9. Reduction of Parking Space Depth. The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway if the remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

10. Parking for Single Detached Dwelling Units.

A. Dwelling units may have tandem or end to end parking spaces for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

B. All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces for a single detached dwelling unit shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public right-of-way or vehicular access easement or tract.

11. Vanpool and Carpool Parking Design Standards. Vanpool/carpool parking areas shall meet the following minimum design standards:

A. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and

B. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from parking lot aisles to adjacent carpool/vanpool parking spaces.

12. Parking Area Lighting. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by the ~~Uniform~~International Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting. [Ord. 292 § 1, 2000]